Chapter 1 Introduction

1. Rationale

1.1 Rural poverty, governance and land tenure reform

China’s remarkable economic growth, which resulted from its market reform in the 1980s, has been coupled with heavy loss of its natural resources such as the arable land upon which the majority rural population rely. In recent years, the loss of arable land is almost 700,000 ha annually. Between 1987 and 2001, non-agricultural land use rendered at least 34 million Chinese peasants landless. It is estimated that by 2030 the total number of landless peasants will exceed 78 million. This vulnerable group, especially in poorer regions, has found it extremely difficult to pursue other economic opportunities to make ends meet. Other factors such as soil erosion, desertification and downgrading of farmland fertility have further constrained the government’s goal of sustainable rural development. The continued economic pressures on land and other resources have weakened the already fragile agriculture and ecology and posed a direct threat to national food security, which is absolutely crucial to feed China’s population of 1.3 billion. To keep the current 1.2 billion ha of arable land intact has been a daunting task of the central government (Zuo et al, 2004: 116-117).

In many parts of poor regions, for example, Sichuan province with a high-rate of population density, inefficient land use, poverty and poor village governance, and with an average of 0.54 ha of arable land per capita, peasants have not shown their interest in land investment due to high capital costs and extremely low economic returns from farming.¹ Thirty-forty percent of them are not willing to receive their land use contracts due to their concerns over the heavy land-related taxes and fees imposed on them.² Local government adds an extra burden on peasants by charging

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¹ This means that peasants’ low interest in farming can be conducive to land loss because they can just let it go to local government and developers for construction use. Also disputes on rightful compensation often occur among them.
² Although the abolition of agricultural tax policy was started in 2006 nationwide, Chinese peasants still have heavy economic burdens to cope with increasing costs of living, materials, education, health and so on.
various costs such as those for irrigation works on their land, which make their benefits from the land even more minimal. In addition, land adjustments are undertaken every few years to accommodate demographic changes. Any reduction of the number of family members in a household would lead to the loss of plots of land to those with increased family members. This practice often causes conflict among the peasants. Women are vulnerable to the loss of land upon marriage and divorce, although women are equal in law. Although the law grants the peasants renewable 30-year use rights, the peasants do not know how to use the law to resist unexpected expropriations.

The high rate of out-migration has also made the landless poor more vulnerable to economic and social shocks due to a lack of diverse and reasonable economic opportunities and an underdeveloped social safety net in both rural and urban areas. As a result, women, children and the elderly are usually left to eke out a living. There are only a few cases of land transfers given these constraints, especially the extremely low economic return from the land. To ensure that they can still till the land if needed at a later stage, some migrants abandon their land rather than transfer it to others. The land then becomes lies to waste and cannot be used by the others who need it. Obviously, the concept of economics of scale is not applicable to these poverty-stricken regions given the very low level of family farming and unwillingness of the peasants to give out their land for other purposes.\(^3\)

The alliance of the village collective, local government and developers such as real estate agencies, whilst consistently promoting rapid local economic development, also contributes to rural land tenure insecurity. Peasants are marginalized and prone to forced evictions, unfair compensation and insufficient provision of social security, all of which lead to an increasing number of cases of land conflicts. The vulnerability of the poor in these conflicts is also exacerbated by a lack of effective organization due to the widening economic and social division among the peasants. This also contributes to a lack of effective democratic village governance. The most eminent form of village organization-regular village congress, for instance, is often bypassed because the village collective has less capacity to rally the masses than it did in the past due to inherent economic and political problems. In a study of selected villages in Sichuan, it is found that around 30% of the peasants do not participate in village elections. And 70% of them do not know how to deal with their leaders, some of whom corruption charges. Since 2006, the provincial government has brought more than one thousand cases of illegal land management predominated by local government officials to justice (CIRD, 2001).

\(^3\) Land rentals among peasant households do occur, the extent of which, however, lacks statistics.
Despite 30 years of market reform and China’s success in terms of poverty alleviation, the country remains as a lower-middle income country (World Bank, 2007). Rural poverty still poses a huge challenge for the government to build a well-off and equitable society. According to an official of the State Council Leading Group Office for Poverty Alleviation and Development at the launching ceremony of the community-centred rural development programmes in Guangxi Province in 2006, with a population of 1.3 billion, China still has more than 23 million people who do not have adequate access to food supply and shelter, and more than 40 million people who live on an annual income of less than US$ 140. China is at a new stage of continuous poverty alleviation and more importantly, consolidation of the achievements made. The objective was to implement a new model of rural development in 60 villages nation-wide that would be community-centred. As such, local communities would become the owners and implementers of rural development programmes with resources provided by the government, non-governmental organizations (NGOs) and individual citizens. Deemed as a prominent shift away from top-down conventional approaches to development, this model was envisaged to return power to the people who could have a stronger voice in rural development and governance processes. In particular, the programme attempted to integrate poverty alleviation into village self-governance and democratic decision-making. This is the first initiative with the immense financial and technical support of the major international development agencies in China, where the government was willing to involve civil society bodies to improve the effectiveness of poverty alleviation. The wide range of fields covered included community development, health, education, water resources management and agriculture, and so forth. It is far too early to assess their effectiveness in poverty alleviation due to the severe challenges of implementation at the local level and the complexity of rural development.

In fact, exploration of more effective rural development measures has always been on the political agenda of the Chinese government. The watershed that marks the policy changes remains the post-1978 agenda aimed at replacing collective agriculture with the Household Responsibility System (HRS) in which peasant households gained substantial autonomy and became the basic unit of rural agricultural production. The HRS is seen as a crucial step towards the revitalization

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4 The State Council Leading Group Office for Poverty Alleviation and Development is the principal department in charge of policy-making and implementation concerning poverty alleviation. In recent years, it has collaborated with the major international development organizations in testing community-based innovative development projects.
of the rural economy in the aftermath of the collectivization era. It is coupled with changes in village governance marked by village elections, which are deemed to constitute a fundamental shift towards empowering citizens over many matters that affect their livelihoods and sustainable rural development (Plummer, 2004).

It is important to note that the new model of rural community development and the existence of the HRS are not coincidental. Rather, it shows the institutional complexity involved in the selection of models of development for different stakeholders. To a certain extent, the HRS has been an institutional basis of village governance. Yet it has failed the poor peasants in providing an avenue for them to claim their rights and voice their concerns over political decision-making. This seems a contradiction in terms as this somewhat individualized household-based institution should have significantly strengthened their power. In this sense, the model is not new, and it can only be seen as a supplement to the HRS and a last resort for the central government to win the support of the majority of rural poor. Under the assumption that poverty can be better dealt with when the poor are given more power and choices, this model was expected to carry spillover effects beyond the vicinity of the pilot areas. But how can it have the assumed effects when the HRS and village elections themselves have not been effective in poverty alleviation and village governance? In other words, how this model addresses the issue of power and agency in the wider rural development landscape? And how can greater poverty alleviation outcomes be achieved when there is lack of genuine grass-roots democratic governance (see Hutton, 2006; Pei, 2006; Xu, 2003)?

All these questions point to the issue of the extent to which village governance can contribute to more effective poverty alleviation results. This question cannot be answered easily without substantial empirical research. But it can be expected that village governance is not the only determinant. Rather, it is directly interwoven with the wider political economy of the village and country as a whole. In the rural setting, the most obvious direct factor for peasant livelihoods is the land whereby agricultural production, social and political relations and governance are inextricably linked. The aforementioned new model of development does not reflect the mainstream policy which is top-down in nature. Neither do its projects involve land-specific targets. Rural development programmes have downplayed the most sensitive issue of land.\(^5\)

Although land has become the most critical issue of rural development for the

\(^5\) Land is such a sensitive issue for many government departments and international development organizations. The latter except the World Bank, UNDP and DFID have hardly embarked on any land reform projects till now. The land-related projects mainly deal with the connection between land governance and public service delivery and rural development. Also see Sally Sargeson 2004 “Full circle? Rural land reforms in globalizing China”, *Critical Asian Studies* 36:4, 637-656.
Chinese government, policy developments tend to emphasize control rather than create incentives for peasant participation and mobilization in decision-making processes concerning their land use and management. There is a need to explore this fundamental facilitator for more genuine community-centred village governance, which has much to do with the social and political processes concerning rural land use, management and governance.

The land reform history of the post-1949 era reveals that land has manifested itself as a critical impetus for the overall economic and political reform agenda of the government. According to Xu (2003), once land and other natural resources were institutionalized as publicly-owned, the government automatically managed to put the society under its direct control. Subsequently, Chinese society is internalized in the governance structure. Under this condition, democracy can only be a form of social mobilization at best. However, this does not mean that there is no margin for democratic governance in the Chinese countryside. The substitution of the HRS for the old commune has enabled the creation of relatively autonomous family groups, whose rights are sometimes in conflict with those of the public or nation-state. This contestation for family interests should be seen as the most fundamental origin of grass-root democratic governance. When the HRS was created, the government had to find an appropriate institution to manage it. Then there came the village administrative committee which is elected by peasants and meant to serve their best interests. The Chinese land reform, and in this case, the creation of the HRS, to a large extent has a direct impact on rural governance and development.

Given its association with agricultural inefficiency and chronic rural poverty, the HRS has been widely attacked by many liberal scholars and officials. It is a farming unit under the direct management of the village collective or administrative committee as rural land is collectively owned by law. This dual institutional arrangement has been seen as a stumbling block to market-oriented agricultural development and rural governance, as the dominant force of the village collective can disadvantage the participation of the majority poor in land and agricultural management (see Chi, 2002; Wang, 1999; Xie, 2001). Despite these tendencies, it is unlikely that the government will change the current system in the foreseeable future. Instead, the government may modify it in certain ways to strengthen individuals’ land rights in land use changes. This further explains the government’s extreme caution in any further land institutional reform in order to maintain social and political stability. The inextricable link between rural development, governance and land reform poses a major challenge for innovative economic, social and political reform.
1.2 Land tenure insecurity and social conflicts

In enhancing individual incentives in productive farming and democratic governance, the HRS has worked well in the beginning of the reform era. However, with the economic reform gaining its momentum, this system has gradually shown its weakness. From an egalitarian or equity point of view, access to land is not a major problem in China due to the existence of the HRS as opposed to many other developing countries. However, China bears much resemblance to them in terms of insecure land tenure in many parts of the country especially in those coastal cities where the market economy has developed the fastest.

The escalating loss of arable land to urban development has caused mounting conflicts between the evicted peasants and local government and has triggered the deterioration of social and political stability. Over the last decade, cases of land takings have grown drastically more than 15 times, and still the growth rate cannot be effectively contained. These conflicts stem from the inequality and injustice surrounding land appropriation where individual households do not receive sufficient compensation and where the level of transparency of the land acquisition process is inadequate. Those evicted do not receive proper notice and they are unable to voice their concerns effectively. They hardly have access to the courts to lodge their complaints. More strikingly, most land takings are carried out in the name of the so-called public interests in terms of infrastructural construction and real estate development. For instance, more than 50% of such appropriations are meant for road construction, 16% for factory, and 13% for development zones or industrial parks (Zhu et al 2006: 781). Despite the central government’s attempt to strengthen legal and policy instruments to reverse this trend, local governments and their aligned businesses have continuously ignored these orders, abused their power and infringed upon the land rights of the peasants. The struggles between the landless and local state and developers embody the large power imbalances between them and the resulting land tenure insecurity for the former.

Furthermore, land takings have severely and negatively affected the livelihoods of the poor. For the majority, land provides a social safety net and thus remains an important asset upon which they depend. Given an average of 0.08 ha of arable land per capita, which is below the UN standard on the minimum area of land required for human survival, how to ensure that the peasants can maximize their benefits from the land remains a critical challenge (Wen, 2005). The loss of arable land can have devastating effects on their livelihoods in the absence of other economic activities in most of the Chinese countryside. As a result, many of these landless peasants have undertaken rural-urban migration since the late 1990s, which to a certain extent
served the purpose of urban sprawl and development. But it is important to note that most of the rural migrants are short-term labourers rather than long-term settlers in the Chinese towns and cities. To some, migration continues to be an intrinsic part of China’s transition to a market economy (Huang & Pieke, 2003). This unsustainable solution to land takings has become apparent when the migrants return to their villages because of loss of employment especially in times of economic crisis. The effects on their livelihoods upon their return can also be worsened by the fact that there is a lack of access to basic social services and employment in the countryside. Above all, landlessness is a major threat to these migrants. And this can only exacerbate the current situation of social inequality between urban and rural dwellers and ultimately lead to their further impoverishment. All these factors continue to contribute to peasant struggles and conflicts with the state.

Some scholars regard the issue of land tenure insecurity and weak property rights of the Chinese rural population as contributing factors for land takings and social conflicts without paying enough attention to the root causes of the problems. In their view, land privatization is necessary to reverse the current situation. Under this assumption, once land has been privatized, peasants will be able to sell and buy it and eventually develop it into large-scale farms, which will benefit both agricultural productivity and rural development and provide a firmer establishment of the rule of law and democracy in the Chinese countryside (Mao, 2003). However, as Wen (2005) argues, if this is the case, what would happen to those hundreds of millions of displaced subsistence peasants? He further contends that the government cannot adequately provide the required social security and social services to the 900 million rural poor, which indicates the futility of such a grand ideology. International experiences also show that there is no definitive relationship between land tenure and peasant investment. Land tenure security matters. But peasants are more preoccupied by political and economic insecurity than insecure tenure or land title. Policy-makers should focus more on the rural sector and broader judicial and political reforms rather than tinker with the tenure system (Smucker et al, 2002). In fact, to a certain extent, the current land tenure system in China has ensured a social safety net for the poor and avoided the growth of a large landless class as seen in many other developing countries (Huang, 2003). To others, extreme rural poverty and hard livelihoods pose a major threat to China’s agriculture. Thus, it is more about the lack of adequate access to legal rights and poor quality of life of the rural population that are the main issues confronting China’s rural policies than the non-existence of land privatization (Li, 2003).
1.3 Ineffective land policy responses

Against this backdrop, one simply would ask what has gone wrong with government land laws and policies and what are the issues to be redressed to make land work for the poor. Neo-liberal scholars may point to the issue of collective ownership as a major obstacle to sustainable livelihoods, tenure security and good village governance; thus, giving legal titles to individual households would be the ultimate solutions. They believe that the security of individual property ownership and the fair distribution of land is a universal instinct, which is crucial for rapid economic development. And property rights are vital in transforming peasant societies into self-sustaining modern plural societies (Hutton, 2006: 186; De Soto, 2000).

Rural land in China is owned by the village collective mostly and the state under special conditions. The collective is represented by the village administrative committee. Peasants are granted land usufruct rights with the land being subject to readjustment and expropriation. The current legal framework does not clearly stipulate peasants’ legal status and responsibilities. Neither does it clarify how their benefits and interests can be realized. Even though certain policies on safeguarding their rights exist, many peasants are not aware of them and they are vulnerable to forced eviction (MLR, 2000: 246). Although the law grants land transfer rights to the peasants, the transfer has to be approved by the village administrative committees first. Of course, the transfer right is not the same as the western legal definition of private land right. As Pi (1999) argues, the current land rights cannot be equated with the ownership *per se*. What peasants have is the right to cultivate and harvest the land only. This means that the village collective and local government have much more power than individual households in deciding on specific land use. It also explains why the current collective property regime is often seen as ambiguous in nature and that it lacks credibility to safeguard peasant rights and interests which is partly enshrined by law. It is further argued that this is a deliberate institutional arrangement by the state; thus, the state serves its own interests rather than those of the poor peasants. For some, the issue of “who owns what” remains to be addressed in contemporary rural China (Ho, 2005; MLR, 2000).

It is difficult to understand why this dual tenure system has failed the poor in the first place. Ideally, the collective institution should have played an essential role in organizing the peasantry in agricultural production and social relations. Ironically, one can also argue that because of the HRS, individual households have too much control over their land resources, which leaves the collective institution meaningless except for authoritarian control measures as enshrined in law, for instance, in the case of land expropriation. In other words, the collective plays a bigger role in village
political economy rather than specific matters concerning the daily lives of the poor. The mismatch between the collective and individual households is attributable to poor governance, improper use of natural resources and poverty.

The Chinese government has been under tremendous pressure to reform the land sector in order to deal more effectively with land takings and unsustainable land uses. The efforts are evident in many policy circulars and orders issued in the past few years, all of which have one thing in common—imposing more stringent rules on local government performances concerning land expropriation with a view of improving transparency in land governance processes. Nonetheless, one can hardly find any specific move towards the strengthening of peasant rights and power in land administration. Moreover, there is a lack of stipulations and mechanisms for peasant participation in land governance processes. To many experts’ disappointment, the ambiguity issue of the collective ownership has not been addressed. However, even if this issue were to be addressed, and peasants were to be given full individual land titles, it would be hard to predict the effectiveness and consequences, while the wider political economy and power imbalances remain unchanged.

Furthermore, current policies juxtapose collectivization and market-oriented mechanisms for land governance especially those concerning land rights. On the one hand, concern over social and political instability overrides any intention to institutionalize land privatization or establishment of a fully-fledged land market, whereas the market is increasingly treated as the lasting solution to China’s land and agrarian problems. In other words, the village collective maintains the primary position of legitimate control of the land and village affairs, which often contributes to weakening land rights of the poor and land-induced corrupt practices of the collective and higher-level governments (see CLSPI et al., 2008). On the other hand, arable land loss and its associated poverty and poor governance continue to pose a threat to the legitimacy of the collective and local state. As a result, policy changes gradually reflect the use of market-oriented institutions to strengthen individual peasants’ land rights and safeguard their best interests, albeit to a very limited degree of effectiveness. It is also important to note that any land policy changes reflect the readjustments of social and political relations with vested interests, which is a huge challenge for the government. As one official from the State Council Research Office remarked on the government policy changes, “we all know the problems, but linking them with policy is another thing, because when you change one aspect, then the others may be negatively affected. That is why the current policy is focused on stringent administrative control in land policies rather than any
other measures”. However, failure to define the problems can lead to the delay in coming up with innovative approaches to China’s land reform.

In a nutshell, government land policies and legislations carry a market feature with Chinese socialist characteristics. This seems a necessary requirement for the transformation of the Chinese economy into a fully-fledged market economy. With a market economy, according to Fu (2001), peasants should be given the right to sell, subcontract or mortgage their land in order to improve agricultural productivity and competitiveness. And this will help transfer them to non-farm activities in urban areas and safeguard them from land evictions. It will ultimately lead to good land governance under the rule of law. Although the Chinese government does not ostensibly allow free individual-to-individual land sales, it does appreciate any means of strengthening individual rights but in a vacuum where other institutional backup is lacking. This approach has much to do with the formalization of land titles through land registration first. By doing so, some envisage that it will help solve various land claims, disputes and moreover, strengthen land administration for the purpose of better land use planning and policy-making.

In fact, land registration in China has been practiced since the early 1990s but with limited progress. It was even stalled in 1995 due to a national policy aimed at reducing peasants’ economic burden. What the target unit for land registration ought to be--village group or administration village remains controversial. The Land Management Law treats the village group as the basic unit of land ownership in cases where land is owned by two or more village groups. It is argued that if the village group is targeted, land registration can be a complex process given the difficulty in clarifying the different interests of households, solving the disputes on land boundaries and finding the technical fix. Others argue that land registration at the level of village group would ensure that the peasants’ land rights could be protected more effectively. As a result, land registration has taken different forms in different regions (Ho, 2003; MLR, 2000). Land registration is also pushed by the major international actors such as the World Bank, which has supported the Chinese

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7 In fact, quite a number of top researchers for the Chinese government uphold that the ultimate goal of land reform in China would be the realization of land market exactly as in the West, but it would take a few generations to realize it, according to an interview with a researcher from the Chinese Academy of Social Sciences in December 2009.
8 In China, an administrative village can consist of several natural villages or groups with each having its own administrative unit, but under the overall administration of the village administrative committee.
government researchers in land titling projects. Faced with many challenges, these projects have played a minimal role in influencing land policy.9

One cannot tell what the implications of land registration mean for the peasants. For instance, the 2007 Property Law allows local government to issue relevant regulations on land registration, although it does not provides any clarifications on the scope, method and agency of land registration. Moreover, Article 246 states that local government “may” produce relevant regulations on registration of immovable goods before any state law and regulations on the scope, agency and methods of registration are passed. As an expert from the Ministry of Land and Resources remarked, “not serious; land registration is just an administrative tool, and can hardly have any impact on the land rights of the poor”.10 The issue is whether this conventional approach can benefit the poor in the changing social, economic and political contexts in China. Policy-makers and academics have not reached a consensus on how the land in China can be better governed. In short, how to make land tenure work for the poor remains the halfway house for all. In other words, what constitutes a well-defined pro-poor land tenure system that suits the Chinese context?

1.4 International experiences of land reform

As discussed earlier, the Chinese government has taken into account how the West has developed its property rights systems and in particular land registration and cadastral management system. It has also been aware of the problems of the Western legal approach to land reform as experienced in other countries especially transitional economies. As a transitional economy itself, the Chinese government understands that the slow progress made in land reform has its political, economic, social and cultural ramifications. Thus, it must avoid the unintended consequences of land reform practised in other countries. Nonetheless, China ought to learn from the success and failure of those countries for its own policy-making.

It is well known that the Western legal property rights approach provides legal binding status for individual property rights. Its core lies in the stipulation of property rights as an individual right enshrined in civil codes and constitutions. Moreover, land transfers are conducted based on a valid legal ground or a real agreement essential to any transfer. And land registration is institutionalized to reflect the high-level of

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9 Outcomes of the recent projects were presented at an international conference on China land policy reform held in Beijing in 2006. An integrated policy framework was recommended, which includes the importance of land registration. See DRC & World Bank (2006).

10 Interview in Beijing in May 2008.
equity and transparency in land administration. Although countries differ in their legal stipulations in the transfer of properties, for example, in the cases of German, French, English and Dutch law (van Vliet, 2000), all these systems require every transfer to be backed by real agreement. In Dutch law, ownership is defined as the most comprehensive real right to the owner. Transfer of landownership requires the drawing up of notarial deeds, which are registered with a special public registry or the Dutch Cadastre. On common ownership, the Dutch Civil Code stipulates that ownership of each owner of the common property must be written into a notarial deed and the deed must be registered (Wang, 2006). With regard to usufruct right, the person with this right can exert his right against anyone who infringes on it (Kleijn et al., 2006). In addition, many European countries are in the process of converting their land registry systems to electronic database format to allow electronic transmission of land transfer documents and direct access to the database to effectuate land transfers and registrations (Murray, 2007). The land registration system in these countries suggests that a workable land administration is built upon good governance, appropriate resources, cultural sensitivity, equity, quality and commitment. Sustainable development is best promoted by secure, flexible, and all-inclusive land tenure structures (Törhönen, 2003).

The legal and institutional development concerning land tenure and administration in these countries certainly differs greatly from the case of China. This does not mean, however, that there is nothing in common between the two. The fact is that the Chinese government and legal scholars in particular have already started linking the two in terms of mutual exchange and research cooperation. For instance, the Dutch Civil Code has even been translated into Chinese, and Dutch land law and institutions are widely recognized by the Chinese government as a valuable learning framework. The issue remains as to what the Chinese policy-makers can learn from the Western experience. Although the central government may attempt to standardize its legal and regulatory regimes, many localities may be reluctant to follow or they may even resist the central rulings (Mertha & Zeng, 2005). It is difficult to foresee what measures that the government will take to ensure that its rules and regulations are in harmony with local needs. Nonetheless, good land governance as characterized by the principles of transparency, accountability and rule of law ought to be learnt and adhered to. Moreover, it is important to learn from the lessons of

11 The University of Groningen has played an important role in bridging China and the Netherlands in land governance research collaboration. In the past few years, it has initiated research projects in collaboration with both Dutch and Chinese government and research institutions, coordinated training in land registration for Chinese officials and experts, and organized Chinese government officials’ visit to their Dutch counterparts. See http://www.rug.nl/cds
other countries especially those transition economies that have implemented the Western model or the property rights approach to land administration with high social, cultural and economic costs paid.

Simply following the Western model has proven a failure for those post-socialist countries undertaking drastic land reform programmes with a focus on land redistribution, titling and registration. For example, the case of Russia demonstrates that with the advent of land reform there has been a low level of private farming and unequal access to land for poor farmers. This reform process has reproduced the former Soviet forms of de facto property rights regimes and agricultural production. The majority of poor farmers still hold on to the collective means of production and are inactive in participating in the reform process because they are marginalized by the powerful rural elite and local polity. Although a formal land transfer system is in place, it is the unwritten rules and informal procedures that have reinforced social stratification (Allina-Pisano, 2004). Other countries also exemplify the difficult issues obstructing land reform as these are inextricably linked with local politics. In the case of Moldova, it is evident that land reform characterized by rural de-collectivization has brought unintended consequences in terms of extensive land fragmentation and the emergence of a land lease market whereby individual farmers lease their lands to agricultural enterprises, which in turn consolidate the lands (Cashin & McGrath, 2006). In Vietnam, the ongoing land reform with an introduction to systematic land registration has met the resistance of local communities because the new land rights imposed on them conflict with their actual land relations. It is evident that this reform has not brought about greater tenure security for farmers and has not exerted any major effect on agricultural growth (Sikor, 2006). These cases illustrate the complexities and scales underpinning the functioning of property systems. As Ye (2000) points out, the reforms in these countries have favored non-agricultural groups which dominate the land market to gain lucrative benefits; as a result, many poor farmers became their tenants. This issue poses a severe challenge for these countries to ensure equity and efficiency in the functioning of their land management systems.

Furthermore, African experiences of land reform illuminate the fact that land reform policies focused on land titling and registration according to the Western model have yet to prove to be successful because colonial history, local politics and culture have a strong bearing on policy implementation (Daley & Hobley, 2005). Programmes underpinned by individualization of landownership are seen as a threat to social security as a result of enlarged land holdings and landlessness. Still, customary land tenure systems promote a sense of communal responsibility for land resource management and therefore enable land to be preserved for future generations. It is
argued that Africa may need flexible alternatives to the existing statutory systems being tested, and that common rights models in the name of communal titles should be further researched. In addition, from a technical point of view, land conveyances through land deeds and title registration have proven to be costly to the majority poor who cannot afford to pay the registration fee. And informal fee payment methods have made the registration unfeasible for most of the people in developing countries (Törhönen, 2003). As a result, land titling has actually reduced tenure security, further promoted social inequality, weakened the position of women, exacerbated landlessness and thus had no major effect on land and credit markets. To redress this problem, recognition of the role of customary systems in land management is called for. For instance, in Botswana, customary land tenure systems and statutory law co-exist, which provides an innovative and robust land management system in response to societal needs (Adams et al, 2003; Birgegard, 1993).

International organizations with the mandate to introduce land titling programmes in developing countries have been cautious about those programmes. More community-based approaches that can better accommodate low-income groups are considered. In a nutshell, the forms of landownership depend on the nature of the resource itself and existing social arrangements. An effective land policy reform will only be made more feasible by an open and broadly based policy dialogue, carefully chosen and evaluated pilot projects and sharing of experiences across countries (Deininger et al., 2003: 17). It is important to note that land titling programmes under certain circumstances can contribute to tenure security and improved welfare. But tenure security or the farmers’ secured rights to use land can be achieved through other means than individual land titling and registration (Palacio, 2006). This means that it is important to learn from these cases how formal policies and informal or local practices are interwoven and shape each other, the implications of which would be useful for furthering land policy reform.

Given the social and political complexity in land tenure reform in the regions discussed and the fact that Western models of land administration may not contribute to the effective functioning of a rural economy, there is a need to find ways to strike a balance between market-oriented approaches and state intervention in property rights arrangements. The state must play a key role in guiding institutional changes in the reform process (Ho & Spoor, 2006). Moreover, community participation is a prerequisite for land reform programmes to build up legitimacy for land administration. This is a useful approach in studying the societal needs and understanding complex local realities in which poverty, power and politics are interwoven with societal choices for viable programmes that address the fundamental issues of poverty related to land (McEwen & Nolan, 2007). Lessons
from these countries indicate that agrarian reform does not follow the transition paradigm. This paradigm marked by a linear change from a traditional communist system to a modern market economy with the introduction of more market and socially and technologically advanced elements has proven an illusion. Rural opposition to land privatization suggests that market-oriented production is a social contract, which has to be built over time before achieving success (Ellman, 2003).

These lessons should be learnt by the Chinese government, which means that its land policy has to be flexible enough to allow for the dynamic forms of land tenure that cater for the specific social, economic, cultural and political context. The account of these international experiences also makes this study interesting given that China is transforming rapidly into a more developed market economy. The associated land policies changes may have far-reaching implications for the Chinese society and the rural poor population in particular.

2. Research objective, focus and questions

There are three basic reasons why land tenure and its relationship with village governance and sustainable rural development deserve in-depth study. First, the current land tenure system in China has not been analyzed more holistically especially in terms of its social and political dimensions and the linkages with sustainable natural resource use and agricultural development. Analysts have given one-sided attention to how land tenure can contribute to economic and social development. According to Rigg (2006: 198), there is a need to reconsider some old questions (e.g. teleological thinking on landownership and economic development) on how best to achieve pro-poor development in the rural South, as livelihoods have become de-linked from farming, and poverty and inequality from landownership (also see Bandeira & Sumpsi, 2009). China is not excluded in this case, as urbanization continues to undermine the possibility of sustained rural development and agriculture in particular. Second, there is very little empirical research in China into how land tenure is perceived by different stakeholders and how it is organized by the people themselves. Third, it is therefore important to develop better understanding of the multi-faceted nature of land tenure and the conditions in which a pro-poor land tenure system can be explored and probably created.

The overall objective of the present study is to contribute to the understandings of land tenure reform and local practices in China, to develop a better understanding of the institutional changes needed to tackle land-related poverty, power and politics
and to explore locally-based forms of land tenure that serve the best interests of the poor. The study consists of three specific objectives:

- to contribute to the theoretical development of land tenure and property rights approaches;
- to develop a critical understanding of land laws, policies and institutions underpinning sustainable land use and China's social, economic and political transformation;
- to discuss the opportunities and constraints for pro-poor land institutional experimentation at the grassroot level.

This study hypothesizes that land tenure regimes, be they collective, customary or private ownership, are inextricably linked with the economic, natural resources, social, cultural and political conditions of a given setting. A property rights regime involves a wide range of issues of landownership, land registration and an enabling institutional framework, be they policy, law, administration and diverse forms of state-society interactions. Thus, this study focuses on major challenges for policy-makers in understanding land tenure as shaped by inter-related historical, social, political and economic processes among different actors at different social organizational levels. A proper fit among these dimensions determines the security, appropriateness and effectiveness of pro-poor land tenure. Land law and policy development will need to be catered for this context. And any preconceived thinking on one type of land tenure regime will preclude the search for innovative institutional designs in the local context. Thus, a new paradigm shift needs to be developed towards a pro-poor approach that is participatory in nature and grants the peasants the choice over their preferred types of land tenure. A land tenure regime can only work in the interests of the poor on condition that its combination with other conditions—the aggregate effects serve the sustainable development need of the poor population. By doing so, this approach will also contribute to the understanding of China's agrarian future underpinned by contradictions of urban and rural development and sustainable natural resource use and governance.

The main research question is formulated as follows: to facilitate a successful economic, social and political transition, why the ongoing state-led land tenure reform measures characterized by an inclination to market-oriented and hybrid forms of individual and collective land tenure arrangements have not ensured the accomplishment of the policy goal of farmland preservation and sustainable land use? This is a grand question without immediate answers and one size-fits-all solutions. Moreover, it reveals the need for the exploration of flexible approaches to address
the pressing issues of tenure insecurity, poor governance and poverty challenges in the Chinese countryside. The following specific questions are discussed to this end:

- What are the historical, social, political and economic contexts in which land tenure reform in China has taken place?
- To what extent has the current land tenure system facilitated or obstructed village governance and sustainable rural development?
- How different land tenure arrangements are linked with land use, rural governance, social and political relations?
- What are the social, economic and political meanings derived from the land reform process for different actors, how are these meanings construed and what are the implications for formally and informally organized land management practices and power struggles among them?
- What constitutes a pro-poor land tenure system?

3. Research methods and constraints

This study takes a comprehensive approach covering micro and macro-levels of research. On the one hand, it draws on two empirical fieldwork cases in contrasting regions—Hebei and Guangdong provinces in terms of their disparate economic, environment and social parameters. Hebei is chosen as it is one of the poor regions that are experiencing natural resources depletion, chronic poverty and unsustainable land use and governance. In particular, it exemplifies the issues around the implementation of the HRS in agricultural development. By contrast, Guangdong is one of the most developed economies in China, where local governments are bolder than Hebei in putting forward the so-called land institutional experimentation in varying forms, however, with many problems encountered. More importantly, in many peri-urban areas of this province, many peasants have gradually lost their interests in keeping the land for farming, as they would rather give it out to the local developers in return for high cash compensation. But to what extent this short-term solution to poverty can be sustainable is unaddressed by most studies. The two regions in combination are representative of the overall picture of China’s ongoing land tenure reform agenda and local practices. This study locates them in the overall land reform history, policy development context and local practices in other regions in order to present a wider lens into which the linkages among them can be better explicated. By doing so, it is expected that this study can provide a more holistic introduction and analysis than just focusing on fieldwork findings. Therefore, it requires a combination of various methods and approaches during the course of the research.
Ethnographic methods are applied in combination with other qualitative approaches given the complexity of the research topics in terms of their political and social sensitivity and the need to look into the perspectives of different social and political actors. The use of the participant observation method allows a great level of flexibility in adjusting different methods and engaging with a wide range of actors in the research process (Levi-Strauss, 1976). By doing so, the questions concerning the ways of life of the community, their culture and behavior and perspectives can be explored. It is not only limited to the study of community at the micro level, but also useful for macro-level analysis of powerful groups and institutions and how they gain, maintain and exercise power.

The selection of specific research sites was a lengthy process due to the efforts made in reaching out to many contacts in China. Without their support, it would not been possible especially for a Chinese researcher working at a Dutch university. The collaboration with many research institutions in China enabled me to have direct contacts with some government staff and village cadres. This greatly facilitated field entry and data collection. It was also to my advantage to “study up” in this research in terms of arranging interviews with government staff and obtaining documents and information on related topics. However, I met difficulties in making appointments and conducted these meetings because they were time-consuming. Sometimes interviewees’ reluctance to receive me also posed a challenge to the whole research. There was little chance to here their critical views on relevant policies and laws. It was reasonable that they had many concerns as well especially when they did not know what kind of information they should give me. Moreover, I did not hold the assumption that they were supposed to know everything. As the research topic is complex in nature, it is hard for anyone to provide comprehensive informative facts, figures and viewpoints.

The fieldwork was the most difficult part of the study. Even with local government and village cadres’ approval, lack of the support of the peasants rendered a major constraint. It was not possible to just enter the home of randomly selected households for an interview. Quite often, I was “kicked out” by the house owner who just had no time for me. Even when I explained to them about the approval of their leaders for the interview, they kept showing their hesitation and concerns over the purpose of my research. This constraint nullified the use of the conventional methods of questionnaires and focus group discussions.

To remedy this constraint, building trust was absolutely crucial to the entire fieldwork process. I experienced this difficulty when even I went to the paddy field to talk to the
peasants. In many cases, although they could not drive me off the open field, our conversations did not last as long as I had hoped. But it was a more fruitful exercise than knocking on their doors. Therefore, informal interviews or rather chatting with the peasants with open-ended questions was the main tactic. Getting to know them gradually through chatting helped build mutual trust and revealed the appropriate ways of conducting discussions. Furthermore, I spent much time in the field just observing what was happening and locating the people who I found most interesting. In short, doing the research on the land that the local peasants were tilling provided me with a more direct access to their way of life. By doing so, their livelihood practice, life histories, activities, organizations, networks and viewpoints were obtained (Mitchell, 1969). All the data from the field was thus combined with those from the government and research institutions for further analysis.

In a nutshell, I took a flexible approach to the fieldwork and meetings with government and research staff to develop a reasonable degree of trust, openness and honesty, which was crucial for the validity of the data and continued research with these participants. During the process of data analysis, for instance, managed to keep the key informants updated of my research progress and continued to solicit their views on the findings. Moreover, they continued to provide me with the updated information on the field. This way of research was a mutual learning process, in which I benefited from the experiences and views of the informants whose contribution was crucial to the finalization of research data analysis.

Reviewing or desk research of the existing literature on land reform in China was conducted throughout the research, which was used to reflect upon my research findings. However, there is limited literature on China relevant to the research topic, although it was useful in one way or another. In particular, empirical studies on micro-level land struggles and land use remain minimal, which is a key constraint to the development of a critical mass of the debates on local views and practice. This disadvantage was dealt with by actively resorting to the literature on international experiences and practices in relevant subjects, and linking them with the case of China. This effort plays an important role in defining the cutting-edge research topics pertinent to the case of China.

Overall, the empirical data collected serves the purpose of the analysis of different stakeholder perspectives rather than quantitative data analysis. Given the main purpose of this study, this approach attempts to fill in the gap of understanding the multifaceted nature of land tenure, which requires more qualitative and quantitative investigations. Also due to the constraints to the fieldwork, it was not possible to gain
much expected in-depth study of the local situations including even stakeholder perspectives.

4. Theoretical framework

The theoretical framework for this study comprises three parts. First, it outlines the specific issue of land tenure as an institution to the understanding of its importance of and interconnection with sustainable rural development. Second, it provides the latest critiques of development, which serves the basis of explicating the current constraints to China's social and economic development. It is in this context that the social, political, cultural and economic dimensions of land tenure reform can be studied to illuminate the changing social and power relations between different actors. Moreover, a pro-poor approach is used to deepen the understanding of community practice on development and land reform in particular. Third, it outlines a study of institutional development to provide cross-cultural critique on land institutions in general and land law in particular, which underpins complex social relations. This will help to throw light on how the meaning of land tenure is construed by different actors especially the local poor in the overall development context.

4.1 Land tenure and sustainable rural development

Given the international debates on land tenure especially in terms of privatization, collectivization and communal ownership, one may wonder whose land tenure security it is being meant. Land tenure may carry different meanings for different interpreters especially community and state. Land as a property should be first interpreted as a set of rules and responsibilities. As Dekker (Dekker, 2001:15) defines, “Land tenure is the institutional arrangement of rules, principles, procedures and practices, whereby a society defines control over, access to, management of, exploitation of, and use of means of existence and production”. This interpretation further implies that it is a sanctioned social relationship between people—not between people and land itself. This relationship is latent in the daily power struggles for legitimate authority to control, allocate and exploit the land (von Benda-Beckmann, 1995). Thus, it is always hard to define exactly what tenure security means for different actors in different contexts.

The complex social relations embedded in land tenure can further complicate the challenges for sustainable land management. Land tenure security does not just stem from individualistic approaches. As strongly argued, “the notion that only
individual Western-style ownership provides enough individual security to promote an economic take off has been substituted by the opposite notion: only communal tenure (in areas where it still holds) provides enough security” (Hoekema, 2000: 51). Although this statement may overestimate the role and function of collective approaches to land tenure security, it certainly provides a useful re-thinking of dogmatic ways of land management that overlook the dynamics and conditions of land tenure system. In the Chinese context, obviously both individually- and collectively-based approaches have proved to be ineffective in securing land rights of the poor. Thus, one cannot take a one-sided view of one tenure system over the other. The question remains as to what works for the poor in a given context and whose land tenure it is. This question ultimately challenges the trajectory of land reform in a given community or a nation as a whole. Contrary to many liberal economists’ view on simplistic approaches to land tenure reform, it is argued that “though ideological arguments on the best ways of organizing agriculture continue, no land tenure system can be adjudged best in abstract. Any judgments concerning a particular system must take note of the institutional and technological conditions in the society and the stage at which that society lies in the transformation from an agrarian to an industrial economy. Judgments should also consider what specific groups and individuals in the society are attempting to accomplish” (Dorner & Kanel, 1971: 1).

The preceding judgment is pertinent to the Chinese case where local communities are not empowered to decide on their preferred institutional arrangements for the use of their land. It is an irony that the collective land ownership assumed to facilitate sound land management practices, to a large extent, has failed to ensure land tenure security and enhance more efficient sustainable rural development on the whole. The collective system has not been a genuine institution for community-centred collective action. Failure to do so has led to many problems as already discussed. The government needs to find ways to foster genuine collective action to address many critical issues of rural development and land use in particular.

Effective collective action can solve many issues that cannot be dealt with by policy and legal institutions. Where land tenure is concerned, it can help identify land rights as conditioned by locality, history, changes in resource condition and use economy and social relations. And it can respond to changing conditions that affect land use and property rights. Property rights change over time, and the change occurs through the social and power relations and negotiations between different groups. This complexity means that collective action provides the means to respond to changing conditions that affect land use and property rights (Meinzen-Dick et al, 2004). Thus, collective action is a prerequisite for pro-poor land tenure. For land
tenure to work for the poor, tenure security is just one element. There is no direct relationship between land tenure security and sustainable land use. It is interwoven with the overall rural development of a given community. Other conditions of rural development have an impact on how land ought to be utilized. Thus, a land tenure system is contingent upon many economic development factors. Land is just one sector. Many other sectors contribute to development as well. The failure to make other sectors work for the poor can also trigger land tenure insecurity and challenge the existing pattern of a particular land tenure system, as this thesis illuminates. Putting it more simply, peasants have to decide on whether they should stick to their land in the village or abandon it before migrating to cities. If the village economic and livelihood conditions are not conducive to their continued residence in the village, they would probably go to cities no matter how secure their land tenure is. The outcome would be complex from a rural sustainable development perspective, which further implies the inter-connectedness of land tenure and sustainable rural development.

4.2 Critique of development

The process of land reform cannot be understood in isolation from a country’s overall development context. China’s development has been marked by astonishing economic growth at the cost of natural resources and social equity. The expropriation of land by local government has become a major measure to spur local economic growth. A critical analysis of China’s development involves a holistic, comparative and contextualized approach to understanding society and state interactions.

Development can be interpreted as a social, economic, political and cultural process (Grillo & Stirrat, 1997). As part of this process, land reform is inextricably linked with social relations at various social strata. An understanding of these complex relations in a development context can provide insights into its underlying social and cultural issues. From this angle, a critique of development policy and practice will provide insightful perspectives on its positive and negative impacts on a given society. By doing so, an inquiry into the nature of local power and hierarchy, the nature of household and rural collectives, organization of local property relations and community organizations can be made. And the meanings of diverse discourses of dominant actors can be defined (Gardner & Lewis, 1996: 89; Rutherford, 2004).

Therefore, there is a need to look into the wider underpinnings of land tenure—poverty and power and focus more on the local processes of their interactions.
Moreover, a pro-poor approach is used to examine the changing relationships between land, livelihoods and poverty in the context of rural-urban change and to identify the entry points for pro-poor change in land policy reform. By contrast, the Western-legal approach or property rights approach to land rights does not pay ample attention to the embedded social and political relations to address land tenure as social contracts in developing countries (Daley & Hobley, 2005). One needs to identify the preconditions that need to be established appropriately before any investment on a land management system is made. And secure, flexible and all-inclusive land tenure, whether customary or statutory, provides the best basis for sustainable rural development (Birgegard, 1993). It is a necessary condition for equitable rural development that would otherwise be predominated by elite capture and the stronghold of the local state.

Thus, a pro-poor land tenure system, as this thesis attempts to articulate and develop, ought to be based on the sustainable land use, rural development and rural governance needs of a given community, whose understanding of local economic and natural resource conditions is inextricably interwoven with social and political relations among different stakeholders. Local community must be given ample power in testing out their preferred choices over a particular land tenure system by policy-makers. A land tenure system can only sustain itself if it contributes to sustainable land use and rural development. A pattern of land use and development further complicates the suitability of a particular land tenure system imposed upon the local community by policy-makers. In essence, the challenge for the design of a pro-poor land tenure system relates to how to match the divergent interests of different stakeholders especially the poor for the sake of sustainable land use, development and governance.

### 4.3 Pro-poor land institutional change

As the success of land reform, to a large extent, is contingent upon appropriate institutional arrangements, there is a need to develop an understanding of how these arrangements can be made and how they function. Institutions are the rules of the game in a society or, more formally, they are the humanly devised constraints that shape human interaction. They structure incentives in human exchange, whether political, social, or economic (North, 1990: 3). This definition is useful to understand how institutions are socially and culturally constructed. One needs to study social institutions as a system of patterned expectations about the behaviors of individuals fulfilling their socially-recognized roles. And institutional development should be focused on their working dynamics, discourses and contextual relations (Lewis, 1999;
Cotterrell, 1992). Institutions are negotiated, contested and filled with multi-vocal discourses that need to be uncovered in a field of contestation (Abram, 1998). The core of this research—the issue of land tenure and property rights approach as an institution, further contends that the approach of exclusive individual property ownership is essential to agricultural development. The working rules that define economic incentives should be the catalyst for successful economic transformation. In the case of China, the existence of rural collective control of land may provide such working rules that enable peasants to move in and out of their land in response to changing economic conditions in the larger economy. There is a need to further look into these rules and seek more appropriate institutional arrangements that promote viable and productive agriculture in China (Bromley, 2005).

The juxtaposition of households and collective institutions as social, political and economic units will serve as the units of analysis, which will provide an understanding of peasants’ experiences, knowledge and relations to power and agency (Croll, 1994). By doing so, according to Campbell (2004), one can clearly specify the underlying mechanisms for a process in which change can occur; in particular, any constraints and opportunities for change should be carefully examined. I investigate how different actors build and modify the institutions to serve their own interests. The study of land tenure and property rights will provide more in-depth analysis of their interactions with society and the capacity of the state to create appropriate institutions. The starting point to explicate this is through the study of relevant policies, laws and organizations as social phenomena. Land institutions underlie the social relations in respect of the use of the land as property. These complex social relations can only be understood through an in-depth investigation into how the Chinese rural society is structured and governed and how the meaning of these relations is constructed by the local culture or the perceptions and understandings of the property relations and daily livelihood practice of local communities. As Rosen (2006: 1) argues, “the creation of legal meaning takes place always through an essentially cultural medium”. Likewise, an institution such as law can only be studied as an integral part of the cultural whole; and accordingly, the manifestations of law such as abstract rules, patterns of actual behavior of members of society and decisions of local authorities can be studied (Pospisil, 1974).

Furthermore, land tenure as an institution embodies a bundle of interactive public and private rights. These rights coexist with several often contradictory and regulatory orders at different layers of social organizations. These organizations contain various bodies of cultural tradition, ideas and ideologies, normative and regulatory institutions, layers of professional and day-to-day practices and everyday social relationships and actors’ interests, which are referred to as legal pluralism.
Legal pluralism poses a challenge to legal centrisms which often misleads public policy and ignores the social context in which resources and property right regimes are embedded (Biezeveld, 2002: 11; Spiertz & Wiber, 1996: 13). To study legal plurality, one needs to understand the “living law” that manifests itself in the principles abstracted from the actual behavior of the society studied. “What state considers to be ‘their land’ is often defined as the land of individuals, families, lineages or communities by local or non-state laws” (von Benda-Beckmann, 2006: 67). By studying the “living law”, the relationships between law and extra-legal aspects of culture can be further revealed (Pospisil, 1974). There is a need to examine how the current land law and other institutional arrangements work in practice, how exert impacts on the local community and how the community reacts to them.

Land institutions should also be responsive to changing social conditions. In respect of legal development, as Nonet and Selznick (1978: 14) put it, law acts as a facilitator of response to social needs and aspirations. The Chinese laws are ambiguous, fragmented in nature and sometimes self-contradictory, and are not equipped to cope with the changing needs of the poor (Ho, 2003). To mitigate social conflicts over land, the state would need to be more proactive in dealing with the current problems. A study of law can be of importance to provide evidence-based policy recommendations on how the state apparatus should improve land policy through developing more responsive measures to cope with current constraints and to build up a fully-fledged legal system. It contributes to bringing about a reintegration of legal, political and social theory and recast jurisprudential issues in a social science perspective (Nonent & Selznick, 1978).

Studying land law as an institution in the wider context enables one to draw comparative perspectives on its practicality underpinning different legal systems and thus provide a space for cross-cultural critique on the value-laden conceptions, principles and practice of the law in different locations. In respect of the development of the legal system for land rights in China, the issue of institutional ambiguity concerning state, collective and individual landownership and power struggles among these actors should be better understood in a specific context, while at the same time one should try to analyze the converging and conflicting perspectives of both Western and Chinese jurisprudence. In Western law, there is an exclusive focus on individuals and their personal rights and responsibilities without recognition of collective claims, rights and duties. But the principles and practice of law as developed in the West may be incompatible with other countries. And a systematic, reflexive and self-critical approach to the study of land law across different countries needs to be deployed (Cotterell, 1992).
The development of appropriate land institutions is inextricably linked with the overall historical, social, economic and political development conditions. Thus, this framework can provide both macro and micro level analyses of institutional change in the overall development context. Also it can provide evidence-based approaches to the establishment of credible land institutions, which are not found in the current land management framework. A credible institution can rally sufficient social and political support in order to be effective; otherwise, it will exert negative effects on social and political actors (Ho, 2006). Furthermore, an understanding of land institutional change provides further insights into the actual implementation of land policies and laws. Policy implementation is a process that must evolve, and people have to be enabled to participate in this process because they have the “know-how” (Pressman & Wildavsky, 1973). The study of institutional change from this angle will enable one to better understand policy implementation and legal practice as a culturally contested and socially constructed process. It is in this process that the values and perspectives of the social and political actors can exert huge influences on the effectiveness of these institutional measures.

5. Organization of the thesis

To give the reader an integrated and comprehensive overview and critical analysis of the issues, debates and findings, this thesis comprises independent or stand-alone article-type chapters. Each chapter provides a context for the others and enables the reader to find their inter-linkages from a more contextualized and critical point of view. In this manner, it tries to be a logical, coherent and integrated whole.

This chapter provides an introduction to the research. Chapter 2 goes back to the history of land tenure changes especially since the Ming dynasty to provide a wider picture of the nature of China’s land reform and its effects on China’s rural society. It demonstrates the importance of power and politics in the reform process and its missing link with the rural reality—demands of the poor for the forms of land tenure that suit them the best. Chapter 3 provides an up-to-date overview of major land policy changes since the market reform took centre stage and their trajectories and impact on the livelihoods and social and political relations of the poor. It provides a critique of these issues and explicates the policy complexities and suggestions on more inclusive approaches to China’s land policy reform rather than the simplistic market-oriented approach that overestimates the role of the land market for good governance and sustainable rural development.
Three cases of local practices in land tenure arrangements are followed. Chapter 4, based on fieldwork in Hebei province, presents a case of the current land tenure regime—the HRS in agricultural development and natural resource management in a poverty-stricken region facing severe environmental challenges. It focuses on the concomitant effects on the lack of diversified livelihood strategies of the poor and land degradation. Moreover, its effect on fragmentation of social and political relations in the rural community poses a severe challenge to community-centred participatory approaches to land tenure. The chapter also shows that land tenure system cannot be sustainable if rural development and good village governance are not coupled and supportive of its existence. As chapter 5 based on desk research demonstrates, local practices have given preference to land shareholder cooperatives especially in relatively developed areas. It explores the significance of the emergence of these institutions, its effects on the peasant land shareholders and its intrinsic problems of poor governance and inappropriate land use and management practices. It demonstrates that land tenure system should be treated as a dynamic process where local stakeholders continue to formulate and try out the system. Chapter 6 based on fieldwork in Guangdong province, shows the unique case of a commune village and explains why and how it has managed to survive the infiltration of the mainstream market political economy. It further demonstrates the role of collective power in deciding on the preferred tenure system of the peasants and managing the system in their interests. It is an institutional demonstration at the grassroots level of what constitutes a good land tenure system for the poor whose interpretations may differ drastically from many land experts and decision-makers. Also it is a paradox within the mainstream approach to China’s overall development. Its implications are illuminating to the study of China’s transition.

Finally, chapter 7 reviews the major theoretical issues on land tenure, property rights, institutional change and rural development informed by this study. Its contribution is a critical framework for the analysis of land tenure reform in China as well as a stepping stone towards the development of relevant theories on a wider scale.
References


Hoekema, André J. 2000 “Keuzevak Rechtssociologie: Rechtspluralisme en ontwikkeling”, text on legal pluralism and development, Faculty of Law, University of Amsterdam.

Huang, Ping & Pieke, N. Frank 2003 “China migration country study”, paper presented at the conference jointly organized by the Refugee and Migratory Research Unit and the Department for International Development, 22-24 June 2003 in Dhaka, Bangladesh.

Hutton, Will 2006 The Writing on the Wall: Why We Must Embrace China as a Partner or Face It as an Enemy. New York: Free Press.


Li, Changping 2003 “深研农村土地私有化” (Further study of rural land privatization), Dushu 2003 (5).


Smucker, Glenn R. et al 2002 “Land tenure and the adoption of agricultural technology in Haiti”,


State Council Leading Group Office of Poverty Alleviation and Development 2006 “中国社区主导型扶贫模式启动有三方面创新” (Three aspects of innovation in community-centred rural development in China),


Wang, Weiguo 2006 The Dutch Civil Code (translated), Beijing: China University of Political Science and Law Press.

Wang, Xiyu 1999 “在家庭经营基础上深化农地制度改革” (Deepening the reform of the rural land system on the basis of household management), China’s Rural Economy 1: 4-8.

Wen, Tiejun 2005 三农问题与世纪反思 (Reflections on the three rural issues at the turn of the century), Beijing: Sanlian Shudian.


Xie, Junqi 2001 “土地” (Land), 中国环境与发展评论 (Review of China’s environment and development), Beijing: Social Sciences Academic Press (China).

Xu, Yong 2003 乡村治理与中国政治 (Rural Governance and Chinese Politics), Beijing: China Social Science Press.

Ye, Jianping et al 2000 中国农村土地产权制度研究 (Study of rural land property rights in China), Beijing: China Agricultural Press.