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The Transfer of Land Contractual Management Rights in Ethnic Village——A Case Study of Ya'ergou Village in the Ningxia

Hui Autonomous Region

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Abstract Based on field survey in Ya'ergou Village, Yuanzhou District, Guyuan City, the Ningxia Hui Autonomous Region, we analyze the status quo of the transfer of land contractual management rights in this village, and study the basic information, form, characteristics, and problems concerning the transfer of land contractual management rights in this nationality village. Then corresponding countermeasures are put forward for promoting the transfer of land contractual management rights in ethnic village as follows: strengthening the publicity of the policy in order to improve farmers' ideological understanding; raising the rent in order to promote the transfer of the land contractual management rights; diverting the governmental investment to the talented people within village; consolidating management and resolving disputes in the transfer timely and effectively.

Key words The land contractual management rights, Nationality village, Transfer

The rural land contractual management rights are the general term of rights enjoyed by members of the rural collective economic organizations, to occupation, utilization, earning, disposition (including circulation) and other aspects, of land, forests, mountains, grasslands, unreclaimed land, tidal flats and water, possessed by the village collective economic organizations, within the scope of legal provisions or contractual stipulations. Article 10 in *Rural Land Contract Law of the People's Republic of China* clearly provides that the state protects the contractors to transfer the land contractual management rights with compensation voluntarily in accordance with the law. The transfer of the land contractual management rights in rural areas is an innovation result of the rural land system reform, which plays a role in promoting the rational flow of rural land resources, the optimized allocation of land resources, the transfer of rural labor, the adjustment of agricultural structure, the increase of farmers' income and rural economic development.

Domestic scholars have carried out a large number of studies on the transfer of land^[1-12], but few studies touch issues concerning the transfer of the land contractual management rights in ethnic villages. Through the survey and study of the transfer of land contractual management rights in ethnic villages of the Ningxia Hui Autonomous Region, we analyze the issues concerning the transfer of land contractual management rights in local ethnic villages, and make recommendations, in order to improve theoretical basis and reference for smooth implementation of the transfer of land contractual management rights in ethnic villages of the Ningxia Hui Autonomous Region.

1 Analysis of the status quo of the transfer of land contractual management rights in ethnic village

1.1 Basic information of the study area

Guyuan City, the

region in the south of the Ningxia Hui Autonomous Region inhabited by the Hui, is located in the center of a triangle-Xi'an City, Lanzhou City, Yinchuan City, where Islamic civilization blends with the Central Plains culture, brimming with rich Islamic customs. In Ya'ergou Village, Yuanzhou District, Guyuan City, the Ningxia Hui Autonomous Region, there are 803 households, with 635.33 hm² of farmland. Ya'ergou Village is located in the northwestern corner of Guyuan City, with flat terrain and relatively dry climate. The rainfall of four seasons concentrates in autumn; the climate in winter, summer and spring is dry, and especially in spring and summer, the seasons of crop planting and growth, the wheat, flax and other crops are impacted greatly by sandstorm and dry climate, but the relatively drought-tolerant sunflower, corn, Chinese wolfberry, potato are rarely vulnerable to it. Since early 2010, the government has led the acquisition of vast land, encouraged and supported the foreign investors' transfer of the land contractual right in this village in the form of subcontracting. The contractors from elsewhere sign 3–5 year transfer contract of the land contractual management right with farmers, and the subcontracting sum is 3 900 yuan/hm² per year. Currently, the "Program of Planting 667 hm² of Potatoes" supported by the government occupies about 47.17% of the arable land in Ya'ergou Village. The basic information on farmland use in Ya'ergou Village, Yuanzhou District, Guyuan City, the Ningxia Hui Autonomous Region can be seen in Table 1.

In 2010, Ya'ergou Village circulated 190.0 hm² of land in the form of subcontracting, and another 124.5 hm² of land was circulated in 2011. In the process of planting 667 hm² of potatoes, 96.3 hm² of land is used for construction of infrastructure (roads, dams, etc.); 132.9 hm² of land is allotted to support ecological migration project (46.7 hm² of land is used as rural residential land in new countryside building, and the rest of land is used for the migrants to build greenhouses, plant peddler); the remaining 91.7 hm² of land is the land transferred freely by

farmers or cultivated by themselves.

Table 1

Village name		Number of households	Population	Total area of farmland hm ²	Area of land subcontracted		Land from ecological migrants hm ²	Land for construction of roads and other infrastructure hm ²	Subcontracting term year
					2010	2011			
Ya'ergou Village, Yuanzhou District, Guyuan City, the Ningxia Hui Autonomous Region	Team 1	175	825	141.7	48.0	0.0	38.8	47.2	3 – 5
	Team 2	65	322	48.7	0.0	0.0	18.2	8.2	3 – 5
	Group 1	68	325	62.5	0.0	45.3	15.6	6.8	3 – 5
	Group 2	112	701	71.2	8.7	26.5	13.8	9.5	3 – 5
	Team 3	65	404	33.3			1.3	6.6	3 – 5
	Team 4	92	421	56.0	47.3	0.0	8.7	0.0	3 – 5
	Team 5	135	710	105.5	74.0	0.0	24.8	3.8	3 – 5
	Team 6	82	440	69.3	0.0	52.6	0.0	6.8	3 – 5
	Team 7	71	390	47.0	12.0	0.0	11.8	7.3	3 – 5
	Total	803	4 538	635.3	190.0	124.5	132.9	96.3	3 – 5

Note: The subcontracting term is 3 – 5 years.

1.2 Use of land transfer and farmland types

1.2.1 Use of land transfer. Before the land transfer in Ya'ergou Village, farmers generally grow wheat, flax, potato, millet, sunflower and other autumn crops. After the land transfer in Ya'ergou Village, farmers grow potato in vast land subcontracted, never changing the use of farmland in Ya'ergou Village (mainly planting crops). It only transfers the right to operate and the right to decide what kind of crop to be planted, to the contractors, never transgressing the state provisions of land use after the land transfer. The farmers do not need to worry about engaging in non-agricultural industries and aquaculture may easily changing the nature of the land after the land transfer. Planting the crops suitable for the local climate and soil properties, can not only help the contractors to obtain the maximum benefit and increase the investment programs in local areas, but also help farmers transfer the operation rights to others

with ease.

1.2.2 Farmland types. In the process of the transfer of land contractual management rights of " 667 hm² of potato " in Ya'ergou Village, some farmers transfer their irrigated field, and some farmers transfer dry land, sand, *etc.* . Due to dry climate in this village, the area of arid land accounts for most of area of the arable land. In Ya'ergou Village, the land transferred with the greatest area is dry land, totalling 209.4 hm², accounting for 57.44% of the total contractual area of land. The land transferred with the second largest area is irrigated field, and the total transfer area reaches 82.6 hm², accounting for 22.66% of the total transfer area. The sand is a part of farmland in Ya'ergou Village, with the transfer area of 59.3 hm², accounting for 16.28% of the circulation area. Before the transfer of land, Ya'ergou Village integrate and restore a large area of farmland in this village for circulation.

Table 2 The types of land transferred in Ya'ergou Village during the period 2010 – 2011

Area	Irrigated field	Arid land	Sand	Others	Total
The area of farmland	130.4	392.7	79.3	32.9	635.3
The area of land transferred	52.6	209.4	59.4	13.2	364.5
Share in total area of land transferred//%	22.66	57.44	16.28	3.62	100.0

1.2.3 Characteristics of land transfer. In 2010, the transfer of land contractual management rights (subcontracting) was first carried out in Ya'ergou Village, and the total area of land contractual management rights transferred in the period 2010 – 2011 in this village was 364.5 hm², the vast majority of which is the transfer area of the farmland contracted by rural households, seldom involving the transfer area of collective-operated land use right in Ya'ergou Village. In the past two years, the transfer area of land in Ya'ergou Village is gradually increasing, and in the mean time, the farmers' awareness and acceptance of the policy is also constantly upgrading. In the process of the transfer of land contractual management rights, this village mainly shows the following characteristics.

First, the area of voluntary and spontaneous land transfer has a small share in the total area of transfer. The transfer of

land in Ya'ergou Village puts emphasis on government-led subcontracting, and voluntary and spontaneous land transfer by farmers only occupies a small portion, because on the one hand, the local villagers have strong and devout religious consciousness and hold opposing views on the concept of self-transformation, for want of strong ideas of getting rich and spirit of active participation; on the other hand, the village is located in remote mountainous areas with underdeveloped economy, lacking support of relatively stable market, and the farmers lack sufficient knowledge of spontaneous transfer of land contractual management rights, and lack trust between each other.

Second, the object of the land transfer has limitations. Ya'ergou Village is influenced by economy, environment, climate and other factors, and the object of the transfer of land contractual management rights is relatively simple. In the

process of the transfer, a large portion of the subcontractors are the contractors from elsewhere, and only a fraction of land transfer subcontracted by local businessmen, only the transfer between farmers in the village or between friends and neighbors.

Third, the form of land transfer gradually experiences diversification. After a wide range of transfer of land contractual management rights in 2010 in Ya'ergou Village, small area of land transfer between rural households is also constantly tried, and the mind of would prefer abandon land rather than transfer the operating right is gradually opened up. The land can be cultivated by people, and the farmers can benefit from it, so that the phenomena of leasing, doing farm work for others, exchanging and transferring land are gradually increased.

1.2.4 Major manifestations of land transfer. The area of government-led transfer of land contractual management rights has a large share in the transfer area in Ya'ergou Village, but as to the remaining land in the hand of rural households, there is also the transfer of land in the form of transferring, exchanging, leasing, doing farm work for others and so on. This kind of eclectic form of land transfer, to a certain extent, also meets farmers' right to independently choose the real way of the land transfer interests (Fig. 1). Through the survey of rural households, subcontracting becomes the major pattern of land transfer in Ya'ergou Village, with proportion having reached up to 56%. It is mainly closely related to the encouragement and support of national policy, but some rural households still hold negative attitude toward agricultural benefit, urgently hankering for increasing their income by expanding the scale of land management. Thus, through the form of subcontracting, the land resources are redistributed between supply and demand, to meet farmers' needs. In addition to subcontracting, leasing, exchanging and other forms outcrop, because some farmers work outside home, or start undertaking, with a wish to cultivate their own land, but they could not go to farming, therefore they transfer the land in the form of transferring, exchanging, leasing and other forms. This form of transfer helps make the people working elsewhere feel at ease and ensures that their own land is not abandoned; they can benefit from the transfer in different ways more or less.

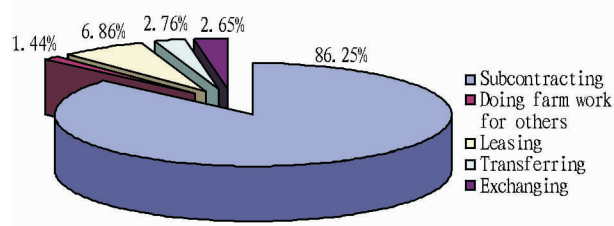


Fig. 1 Form and proportion of land transfer in Ya'ergou Village

2 Farmers' will and existing problems concerning the transfer of land in ethnic village

2.1 Farmers' will of transferring land The main body of the transfer of land contractual management rights is rural

households, and the transfer of land management right must be based on voluntariness of rural households. Within the contractual period, the rural households have independent right to use, usufruct and the transfer right on the land contracted, have the right to independently decide whether the land contracted is transferred or not, and the form of transfer. This is the concrete manifestation of farmers having long-term guaranteed land use right. Any organization or individual must not compel rural households to transfer land, impede the transfer of land, and interfere with the transfer of land by rural households in accordance with the law.

2.1.1 The degree of satisfaction of farmers before and after land subcontracting.

The survey shows that in the initial stage of subcontracting of 667 hm² land for planting potato, 59.27% of rural households are satisfied with the subcontracting, most of which are the households of young and middle-aged people. The majority of strong and young farmers' main source of income is from working elsewhere, and subcontracting not only creates extra income for them, but also ensures that they do not worry about the idle land. Furthermore, this part of the farmers realize that due to the factors of local natural environment, self-sufficient farming activities cannot bring them appropriate compensation from land, and after they transfer the land management right, they can transfer out the labor in order to facilitate increase in their household income. 22.42% of rural households are not satisfied with subcontracting of land, the majority of which are relatively elderly farmers. The old farmers plough and defend their land nearly throughout their life, and entertain stereotyped idea of subsistence dependent on the weather and land; even if the climate and environment lead to insufficient objectivity of crop harvest, they'd rather use the land unfavorable for farming to grow grass and develop breeding, than transfer the land management right in their hand to others. 18.31% of rural households hold neutral views, because whether the land is subcontracted or not has little effect on them. These people hold neither negative opposition, nor optimistic upholding, to the transfer of the land contractual management rights. Their need for land to sustain their lives is relatively weak, and more than half of the household income is from their own small business, or other means.

In the mean time, after the land is subcontracted, the farmers witness the sign of planting to harvest of "10 000 mu of potato", and there is about-turn in their attitudes toward land subcontracting: 85.06% of the rural households are willing to transfer their land; 4.36% of the rural households are not willing to transfer their land; 10.59% of the rural households hold neutral attitudes.

2.1.2 Farmers' will on pattern and time of land transfer.

The transfer pattern of land is an important way for farmers to achieve the transfer of land, and easy realization of mutual free transfer of land between villagers in Ya'ergou Village is also one of the manifestations of the land transfer pattern. The proportion of leasing land to individuals and subcontracting land to big subcontractors with land is high, accounting for 26.77%

and 40.60% of the total number of households in the village, because the farmers work outside home or are engaged in other work with insufficient energy for farming, and in order to avoid the loss of the land fertility, some farmers are willing to lease their land to people they can trust to cultivate, and more farmers are willing to subcontract their land to large merchants elsewhere who conduct scale operation. Within the villages,

some farmers are willing to remain the land abandoned, because it lacks the land transfer information in Ya'ergou Village; the scope of mutual trade between rural households is narrow; they are neither capable of cultivating land, nor willing to give up the right to contract for management of land; they discredit the contractors' management level, lacking the psychological supportive force for bearing the land risks.

Table 3 The degree of satisfaction of farmers in Ya'ergou Village before and after land subcontracting

	Before subcontracting		After subcontracting	
	Number of households surveyed//household	Proportion//%	Number of households surveyed//household	Proportion//%
Satisfied	476	59.27	683	85.03
Not satisfied	180	22.42	35	4.36
Neutral	147	18.31	85	10.59
Total	803	100.00	803	100.00

Table 4 The will of farmers in Ya'ergou Village on land transfer

Pattern of land transfer	Number of households surveyed//household	Proportion//%	Transfer term//year	Number of households surveyed//household	Proportion//%
Leasing land to others	215	26.77%	1 – 2 (temporary)	470	58.53
Subcontracting land to proprietors elsewhere	326	40.60%	3 – 5 (according to contract)	201	25.03
Abandoning land	21	2.62%	10	60	7.47
Offering land to relatives for free	163	20.30%	20	22	2.74
All ok	78	9.71%	Permanent	50	6.23
Total	803	100.00	Total	803	100.00

There is correlation between the term of land transfer and farmers' cognition of policies. The farmers who have deep understanding of the policy are willing to accept long time of transfer, but the farmers who are confused about the policy hope that the transfer of land is only temporary or indirect, and for their land complex, long-term transfer only frets them for a long time. In addition, there is also correlation between the transfer term and farmers' dependence on the land. The farmers largely dependent on land, are reluctant to accept long-term transfer of land, while the farmers with external income source or living guarantee, want long time of land transfer.

2.2 The impact of the transfer of land on farmers' income

Before the transfer of land, the monthly income of the farmers dependent on the land for a living is only about 500 yuan. From the spring farming activities, the costs of seeds, fertilizers, pesticides are high (the price of per kilogram of potato seeds is 0.5 yuan/kg, and it is difficult for the farmers with single income source dependent on the land for a living. In the autumn, the yield of potato harvested is 3 750 – 7 500 kg /hm², and the price of potato is 1.2 yuan/kg, therefore, the input and output of rural households before and after the planting of potato basically reach break-even point, and even in the sterile farmland, the output will be less than input. In spring, it is fraught with dust and sand, with dry climate and less rainfall in this village, thus the efficiency of farming is decreasing year by year, and single income channel and rare working in the local areas is also an important reason for backward household economy in Ya'ergou Village.

After the land transfer, the yield of potato planted by own-

ers elsewhere is 30 000 – 37 500kg /hm², and the monthly income of farmers is more than 2000 yuan. Although the transfer of land make the rural households lose the right to operate, the channels of their income have increased. From the planting of potato in March, the farmers can be employed by the contractors. "667 hm² of potatoes" is based on drip irrigation and sprinkler irrigation. The farmers initially get daily pay ranging from 80 to 140 yuan in accordance with their physical strength by pulling the pipe and cutting the seeds, and subsequently the income from the potato weeding and fertilizing is also impressive.

In harvest season, due to a wide planting range of potato and gradual decrease in the temperature, the wage of rural households employed by the contractors increases to some extent, ranging from 120 to 180 yuan. For the rural households, on the one hand, this kind of income channel of being employed by the contractors is easy to be operated, and the farming activities are what they are familiar with, the income of rural households is increased in a relatively easy and relaxed environment; on the other hand, it increases source of livelihood security for the women and elderly staying at home, and reduces the pressure of the migrant workers.

According to the survey, it shows that the income of 525 households is increased before and after the land transfer in Ya'ergou Village; the income of 90 households is decreased; the income of 188 households experiences no change as against before. The reason is that in the rural households with increase in income after the transfer of land, the male labor forces work elsewhere, while the children and women staying at home are employed by the contractors from the planting of po-

tato in March to the harvest season, with the average daily income of 100 yuan. Thus, the sources of household income increase, and as long as the farmers are hardworking and not afraid of hardship, they can obtain good income. The farmers with decrease in income are divided into two types: one is elderly farmers, without too much physical strength to be employed by the contractors; the other is relatively lazy farmers who are not willing to work outside home or be employed by the contractors after losing the land management right. The rural residents without increase or decrease in their income, are the group with relatively weak demand for the land, relying on their own small business, or others as source of income. At the same time, after the transfer of land, on the basis of original farming or working elsewhere, the income channels of rural households have increased the contract money and working benefit of people staying at home. And after the transfer of land, the 675 yuan/hm² of grain and oil subsidies are still owned by rural households.

2.3 Problems in the transfer of land in Ya'ergou Village

Although the form of government-led land transfer in Ya'ergou Village is good, which has increased the efficiency of farming activities, increased benefits for rural households in Ya'ergou Village, there are still the following problems.

2.3.1 The stability of the transfer of land contractual management rights is weak. The national policy constantly adjusts the land to adapt to the rural population change, and this behavior makes farmers stuck in the state of ambivalence. On the one hand, the farmers want to get stable land use rights, so that they have the expected land benefit; on the other hand, when the family population increases, they want to increase the land for raising new family members. At the same time, the land is continuously adjusted, resulting in serious fragmentation of land, hindering the use of agricultural machinery and realization of agricultural modernization, influencing productivity, and causing waste of great costs. Therefore, the instability of the land contractual management rights makes the farmers fail to increase benefit through long-term effective input and accumulation.

2.3.2 The rents are below the level of local consumption. The cost of the transfer of land contractual management rights in Ya'ergou Village is 3 900 yuan /hm² per year. Such price of subcontracting is low relative to the level of local consumption. The farmers survive dependent on the land, and the benefit from handing over the land management right to the contractors elsewhere is only 3 900 yuan/hm². For each household (4–6 people) in Ya'ergou Village, it cannot meet the minimum living guarantee, make up for the economic losses of farmers whose land is transferred out, and ensure their source of livelihood.

2.3.3 Farmers lack psychological support force, for want of a sense of security. The transfer of contractual management rights of a large area of the land in Ya'ergou Village makes farmers lose the right to control the land, and the contractual management rights of land are in the hands of a small number of the contractors. The profit obtained from the land is transferred directly into the hands of the private contractors, widening gap between the rich and poor latently in the course of

time, having no positive impact on the elimination of inter-regional economic imbalances. On the one hand, the control of contractors from elsewhere over land management rights makes the farmers in a state of panic, for fear that the contractors are only concerned about seeking interests from the land, rather than protecting the land, and farmers' land is cultivated by others so that farmers lose the backbone, lacking psychological supportive force; on the other hand, the ownership of the land after the contract term is expired, becomes what farmers worry about, and the majority of farmers are fearful that the management rights of land cannot be retrieved, therefore, granted, the transfer of land contractual management rights bring returns to rural households in Ya'ergou Village, but farmers' land complex cannot be changed, still lacking sense of security.

2.3.4 There is insufficient land in farmers' hand, and food supply becomes a hidden trouble. In addition to the land subcontracted, occupied by the ecological migrants and used for infrastructure building and so on, there is 91.7 hm² of farmland left in Ya'ergou Village, 1 140 m² per household on the average. The arable land in the hands of the farmers is scattered around their home, or is the less fertile farmland. In the light of the form of land transfer, the transfer of land enriches the farmers, and the economic income of most rural households is in a state of increase. Employed by others, the farmers can operate their own life through the income obtained. But in the long run, if all the farmers give up land management, who is going to farm and who is going to provide food to ensure living will become an problem urgently to be solved.

3 Corresponding countermeasures for promoting the transfer of land contractual management rights in ethnic village

3.1 Strengthening the publicity of the policy in order to improve farmers' ideological understanding The main body of the land transfer is farmers, so we should make farmers in Ya'ergou Village fully realize the necessity and importance of the land transfer; at the same time, strengthen the service training of relevant management personnel in towns and villages to promote their level of policy and law, professional qualities, and working ability; handle the problems in rural land circulation abiding by law, and coordinate and solve disputes in the transfer of land. Based on *Rural Land Contract Law and Contract Law*, we should strengthen the publicity of the transfer of land contractual management rights, so that all households know and understand the connotation and intent of policies, and rationally implement the transfer of the land contractual management rights in understanding the law and using the law; the two parties of the land transfer can truly understand the nature of the land contractual management rights in rural areas, the meaning and pattern of the transfer, and master the process and operational procedures of the land transfer. For how to treat land property rights, we should strengthen the management rights, so that the land contractual management rights become real property rights; ensure that the interests of farmers are not scathed and enable the farmers to see the real

effect of the transfer, to actively promote the transfer of the land contractual management rights.

3.2 Raising the rent in order to promote the transfer of the land contractual management rights Increasing the price of land transfer, is an important way to successfully implement the policy of the transfer of land contractual management rights, thus we should increase the price of the land transfer in Ya'ergou Village to 7 500 yuan/hm² to match the level of local consumption. Only by doing this can the minimum living guarantee of each household (4–6 persons) in Ya'ergou Village. Increasing the price of land transfer, on the one hand, can mobilize the enthusiasm of farmers and the farmers will weigh the price of the land transfer against income from the farming, because for the farmers subsisting dependent on the land, the policy beneficial to increase in their income will naturally be endorsed by them, thereby participating in it. Increasing the price of land transfer, on the other hand, can abate the phenomenon of losing opportunity to attend school arising from losing land, because the relatively poor farmers have no grain income after losing the land management rights, and the rents obtained are insufficient to compensate the household, making the phenomenon of losing opportunity to attend school happen occasionally (increasing the price of land transfer can ease and eliminate this negative impact).

3.3 Diverting the governmental investment to the talented people within village In Ya'ergou Village, the recipient of the transfer of land contractual management rights is owner from elsewhere, and the land is subcontracted smoothly under the government's support. The staying of the owners from elsewhere brings convenient economic channels, but at the same time, causes a lot of troubles, thus the government can divert the support for the owners from elsewhere to villagers, to promote the degree of investment in the agricultural facilities in the same way, generating extraordinary good results. The governmental investment will single out talented people within the village, to facilitate the exchange between the two parties of the land transfer, and the extent of interaction between the people within the same village is much higher than that between the party of the land transfer and owners from elsewhere, reducing unnecessary conflicts and disputes in the process of land transfer. At the same time, if the recipient of the land transfer is person within the same village, responding to the idea of making some people become prosperous first so that they can stimulate and help others to become well-off, farmers' anxiety and fear will be eased to some extent. This will not only enhance the confidence of farmers in Ya'ergou Village on the land transfer, but also promote the overall quality of farmers thereupon.

3.4 Consolidating management and resolving disputes in the transfer timely and effectively We should strengthen the management of the transfer of land contractual management rights, further explore and improve the arbitration procedure, the arbitration method and the arbitration system, and continuously improve the working level and ability to mediate in disputes of transfer. The village executive officers should strengthen communication and collaboration with discipline inspection

and supervision departments, judicial departments, public access offices and other departments; establish a multi-department linkage mechanism to coordinate and solve the major issues concerning the transfer, providing multi-channel regulation approaches, such as negotiation, mediation, arbitration, for solving the disputes in the land transfer. For the disputes occurring within the villages due to the land contractual management, we should guide the parties to solve problem through consultation, and if the consultation fails, the parties can turn to the village mediation or arbitration and litigation to solve issue.

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