

Guidelines on Land Management Rights and Development of Agricultural Scale Management

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INTRODUCTION

Recently, the central government issued “The Opinion of the Orderly Circulation of Land Management Rights in Rural and Developing the Agricultural Scale Management”, also referred to as the document. Over the years, the Chinese government had formulated a series of policies and laws on rural land circulation and the development of scale management. For example, CPC central committee issued “The Notice about improving to circulate the rights of using farmers’ contracted land” in 2001, and “The Law on Land Contract in Rural Areas” in 2003, which made an explicit provisions about how the land circulates. Last year, the introduction of this “opinion” was formulated to adapt the new situation and the developing requirements of practicing, and absorbing the practice innovation of the masses in recent years. This was the continuation of the central policy.

Three main aspects

First, promote the development of modern agriculture. Within the premise of collective land ownership, the aim is to achieve separation of three rights including land ownership, contract rights, and the operating rights, form the structure in the circulation of land management rights, cultivate and support the diversified new agricultural business entities, and develop agricultural scale management moderately, then out of the path of agricultural modernization with Chinese characteristics.

Second, protect farmers’ legitimate rights and interests. Establish and improve the rights of the contracted management of land registration system. Protect farmers’ land contract rights and interests. Insist on the principles of voluntariness and compensation by law. Respect farmers’ dominant circulating position, so that farmers become active participants and real beneficiaries in the land circulation and scale management.

Third, insist anything from the national conditions and rural realities. The development of the land circulation and the scale management is an objective tendency, but it must be realized that this is also a gradual historical process, that it cannot divorce itself from reality and national conditions, and unilaterally pursue the circulating speed and scale.

Three rights division

“Opinion” pointed out that we must hold the “three rights division”, which included the rural collective land ownership, contract rights, and the operating rights, in order to guide the orderly circulation of land management rights. First, to protect the collective ownership of rural land,

“Opinion” highlight that we must explore new form of collective management in one hand. On the other hand, we should implement operation and supervision of the collective land rights well and play a good role in collective services for farmers’ land circulation. Second, protect the land contracting rights. “Opinion” pointed out that we need to contract the registration certification work of land ownership as soon as possible. Then properly solve the issue about the imprecise contract of farm land areas, and the phenomenon of no description on the specific scope of land; we also needed to improve the contract, improve the register book, issue ownership certificates, and strengthen the real rights of protection about land contractual management. Meanwhile, we need to liberalize the rights of management. “Opinion” emphasized that we needed to encourage innovation of the form of land circulation, and develop the various forms of moderate scale management; we also needed to build the service system of land circulation, provide services for both sides of circulation, and protect their rights and interests. In short, “three rights division” is a practice and exploration which aims to deepen the reform of the rural land system. It reflected the theoretical innovation of China’s characteristics of the reform of the rural land system.

Guide the circulation of land management rights effectively

First, stick to the bottom line of the land circulation. Insist on the rural land collective ownership and the principles of voluntariness and compensation by law. Protect the rights and interests of farmers’ contracts. We cannot engage in the Great Leap, the coercion, and the indefinitely administrative command. We needed to ensure that the circulation of land is used for agricultural production, and focus on the support of large-scale production.

Second, Encourage innovation on the forms of land circulation. Encourage farmers to circulate the long-term contracting land in various forms. Encourage to push forward the land management rights to mortgage steadily and guarantee pilot by solving the problem of the contracted land fragmentation. Then by contracting management rights shares, allow farmers to develop the industrialized operation of agriculture.

Third, strictly regulate land circulation behavior. Respect farmers’ dominant position during the circulation phase. Only in the premise of a written mandate, allow the village organization to organize farmer unified circulation. Prohibit the whole village and whole group of farmers’ contract land to concentrate on foreign investments management, in the name of the minority is subordinate to the majority. Fourth, strengthen the land circulation service system. Improve the three-tier rural service network, provide information publication, the policy consultation and other services for the two sides of circulation. There is also a need to study and formulate the operations specification in the circulation market, in order to guide the two sides of land circulation, there must be a signed a written circulating contract that protects the rights and interests of the parties concerned.

Develop agricultural scale management moderately

There are many features in the modern agriculture, such as specialization, standardization, scale and intensiveness. The moderate scale of land gathering can promote the development of modern agriculture. However, how can we define the “moderation”, “Opinion” which proposes that the Chinese government should focus on the “two equivalent”? This basically states that, if the land management scale of farming income is equivalent to the labor income in two or three

local industries, and land management scale is equivalent to the average contracted land areas of 10 to 15 times, then the government should give priority support.

Remark

Guiding the orderly circulation of land management rights and developing the scale management are very important for agricultural and rural development, and play a critical role on deepening rural reforms. During industrialization and urbanization, as the gradual transfer of rural labor happens, the land they used to farm is transferred so that agricultural practitioners' land management would expand. And the advanced agricultural technology and equipment were used for creating the necessary conditions in building modern agriculture.

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