

Power and authority within ‘collective’ forests in southwest China

Property rights reform in China is receiving increased attention over the years, with the Chinese government increasingly believing in the importance of property rights as a key component in bringing out the enthusiasm and the skills/abilities of local communities in the management of resources. Beginning in the early 1980s, the government began with the “Three Fixes” policy – designed to clarify as well as stabilise property and tenure rights, and to bring about an alternative system of forestry management through tenure/property rights reform. The “Three Fixes” policy was pushed through because of the concern for massive environmental degradation brought about by the Maoist era where revolutionary zeal and class conflicts resulted in massive deforestation. More than anything however, the Three Fixes was targeted at increasing the responsiveness of forest management strategies by devolving management responsibilities to local levels, or more appropriately to households. In contrast to a similar reform in the agricultural sector whereby division of previously ‘collective’ agricultural plots were divided up and given to households brought about increased and a more flexible agricultural market, the forestry reform in the early 1980s had mixed results.¹ What happened immediately after ‘collective forests’ were parcelled out to individual households was contrary to conventional knowledge that tenure clarification will bring about more environmentally responsible ways of management. Instead, we saw another spate of deforestation. Most academics believed this to have resulted from either the lack of credibility of the policy (i.e. villagers feared that rights given one day will be taken back the next day) and in relation to that, the insufficient financial benefits to be gained by harvesting the trees today than waiting for some uncertain benefits to take shape in future.

The “Three Fixes” policy initiated in 1982 was implemented to various degrees in various provinces with significant amount of collective forests in China. Due to the variation in the power balance between different ministries in the provinces, some provinces manage to implement the policy to lesser degrees than others. According to one renowned forestry academic in the area of forestry in China, where the forestry sector represents a significant portion of provincial income, forestry officials are more likely to resist the devolution of management rights (through the parcelling out of user rights to households), preferring management and user rights to remain with the ‘collectives’, essentially the township or village government.² Varying structural factors such as the power balance between forestry bureau against other ministries – such as the land management bureau and the agricultural bureau, accounts for the huge variation in property rights and tenure arrangements between provinces. Within provinces, we are also likely to see variations resulting from these structural factors. To date, a comprehensive account of the variation between the provinces remains a difficult task, not least because understanding tenure types requires an understanding of local power issues – between the villagers and the local forestry officials, and between local forestry officials (responsible for implementation) and higher levels of the forestry officials. This often requires a detailed ethnographic study of contextual factors (such as local sociopolitical dynamics) which are often only observable after extended interaction

¹ Dachang Liu and David Edmunds, "Devolution as a Means of Expanding Local Forest Management in South China: Lessons from the Past 20 Years," in *China's Forests: Global Lessons from Market Reforms*, ed. William F. Hyde, Brian Belcher, and Jintao Xu (Washington, D.C.: Resources for the Future, 2003).

² Conversation with Xu Jintao, professor at Beijing University, 17 April 2006.

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with various related parties. The nature of such methodology prohibits a systematic comparison between provinces, nor could it be argued that a systematic comparison is even possible or meaningful given that there is so much variation between provinces.

Moreover, it would seem from individual case-studies that the resulting institutional arrangements from the “Three Fixes” resembled to a large degree on pre-existing arrangements – at least in the province of Fujian.³ This may or may not be the most desirable arrangement from the point of view of equity and empowerment of local people. Continuation of existing arrangements may mean one of these things - local power dynamics permit the continuation of existing arrangements which are more desirable in terms of societal equity, or that local power dynamics prohibit the transformation of tenure reform despite central government’s prescription to devolve, no matter how little, to the detriment of equity. To what extent are local communities responsible for pushing for pre-existing arrangements, or not capable of influencing the choice of arrangements is not clear. Simply because institutional reform proceeded more in one place than another place by no means indicate that resulting institutional arrangements are the desired arrangements for the people transferring their rights. For example, the same survey conducted by a team of researchers from Beida showed that a bottom-up re-collectivisation of forest responsibility plots (otherwise viewed as endogenously evolved institutions) by no means indicate the preferred choice for people giving up rights to those plots. Rather, it is the lack of access to resources and to markets which often led them to give up plots of land to big corporations or wealthier households, sometimes at very low prices. Moreover, the transfer of property rights may not necessarily indicate that those transferring find it most beneficial and in fact desired the transfer. Villagers often transfer because they lack the capability to obtain harvest quotas. In order to gain more immediate benefits, they had to transfer – and usually to bigger/wealthier households or to timber companies. Poorer villages especially are usually compelled to transfer since they neither have the resources to develop the land, nor the ability to obtain harvest quotas, nor the time frame/ability to wait for the right time to harvest the fruits of their labour. The forestry bureau also prefers the transfer to bigger companies because it makes it easier for them to enforce quotas, as compared to forests owned by individual households or by the ‘collectives’.⁴

These examples showed that the study of tenure and property rights require a consideration of the whole set of political and economic factors, before we can reasonably conclude that one tenure system is better than another; or alternatively tenure reform is better than no tenure reform. As such, any attempt at tenure reform requires a detailed understanding of power structures before we can reasonably conclude that any form of ‘right’ has been given to the intended recipients. I have heard that for this year 2006, the central government is attempting to formalise a series of measures for extensive tenure reforms to increase the enthusiasm and incentive for reforestation, using the province Fujian as a model.⁵ The form and method of

³ Obtained from unpublished materials of preliminary findings by a team led by Zhu Xiaoyang (of the Department of Anthropology and Sociology of Beijing University) of a survey conducted in Fujian province in 2005.

⁴ Ditto.

⁵ Through various interview – an interview with a professor at the Beijing Forestry University (19 April 2006); an official at the State Forestry Administration in Beijing (19 April 2006; 20 April 2006).

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reform have not been decided, but certainly careful study of why and how forest tenure evolved is a necessary part of reform.

So far my preliminary study of one collective forest in northwest Yunnan and conversations with the former prefectural head of the forestry bureau indicate that if anything, the jargon connected with community forestry and devolution of management rights, are merely jargon. First and foremost, “collective forests” in China (or *jitilin*) are not forests owned by the local village and township ‘collectives’ in the sense that they are owned by some kind of a ‘collective’ reminiscent of the communes we see under the various collectivisation phases during the Maoist days. Rather, they refer to forests owned by lower levels of the state and other sub-state/or non-state entities – such as township and village governments, and village small groups. In most cases, this means that the townships or the village governments led by the leader makes the decision without consulting the population in the township or village. This is despite the central government’s call for self-governance and accountability at the village level.⁶ Evidently, the desire and proclamation of the importance for self-governance (despite the requirement for village heads and representatives to the village committee be elected) does not necessarily lead to democratic participation at village levels for various reasons. This is a problem that stems from governance and accountability issues not simply at the village level, but across the village, the township, and the county governments, and across the various bureaus, including the forestry bureau.

The severely curtailed harvesting requirements brought about by the National Forest Protection Program initiated in 1998 to the existing arrangements of decision-making are not clear. In some cases, villagers are expected to abide by strict quotas that severely restrict their harvesting activities while providing them no other way of making up for the loss of fuel sources. Especially in upland areas in northwest Yunnan near Tibet where winters are very harsh and temperatures even through spring are near zero, villagers are expected to participate in the conservation of forests and cut their consumption of fuelwood (the traditional and in some cases the only source of fuel) without immediate benefits.⁷ In my interview with the village head, he indicated that there are cases of illegal logging in the village, and these are punishable by substantial fines – up to RMB 2000. The offenders are made to apologise to Buddha (religion is an integral part of the moral system in Tibetan societies).

As such, the case of China represents one dilemma of tenure reform and the devolution of management and user rights. “Rights” are severely circumscribed by one or other of the central government’s policy that the provinces, and their subordinate jurisdictions be subject to the harvest quota, extensive application procedures for the harvest permit and the transport permit⁸ As such, discussions of rights in China or the lack thereof often end up as discussions on other sociopolitical or extra-legal factors that affect these ‘rights’. The formulation of the

⁶ The Organic Law on Villager’s Committee (1987) require that the members of the village committee be elected through elections, and that their activities to be approved and reviewed by the village representative assembly. Jean C. Oi and Scott Rozelle, "Elections and Power: The Locus of Decision-Making in Chinese Villages," *The China Quarterly* 162 (2000).

⁷ My interview with a village head on 29 April 2006. The village was the site of the County Forestry Bureau’s experimentation with ‘community forestry’ or *shequ linye* between 1996 and 1998. It is situated in the Diqing prefecture of northwest Yunnan.

⁸ Not quite sure how often the quota is re-assessed – every 5 years or every year?

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harvest quota at the central and provincial government levels would appear to stem from purely scientific and presumably apolitical concerns such as the current survival and reforestation rates and local needs. One forestry surveyor I spoke to indicated that the surveys of the quality of the forests and timber are conducted periodically and the quota issued to the particular province is not to exceed the current growth rates of the forests. Are these quotas subject to negotiation or not between the provincial governments and the central government; and similarly between the provincial government and its various prefectures, counties?

The above is an account of some of my preliminary fieldwork findings. As such, the paper is very much a work-in-progress and is subject to access to villages/research sites and forestry officials over the next 6-9 months. The next two months in the field before the conference will if not, provide me a more complete picture of the situation of tenure/forest management and power and authority in southwest China than I have described so far in this paper, will at least provide a picture of the issues involved in the theoretical study of common-pool resources.

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