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Centralized decentralization: Two illustrative cases of collective forest property rights reform in China

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Research Questions

- **Why do we have a kind of forest rights from an historic perspective? Or are forest property rights clarified?**
- **How have community forest ownership regimes responded to the centralized decentralization?**
- **Can decentralization reform be implemented effectively on the ground via a centralized approach?**

background

- **Decentralization: De-collectivization, evolution, delegation, deregulation, privatization and denationalization** (Agrawal and Ostrom 1999; Ribot, Agrawal and Larson 2006; Tacconi 2007; Liu 2015)
- **powers and responsibilities, attempt to**
 - improve local autonomy via stakeholder involvement in decision making (Ostrom and Nagendra 2006; Agrawal and Ribot 1999),
 - strengthen forest tenure security,
 - alleviate poverty of forest communities, and
 - ultimately support more sustainable forest management (Banana 2000; Colfer et al. 2008; Ferguson 2005)

■ **outcomes? diverse and context specific, often reflective of regional histories** (Agrawal and Ostrom 1999; Edmunds and Wollenberg 2003; Larson 2005; Ribot et al. 2006; Colfer, et al. 2008). Challenges:

- ❑ the execution of processes for implementing rights-based management systems,
- ❑ the continued monitoring and protection of rights from competing claims and
- ❑ the construction of institutions needed to ensure the equitable distribution of benefits and institute dispute resolution processes.
- ❑ Both forest tenure security and enforcement of rules on forest resource use are important. (Banana and Gombya-Ssembajjwe 2000), potentially leading to unsustainable management.

■ **Keys: decentralization of forest governance**

(Agrawal and Gibson 1999; Yufanyi Movuh 2012), why not?

- ❑ policy design flaws (Ribot et al., 2006),
- ❑ limited delegation of functions to lower levels of bureaucracy,
- ❑ poor accountability (Edmunds and Wollenberg 2003),
- ❑ elite capture of benefits (Maryudi et al. 2012)
- ❑ inadequate public consultation (Liu, et. al, 2009).

<p>Collective forest property tenure reform</p>	<p>Backgrounds and measures</p>
<p>土地改革时期 Period of the land reformation (1949-1952)</p>	<p>Backgrounds: Transforming semi-colonial and semi-feudal land ownership (半殖民地半封建土地所有制) into the land ownership by farmers.</p> <p>Measures: <The Land Reform Law of the People's Republic of China> (《中华人民共和国土地改革法》) issued on June 30, 1950 clearly stipulated that " The confiscated and collected mountain forests, fish ponds, mulberry fields, bamboo forests, fruit trees, orchards, reeds, barren hills and other land, according to the appropriate proportion, equivalent to ordinary land for unified distribution." Farmers shared the land and the individual ownership forest was formulated based on the unification of four rights: possession(占有权), use(使用权), benefit(收益权), disposal (处分权).</p>

<p>合作化及人民公社时期 Period of the People's Commune and cooperation (1953-1980)</p>	<p>Backgrounds: After the founding of new China, due to backward productivity(落后的生产力), restricting the further development of agricultural production. As a result, a number of collective labor organizations with the seeds of socialism were created.</p>
	<p>Measures: In December 1953, the CPC Central Committee (中共中央) adopted <The resolution on the development of cooperatives> (《关于发展合作社的决议》): “A household as a unit, voluntarily group into forest production mutual aid group (林业生产互助组) and forest ownership remained stable. <The Model Regulations on Agricultural Production Cooperatives> (《农业生产合作社示范规章草案》) promulgated in November 1955 provided that: “Forests in general should be gradually transitioned to cooperatives and forestlands managed by cooperatives.” <The Model Regulations for Advanced Agricultural Cooperatives> (《高级农业合作社示范规章》) promulgated in June 1956 stipulated clearly that "Farmers who join the cooperatives must convert their private ownership of land into collective ownership of the cooperatives," and the farmers' land disposition rights (处分权) had basically been deprived. In 1958, the CPC Central Committee adopted <The Decision on the Establishment of the People's Commune in the Countryside> (《关于在农村建立人民公社问题的决议》), and all the mountainous materials such as the land, forest and cultivated land of the former cooperatives were all designated as communes under unified management, abolished the land (forest land) ownership of individual, and established the collective ownership of land. The people's communes (人民公社) owned the rights of possession(占有权), use(使用权), benefit(收益权), disposal (处分权) of forest land.</p>

<p>林业“三定”时期 Period of “three fix policies” reform (1981-1991)</p>	<p>Backgrounds: Because of the small number of forests left over from history, the importance of forestry is not well understood and there is a "left" error (左倾错误) in the work instruction. Therefore, despite the great amount of work, the backwardness of forestry has not changed. The current outstanding problem is excessive logging and consumption. This makes more intensify of contradiction between supply and demand of timber and forest products and further deterioration of the natural ecological environment, this situation, if left to its development, is bound to bring about extremely adverse consequences for agricultural production and people's livelihood.</p>
	<p>Measures: In March 1981, the CPC Central Committee and State Council (中共中央国务院) promulgated < The Decision on Several Issues Concerning the Protection of Forest Development in Forestry> (《关于保护森林发展林业若干问题的决议》). In the collective forest area, implemented the " three fix policies " of forestry (林业“三定”), with the main contents of "stability of mountain rights, division of freehold hill land (自留山) and determining the responsibility of forestry production system (林业生产责任制)", the majority of farmers assigned to the freehold hill land, contracted the contract hill land (责任山), the right to manage forest owned by the collective transfer to the hands of farmers. Regrettably, due to lack of supporting policies, the collective forest area chaotic cutting appears, leads to serious destruction of forest resources. In this regard, the central government immediately stopped this policy and strictly enforced the quota system for forest harvesting (森林采伐限额制度).</p>

<p>林权市场化改革深化 时期 Deepening period of property rights marketization (2003-2015)</p>	<p>Backgrounds: Although the system of collective forest right had been changed for several times, the property rights were still very not clear, the management subject (经营主体) was still not implemented well, the operating mechanism was not very flexible, and the distribution of benefits were unreasonable, which restricted the development of forestry.</p>
	<p>Measures: In 2003, the CPC Central Committee and State Council promulgated <The Decision on Accelerating the Development of Forestry> (《关于加快林业发展的决定》), which promoted the reform of forestry with the property rights system at its core content and allowed the transfer of forest land use right and management right freely. On June 8, 2008, the State Council of the Communist Party of China adopted <The Opinions on Comprehensive Promoting the Reform of Collective Forest Property System> (《关于全面推进集体林权制度改革的意见》), which clearly stated that "Collective forest property right reform is a strategic measure for farmers' employment, the government will use 5 years to complete the tasks of the property right clear and the household contracted management implementation (家庭承包经营)", that is, the government recognized the status of the management subject of forest farmers and integrated the way of family contracted management into the forestry reform</p>

<p>完善集体林权制度改革时期 Perfecting period of collective forest property rights reform (2016-)</p>	<p>Backgrounds: China's collective forest rights system reform has achieved significant results, more than 100 million farmers directly benefited from that because of clear and stable property rights arrangements. However, there were still problems such as the lack of strict protection of property right (产权保护不严格), the unfulfillment of the implementation of production and management subject (生产经营自主权落实不到位), the imperfection of the scale management support policy (规模经营支持政策不完善), and the imperfection of the management and service system (管理服务体系不健全).</p>
	<p>Measures: On November 25, 2016, the General Office of the State Council (国务院办公厅) promulgated <The Opinions on Consummating the Collective Forest Tenure System> (《关于完善集体林权制度的意见》), which clearly stated that "By 2020, the benign development mechanism of collective forestry (集体林业良性发展机制) will be basically formed, the property rights protection will be more effective, the contract right will be more stable, the contract right will be more flexible, the system of transfer and mortgage of forest rights (林权流转和抵押贷款制度) will more sound, management and service system will more perfect. Moreover, we will achieve objectives of sustainable development of forest resources in the collective forest, significant increase in farmers' forestry income and well protection of the national ecological security."</p>

China's collective forest tenure reform

- **2003, issued new forest rights certificates to every household, granting owners of forests rights to mortgage, inherit, and “sell” forestland (191 million ha to 90 million hhs)**
 - **Why: unclarified forest property rights;**
 - **Aims to improving:**
 - forest management,
 - stakeholder participation,
 - Community governance and
 - the livelihoods of forest-dependent people
- **supplemental policy measures included:**
 - **enhancing transparency and administrative processes amongst county forestry authorities, establishing Forest Farmers Associations, creating subsidies for private owners to purchase insurance, and increasing technical and financial support for silvo-pastoral systems and non-timber forest products production.**

Outcomes

So far, So good!

**China is an exception in
forest decentralization**

1900

Private + community ownership & wild

Provisions in line to forest

1950

Private + community & wild + state

Collectivization & centralization

1980

42 % state land + 58% collective land

Decentralization &
de-collectivization

Collectivization & centralization

2005

40% state + 40% collective + 20% private

2012

38.9% state + 18.7% collective + 42.2 % private

Name of villages	Number of households	Population (persons)	Nationality	Acreage of Household Forests (ha)	Acreage of Collective Forests (ha)	Acreage of Arable land (ha)
Caiyuan (CAV)	278	1378	Dong, Miao	868	239	107
Miheimen (MAV)	357	1624	Yi	1858	579	89

Data method

- **C: 2004; M: 2007;**
 - one visit in 2 years;
- **Interviewing**
- **Group meetings**
- **Participatory mapping**

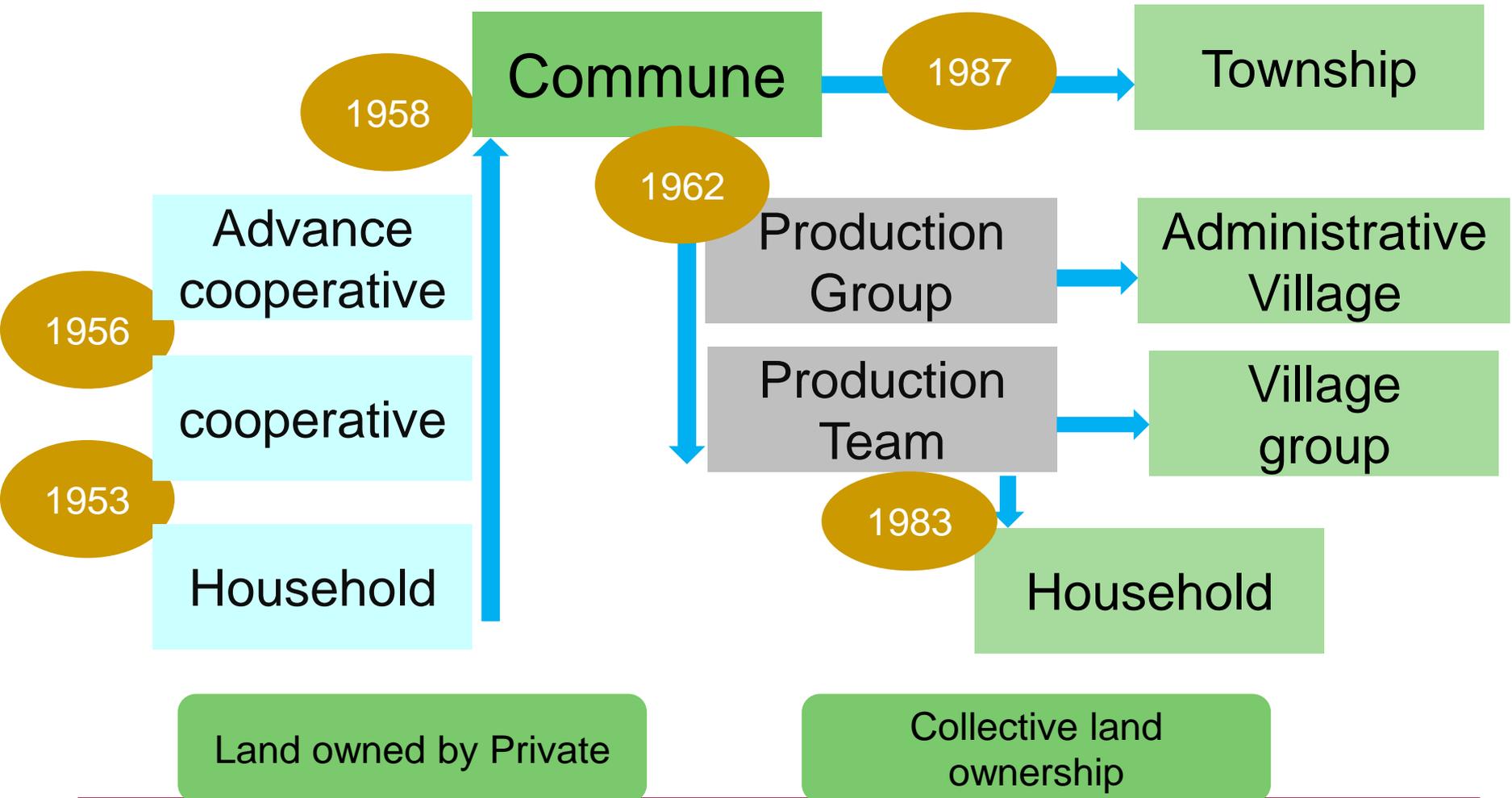
Rights	Owner	Proprietor	Authorized user	Traditional user
Access	X	X	X	X
Withdrawal	X	X	X	
Management & exclusion	X	X		
Alienation*	X			

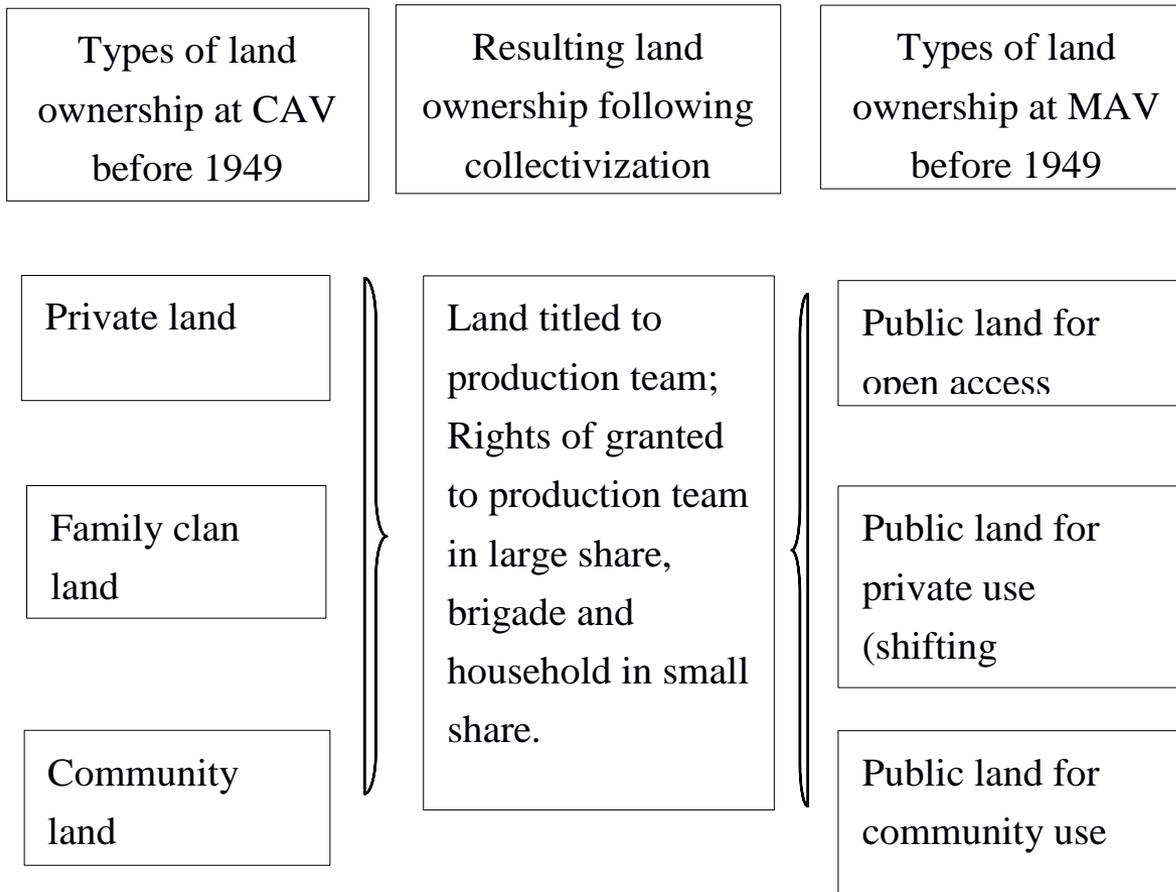
(Adapted from Schlager and Ostrom, 1992: 252.)

Land reform (around 1950)

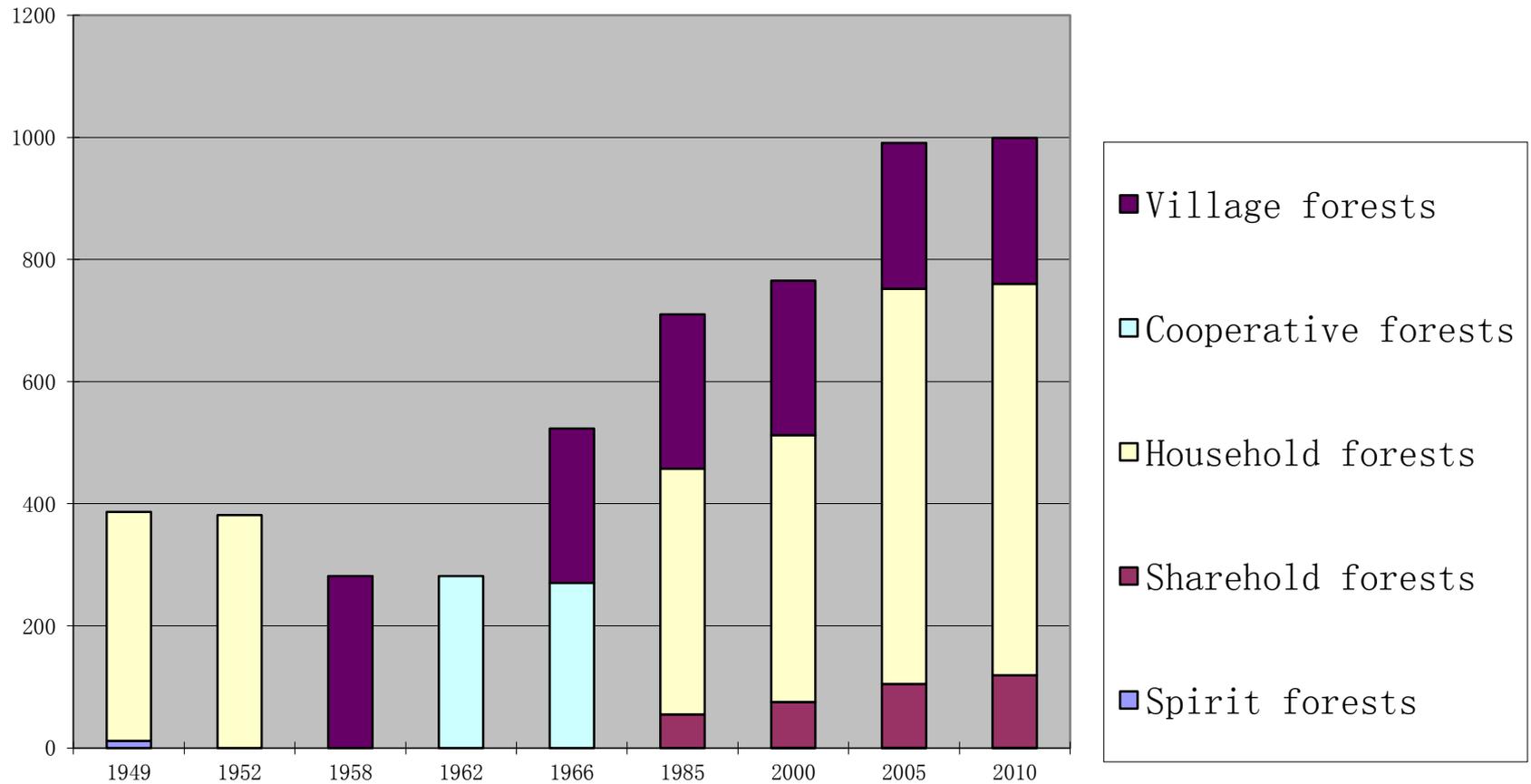
Before	After
Wilderness	State owned
Private forests	confiscated all the forests owned by landlords, part of the forests owned by the rich peasants and redistributed to poor farmers Large pieces to the state owned Many other different cases
Clan owned	Confiscated, and redistributed or state owned
Trees outside forests	Private owned
Community owned (fuelwood, education, transportation)	Unlikely change

Collectivization





Caiyuan Village in Jinping County, Guizhou Province

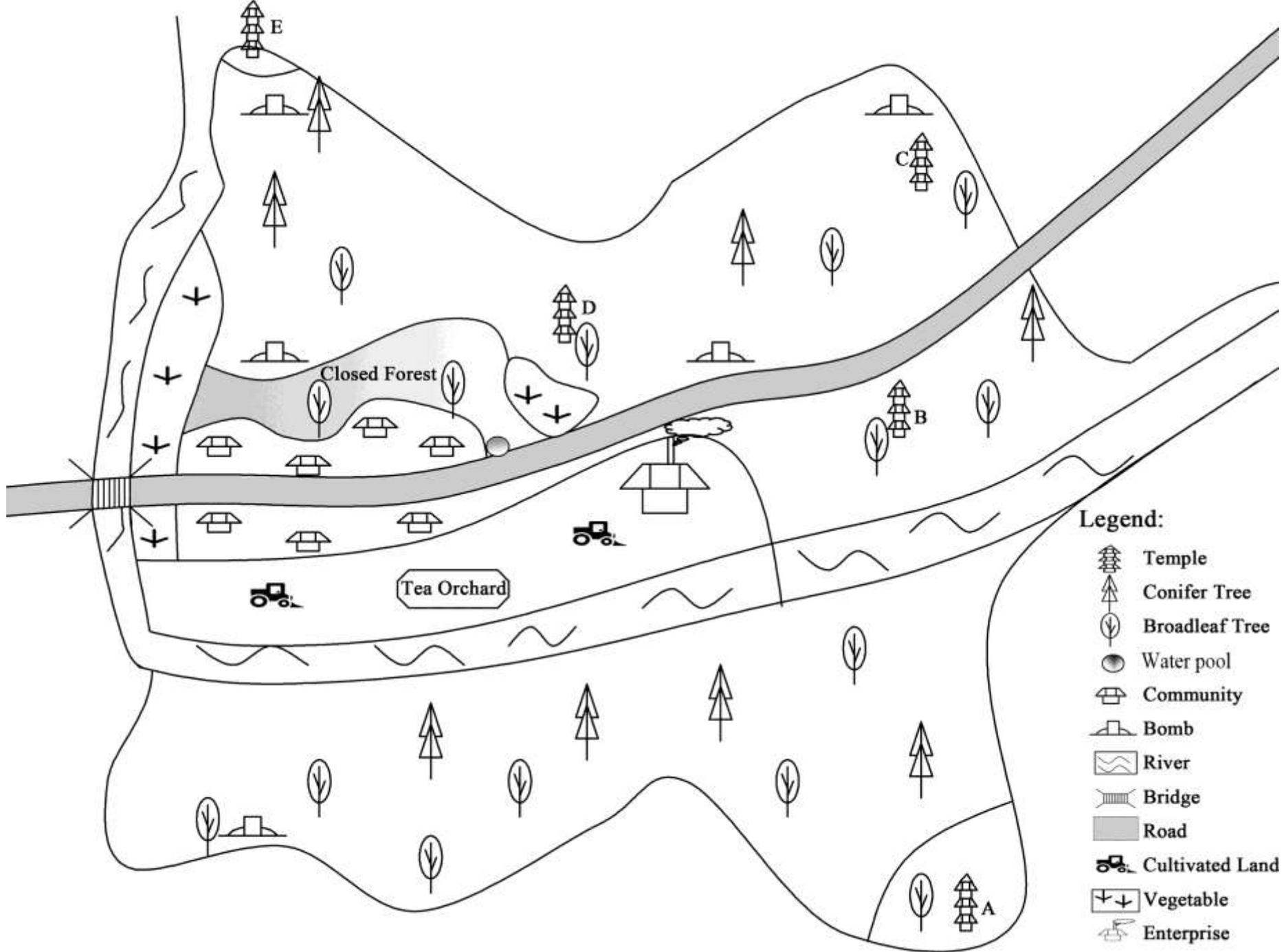


Story of four-Liao Tree Farm

- In 1985, jointly established by 95 households from 4 villager groups, referring to the family name Liao, which was common among the groups, with total area of 81.3 hectares, of which 20 hectares was claimed by a small neighboring community of 25 households. Study participants revealed that the tree farm was established in order to resolve a land conflict over these 20 ha of land, by uniting 4 groups from same family clan, surnamed Liao, giving more clout to their claim.
- As for the implementation of the NFPP since 1999, timber harvesting has been prohibited, the land conflict was kept quiet and neighboring community did not raise this land conflict issue officially.
- In 2009, inspired by the individualization-of forests via the CFTR, many of the Four-Liao tree farm members wanted to divide and re-distribute ownership. The County Authority supported the initiative to reallocate the land and made a plan to equally divide the land amongst the four groups.
- This action rekindled the old land conflict. The neighboring community submitted an official appeal to the county Forestry authority to claim ownership of the 20 ha they had contributed. People from the neighboring community on the sly occasionally harvested small volumes of timber.
- Re-distribution of the farm's land holdings stopped.

Caiyuan Tree Farm

- Shall be redistributed to individual hhs
- **No Changes on property right since 1981**



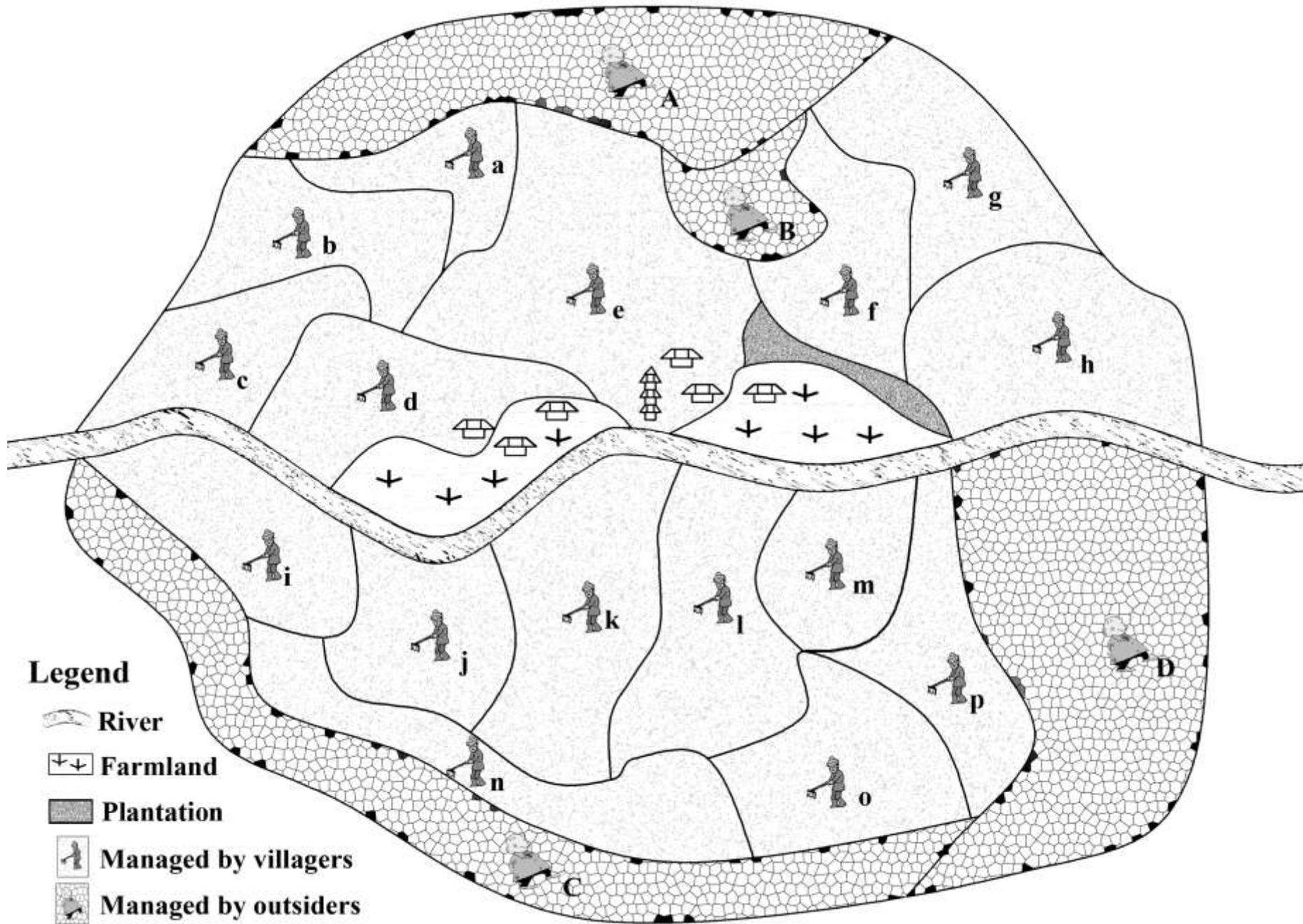
Legend:

-  Temple
-  Conifer Tree
-  Broadleaf Tree
-  Water pool
-  Community
-  Bomb
-  River
-  Bridge
-  Road
-  Cultivated Land
-  Vegetable
-  Enterprise

Local cultures associated with forests/forest management

- **Sacred tools and places**
- **Expression of happiness, wishes, respects**
- **Through religious ceremonies and practices**
- **Against to protection of forest**
- **Towards to harmonization of nature and people unintentionally**







Category of forests	Resources collected	Access	Withdrawal	Management & Exclusion	Alienation	Rights arrangement category
Holy forest/closed forests		X	X			Authorized user
Grave forest		X				Authorized user
Village owned forests	Pine needles	X				traditional user
	Fuelwood	X	X	X		Authorized claimant
	Mushroom	X	X			Authorized user
household contracted forest	Pine needle	X	X	X		Authorized claimant
	Fuelwood	X	X	X		
	Timber	X	X	X	X	Owner
Trees outside forests		X	X	X	X	owner

Research Questions

- **Are forest property rights clarified? It has been clarified on the view of local community people.**
- **How have community forest ownership regimes responded to the centralized decentralization? A chance for ascertainance and redistribution of powers in the community, with action or with no action upon to the local actors, not policy makers.**

Research Questions

- **Can decentralization reform be implemented effectively on the ground via a centralized approach? Over time, *De jure* property rights over forests in the two case villagers have changed significantly, as they have throughout China. *De facto* property rights over forests have been transformed, however, not the same as being presented in the official documents. – upon to diversity, history and local culture!**

Tenure type: Collective forest						
	Recognition of rights (A)	Protection of rights (B)	Provisions for enjoyment of rights (C)	Access to justice (D)	Prevention of disputes/ conflicts (E)	Overall alignment (1-5)
1. The policy/legal framework	4	4	4	5	5	4.4
2. Institutions	4	3	4	4	3	3.6
3. Administration of tenure	4	4	4	3	3	3.6
4. Investments and markets	4	4	4	4	3	3.8
5. Readjustment, restitution, and redistribution	4	4	4	4	4	4
Overall alignment (A-E)	4	3.8	3.8	4	3.6	Overall rating for tenure type = 4



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Thanks !
