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She published more than 20 papers and the representative works include the followings:

“Analysis on the wealth allocation under insufficient social demands”, *Economic Theory and Business Management*, Jan. 2000

“On Dialogue over Labor Value Theory”, *Contemporary Finance and Economics*, August 2002.

“Constructing Modern Marxism Labor Economics”, *Contemporary Economic Research*, April 2007.

## **Clear the property of land , to achieve sustainable economic and social development**

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The nature of the conception of 'scientific development' is to achieve sustainable development, which includes two main points: (1) to maintain a harmonious relationship between human and nature; (2) to maintain a harmonious Inter-generational relationship. Furthermore, the core of sustainable development is the sustainable use of land. However, In recent years in the course of China's economic development, as the property of land is not clear, there has been abuse of the land, and has seriously affected China's sustainable economic and social development. We should analysis in-depth the reasons for the abuse of land resources, to adopt effective measures to deter further abuse of land resources.

### **1. Almost all the activities of human are on the Land resources.**

Therefore, it's far-reaching significance to properly coordinate population growth, economic development, environmental improvement and sustainable utilization of land resources. That is, the core of sustainable development is the sustainable use of land in china.

1. 1 "Land is the mother of wealth", Land is the basic place of all human production and life, and is an important limited economic resource with irreplaceability.

1.2 The patterns of land using will have a direct bearing on the future of human development.

1.3 Protecting 18 million mu of cultivated land is the one of goal of China's "11th Five-Year" plan. This is also China's urgent need for food security.

### **2. The abuse of land resources in China has seriously affected the economic and social's sustainable development**

Although China is bounteous, but it is well known that the average per person land resource are not many, we may also say that is very limited. According to data announced by Land resources department, China's average per person land area is only 1.59 chinese acres, but Canada is 25.9 chinese acres, Russia is 13.1 chinese acres, the US is 10.9 chinese acres, India is 2.85 chinese acres, Germany is 2.1 chinese acres. Compares with these countries, our country's land resource is deficient. By rights, China should be realized that

land is very precious. We should use the land scientifically and reasonably, so that the limited land resources will not only meet the contemporary Chinese needs, but also can preserve the essential land resource for future generations. But unfortunately, in the socio-economic development process in recent years, China has emerged widespread abuse of land resources phenomenon, the main performance is as follows:

2.1 The urban land scale was oversized. After entering the 21st century, "City management", "speed up the development", "enter the speedway", "on the high speed road" and "the comprehensive advancement" ....., which can be said are the most common key words appear on our country publication pages, and also became some Chinese local leader's fashionable term. Under this idea's instruction, some places compete blindly, constructs the big street, the big square, the big building, the big lawn, the theme park massively, some also extension symbolic building and image project blindly, such as extension university city and administrative center and so on. One time started a strong "big" word wind, builds a building, repairs a road, introduces a project and so on, all these must relate with this "big".

Indicated from land resources's department statistical figure, 1990 to 2004, the city construction land area expanded from nearly 13,000 square kilometers to nearly 34,000 square kilometers; Same time, 41 mega-cities's main city land scale average growth surpasses 50 percent; The urban land scale growth elasticity coefficient was 2.28, much higher than the reasonable level of 1.12. Assistant Director Wenjia Liu of land resources department consultation said that, at present, China's city and countryside construction land was about 240,000 square kilometers, the city per capital construction land has reached more than 130 square meters, much higher than the 82.4 square meters per capita of developed countries and 83.3 square meters per capita of developing countries; In 2004 the national village construction land was 248,000,000 Chinese acres, according to the same year agricultural population computation, the average per person village land was 218 square meters, higher than the national fixed maximum value(150 square meters/person) 45.3 percent. But including the suburb, the New York average per person occupying land area was 112.5 square meters.( data source: Land resources department)

2.2 Arbitrary constructs the development zone. Since times, constructs the development zone is so hot in the nation, "enclosure movement" continuously. Looking from the nation, not only the quantity of development zone are so many, but also the astonishing area. Data provided by the land resources department indicated that, to 2004 the total number of the various types of development zones reached 6866, the area was even more astonishing, reached 38,600 square kilometers, which surpassed the total national existing city construction land. In these thousands of development zones, the State Council

approved only 6 percent ;the provincial approved 26.6 percent; other are below the provincial level development zones, accounting for 67.4 percent.From 2003, China must rectify the land market action which take clean up the development zone as the key activity, this activity had achieved significant results, to 2006, the quantity of development zone reduced to 1568, the planed area reduced to 9949 square kilometers(People's Daily on September 18, 2007).

2.3 The illegal ratify of land and land uses are serious.Violation of land use planning, not approved to use first, reporting while uses, exceed authority to approve the place, to release the land examination right without authority and so on; illegal sells the land, illegally transfers land, the agreement sells, reduces the soil-rent value arbitrarily and so on; irregularities set up various kinds of "zone" , land waste problem is serious; land transactions disorder,allocation of land and collective land illegal entering the market, stealth transactions, the land income loss. In managerial land tender auction license, Some local leading cadres often use greeting and approving ways to assign the object, the position, the area, the price and so on, causes the market regulation method to be nominal; In the restructuring of enterprise, some local government contrary handling state-owned transfers land, reduces the land fees from sales arbitrarily, low price sells the state-owned land,these causes the state-owned land property to drain massively. Data provided by land resources department law enforcement supervision bureau , since 2003, under the State Council's unified deployment, has developed an unprecedented land market order rectification work around the country, each region altogether finds out the types of illegal land use acts of 168,000 cases which for many years has produced involving dozens of hectares of arable land, in the land resources department announcement's 9 significant land illegal cases, 8 are illegal for the government. On June 25, 2004 , the land resources department has notified the reorganization achievement of the national land market government: the first half of 2004, national discovered 42,297 cases of illegal land use, 32575 have been put on record, involves the land area 21689.5 hectares, of which 13341.7 hectares of arable land.

### **3. The indefiniteness of land ownership is the fundamental reason behind the land abusing in China**

It's a known fact that land resource in China is very limited. However, under this situation, why there is still widespread land-abusing and continuous violations of land law. The following tries to analyze the economic reason behind from aspect of ownership, cost and benefit.

3.1 The absence of state-owned land owners cause their rights to be acquired by

governments at all levels in practice

According to the Article 8 of *The Law of Land Administration of the People's Republic of China*, “land in urban districts shall be owned by the State”. This means the state is empowered to be on behalf of the whole people to administer the land owned by state. State administering land on behalf of the whole people definitely present the following characteristics: (1) State acting as an agent is based on the state regime, which means state can acquire the right of administering land through enacting laws instead of seeking the authorization of every individual member of society. (2) Government agency is the logical consequence of state agency. Since the concept of owner of state sovereignty is abstract, it's inevitable for the government to control the public ownership rights. (3) Government execute the ownership rights of land for multiple purposes with the rational use of land resources being the sub-prime one.

Because of the above mentioned characteristics, it's a widespread phenomenon that governments at all levels acquire the eminent domain of state-owned land through forced agency, which causes the **confusion of ownership rights of land**. Any arrangement of property rights must make it clear on the rights and duties of owners, dominators and users and determine the cost and proceeds through asset using among them. Unfortunately, it's not the case in China. *The Law of Land Administration of the People's Republic of China* stipulates that the State Council is empowered to be on behalf of the State to administer the land owned by the State. The State Council is the executive body of the highest organ of the state administration, composed of dozens of ministries. Its mission is to direct and administer the affairs of politics, economy, culture, social service and so on. However, which department is to execute the ownership rights of land is not specified by the law. During the reform on the State Council on 1998, the Ministry of Land and Resources P.R.C. was set up to be responsible for the planning, administration, protection and rational utilization of such natural resources as land, mineral and marine resources in the P.R.C. The Ministry of Land and Resources is an administration organ in nature instead of an asset owner, which make it unable to execute the ownership rights of land. In this way, the problem of absence of land owners comes forth.

On the property relationships of land, the ownership that is the most important is not specified clearly so that the other relationships such as the rights of possessing, using, disposing and benefiting can't be clear. The *Law of Land Administration of the People's Republic of China* just stipulate generally that “No unit or individual is allowed to occupy, trade or illegally transfer land by other means. Land use right may be transferred by law”, “The State introduces the system of compensated use of land owned by the State except the land has been allocated for use by the State according to law”, and “To cherish and give a rational use to the land as well as to give a true protection to the cultivated land are seen as a basic principle of land use in the country. The people's governments at all levels should

manage to make an overall plan for the use of land to strictly administer, protect and develop land resources and stop any illegal occupation of land". From these stipulations, we can find the State Council assign the rights of land occupation, use, disposal and benefiting to the local governments at all levels with the consequence that which party is entitled to control the land is unclear. Under the market economy characteristic of economic incentive, local governments at all levels are prone to abuse land resource for their benefit. Since the development and transfer of land are executed by local governments, how could central government execute the ownership rights of urban land and how to divide the property rights between local governments and central government become another realistic problem.

3.2 Benefits outweighing cost from land use by government result in waste of land resources.

Land is a kind of scarce resources. For any resources under market economy, the scarcer it is, the more economic benefits attached to it. Because of the confusion on the property rights of state owned land, local governments at all levels have the actual control on land. Facing the huge amounts of economic benefits, local governments will absolutely extract as much economic benefits as possible from land without any restrain. Then, what is the cost of land use by government?

First, let's look at the benefits of land use by governments. Government administration is not an economic unit so that it should seek multiple goals such as the economic growth rate, employment rate, construction of infra-structure, developing education, culture, science and public health, public security and so on. The limited land resource is very easy to be used as a tool by governments to achieve the multiple goals. For example, in order to show their performance, governments allocate too much land on municipal construction. In recent years, more and more constructions of over-wide road, big city square and large-scale university district are signs of land abusing.

Next, let's look at the costs of land use by governments. The costs here refer to economic costs including explicit costs and implicit costs. However, government is not an economic unit so that it should take into account the political cost or social cost instead of economic cost in decision making. That is to say, the political cost is the main consideration in decision makings by governments such as the evaluation on governments by government at senior level or by people's congress or the people. Land is a kind of special economic resources which is unmovable. Although the use right of land is transferable, the land itself is still located in original place, which make the political cost of land use by government is negligible. Serious political cost occurs only when governments are investigated by some organizations at senior levels for allocating or transferring land illegally. However, the probability of this situation is very low because the *Law of Land Administration of P.R.C.* has leaks to be utilized by local governments. For example, the *Article 2 of Law of Land*

*Administration of P.R.C* stipulates that The State may requisition land owned by collectives according to law on public interests. However, the “public interests” here is hard to define with the result that many governments abuse land with the name of “on public interest”. At the same time, the “state” in *Article 3* is too general because both central government and local governments could represent “state”. Therefore, from the reality of China, the political cost of land use by governments at all levels is not obvious. Of course, the land use will incur social cost. For example, the change of land utilization results in more and more phenomena of social inequalities (lots of cultivated land being used to construct luxurious villa or golf course strengthen the social inequalities), over exploitation causes the decline of carrying capacity of land resources, and so on. But these social costs are negligible in short run and don’t attract the attention of governments.

In a word, the benefits of using land by governments outweigh the costs greatly. Undoubtedly, it’s impossible for governments to stop land abuse on their own.

3.3 The confusion of collective land ownership make peasants unable to protect cultivated land.

The *Article 10* of the *Law of Land Administration of P.R.C.* stipulates that “In lands collectively owned by peasants those have been allocated to villagers for collective ownership according to law shall be operated and managed by village collective economic organizations or villagers' committee and those have allocated to two or more peasants collective economic organizations of a village, shall be operated and managed jointly by the collective economic organizations of the village or villagers' groups; and those have allocated to township (town) peasant collectives shall be operated and managed by the rural collective economic organizations of the township (town)”. The property rights relationship seems very clear; yet actually not under further analysis. What on earth is the concept of “peasants collective ownership”? Who on earth is entitled to represent the village collective economic organizations and execute the ownership rights of rural lands? Is it the peasants, villagers’ committee, local governments at all levels or the State Council? On the collective ownership rights, the *Law of Land Administration of P.R.C.* stipulates the rural collective land owners could be classified into three categories: township peasants ownership, village peasants ownership and villagers group ownership. But the body of collective ownership is not personal and there is no clear line among the three categories contributing to the absence of collective land owners. The result is the confusion on the collective ownership causes the land erosion and waster of public resources in reality. According to the implementation of *The Law of the People's Republic of China on Land Contract in Rural Areas*, villagers’ committees become the actual body of collective land ownership and administer the operation and management of land issuance, land appropriation and transfer. Meanwhile, the villagers’ committee is administration organization at village level and the

combination of economic function and political function in villagers' committee lead to the violation of villagers' legal benefits by administration organization.

#### **4. Clearly knowing Property Rights of land is the Fundamental way to prevent the land from being abused.**

In many factors that can affect the Sustainable use of land, the Property Rights of land is Critical. The relation between the Property Rights of land and the Sustainable use of land lies in two aspects: the shortage of land resource is the basic of their forming and Property Rights of land Work on the Sustainable use of land through its unique function.

Marx once discussed the scope of ownership from two implications. One is the scope of ownership of economical relationship, the other is lawful relationship. The former is the reflection that the economical subject takes possession of the object's Production conditions. this relation is reflected through Production, distribution, exchange and consumption. The later reflects the relation between will and right. It means the subject have a right to dominate the object arbitrarily, that is , ownership is the lawful form of Property Rights. The economic relation decide on the lawful relation. The right system of land is based on the economic system and decided by it. On the other hand, the right system of land can reflect, confirm, strengthen and protect the economic system of land. The complete economic system of land includes the ownership of land ,the use of land and the management of land. Only we define these rights clearly, we can prevent the Opportunism inclination during using land and prevent the land from being abused by the Governments at all levels

4.1 Remodeling the subjects of State-owned land owner in order to depart the ownership of land from Administration

The existing state-owned Property Rights of land is unclear, and an important root lies in the behavior' administration of the state-owned subjects caused by the Coincidence of ownership and administration. Actually, land resource is an important State-owned asset. Strictly speaking, there is no Fundamental difference between the State-owned assets in enterprise form, but why we can't consider the changes of state-owned Property Rights of land as the State-owned assets. According to the long-searched experience of the State-owned enterprise's reform, we should Remodel the subjects of State-owned land owner and depart the ownership of land from Administration. That is to say, we should set up a specialized agencies --- State-owned Management Committee that stands for country to exercise the function as a State-owned land owner. This Agencies which is independent doesn't belong to government and it doesn't perform the management right. Once Authorized formally, it can act on behalf country to exercise the ownership State-owned land as a owner. Of course, an agency is difficult to act as the owners of all State-owned

land, so we can Implementate Dispossession of different levels, such as central, province, city, county and village. When the government needs land, it can requisite land from the owners of state-owned land --- State-owned Management Committee according to the rules of Market economy. By doing this, we can increase the economic cost of land use and prevent land from being abused. The State-owned Management Committee of different levels which exercises the ownership of state-owned land is Commissioned by People's Congress at all levels, so it should be Responsible for it. Its duty consists in protect the limited land resource and using it reasonably. In the meantime, it also protect the value of stated-owned land from losing, and realize the economic earning right of the state-owned Property Rights of land. In addition, the direct control of state-owned land will be lift after departing the ownership of land from Administration, and it is impossible to abuse the state-owned land as resource to realize its political aims. So it is possible to stop the situation of abusing the land.

4.2 Reforming the Rural land system, clear knowing the subjects of rural Property Rights of land and giving farmers real Property rights of land.

A lot of discussions about Reform the Rural land system have been done and the results is rich. Zhou Tianyong who is a researcher in Central Party School wrote articles to compare and choose the different the mode of the Rural land system Reform. In the articles, he chose the last mode--- after comparing the advantage and disadvantage of three Reform programmes --- Collective Ownership of improvement and programme, he thought its low cost, small risk, easy control and work make it a better programme in the Rural land reform.

In my opinion, the analysis of him is quite reasonable and profound. all in all, no matter what programme we choose, we should stick to an opinion, that is, make the rural Property Rights of land clear, the farmers know the rights and Obligations of their own, and the government and collective organization not Requisite farmers' land Arbitrarily in a period. Only by this way should we protect the Enthusiasm for farmers' protecting their land. In fact, the reform of rural land system which we have face in rural economic reform has been the problem in the deep reform. Various places

Have been trying out some reforms, for example, the Collective land ownership in the cooperative system done by ShunDe in GuangDong, NanHai and Yantai in ShangDong making the Attribution of land ownership from unclear possession in common to clear possession was a a reform optional programme.

In a word, the limited land resource has been abusing and destroying. Although it has been paid high attention to by central, it is impossible to solve the serious situation fundamentally that abusing the land resource by using the traditionally administrative order. Only we carry out reform on the existing system of Property Rights of land, Establish the

subjects of real land owner and definite the ownership of land ,the use of land ,the management of land and the earning power, the limited resource will be effectively allocated in the market economic conditions. Only by this way can we prevent the land from being abused without any cost, can we realize the Sustainable use of land, can we realize the Sustainable development of economic in China?