

LAND PROTESTS IN THE PEOPLE'S REPUBLIC OF CHINA

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Abstract

This article argues that the People's Republic of China's domestic politics since the late 1990s have been dominated notably by sectoral issues, such as land reforms, environment protests, migration issues, and so forth. All of which have one thing in common, namely challenging the well-established system under the Chinese Communist Party (CCP) regime. The land protests are highlighted given three facts. *First*, even though certain non-political issues emerged simultaneously in the early 2000s, the land protest becomes the much-concerned issue across the country. *Second*, the land seizure as the driving force of land protests turns out as the way for provincial officers to amass wealth since the national government could not improve welfare of those lower-ranking state officers. *Third*, the farmers exert the land protest issue as the bargaining to challenge both national and local officers. Eventually, the varied ways to launch strikes undertaken by farmers remain a fascinating subject to be observed.

Keywords: land protest, land expropriation, China, People's Republic of China, Chinese Communist Party

Abstrak

Tulisan ini menyoroti politik domestik Republik Rakyat China sejak akhir tahun 1990-an yang terutama didominasi oleh isu-isu sektoral, seperti reformasi agraria, protes-protes lingkungan hidup, isu-isu migrasi, dan sebagainya. Sejumlah isu yang disebutkan secara umum bertujuan untuk menentang pemerintahan sentralistik China yang dikendalikan oleh Partai Komunis China (PKC). Protes agraria yang disoroti dalam tulisan ini didasarkan pada tiga hal. Pertama, walaupun sejumlah isu-isu non-politik muncul secara bersamaan pada awal tahun 2000-an, protes terkait tanah menjadi topik utama di antara sejumlah topik lainnya di seluruh China. Kedua, perampasan tanah, yang merupakan faktor penyebab utama protes agraria, ternyata merupakan salah satu cara memperoleh kekayaan bagi para birokrat di level provinsi akibat ketidakmampuan pemerintah pusat dalam meningkatkan kesejahteraan para birokrat tersebut. Ketiga, para petani menggunakan protes agraria sebagai alat tawar untuk menentang pemerintah pusat maupun pemerintah lokal. Akhirnya, beragam cara dalam melakukan protes yang dilakukan oleh petani menjadi obyek penelitian yang menarik untuk dikaji.

Kata kunci: protes agraria, perampasan tanah, China, Republik Rakyat China, Partai Komunis China

Introduction

One fact about Chinese internal dynamics that is occasionally overlooked is the regularity of social protests among various social groups. In 2005, the last year for which the Chinese authorities released figures, there were 87,000 such protests, ranging from student protests to workers demonstrations (Wright, 2013). In this regard, the peasant protests in the rural areas, in particular related to land issue, are interesting to highlight. The first consideration is the decline of politically oriented protests in the late 1990s, with a change to more specific grievance protests across China, particularly at the local level. The second consideration is the rising number of local land demonstrations, even though of local rural taxes, the initial issue, have been diminished and banned by the central government in 2000.

Significantly, the land seizure protest in China occurs currently as one of three types of popular protests in China, alongside worker protests and environmental protests. Land protests in China based on a report released by the Chinese Ministry of Land and Resources, between 1998 and 2005 involved more 1 million cases of illegal seizures and at least 815,447 acres between 1998 and 2005. The real number of such seizures is believed to be

several times high because this kind of protests happens across China without good documentation. Sometimes farmers are given only a few days' notices before bulldozers arrive on the scene, tear down their houses, rip up their cornfields and rice paddies, and lay foundations for new factories (Facts and Details, 2012). Accordingly, the rising number of land protests makes this kind of protest the most frequent in China. This fact is not surprising since the land reform which led to the public discontent has been a crucial issue since the Mao Zedong's regime in the 1930s (Chang, 1951).

The regular protests of the peasants against local officials lead to two principal questions regarding why they still occur in the midst of a monolithic approach by the state in which the central government controls all the policy making process that are then enforced in local areas. Another question is how the farmers use their strategy to express their rights in the mid of highly controlled government. These two questions aim at highlighting the performance of formal institutions that somehow are not functioning satisfactorily.

In recent years, the Chinese government has become more aware of the danger of popular unrest over land expropriation and has tried to improve

the situation. It has made considerable efforts to tighten the fence and has issued new policies, established new monitoring agencies, and designed new laws. It is worth mentioning that the recently promulgated property law particularly emphasizes the protection of farmers' land use rights and prescribes adequate compensation to be paid in case of land acquisition. Such measures nevertheless cannot effectively reduce the conflicts over land expropriation. New laws, such as the central document No. 18 of 2001 (Notice of Transfer on Rural Household's Use Right of Contracted Land), the Rural Land Contracting Law of 2002, and the Property Law of 2007 (The World Bank and Development Research Center of the State Council, The People's Republic of China, 2014), have little effect as local officials hardly comply with them. Even under strong pressure from Beijing, illegal land grabs continue in rural China. For instance, local officials of Dangshan County, Anhui Province, have engaged in illegal land grabbing for many years, causing continuous conflicts between peasants and the local government. In June 2008, the Chinese Central Government issued a special regulation punishing government officials who intentionally disregard land laws. Its preamble openly admits that

local officials breach the law and that China's land administration is at a critical point.

Literature Review

In light of land seizure protests in China, the explanation of David Zweig (1997) is plausible in describing the relationship between the formal institutions and the local peasants. Zweig's argument relies on the institutional reforms after the great leap forward period in the 1970s. One of the features of that period was the strengthening bureaucratic transformation that followed the reform era in the 1970s.

During that time, the local bureaucratic officers received more privileges to control local resources, including land distribution based on the collection of rural taxes. "On the eve of reform, the commune system defined not only a spatial distribution of rural settlements, smaller villages, and fields, but also a governmental and party hierarchy from the county to the commune, through the brigade to the village, with each unit's location and rank or status within that hierarchy determining the economic resources under its political control, its relations to other organizations, and its economic and political power" (Zweig, 1997: 225).

According to Zweig, China has conducted a number of adjustments by the local officers as a response of domestic transformations.

From a general perspective, the social protests, including peasant protests, rely on two influential approaches of social movement discourses. In the first case, social protests serve as a part of the contentiousness to institutional approach, as proposed by many social movement scholars, such as Richard Cloward and Charles Tile. This approach, as described by Kevin J. O'Brien (2008), leads to social protests conducted outside of politics and attacked political institutions, and it follows a different mechanism and processes than did institutionalized groups. This approach definitely does not mean that movements and other contentious actors behave like institutional actors; but it does imply that the boundary between conventional and contentious politics is porous and that contentious actors can be understood in terms of the same mechanisms or processes as institutional ones. On the other side, social protests as a contention relates to the authoritarian regimes. In this regard, contention and institutional politics converge and interact, and at the end they will lead either to radical change of the government or to

grassroots receiving more attention from the central government.

These two approaches have been practiced in China's context. In the case of China, as described in *Popular Protests in China*, some scholars provide a plausible argument that the contentious politics approach is the main character of China social protests (O'Brien, 2008). In highlighting social protests in China, Shi and Chai suggest that after the reform era led to the fragmented state there was not a unitary coordination from some bureaucratic officers, such as county and prefectural leaders, to respond to social protests than provincial officials. This fragmented state, combined with differing priorities throughout the government hierarchy, provided multiple openings for resistance, particularly for activists whose social networks included upper-level officials and contacts in the media. This type of network applies only for those who have a well-established profile as social protest actor and it depends on which issues they are expressing. However, for poor peasants in China's many rural areas, the networks and contacts are largely wanting. In the same vein, to get attention from the media also depends on the extent to which the issue is sensitive or not, and how likely it is to draw a

response from the central government or at least upper echelon officials.

The other feature of social protests in China concerns mobilizing structures. In this regard, various contacts stemming from NGOs, community associations, and work relationships or friendships may bring people together to make claims. These kinds of various actors connect individuals and help them to form groups that can organize action with the primary object of expressing their rights.

Moreover, the conditions of rural protests, as noted by Wang Shaoguang in 2006, arose from deep socioeconomic inequalities that emerged in line with greater economic openness during the period of “deep reform” (1994-2002); these factors contributed to growing unemployment and diverging trajectories for the haves and have-nots, including absolute losses for the underprivileged. This inequality led to rising demands for local taxes from the peasants or rural families in order to hire local officers, but with the sacrifice of the peasants. This pattern was the initial condition for peasant social unrest. This was a clear change from the economic development of the 1980s, when gains were more equitable, income differentials could be seen only in relative terms, and all social groups made absolute economic gains. In

the 1980s, the central government imposed the adjustments programs in which the rural wealth had to be distributed at the local level, such as counties, townships, and villages.

Certainly, as might be expected from growing socioeconomic inequalities and declines in absolute material conditions for the poorest people, protests among discontented groups have recurred as a feature of the contemporary Chinese political landscape. Even with the monolithic-based approach that has been undertaken by the Chinese government and policy enforcement at the local level, it is still hard to suppress the regular protests by various groups of people on various kinds of issues.

The rising number of social protests, including land seizure unrest, has a relation with the legitimization of China's government. In pre-modern European history, a mandate of divine right served to legitimize a ruler's rule, but in the Chinese context that right was revocable. Historically during the imperial period, the success of a popular rebellion in toppling a regime demonstrated that imperial rule had become corrupt and lost its heavenly mandate, necessitating a “purifying” revolution. As a consequence, the Chinese Communist Party (CCP) elites

have paid special attention to managing the recurring outbreaks of social unrest by aggrieved communities: officials see such events, if ignored, as potentially threatening political stability and the regime's popular legitimacy.

Chinese Rural Property System

Upon the founding of the People's Republic of China (PRC) in 1949 under the leadership of the CCP and Mao Zedong, the Chinese government confiscated rural land from landlords and redistributed it to farmers, effectively granting farmers private ownership of land. However, this situation did not last long. From 1951 to 1956, the CCP forced farmers to consolidate their land holdings into large agricultural producers' cooperatives comprising about 160 households each. Then, after 1958, the CCP decided to organize rural households into giant "people's communes" of about 5,000 households each, where everyone contributed work to the best of his or her ability and received basic necessities in return. Most of China's rural land became collective lots of homesteads and "self-reserved" land (Dean and Damm-Luhr, 2010).

The total collectivization of agriculture marked the beginning of Mao Zedong's "Great Leap Forward," an

effort to transform China quickly and which lasted from 1958 to 1961. Collectivization of rural land allowed the state to reach into farmers' grain supplies, and the government imposed compulsory sales of grain at a low fixed price. This, coupled with a crippling grain shortage as well as natural disasters, led to widespread famine and the deaths of ten to twenty million people, nearly all of whom were rural farmers (Zweig, 1997: 121).

Not until the late 1970s, farmers began to gain more rights to the land they worked. This pattern of peasant right of land had changed frequently since the eradication of Chinese private ownership of land. Forced appropriation of land and resistance against it, have increased dramatically during the past ten years and they appear to be accelerating. According to data collected by the Ministry of Land and Resources, in the first half of 2002, 40 percent of the petitions received from peasants related to land acquisitions and illegal land seizures, of which 87 percent involved inadequate compensations for land and unfair resettlement subsidies (Zhang, 2004).

The Ministry of Public Security disclosed that in 2005 more than 65 percent of mass incidents in rural China were reportedly the result of land

expropriation (Dean and Damm-Luhr, 2010). In the first nine months of 2006, China reported a total of 17,900 cases of massive rural unrest, with at least 385,000 farmers protesting against the government. Approximately 80 percent of these incidents were related to illegal land appropriations. Land acquisition by the state has thereby become the top cause of rural grievances in China. In the absence of a free media and with local government trying to silence protest, it is safe to assume that there are many more incidents related to land expropriation. In recent years, such mass incidents have started to pose a significant threat to China's social stability and economic development as well as to the authority of the Chinese government.

In order to ease the accumulating tension in rural China, the government has made considerable efforts, including establishing new land markets, legislating new laws, tightening law enforcement, issuing stricter policies, increasing compensation standards, and punishing corrupt officials. However, those measures have not had the expected result.

Land Expropriation under the Present Regime

The main characteristic of the Chinese land regime is the prohibition of

private ownership. Since 1949, the CCP has gradually eradicated private land ownership through a series of political campaigns in order to realize its socialist ideology of a planned economy. A new land regime was established after 1956 that made all land publicly owned, either by the state or by rural collectives (Ho, 2005). The only liberalization that has taken place since 1956 is that a market has developed for the lease of contracted farmland and the transfer of farmland use rights. Ultimately, state and collective ownership remain untouched. According to Chinese law, urban land belongs to the state; the State Council, by means of sub-organs, exercises this right. In contrast, rural and sub-urban land, including arable land, forest, grassland, and construction land, should—unless prescribed otherwise by law—be collectively owned by farmers and be collectively administered on behalf of farmers at two levels—the administrative village and the village group. This means that use rights to land are recognized and protected by law only for farmers. Because all urban land belongs to the state, it must be noted that land expropriation in China refers to rural land (Zhao, 2009: 97).

In the past two decades, rapid industrialization and urbanization in China have caused an increasing demand

to convert rural land for industrial, housing, infrastructural, or other urban use. But a potential land user—for example a private property developer—cannot acquire rural construction land or arable land directly from a collective. Any such conversion must be allowed and carried out by the Chinese government. After the potential land user has made an application for the land that is in accordance with the land use plan, the government can start the procedure of land expropriation in the name of public interest, followed by a land transaction between the government and the potential land user.

Rural land expropriation is carried out by the county government or by higher level officials. Farmers who lose their land do not get compensation directly from the local government, but from a potential land user, according to standards, based on the principle that farmers' living standards may not be lowered due to the expropriation. Compensation is based on the original land use. It consists of three parts: a compensation for the loss of land set at six to ten times "the average annual output value," a resettlement subsidy of four to six times the average annual output value, and compensation for structures and standing crops. Based on the prescribed standard, each provincial

government can decide its own compensation rates accordingly within its jurisdiction.

However, in case the prescribed compensation is not high enough to comply with the above principle, the total compensation of the first two categories shall not exceed thirty times the average annual output value of the previous three years. Land expropriation remains a highly controversial matter in China, partly because of legislative defects and poor law enforcement. An important issue in this regard is the ambiguity of the notion of the "public interest," in whose name land is expropriated. There is no specific definition of the term in either case law or statutory law. In common practice, the term is interpreted extremely broadly to allow a variety of urbanizing, industrializing, and "modernizing" activities. In this way, local governments support many commercial projects to increase local revenue. It is, however, mostly certain local leaders, interest groups, and other insiders who benefit from such projects, while farmers' interests seem to be excluded from the definition of public interest (Zhao, 2009).

The most often reported reason for the high number of land-related incidents is inadequate compensation to

farmers. No doubt the compensation standard set by statutory law is rather low in comparison to the market value of expropriated land, let alone farmers' real long-term loss. The compensation only aims to uphold their present living standard, but it does not ensure them an alternative means of making a living. With a maximum compensation of thirty times the average annual output value, it is up to the jurisdiction of the provincial government to determine the amount of compensation. Although the compensation *de jure* standard is already low in comparison to the market value, farmers are often not even given that, and a considerable part of the compensation disappears into the pockets of local governments, collectives, and village cadres. Moreover, there are no stipulations in current Chinese law on the procedure to be followed if compensation fees are not paid according to the legal standard (Liu, 2007).

In addition, the meaning of "collective ownership" is vague and it is not clear who the actual owners of collectively owned rural land are. Scholars have suggested that rural land is ultimately owned by the state (Ho, 2001), but in reality, it is in the hands of village and township party cadres (Cai, 2003; Guo, 2001). In land expropriation

cases, the latter pursue their personal interests in negotiating how much is to be compensated and in deciding how much each villager may get. The overall gap between the compensation in farmers' hands and the market value of the expropriated land is so big that landless farmers cannot but feel heavily exploited.

However, not all rural land acquisitions give rise to riots and unrests, even under the current, defective legislation. Peasants do not have high expectations because they know that they only have "use rights" to rural land. In cases where the legally prescribed compensation is paid, they are usually satisfied. In Guangzhou City, Guangdong province—one of China's richest areas—land requisition for urban development has, for instance, been successful and has triggered no apparent confrontations (Zhao, 2009). Land expropriation was conducted there in accordance with the respective rules and regulations and with more transparency and public participation than in other places. Even the proper implementation of existing state law would likely reduce the intensity of the present conflicts over land.

In the case of land grabbing, the farmers used protests as a common instrument against government-initiated

policies. Three aims can be achieved: gaining media coverage, putting pressures on the local and central governments, and also raising public awareness. In the case of the Tianmu protest, one of the longest social protests in China in 2015 (70 days), the protesters used the party's anti-corruption platform to combat corruption conducted by local officials (Phillips, 2015). Accordingly, the central government initially evinced a commitment to address the problem, yet there were still unclear follow-up actions to resolve such a problem.

Although, the central government has been displaying a halfhearted intention to combat corruption particularly conducted by some important elite figures within the communist party or close associates and aides of President Xi Jinping, the public protests have been the most widely used means across the country with the issue of social dispute was the primary cause along with forced eviction according to report published by *Legal Daily* in 2013.

Collective Instruments

The main result of the reform era for the peasants is the degradation of their income because of the illegal land expropriation by the local officials. Even though the peasants have been trying to engage in the political process and by

petition, these two strategies have not brought a fundamental change. One reason for this lack of success is the fact that submitting the peasants' cases to the courts is too time-consuming. Another reason is the quality of the local courts. It is rare to find a general decision made by judges that is in the line with the peasants' interests. It is highly ironic for the state-citizen relationship.

According to Xi Chen (in O'Brien, 2008: 56-57), collective petitioning has been a prominent instrument for collective action. The collective petition is the formal way for citizens in this case the peasants, to express their interests or concerns by writing letters to certain levels of government. There are two reasons for taking this approach. *First*, almost all contention is intended primarily to deliver a written or verbal demand to the government. *Second*, and more important, popular action, even if it is disruptive, is generally an effort to make claims through channels established by the party-state.

However, the enforcement of a social petition by the peasants occasionally does not meet their primary interest to reduce the land seizures by the local governments. Petitioning requires essentially no organization, no rights consciousness and no peasant activists.

Perhaps unsurprisingly then petitioning is usually spectacularly unsuccessful. Petitioners generally begin lodging complaints at the next level above the village; the township (Heurlin, n.d.: 14). Township officials, however, usually maintain close ties to village officials and generally back them up in disputes (O'Brien and Li, 1995). Even petitioning to higher levels of government is generally futile.

In 2003, the government received over 10 million petitions, but only two percent of all cases were responded to by higher levels of the state, much less resolved (Global Information Network, November 9, 2004). This abysmal success rate is beginning to frustrate petitioners. A report by the Chinese Academy of Social Sciences argued that many petitioners have become frustrated and no longer view the central government as their benefactor, but rather as just another group of "corrupt officials" (South China Morning Post, November 19, 2004).

Another strategy to vow the peasant protests is to gain huge support from both from locals and particularly from media. Accordingly, the fact that there is a widespread violation of the law in rural China despite remedies sought by the central government relates to the sharp contrast between economic

reforms that have lead officials to pursue profit at all costs and an absence of any political reforms to hold officials democratically accountable and tackle their impunity.

Following the 1994 fiscal reform, the central government took away most of the revenues of local governments but did not diminish their financial responsibilities (Zhao, 2009). To meet local needs, a considerable proportion of local income is acquired, legally or illegally, through land expropriation. Had state law been strictly implemented, the income of township, county, and municipal governments would have decreased significantly, particularly in less developed areas of the country.

Apart from this illegal income, there is also the fact that local officials can gain incredible benefits from land expropriation and land lease. Due to the non-democratic character and hierarchical structure of the Chinese government, rent seeking is popular in local land administration. Though there are specific procedures, rules, and policies on land transfers, it is ultimately local leaders, usually party cadres, who have the last say in deciding who gets land and at what price. Local leaders, in particular those in charge of land issues, benefit directly from such land transactions by taking bribes from

potential land users. In some cases, the land developers are actually companies owned by officials' relatives, family members, and close friends. All this leads to an ever more disturbing redistribution of wealth away from farmers toward local officials and the companies to which the land is assigned.

The attractions of the promotions and profits to be made from illegal land grabbing are worsened by the lack of punishment of officials breaking the law. Poor enforcement of land laws has caused serious problems in China. Due to illegal land grabbing, the amount of China's arable land has decreased so fast that it now touches the so-called red line, endangering China's food security.

Moreover, massive land expropriation-related incidents threaten the rule of the party state. Though Beijing wants tight control over local officials on land issues, it cannot achieve this aim because land law violations at local level are hardly punished. The main reasons for this are strong local protectionism and the absence of an independent judiciary.

It is difficult for Beijing to restrict local officials due to an increasing local protectionism, a problem that results from China's rapid economic growth. Local governments enjoy more independence and have

become the real governors of their localities. Taking into account the size of the Chinese government and the number of local officials, it seems impossible to reverse this trend. Although still appointed from above, local leaders now have absolute authority within their jurisdiction. They tend to align with each other to seek personal interests and establish larger social networks for mutual protection. This makes it easy to escape legal punishment and party disciplining. Moreover, when high-ranking officials and party leaders in Beijing become involved in corruption scandals, we can expect even more impunity.

From the explanations above, it can be seen that there is a fragmented coordination of the formal institutions. There are two types of dilemma about the unity of the CCP and its officers. At the local level, there is a dilemma for the officials about land distribution. On the one hand, local officials and cadres rely on the Party's authority and protection to seek personal goals. Even though they are number one within their own territory, they have to comply with the officials above them who are responsible for their promotion. As long as the officials dominating key positions of local government continue to be assigned by those above them and

selected within the CCP rather than democratically elected, it is safe to assume that the protection of peasants' land rights will not be a true priority. On the other hand, at the national level, the central party needs support from local leaders and cadres to maintain its party monopoly.

China's new generation of leaders does not have the same authority over local leaders as Mao and Deng once had. To retain power, they have to win loyalty by allowing local leaders to pursue their own interests, sometimes even illegally. Consequently, the aforementioned separation of local and central governments, though apparent, is not fundamental; they are more interdependent on each other. As a result, the local officials continue to undertake land expropriation for their primary income. Their doing so is fortified by the dilemma of the central government. The central government is also looking for a way to get more benefits, such as developing real estate or governmental projects, and these endeavors involve removing peasant families from their land. The reform process period has led to a deepening problem of land distribution for both the local and the central governments on one side and for the farmers on the other side.

Conclusion

Finally, highlighting of land protests in China we can see that this not only because the weakness of formal institutions, but also the various interests either from central government, including the CCP or the lower levels of government, such as local officials. In the mid of monolithic approach of the government, the rising land protests is not seen as the source of the instability, but it is part of stability itself. Moreover, the reason for regular land protests is the stale land exportation mainly by local officials and in some extent by the central governments as the ingredient for boosting economic performance.

Some political instruments to express the farmers' interests, such as petition and social protests are generally successful at least to form solidarity among the actors. However, the political participations are still largely vulnerable based on the national or central government intervention. The lack of independency of political instruments will give the space for the farmers or other social groups to launch protests to the government.

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