

Land Acquisition in China: Wukan Protests

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Wukan, a small village located in a county-level city of Lufeng in Guangdong province has attracted domestic and worldwide attention for its protest against land acquisition. The issue was similar to many protests over land acquisition in different parts of China. However, the amplified interest was mainly due to the magnitude and bold actions of the more than 50 village residents that managed to establish “Autonomous Body of the Village Residents” and a “Women’s Federation” on 21 September 2011, compelling the local officials including Wukan Village Secretary and the police to leave the village. The issue ignited with the arrest and subsequent death of Xue Jinbo, a representative of village residents for a petition against illegal deal of village’s collective land. Wukan exemplifies the increasing protests in China regarding land acquisition and throws up questions with regard to the transparency of the system of petition in China.

With the hectic pace of urbanization, land ownership and related rights are becoming a complex, widespread and heated issue in China. Broadly, there exist two types of land ownership structure: the city land belongs to “state ownership” and village land belongs to “collective ownership”. Collective ownership has three categories: town collective, village collective, and small groups of peasants. Under the “collective ownership”, the Village Committees decide over the shared privileges and advantages of village residents. For many peasants, land is a guarantee for livelihood.

As per the constitution of the PRC, State ownership cannot change to collective, while the collective can change to state ownership through land acquisition in the larger interest of the public. However, the definition of “public interest” is very broad, which the local officials exploit for personal gains while reaping local economic benefits.

Theoretically and legally speaking, there exist two concepts relating to land acquisition in China after the 2004 Constitutional amendment: land requisition (*Zhengyong*) and land expropriation (*Zhengshou*). Requisition is a temporary act of acquiring land in an emergency or for urgent need in the public interest. The collective retains ownership of the land. After its urgent use, the land needs to be returned to the collective with adequate compensation for any harm and destruction caused to the land. However, in expropriation of land, the state grants optimal

compensation to the village residents and the nature of ownership is transferred permanently from collective to the state. In both the cases of requisition and expropriation, the compensation is paid to the village residents; however, the compensation and resettlement amount is enormous for ownership transfer.

Further, the Land Management Law states that the approval of the State Council is required for changing the ownership of the land. The procedures for both requisition and expropriation are complex, especially so when the very basic use of land changes from agricultural to non-agricultural purposes.

With increased market penetration and the surging real estate demand, local officials are accused of misappropriation of compensation funds for land and indulging in fraudulent means to acquire land from the Village Committees. In most of the cases, local governments that have the power to acquire land for in public interest, resort to transferring of the land to real-estate developers without following proper procedures.

According to “China’s Urban Development Report, 2011” of the Chinese Academy of Social Sciences, nearly 40 – 50 million peasants have lost their land and more than 3 million peasants are losing land every year. By 2030, the number of peasants losing land will cross 100 million. While China is already grappling with the issue of more than 200 million rural-to-urban migrants, the increasing displacement of peasants will worsen the situation. Moreover, the figures of the Chinese Agriculture Ministry shows that at present there is more than 4 million mu (1 mu = 1/15 hectare) of land acquired from peasants every year, out of which cultivable land is nearly 2 million mu. Thus, the issue of decrease in cultivable land will become an issue of urgent concern.

The main cause of escalation of the Wukan protests is pertinent here. According to reports, in early September 2011, Wukan residents had resorted to a peaceful means to address their grievances. The approach, as in many such cases, was to petition the Letter and Visits office, similar to a grievance redress cell. However, local authorities suppressed the protests by Wukan resident. This is fast becoming a norm in many cases of protests against local authorities in China. In fact, the Central Bureau of Letter and Visits in Beijing has seen increasing numbers of the people migrating every year from the countryside because of lack of access to legal redressal at the local level. At the time when social contradictions have intensified in Chinese society, mere slogans of “people as the base, rule by law, serve for the masses, and top priority for the masses” will not suffice. It is time for the Chinese government to address the loopholes in the system and build a sound mechanism for redressing the grievances. Transparency is the tool for creating a Harmonious society.