Chapter 7  Summary, key research issues revisited and policy suggestions

1. Basic conclusions

Facing the challenges of rural development and extensive farmland loss in particular, the Chinese government has never ceased the efforts to reform the country’s land laws and policies. Despite the progress made in ensuring equal distribution of land rights and support for household-based farming to improve peasants’ livelihoods and agricultural production, there are numerous unfinished tasks that must address the obstacles adversely affecting the land rights and livelihoods of the majority of the poor peasants. In most cases where the peasants cannot utilize the land to its full potential, the absence of an enabling environment to ensure participation in land use and planning process further undermines the effectiveness of the land reform. The existing policies lack specific targets that allow the peasants to effectively organize themselves in claiming their citizenry rights that suit their best interests. Despite the emphasis on the importance of strengthening the land rights of the peasants in rural development, the current state-led and market-oriented land institutions have yet to encourage the establishment of peasant-centred arrangements for sustainable land utilization. Policy failure in tackling complex meanings of land, notions of property relations and the underlying social, political and economic contexts further sets structural limits to current reform measures (see Sikor & Müller, 2009).

This study provides a holistic approach to an understanding of land rights, land institutional change and sustainable land use and rural development especially focusing on the historical, political and social dimensions of the past and present practices of land tenure in China. It contributes to a multi-dimensional study of rural development and land reform linkages which are interpreted differently by different stakeholders. For the peasants in the vast poor rural areas, land remains their basic means of subsistence given a lack of social support programmes to provide a social safety net for them in the face of land expropriation. Yet this does not mean that they have the intention to keep the land intact as it is. In fact, it shows that their decisions over land use is contingent upon numerous external factors, and in most cases, their lack of alternative choices actually frees up ample space for the local state to manipulate the entire process of land use and management. The mere absence of
peasant-initiated activities and organizations explains their vulnerability to any infringement of their rights by the local state and corporations. It illustrates the power imbalances among different actors and the weak power of the peasantry in determining land use. For the state, land acquisition and expropriation still constitute the most important means of local financing and reaching the goal of rapid local economic growth, while paying a high cost in terms of peasants’ land tenure insecurity that triggers social unrest. In the process of decentralization, the local state continues to experience fiscal constraints on economic and social development, which lead to a quick fix through land sales to obtain lucrative revenues. The downward cycle of land loss further exacerbates rural poverty and social inequality between the rural and urban dwellers. In China where legal and policy instruments have not functioned to the benefit of the poor, land tenure insecurity and poor rural governance continue to constrain China’s path towards sustainable rural development.

Few studies have addressed the issue of the importance of land to the rural poor, the realization of land rights for them and the linkages between land tenure and sustainable land use in a broader sense. Moreover, the relationships between land property rights, peasant-organized individual and collective actions and village governance have not been sufficiently analyzed. To fill this analytical gap, this study takes a critical look at the historical implications of China’s land reform, the trajectory of socialist-centred and market-oriented land laws and policies, local interpretations and implementation of the laws and policies and local practices with elements of innovative choice over land use. It demonstrates that land property rights and land tenure security cannot be addressed single-handedly without the exploration of the institutions that support policy implementation and local innovation. And these institutions ought to be designed by the peasants themselves. Of course, the supporting roles of the state and businesses are needed. However, this remains a daunting challenge for them especially in view of the lack of legal and policy mechanisms. This is compounded by the lack of genuine village democratic governance that further hinders the creation of peasant incentives in the land reform process. It shows that in the Chinese cultural and political context, the market-oriented land reform, if not governed properly by the state, can also exacerbate land loss of the poor whose capacity in organizing themselves towards better land management will be further undermined. There is urgency for the policy-makers to revisit their policies and examine more critically what the peasants need from the land reform and how they can be empowered to participate in the process. Otherwise, in the name of improving land governance, the local state can still take the laws and policies into their own hands and produce those “fancy” institutions that can only do damage to the livelihoods of the poor.
2. Summary of key chapters

To understanding China’s land reform, one needs to start from its history and the implications for current land institutional development. In chapter 2, it is demonstrated that social inequality derived from land tenure has marked the struggles between the Chinese peasantry and the state. Essentially, these struggles indicate that the Chinese rural society has failed the peasants whose land remains the most basic means of livelihoods and also the root of poverty. Being economically poor without entitlements to land, the peasants are marginalized in the mainstream rural economic development. Their vulnerability to land loss and natural and economic shocks further exacerbates their poverty. In most cases, their poverty has advantaged the rural elite and local businesses, which rely on peasants’ land for speculative gains. With regard to the mounting power of the local state and businesses, the Chinese empire struggled to undertake various reforms to address these issues. Land reform in the Ming and Qing dynasties spawned an alliance between the empire and local landlordism that put the poor landless peasants and tenants on the margin of development. Although various land reform measures were undertaken to curtail the power of the local state and landlordism, the local peasants were not able to become a consistent strong force against their masters except for ad hoc cases of social protests.

By contrast, the communist-led land revolution marked the beginning of the new era of China’s social and political transformation characterized by “land for the tiller” programmes. In the aftermath of the 1949 communist’s victory, land was equally redistributed among the peasant households. Strikingly, this move was aborted just a few years later by the introduction of the commune system. Chapter 2 attempts to show that the system of “land for the tiller” had not brought about significant rural economic changes. Moreover, the commune system also ended in the failure to reorganize the peasants to achieve better agricultural production outcomes. It was then replaced by market-oriented reforms in which the Household Responsibility System (HRS) was introduced which aimed at creating peasant incentives in farming. Again, the HRS has not proven to be an effective solution to the complex rural problems in China. In short, all these land reform measures have one thing in common, that is, reform imposed from the top without addressing the needs of the poor and tackling the socially and politically structural factors constraining rural development. Chinese rural societal organization has never been enabled to decide on the desired forms of land reform. Land reform imposed by the state has actually served the state’s political needs in terms of reorganization of the rural masses to
consolidate control rather than facilitate peasant-centred pro-poor land institutional changes.

Furthermore, as chapter 3 shows, the ultimate goal of land management is to ensure poverty alleviation and sustainable rural development for the poor irrespective of the type of land reforms implemented. In this respect, no one-size-fits-all solutions to China’s complex rural problems can be found. Rather, peasant institutional innovation ought to be encouraged and fostered. But this is a daunting task for the government to execute. First, the political will to do so is not clear; nor is it easy for the local state to implement because of different incentives to govern the land. Second, there are few demonstration pilots available to influence policy. Third, it remains a challenge to implement multi-stakeholder participation in land use and management. Last, how to work with the peasants and how the peasants can organize themselves to deal with their land require the ultimate change. On this issue, it shows that the ongoing debates on landownership especially the focus on the clarification of the collective rights and ownership as well as others radically calling for privatization present a simplistic approach to institutional reform. This approach ignores the fundamental constraints to rural governance which is still characterized as top-down and thus autocratic, although village democratization has brought about several advantages. Moreover, to a certain extent, the current market-oriented land laws and policies have actually co-existed with the fragmented social and political relations among the peasants whose collective choice and power over land use and management are dramatically undermined. This caveat of the current land reform renders a warning to policy-makers that the incentives and social and political realities of peasants ought to be taken into real consideration in any policy changes.

The next two chapters provide critical findings of both the conventional and experimental land institutions that govern the land and people as contrasting cases of land management. Chapter 4 illustrates the daunting challenges of sustainable land use and rural development facing the poverty regions of China. In these areas where poverty is rampant as a result of insufficient economic opportunities for the poor and inappropriate land use and management, among other factors, land management has become a key item on the political agenda of the local state. In pursuit of a quick fix, the latter, like the majority parts of the country, has followed the tendency towards a more individualistic approach by applying the HRS to land and nature resource tenure. Yet, it shows that this approach has not resulted in effective solutions in terms of sustainable land use. First, stakeholders’ conflicting interests show their different views on how land ought to be sustainably managed. As a result, it has failed to enable the stakeholders to reach common objectives and strategies in
land management. Second, the HRS is found to be an inappropriate approach to land resources management especially concerning rangeland, forestry and agricultural land use. As the management of these resources relies on an integrated plan for sustainable solutions, the HRS has not facilitated this institutional development. Third, it has further fragmented social and political relations, which make multi-stakeholder collaboration in land management more difficult. Last but not the least, the HRS is a simplistic solution to complex poverty and natural resource linkages. In short, it demonstrates that the HRS is not a panacea to China's complex land problems, as its underlying social fragmentation facilitates poor land and village governance and undermines any mechanisms of collective action. Thus, policy improvements should take account of the existing institutions and practices on the ground (see Sikor & Müller, 2009).

In chapter 5, the strengthening of the HRS is seen as a further step towards local experimentation on the institution of land shareholding cooperatives. Despite its characteristics of collective mechanisms, the role of this institution in protecting peasant land and property rights and poverty alleviation is rather limited. It serves the needs of the local state in land expropriation to a large extent rather than the so-called scaled development that benefits the poor. As land shareholding cooperatives require reorganization of peasants’ land rights and agricultural production, the role of the local state in carrying out this institutional change becomes paramount because of many contentious issues of poor governance that marginalize the majority of the poor peasant shareholders. It reveals that the current practices are far from a peasant-centred collective treatment; yet it provokes a rethinking of inter-related issues of land policy and institutions, poverty and village governance. Moreover, the tendency towards this institutional development does show the weakening of the HRS in tackling land fragmentation and its underlying social and economic issues. Rather than strengthening the collective rights of the peasants, land shareholding cooperatives may reinforce the power of the local state in the absence of participative village governance processes to hold the state into account. Whilst caution should be exercised in relevant policies, policy-makers need to address the rights and needs of the peasants and local conditions in the experimentation of collective action in land governance.

By contrast, the more grass-roots-level of institutional experimentation shown in chapter 6 is a case in point that illustrates peasant-centred institutional innovation with similar aims to that of the earlier mentioned technocratic and bureaucratic approaches. It underscores the value of peasant organization, in this case, the commune in uniting and representing the community as an effective collective force against local state interference in land management. Standing in opposition to the
mainstream economy, the economic system of the commune based on egalitarian principles and practices further ensures equal distribution of village assets and wealth derived from land use among the commune members. Accountable and transparent village governance plays an essential role in social, political and economic processes concerning land use. In particular, under the leadership of the village administrative committee, the commune members are given ample space to participate in the governance process. It demonstrates that land management centred upon individualistic approaches does not represent a single solution to China’s land reform. Instead, community-centred collective action still provides a viable alternative to certain institutional arrangements under market-oriented economic reform, whilst making use of the advantages that the market economy offers. This is particularly relevant when China’s economic reform has exerted adverse impacts on the livelihoods and natural resources of the marginalized poor. However, the sustainability of the commune lies in many factors, among which is the continuation of the village democratic leadership, village economic development and more importantly, the power struggles between the village and the local state and the underlying social relations among different actors with varying vested interests (Agrawal & Gibson, 1999; Leach et al., 1999). Any changes in the policy and law of the latter will challenge the existence of the commune that still needs to operate more effectively to integrate into the mainstream political economy of the region. This case provides a critical angle to the analysis of the dynamics and conditions of locally-based land tenure, which is essential to tackle the structural constraints introduced by the ongoing market-oriented institutional reform in rural China. In essence, this case illuminates the renewed debates on land tenure, which can only work in poor people’s favour once it suits their needs for sustainable livelihoods, natural resources management and the local economy as a whole.

3. Key research issues revisited

This study aims to shed light on a number of rural development issues concerning land tenure security, sustainable livelihoods, village governance and peasant choices to address the dilemma that China faces in its economic and political transformation. While land tenure is important to the Chinese peasantry, its location within the broader context of sustainable rural development reveals its intrinsic linkages with the social, political, economic and biophysical dynamics and conditions of a given setting. A particular land tenure regime can only be sustained provided that it accords with the local contexts which shape it. It is a mistake to look for solutions to the land-related rural problems through a single disciplinary lens. Thus, the study seeks to develop a relatively comprehensive scenario of land policy and
practice while maintaining its anthropological and political economic focuses. It pays attention to four issues in China's land reform process, namely, responsiveness to local livelihoods, connections with dynamics of authority, interactions with social inequalities, and environmental repercussions (Sikor & Müller, 2009: 1312). How to make land tenure work for the poor in the name of rural sustainable development is the ultimate challenge for the Chinese policy-makers. Thus, the findings of this study further address the key issues pertinent to the cases of other countries and transition economies in particular.

3.1 Common property regimes and social dimensions of land tenure

Common property often refers to the property as jointly owned and managed by groups. As such, often it is analyzed in conjunction with customary law and land tenure systems, and so forth. Common property regimes are criticized for their inability to secure the rights of the poor and to facilitate economic development. Instead, states and markets are seen as the appropriate institutional avenues to address policy failures in natural resources management (see Shapiro, 1989).

China’s collective landownership carries the characteristics of common property regime to a certain extent. Although rural farmland is contracted out to individual households, it is still under the overall management responsibility of the collective comprised by the natural and administrative village. The latter stipulates the major rules of land use and management. In this sense, the political, social and economic relationships between the individual household land users and the collective become complicated and evolve over time and space. However, it demonstrates that more individually-oriented land policies may not be appropriate given regional diversities in economic and social development. Furthermore, the issue of the “tragedy of the commons” is inappropriately applied across the board (Hardin, 1968). As such, collective land ownership has its particular relevance for the Chinese politics and society. The reality of a large population living in poverty and with limited land and other natural resources requires the interactions between the state and the local community and collective action towards land utilization and sustainable livelihoods. The mixed pattern of collective landownership with individual peasant’s land use rights has enabled the state to formulate flexible land policies to cater for its social and economic development needs. Despite their induced problems, at least the collective is still legally recognized and plays an essential role in organizing the peasant society. However, the challenge remains as to how to make it work for the poor and stimulate more meaningful collective institutional arrangements for land use.
and management and land conflict resolution. This requires more in-depth studies of changing property rights relations as part of broader social, political and economic changes (Ensminger, 1997; Hann, 1998; Shipton & Goheen, 1992).

The existence of common property regimes in many parts of the world obviously reflects the importance of social relations as complex dimensions of land tenure. Social relations in the Chinese context exhibit an interesting area for the study of the role of land in reconstructing the relations among various stakeholders. Strikingly, the Chinese countryside reveals the existence of both fragmented land relations and the predominance of rural collectives and village administrative representative committees. Linking these dimensions to land property rights, one finds that the current policy focused on strengthening individual’s land rights may further exacerbate land fragmentation and loosen community coherence. This may favour the powerful actors who impose unfavourable conditions on the poor, since the latter find it hard to organize collective action. Ultimately, if the law does not provide ample impetus for community-organized land relations and collective action, the trend of poor land and village governance cannot be averted. This study tries to address the underlying challenges for land institutional innovation constrained by the asymmetric power relations between the peasants and other stronger stakeholders. This is in line with the latest developments in common property studies (see Varughese & Ostrom, 2001; Agrawal, 2005).

Common property regimes should not be assessed only from the negative perspectives. As Ostrom (1990) argues, the study of common property regimes reveals the micro-institutional regulation of the resources and the possibilities of community especially small groups of resource users who are able to craft viable forms of resources governance. This is exactly the case in chapter 6 which examines a village commune in detail. The latter asserts that the institution of private land property rights should not be treated as a teleological and deterministic logic to China’s agrarian future. This is because concepts such as private, public or common are just too general to sufficiently reflect the local institutional variation in resource governance (Agrawal, 2005; McKean, 2000). Future research on the public/collective and private land tenure interface and their linkages with the broader issues of the political economy and governance and social processes would contribute to land policy improvements for the Chinese peasantry.
3.2 Bundles of rights versus bundles of power

Land tenure security is often recognized as the fundamental issue to be tackled for successful land reform programmes which should cultivate more rights for the poor. Thus, the concept of bundles of rights has received wide recognition in the study of people-land relations. However, this study shows that no matter how many rights are enshrined in relevant laws, when power is not given to the individual peasant households and collectives, their rights can be easily abused by the powerful state, corporations and local elite. Thus, a bundle of power instead of the property notion of a bundle of rights is more appropriate for the analysis of the ability to derive benefits from land than the right to benefit from it for the land users (Ribot & Peluso, 2003). This finding has important implications for any pro-poor land reforms which ought to empower the poor both as individuals and as a group to have a stronger voice in the land reform process. For instance, clarifying the bundle of rights and enshrining bundle of power for the poor is important for the current land policy reform not only in China but also elsewhere.

As a corollary, the practice of land registration aimed at the demarcation of land boundaries and clarification of an individual’s land rights has limitations in addressing the wider complex social and political relations between the landowners or users and other actors. That is why in many countries land registration projects have failed to protect the rights of the poor and they have reinforced the existing inequality between different groups (McAuslan, 2003). Without first tackling the power imbalances among different groups, this approach will be ineffective in addressing the fundamental issues of economic and social inequality within a given community.

Land registration in China has followed the Property Law and has been executed at the village collective level, for the rural land is collectively-owned. As such, the power of the village administrative committee as the registrant vis-à-vis the peasant households seems to have strengthened. Simply, this reflects the fact that the state’s interest and power in strengthening individual peasants’ land rights are not reflected in the practice of land registration. Rather, land registration serves the purpose of land administration for technical purposes. Its drawback lies in its static and technocratic approach which excludes the flexibility to address household needs. However, it is an easy approach to land administration for the state, since any complications in land registration may unavoidably touch upon the complex issue of bundle of rights and power underpinning land registration. Furthermore, there is a certain level of mistrust between the local state, the village administrative committee and the peasants. As a result, land registration at the village collective level can realize the state’s control of the village land. Accordingly, the village administrative
committee can relatively easily control the individual households' land. Further research on the dynamics of rural power relations that shape property relations among diverse social actors will throw more light on the structural constraints on legal empowerment of the poor in China.

3.3 Rural livelihoods, land tenure security and social capital

China's social, economic and environmental problems cannot be tackled with simplistic approaches. Rather, the use of comprehensive and systemic approaches should be explored. Poverty alleviation for sustainable livelihoods still counts as the number one task for the government. While promoting market-oriented land reform policies, the government has acted with due caution. However, it has not managed to put forward more viable solutions. This study shows that there is a need to further understand the particularity of each village and region in terms of the livelihoods patterns and the impact factors. This would require a greater level of flexibility in allowing for local experimentation in farmland use and management. Despite the claimed problems and adverse impacts, land shareholder cooperatives can be seen as a major mechanism for improved land management and utilization for the benefit of all. In this regard, individual land rights can be coupled with group rights, which will allow for more voluntary organized peasant cooperatives. Certainly, this remains an unaddressed political issue not only in China but also in many developing countries.

Furthermore, this study reveals the fact that peasants' lack of voice in the political system impinges on their land tenure security and more transparent land governance. Current land reform measures without addressing the key power struggles between the peasantry and the state can only undermine the power of the peasants. This explains why land titling programmes aimed at securing land tenure security and strengthening peasant land rights can only serve the interest of the state as is evident in many developing countries (Smucker et al, 2002). This also indicates that the issue of tenure security is not limited to land itself but that it has more to do with peasants' economic and political insecurity. When these challenges remain untracked, any attempt to address land tenure security would be of little significance. Moreover, land tenure is not solely related to poverty, sustainable livelihoods and natural resources management especially when peasants lack adequate access to capital and public services for agricultural production and social welfare. When this happens, social capital becomes paramount in helping the peasants organize themselves in combating various natural, economic and political constraints on poverty alleviation in dealing with inadequately developed markets and other shocks (Amarasinghe, 2009). However, genuine self-organized peasant organizations are
lacking in China, which means that the predominance of unequal economic and political relations between the peasants and the state still hinders the formation of social capital. In turn, this further undermines peasants’ capabilities in managing their own resources like the land to combat the constraints to sustainable livelihoods. Further research involving empirical cases of social capital and even social movements pertaining to land relations is needed.

3.4 Humanitarian law

The realities and challenges for China’s land reform and sustainable rural development call for significant rethinking of land governance approaches. In particular, the failure of the current legal environment to recognize these challenges and put forward more diverse approaches reflects the weakness of the Chinese society in participating in policy and law-making processes. To improve this situation, it is important that the law should not only serve the need for economic reform and the interests of the policy-makers, but also address the fundamental barriers to social mobilization and individual and collective power. Moreover, it ought to further promote, encourage and stimulate peasant self-initiated activities in the use of their land to diversify their livelihood patterns. This would require more interactions between the law-makers and the people in the law-making process. In addition, there is a need for law-makers to pay more attention to how land governance is linked to rural livelihoods. In this respect, the law ought to create a viable framework that does not restrict the prevailing livelihood practices. As seen in many parts of the world, the asymmetry between law and the lived experiences of the rural poor can lead to unintended consequences at the expense of the poor (see Agrawal, 2005).

The case of China bears resemblance with other countries where the rift between customary law and statutory law cannot be easily reconciled. In particular, China’s complex economic, social and cultural circumstances concerning land use and management cannot be addressed fairly with simplistic approaches. Local livelihood practices and community-preferred organizational forms ought to be recognized in statutory law. Above all, land legislation should find restricted entry into the customary law to minimize its possible negative effects on the local community, while satisfying the needs of the market (McAuslan, 2003). In short, this study reveals that the law should be more pro-poor and humanitarian so that the poor can be more effectively empowered to decide on what is best for their land utilization and management. Further research on the linkages of land law, governance and development is necessary for well-informed legal improvements for the poor.
4. Policy suggestions

Land is the foundation and basic source of livelihood for the Chinese society. It exhibits inherent complex social, political and economic relations and activities. Thus, land policy is ultimately about the society and the organization and governance of relationships between people (see McAuslan, 2003). Any attempt to strengthen land management without paying attention to the local relational context would result in inefficient, costly and possibly adverse consequences. As the Chinese government is gaining ground in executing the so-called world’s strictest land management policies to tackle land mismanagement and farmland loss, more appropriate policy measures based on local practices are needed.

This study demonstrates that the asymmetries of relationships between the peasants, the local state and other stakeholders have disadvantaged the poor in participating in the land policy process. And further lack of collective action initiated by the peasants themselves inhibits their capacity to voice their concerns to policy-makers. When this happens, the state comes to play the predominant role in policy-making, which quite often does not suit local social and institutional contexts. It would require a strong commitment of the state to support the society at large (see Tessemaker & Hilhorst, 2007). A pro-poor land policy to recognize and balance the diverse interests of different stakeholders to avoid favouring a particular group, while disadvantaging the other, is urgently needed. To this end, the state has to confront the very structures that perpetuate the existing problematic conditions (Borras & Franco, 2010: 11, 23).

Land policy-making processes should support more meaningful public debates with the peasants and other stakeholders, exchange of experiences and pilot testing of innovative approaches. These approaches would allow for the state’s facilitation of considerable flexibility for the local community to manoeuvre their use of land and cope with uncertainty around land tenure, land use and management (see Meinzen-Dick & Pradhan, 2001). This is a key challenge for the state and Chinese society to work together to put forward an agenda of action. Strong commitment of the state is necessary. But without a fully-fledged civil society and more transparent and pro-poor land institutions, land tenure insecurity and vulnerability to poverty and natural resource degradation and depletion will persist for a long time for the Chinese peasantry.
References


McAuslan, Patrick 2003 *Bringing the Law Back In: Essays in Land, Law and Development*, Hants: Ashgate


