

Rural Women and Agricultural Land Conversions in China

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Agricultural Land Conversion in China

- State requisitions arable land for conversion to real estate or industrial development
- Conflicts due to land conversions are among the main problems in rural China

Reasons for High Rates of Land Conversions

Demand-side: High rate of urbanization

Supply-side: Rent seeking at the local level

- Performance of local Communist party-state officials affected by the extent to which they attract investments
- Local public expenditures greatly surpass local taxes. Land-use fees are now an important source of fiscal revenue
- Village collective cadres favor conversions – to cover village cadre salaries and administrative costs. Their power is reinforced as they decide how to allocate compensations

“Black-letter Law” on Land Rights

- State and Farmer Collectives own rural land
- Rural households have 30-year Land Use Rights
- These rights should be documented in contracts or certificates
- Big readjustments of land use rights are no longer allowed
- Small readjustments of collective land require consent by 2/3 of villagers or villager representatives and approval by township government and county government agencies in charge of agriculture

“Black-letter Law” on Agricultural Land Conversions

- Land can be requisitioned for the “public interest”
- Before it is approved, farmers whose land will be taken must know of:
 - the purposes of the land taking,
 - its location,
 - the compensation standard,
 - the resettlement and rehabilitation measures, and
 - their right to a hearing on compensation and resettlement standards
- Farmers whose land is expropriated are supposed to be compensated for: land lost, resettlement needs, and structures and standing crops
- Compensation is based on average annual output value of the land for previous 3 years. If compensation is not sufficient to maintain a similar livelihood, local governments should cover the difference

Is the “Black-letter Law” Implemented?

It co-exists with competing law-like sources of authority:
(Whiting, 2010)

- Local Communist party-state officials who make takings and compensation decisions according to:
 - Need to promote investments (part of their performance assessment)
 - Fiscal needs
- Semi-autonomous villages (cadres) who covet:
 - revenue to cover salaries and other administrative costs
 - power from their decisions on how to allocate compensation and land

As a Result...

- High number of farmers rendered landless
- Substantial interception of compensation by collectives or local govts
- Inadequate compensation standard for loss of land use rights
- Unfair calculation of resettlement subsidy
- Economic stakes often lead to disputes among villagers who then tend to rely on traditional (gendered) norms
- No single, identifiable legal norm such as disputes are resolved consistently
- In practice, often no legal recourse

How are women affected?

Black-letter Law does NOT support differential treatment of men and women in distribution of land-use rights, entitlements to compensation, or recourse to the courts

How are women affected?

However:

- Women's land rights are affected by the “30-year-no-change” rule against big-readjustments in a system based on patrilocal marriage
- Women's names are rarely included in land documents (13% and 28% of the women interviewed versus 78% and 77% for their husbands, for contracts and certificates, respectively)
- Women tend to be affected by traditional norms followed by Village Collectives to determine who is eligible for monetary compensation and for reallocation of remaining land. In practice, their eligibility can be affected by their marital status, by who they married, and by their and their husbands' current residency.

Case Studies from Guanxi Province Suggest

- Women's eligibility for compensation and resettlement can vary each time land is taken
- Women often receive less compensation, sometimes nothing
- Women who married out or whose husbands have urban residency might not be eligible...
 - Even if they live in the village
 - Even if have kept their residential status
 - Even if they possess land rights
- Women have been asked to sign documents relinquishing claims to compensation for future land takings
- Some courts have refused to hear their land-related claims

Questions that We Explore Here

Are women consulted before their land is taken?

- Is there a gender difference?
- In which cases are women more/less likely to be consulted?
- What can be done?

Data

- Survey on women's land use rights, changes in land rights related to marriage, land conversions, and decision-making related to land use
- Summer of 2010
- Students from Renmin University interviewed:
 - 380 women
 - 1 interview per village
 - 5 provinces (Hebei, Henan, Shandong, Sichuan, Zhejiang)

5 Provinces covered



Findings

Women interviewed said that:

- Agricultural land in their village had been converted: 45%
- Villagers were NOT consulted before conversion: 28%
- Women were NOT consulted before conversion: 38%

Were women consulted?

- Yes, the Village Committee consulted: 29%
- Yes, male villagers consulted with their wives: 33%
- No, Women were not consulted: 38%

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Findings

Were Villagers Consulted?

Yes

No

Women were
NOT consulted

17%

93%

Findings

Were Villagers Consulted?

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Findings

**Women were
NOT consulted**

Provinces

Hebei

42%

Henan

15%

Shadong

40%

Sichuan

42%

Zhejiang

49%

Village distance to township or county seat

> 10Km

67%

10Km or closer

33%

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Findings

**Women were
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Household Wealth

Poor (below village average)

54%

Average wealth

40%

Better off (above village average)

19%

De-Facto Female-Headed Household

Husband gone for at least 6 months

16%

Husband in household at least 6 months

44%

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Findings

**Women were
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Respondent completed elementary school

Yes

No

35%

44%

Respondent is 50 or older?

Yes

No

44%

35%

Findings

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Household has Land Use Rights Contract?

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27%

No

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Household has Land Use Rights Certificate?

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For a more precise analysis, let's consider several of these factors at the same time ... and determine which factors are statistically associated with the probability that women are consulted.

Findings

	Villagers consulted	Women consulted by Village Committee	Women consulted by Village Committee or by husbands
Her Human Capital			
Completed Elementary School	0.151	0.293	0.107
50 or Older	-0.447	-0.310	0.134
Household Characteristics			
Poor	-0.394	-0.061	-0.381
Better off	1.646**	-0.138	0.996
De-facto Female-headed HH	0.388	0.457	1.160**
Her Bargaining Power			
She Lost Land Rights at Marriage	0.680	0.674	0.283
Village Characteristics			
>10 Km from township	-1.464***	-1.074	-1.573***
Province Characteristics			
GDP/capita	-0.245***	-0.162	-0.200**
Population Density	5.425***	0.847	2.777
Constant	0.716	-0.233	0.695
Prob > F(8,140)	0.0005	0.493	0.014
N.Obs.: 141			
Logistic Regression			

Findings

Villagers
consulted

Women
consulted
by Village
Committee

Women
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by Village
Committee
or by husbands

Her Human Capital

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50 or Older

Household Characteristics

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Better off

De-facto Female-headed HH

Her Bargaining Power

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Village Characteristics

>10 Km from township

Province Characteristics

GDP/capita

Population Density

Constant

+

--

--

+

+

--

--

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Logistic Regression

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Logistic Regression

0.0005

0.493

0.014

But are women not being consulted?

Or...

is it mostly villagers not being consulted?

We use a bivariate probit model and find that:

The probability that women are NOT consulted by the Village Committee or by their husbands, *conditional on villagers being consulted* is: 19%

What factors may help explain this difference?

Findings

Probability that Women
were consulted
by Village Committee
or by husbands...
conditional on villagers
being consulted
(marginal effects)

Her Human Capital

Completed Elementary School	0.281
50 or Older	0.085

Household Characteristics

Poor	0.015
Better off	0.038
De-facto Female-headed HH	0.169***

Her Bargaining Power

She Lost Land Rights at Marriage	-0.034
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Village Characteristics

>10 Km from township	-0.194*
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Province Characteristics

GDP/capita	-0.018
Population Density	0.009

When husbands are
gone most of the year,
women are more visible?
More likely to be de-facto
decision-makers?

Bivariate Probit, $\rho=1.520$ ***

N.Obs.: 141

Recommendations

- Strengthen the capacity of the Women's Federation to help address women's land rights and local leadership
- Institute measures to increase women's representation in local political institutions (Communist party-state and Village Committees)
 - Quotas were perceived as “undemocratic” but yielded outcomes slightly more gender balanced
 - Performance assessment of officials to include number of women in key positions, number of women nominated for village-level leadership, number of women elected
 - When women are elected, it is important that they have positions of leadership, not only tasked with “women's work”
- Promote transparency. Ensure the compensation criteria is clearly described, written, and posted in public spaces

Thank You

