



## **CHINA-EUROPE FORUM.**

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### **WORKSHOP WT54 – SOIL MANAGEMENT AND LAND POLICIES**

**Report of proceedings**



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**Convenors:** Mr. Ye Jianping, Mr. Michel Merlet, and Mr. Joseph Comby.

Mr. Ye Jianping is a professor and director of the Land Management Department at the Peoples' University. He is a specialist of the Chinese land tenure system, for both the urban and rural sectors, and is the director of the Center for Real Estate Management.

Mr. Michel Merlet is an agricultural engineer, specialist of rural land use issues, and secretary of the board of AGTER association (Association for the improved governance of Land, Water, and Natural Resources)

Mr. Joseph Comby is a specialist of urban land use questions, editor in chief of the review, *Etudes Foncières* and founding member of Association Des Etudes Foncières (ADEF).

**Moderator:** Ms. Sylvie Dideron.

Ms. Sylvie Dideron is an agricultural engineer and independent consultant specialized in rural development, and specifically works on the relationship between territory use and management and the fight against poverty.

Her role during this workshop is to facilitate the communication between the participants and to make sure that the discussions go smoothly.

**Note taking and organization:**

Miss Clara Jamart, desk officer, and Mrs. Mercedes Savané, public relations officer, both members of AGTER's permanent team, have taken the responsibility of taking notes, writing the report of proceedings to be sent to the Forum, and the essential organization of the workshop.

**Participants:**

- Mr. Robert Levesque is an agricultural engineer, and a specialist of the rural real estate market. He works for the National Federation of SAFER, in coordination with the Ministry of Agriculture as well as the regional and local authorities.
- Mr. Marc Sauvez is an urban planner specialized in interventions in difficult neighborhoods. He recently carried out a study of about the border between the city and the countryside, and has worked on the rehabilitation of urban districts of Beijing.
- Mr. Sjoerd Wartena is a Dutch farmer who lives in France. He advocates organic family farming and is also the president of the association Terre de Liens.
- Mr. Alain Ruellan is an agricultural engineer, pedologist, Ph.D., and has worked in France, Africa, Brazil, and in many countries of the global South. He is a specialist of the relationship between sustainable development and soil management. He is also professor emeritus of advanced agronomy.
- Mr. Eladio Arnalte is a professor at the Agronomy School of Valencia in Spain, and also teaches about the processes of transforming farm sizes.

- Miss Ioana Tudora is an architect, urban planner, and specialist of landscape studies. She teaches at the University of Bucharest as well as at the Brussels Free University.

- Mr. Martin Large is part of a cooperative farm, for which he is the economic, technical, and financial advisor. He is working to facilitate farming access.

- Mr. Min Qingwen works for the Land Use Studies Department at China's Institute of Sciences. He is also the director of a project for the FAO<sup>1</sup>. He is a specialist of ecological and traditional agriculture, and his research focuses on whether traditional systems are adaptable to land policies.

- Mr. Julien Allaire has just terminated his thesis at the University of Grenoble. He specializes in urbanization processes, particularly in China.

- Mr. Paul Bonhommeau is an agricultural engineer and a lawyer. He advises farmers' organizations, such as in particular the Confederation Paysanne. He is the author of a study about the recent farming orientation laws in France.

- Mr. Luo Peng works for the Biology Institute at the Chinese Academy of Sciences, Chengdu, in Sichuan province. He is a specialist of ecology, and he has directed a series of studies on Man's impacts on different ecosystems. He is interested in the influence of land policies on the interrelationship between man and natural ecosystems.

- Mr. Adrian Civici is an economist who specializes in agricultural policies and how they relate to the transformation of economic systems. He is also the president of an Albanian NGO that works on the processes of transformation from a planned economy to a market economy in the Balkans.

- Mr. Hubert Cochet is an agricultural engineer and a professor of comparative agriculture and agricultural development at Agro-Paritech. He has carried out numerous studies comparing agricultural systems in the world, and today is the president of the AGTER association.

- Mr. Francis Haumont is a professor at the University of Louvain. Attorney at the Bar of Brussels and of Nice, he specializes in urban regulation and environmental law.

- Mr. Gregory Toth is a researcher specializing in soil management. He has studied the Chinese system and is currently working on the development of a European soil database, in collaboration with the Commission on the European soil management strategy.

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1 The Globally Important Agricultural Heritage Systems (GIAHS) project titled, "Conservation and adaptive management of rice-fish culture in China"

### **The aims of the workshop:**

Workshop WT54 about soil management and land policies covers three large and distinct themes:

- The management of *land as agricultural spaces* and surfaces. An ensemble of problems related to rural and agricultural land governance is a related topic.
- The management of *urban spaces*, and particularly problems related to the relationship between rural land management and urban land management
- *Soil management*

These three themes are linked to a proposition, which is specified by the documents presented by this workshop's convenors<sup>2</sup>. The scope of this debate ought to be widened according to the participant's areas of interest.

Each participant was invited on his own behalf, and expressed his own views. Certainly, there were many communication difficulties, but the goal of the workshop remained to better understand the biggest challenges that Chinese and European societies are confronting.

One of the greatest problems with globalization is the risk that the world's cultural diversity will disappear. Enabling processes of dialogue and exchange are crucial for being able to find solutions together to the problems that are presented today to all human societies.

For this reason, this workshop constitutes a unique opportunity to brainstorm common solutions. In spite of any communications problems that might have occurred, Europeans have so much to learn from the Chinese point of view. Inversely, understanding European experiences could allow the Chinese to see their own reality in another way, and find solutions to current Chinese issues.

### **Presentation of Workshop WT54's organization:**

The workshop's two days have been divided into four sessions. The first day (sessions 1 and 2) was dedicated to the presentation of Chinese (session 1) and European (session 2) issues.

A question and answer period after the presentations allowed the European participants to better understand the Chinese reality and vice-versa. Given the time constraint, only the requests for clarification were addressed. The larger questions were reserved for the following sessions or further exchanges.

On the second day (sessions 3 and 4), the essential questions were asked. Throughout session 3, the participants focused on the following question: « What can we learn from the similarities and differences between Europe and China? » Session 4 was designed to begin answering the question, « How might we strengthen the exchanges between China and Europe that deal with the workshop's themes? »

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2 Workshop 54's two preparatory documents that were presented by the convenors are, "Problems and Perspectives concerning the Current Land Situation in China" by Ye Jianping, Zhan Zhefang, and Wu Zhenghong of the Department of Land Management at the People's University of Beijing, and "Soil Management and Land Policies" by Michel Merlet and Joseph Comby.

## SESSION 1

### CHINA : PRESENTATION OF THE SITUATION AND THE GREATEST CHALLENGES FOR THE COMING DECADES

#### Presentation of the situation in China:

The land tenure system in China differs greatly from the European system. In China, land is divided into two distinct categories:

- Urban land is owned by the State, but can also be placed on the market and can therefore be traded as a commodity. Urban land is defined as all building land or lands designated in urban plans.
- Rural land is used for production purposes, and is either state owned or collectively owned by villagers. The collectively owned rural land is allocated to individual farmers, to which the farmers have the use right for inhabitation and cultivation but can not sell it out or turn it to other uses. The state owned rural land can also be allocated to villages or individual farmers for agricultural uses. If the governments turn the land to other uses, they pay some compensation to the farmers or villages. The farmers hold titles to use their land for 20-50 years. Such a title is called a leased use right with no change, which grants the right to inhabit or to cultivate, either as a family or as an individual. This title is inheritable, but cannot be sold or put up for mortgage.

One of the biggest issues in China today is related to the processes of urbanization and industrialization that are rapidly occurring on Chinese territory. Cities grow and are spreading onto formerly rural lands. Nonetheless, there is a large difference in the prices of rural and urban real estate. Indeed, urban real estate has a comparatively much higher value. In addition, it can be purchased from the government through sale by auction, calls for tender, or otherwise. As far as public land goes (expressways, public buildings, etc.), it can be obtained from the authorities by means of a procedure called requisitioning.

Urban sprawl thus creates huge lucrative interests. One of contemporary China's biggest challenges is to regulate its' cities' ferocious appetites in order to protect farmers' rights and interests. This challenge is all the more difficult since public interests are extremely strong: it is especially difficult to ensure equal protection of all the interests involved in the process of urbanization.

Certainly it can be difficult to estimate the capital gain generated by the process of urbanization since there is no rural real estate market. However, the value of rural land can be estimated by a variety of means. For example, the value of the crops grown on it or the real estate value of the buildings located on it can be a start. Even in the absence of a rural real estate market, the value of the land can thereby be determined.

Today, Chinese society needs to come up with some solutions to the problems caused by urbanization: should the earnings due to the process of urbanization go to the government or to the farmers and their village communities? The law had foreseen the need to compensate the farmers needing to leave their land as a result of the urban sprawl movement. Such compensations can get to be as much as 30 times a farmer's annual income. Today, the government and the village communities are negotiating how to divide up this gain.

Moreover, when a city decides to expand its urban territory, preparatory committees meet to work on matters of different interest in real estate. These

committees are composed of representatives from both the farming and the urban communities. Together, the representatives come up with a requisition price of the land. Once two-thirds of the rural representatives accept this price, the land is ready to be requisitioned, and it is transformed into the property of the urban community and can be placed on the market.

In order to nuance the idea that the weak Chinese countryside is up against almighty cities, it is useful to recall that 80% of arable land is protected by specific agencies and cannot be requisitioned without the authorization of the central government. Four agencies are directly in charge of soils and arable land issues: The Ministry of Agriculture (and specifically the Office for the Protection of Ecology and Arable Land), the Ministry of Territory, the General Administration of Environmental Protection, and the General Administration of Forestry Protection.

The State has strict control over the protected zones, but given the increase in production, we must admit that soil quality is diminishing. Also, the quality criterion is not the only one to take into consideration when determining the value of arable land. Today, we value the soil in terms of its level of pollution, for instance. Even though all of the institutions mentioned above have offices specialized on land quality management and ecological surveillance, it is most often during the implementation of projects that these things are controlled, and not as a result of formal policies.

In any event, today's China has experienced a significant loss in cultivated land. The country's food security is thus endangered. Massive urbanization and industrialization are not the only causes of this phenomenon. It has also been noticed that the vocation for farming is less and less present in rural areas. Farmers are less and less motivated to cultivate their land, in large part because their activity is no longer profitable. In fact, the urban population's wealth is growing much faster than the rural population's wealth.

The Chinese government does not consider enough the multi functional natures of farming and of the farmer. When we speak about land, we are not only speaking about a usable resource, but also a habitat and a rural ecological environment. How can the multiple functions of farmland and rural land be put to use? Developing rural tourism, which would allow farmers to increase their revenues, might be the way to a solution. Yet farmers must also be allowed to keep on playing the key role that they play in the traditional Chinese understanding of agriculture.

Sustainable land use methods and management techniques exist in the Chinese farming traditions. However, technological innovations and the imposition of the market system are preventing the farmers from practicing them. One of contemporary China's greatest challenges is thus to privilege the comeback of traditional management methods, such as areas where fish are bred and rice is grown.

An interesting example to illustrate the present legal fuzziness within Chinese land policy is that of woodlands. Forests are divided into two large categories.

- Public woodlands are government property. These lands are managed by the government at the district level through different agencies. Some of the woodlands are under specific protection, meaning that they are managed by particular agencies. Human access to these government lands is controlled: deforestation is not authorized, but the inhabitants can use these lands for non-forestry purposes (all but the use of wood is authorized) upon purchase of use rights. In China's North and Northeast, 70% of lands are government property, while in the South, it's 50%.
- Forest commons refer mostly to the lands bordering farmlands. Use rights are held by the farmer, who can practice any activity on this land except commercial

activities or deforestation. Nevertheless, if the farmers need to build a dwelling, they can request authorization from the district. The authorization is granted depending on the density of the forest at that point and on the wood needed to build the house. If he is granted permission, the farmer can cut down previously selected trees under the surveillance of a team sent by the government. There are individual or family-based leased use rights with no changes that permit tree-planting, but cutting down trees is prohibited.

Grasslands remained public property until the 1980s, when they were regulated under use rights with no changes. Winter pastures are under a contract regime, whereas summer pastures are still controlled by a State property system without contracts. The Chinese government hopes to promote the sedentary settlement of herders, notably during the winter, and for this reason they grant land to herders to settle with their families. The two statuses of summer and winter pastures often create a situation of legal fuzziness for the herders. The land for settling the herders can sometimes be requisitioned.

Moreover, since 2003, the Chinese government hopes to restrict the amount of pastureland: the State handed over financial compensations to herders in exchange for giving up their land.

Thus, there is a great contradiction: protected areas were created in the great grasslands of the West, some of which had been before under lease. Today, herding activities are illegal on these lands.

Restricting herding activities is actually another will of the Chinese State. Quotas are being assigned to lands. If the quota is surpassed, the herder must pay a fine, while if he reduces his herd, he will be granted financial compensation.

If the grasslands are reconverted to accommodate other purposes (industrial ones for example), it is necessary to obtain a permit from the State, but there is not yet a law that sets up the framework for such a transformation. Here again, there is a great deal of legal fuzziness.

### **Questions from the European participants concerning the Chinese situation:**

- What is the relationship between the law and what is done in reality? Is the price of rural real estate defined only once a plot becomes subject to urban law, or does a price exist beforehand, as calculated according to other mechanisms, even if they might be illegal?
- Are there any farmers that are "growing" (that is, farmers who have more land than others, for instance) even if rural land is collective, or if the system is strictly egalitarian? Given the present state of affairs, could the situation change?
- Farmers no longer wish to be farmers. There is an agricultural crisis, and a crisis in the farmers' incomes. What do the global agricultural policies have to do with this? Is the rural exodus predetermined by the much higher incomes to be earned in the cities?
- What methods are being followed for reviving traditional forms of Chinese agriculture that favor sustainable development?
- In 2005, there were 84,000 incidents or protests revolving around the questions of land distribution. In China, inequalities are increasing. To what extent is the wealth recently created in China a result of industry growth? To what extent has it been created by systems of corruption, speculation, etc? Does this wealth go more to the benefit of the State or more to the individuals who succeed in capturing it?



- Do you think that increasing farm sizes is really necessary in order to ensure food security and promote the modernization of agriculture?
- Property is either State property or communal property. In China, the concept of property thus needs to be enlarged in terms of its uses. "Property" in the Chinese sense therefore includes the notion of service. Does this system last? Could it change?
- One of the current functions of the agricultural sector in China is to produce cheap labor for industry and urban activities. Doesn't this phenomenon come to contradict the necessity to ensure food security?
- What is the real nature of the rights of traditional communities? For example, nomadic peoples' rights must be traditionally different from the rights of farming communities. While taking into consideration the diversity of traditional arrangements and setting up equitable norms for everyone how could these traditional rights be made to evolve?
- In the prospective studies currently carried out by the Chinese authorities, what are the estimations on the number of farmers who are going to abandon agriculture over the next generation?
- Can arable lands become grasslands, and can grasslands become forests, etc.? How?
- Are there any possibilities to transfer the lease contracts within a family, or within a rural community?
- The State owns all the land, and thus holds the key to the first step in urbanization: does the government set certain urban objectives? In regards to this question, what does the concept of "The State" mean in China? Are there any dissensions between the Ministries, or between the central government and the provincial governments?
- Farm income diversification policies, such as those that promote rural tourism, can end up being very dangerous or could even result in the destruction of rural areas. Are there any cultural protection programs that ensure the sustainability of such policies?
- What traditional, sustainable methods could be called upon to feed the Chinese megalopolises? Which strategies are there for saving food security when farmers earn three times less than anyone working in the city?
- The concept of a harmonious society, as developed in China, is related to the concept of sustainable development, except that it includes an aim of peace. While aiming for a harmonious society, how do you see the organization of power between local authorities and the central authorities? Are there differences in interests that make it so that local authorities prevent profitable, sustainable development?
- The industrialization of the countryside is extolled by the Chinese government: is there anything that could join up with the idea of the farmer's multifunctionality?
- You have not mentioned the obligatory registration of farmers in their places of residence, the *hukou*, which must be done in order to exercise the right to an education and the right to health services. What role does this play in the phenomena of workers migrating from the countryside to the city?

## **SESSION 2**

### **EUROPE: PRESENTING THE SITUATION AND MAJOR CHALLENGES OF THE COMING DECADES**

On account of the great diversity of situations and of legal and administrative systems in Europe, as well as the greater number of European participants than Chinese, and the absence of a prior report summarizing the themes of the workshop at the European level, a two-part debate has been proposed.

1. Each European participant is to pick a significant example from his country and explain it to the Chinese participants.
2. Next, these examples are to be analyzed and compared in order to convey the biggest challenges facing Europe.

#### **List of significant European examples:**

- An obvious contradiction exists in France: on the one hand, some public institutions try to explain that rural spaces are of great worth and merit to be preserved, and on the other hand, the agricultural land policies aim to fix the lowest rural real estate price possible. Like in China, the price of urban real estate in France is 100 times higher than that of farmland, yet the cost of servicing the land reaches about the same amount. Therefore, there needs to be a way to penalize the use of farmland for anything other than agriculture in a market economy context. For example, a kind of general tax could be charged for any change in land use, even at a great distance from town, without making the urbanized areas take on all of the cost. The Soviet Union seems to be the only country that has directly tackled this issue in instituting a farm modernization fund, which was fuelled by cities that expanded their territories.
- Urban sprawl is particularly well managed in Belgium. Since 1975, all of the country's surface area has been integrated into land use plans. According to these plans, 88% of Walloon territory is dedicated to non-urban uses (forests, parks, etc.). The Urban Code states that in order to modify these plans for the creation of a new urban area, a new disurbanized zone of an equivalent size needs to be created in compensation. Thus any change needs to be thought out carefully. This system ensures that there will always be the same percentage of urban land, which is part of sustainable land management.
- Beginning in 1991, Albania has been experiencing a wave of privatization of the farmlands that had been distributed free of charge to small farmers. The landowners had the liberty to do whatever they wanted with the land. This political decision has caused immediate consequences. Farmers took advantage of it by selling plots located in the middle of their fields in order to construct buildings and small factories. Now, the legislation has been modified in order to conserve the farming surface area, which has dropped in Albania (2300 m<sup>2</sup> per capita). It is no longer possible to change the land use in certain areas. As regards to such areas, only the government or the local municipalities are able to expropriate farmers and modify the land use, and only for works of collective interest. Over the past three years, these policies have had good results for the conservation of agriculture and for preventing the brutal building up of rural spaces. If a farmer decides to stop farming, his only choices are to sell or rent his land to another farmer. Farmland takes up only 30% of the national territory in Albania, which ought to be conserved. The other 70% (of which much is mountains) is a sufficient amount for urban expansion.

- The collective management of the Larzac plateau has been a unique experience. The French State wanted to transform this land into a military terrain. In the end, 6000 hectares were leased to a social company, which is in fact the association of Larzac's inhabitants. It manages the activities of this territory. All of the rural activities, and not only agricultural activities, are managed by this civil society association. The Larzac affair has survived a legally and economically hostile environment, and symbolizes the primacy of use rights over property rights. The territory is managed in a collective and democratic manner, and the Larzac civil society association is in charge of assigning use rights, which in turn are individualized and private. There is no sale or inheritance of the land. Use rights can be freely transferred, but are always assigned in accordance to the activity exercised by each person.
- Hypermarkets on the border between rural and urban spaces constitute a symbol of ultra consumption. These structures take up a lot of space and distend the relationship between the urban sphere and the rural sphere. A study done by the ADEME (Environment and Energy Management Agency) shows that going shopping at a small neighborhood grocery store uses two times less energy than going shopping at a hypermarket on the outskirts of the city.
- Community Land Trusts in the United Kingdom symbolize success in collective management of land resources. Historically, local farmers used to meet up once a year in order to make sure that their animals were going to go to the same pastures since there were no fences. The existence of shared rights can be found again in the Community Land Trusts. Cooperative or community-based farms that hire farm workers and work in a manner that respects nature can be set up. The residents have a meeting, pool their money and can collectively purchase land to be settled by young farmers who had been forced off their land. This kind of farming is respectful of biodiversity, produces healthy food, and maintains a social fabric that is adapted to country living.
- Romania lost a chunk of its cultural and environmental heritage in its desire to attract tourists. An ethnologic reservation was created with French and Belgian financial support. However, Romania did not pair this foreign money with a cultural policy. In the affected region, there has been a loss of folklore, traditional architecture, etc. Today, tourists have stopped visiting this area because it has lost all value as a tourist destination. The farmers who once lived in this area have since immigrated to Spain to pick strawberries. In the end, tourism can propel the development of rural areas, but only if there are concerted tourism policies, cultural policies, and farm policies.
- The Spanish example illustrates the role that land policies (or their absence) can play in a context of great economic growth. Between 1960 and 1974, the GNP per capita growth rate equalled the growth rate, and over 5%. Over the same period, the agricultural population diminished: it dropped from being at 40% of the active population in 1960 to only 20% in 1974. The rural population emigrated to the cities and to the rest of Europe. At the beginning of this period, there was a marked difference between very large estates (*latifundio*) and small farms (*minifundio*). The very large estates continued along their modernization processes (through mechanization, etc.), but the rural emigration out of the small farms did not further the modernization of agriculture for the rest of Spain. The imbalance was made more pronounced due to the fact that in Spain there are no farm-size regulations like in France for instance. Finally, the structuring of the farm sector is very imbalanced, much farmland has been abandoned, and in the early 1980s it became clear that Spanish agriculture is less productive and less professional than French agriculture. When democracy returned, the first thing that the representatives of the farming sector asked for was an intervention similar to the French farm-size regulations (*les politiques de structures*).
- Soil use cannot be reduced to land management. Soils are used for other things than agriculture and industry. They have other functions that concern biodiversity, water management, and the atmospheric state. In order to raise awareness about the importance of soils for the future of the planet, we must teach our citizens. For about ten years now, many educational programs to raise awareness about soils have been

developed in France. The education is designed for all levels of society, for adults and especially for children. Currently, the need to promote education about soil is being recognized at the European level. A series of decisions about this are being made in the European Commission.

- It is necessary to think about the different conceptions of agriculture as complementary rather than as contradictory or hierarchical. If this were the case, there would be better exchanges between farmers, a better relationship between the city and the countryside, and better environmental, economic, social, and food-production strategies. There is no single conception of what farming is, but rather multiple conceptions that need to have a common goal of land conservation, considered as important as water and air conservation.
- The 27 states that are members of the European Union are finalizing a cooperative system that addresses questions about the sustainability of soil uses (and the use of other resources in general). Soils are the grounds for all activities: we must be concerned about what threatens and potentially degrades our soils. The European Commission recognizes that soils are under threat. There will be guidelines requiring that member States identify any areas of their territory that are under the threat of salination, erosion, contamination, water-sealing, or the loss of organic material. These five threats can happen to all kinds of soils, depending on the kinds of human activities that take place upon them. The challenge in conserving soil quality is related to climate change as well as to water resource management. How might we improve our understanding and our perceptions of soil functions in the different parts of Europe? How can we compile our databases on a European scale?
- Since 1970, without any population growth, French cities have doubled in surface area. Since 1980, the middle class has been growing, and this is a trend that will soon happen in China. In France there are three kinds of neighborhoods:
  - Neighborhoods where the wealthy and the upper-middle class live. These neighborhoods are becoming less densely populated.
  - Working-class neighborhoods, which are becoming run down and thus are also becoming less densely populated.
  - Neighborhoods on the outskirts of cities where middle class people live in small houses, which is also a type of urban landscape that is rather sparse.

Money ought to be invested into the rehabilitation of working-class neighborhoods in order to prevent the flight of the middle class. Public works companies are coming up with ways to create pleasant neighbourhoods that are dense and socially mixed.

- The French experience in land-size regulation policy (*la politique des structures*) is quite interesting. Actually, France wanted to promote mid-sized family farms, and therefore implemented three kinds of actions:
  - The tenant farming statute
  - Restrictions on farm enlargements (farm « structure » restrictions)
  - A policy for intervening on the real estate market, which was put into effect by the creation of the SAFERs in 1960. In 1960, young farmers asked the government to control the farmland market. The State agreed, as it wanted to prevent large farms from taking up all of the land, and it wanted to restructure the smallest farms. Throughout France, companies were created to buy farmland in order to make a certain number of farms stronger. In 1962, the government and the farmers saw that the price of farmland was rapidly increasing: the SAFERs were then accorded pre-emption rights in order to convey the land to private buyers. Local farmers or their representatives were put in charge of these agencies, which are under state surveillance. Prior to each resale done by the SAFER, the offer is advertised in the local farming newspapers. When the applications have been received, judgements are made locally to determine who should be accepted.

Then, a county-level technical committee makes its judgement before the board of directors of the SAFER makes the final decision. Since their creation, the SAFERs capacities have grown, notably in their ecological competences (since 1999).

- In France, it was deemed necessary to guarantee farmers the possibility for long-term employment without being landowners. Over 60% of French farmland is worked by tenant farmers, and not by landowning farmers. The tenant-farming law was definitively passed after World War II:
  - Tenant farmers are given long-term job security. The length of the lease cannot be less than 9 years, and it is renewed almost automatically, except in extenuating circumstances (if for example, the landowner chooses to return to work the land himself). This right can be conveyed only if the heir becomes a farmer. This right cannot be sold.
  - The amount of tenant farming has been reduced and restricted by the State and producers' organizations. When the product price drops, the tenant farmers' lease price tends to decrease.
  - Conflicts between tenant farmers and landowners are dealt with in special express courts.

In France, it is often more advantageous to be a tenant farmer than a landowner. There is not a heavy income stream transfer, as is the case when the farmer is also the owner of the land. When the landowner sells his land, the tenant farmer has purchasing priority. There are far more rural landowners than farmers (500,000 farmers compared to about 2 million rural landowners), and the tenant is often wealthier than the landowner in the end .

- There is a divide between the French State's interventionist policy that seeks to impose a model (family farming where the couple works without employees) and the side effects that this policy had brought about. The formerly illegal practice of lease transfers have been recently regularized. Avoiding the increase in farm size was one of the goals of the French government. In the end, this objective was only partially reached because the number of farms has dropped over the past 20 years.

### **Summary of Europe's greatest challenges :**

The European experiences have three over-arching themes:

- Land access, especially for farming. The makeup of the agricultural sector and farm-size regulations.
- The role and function of soils are not given enough consideration in determining how territories ought to be used. Efforts need to be made to truly recognize the different natures and functions of soils before reaching decisions on how they ought to be used. Yet there are some initiatives for raising awareness about soils and identifying endangered soils.
- Ways for restricting and regulating territory use (tourism, protected areas, supermarkets, etc). How might we find ways for the inhabitants themselves (city dwellers, farmers, etc.) to control and manage the territory themselves?

### **Questions from the Chinese participants concerning the situation in Europe:**

- Europe is quite advanced compared to China. The challenges that China is facing are certainly challenges that Europe has already encountered. China has a high population and limited land resources. At the same time, China needs to solve its food security

problems and overcome environmental challenges. What are the European experiences with these challenges? Have they found any solutions? Are there any lingering problems?

- What is a small farm? Can the French policy be considered as a policy that does not encourage property? If this is the case, how can this policy promote the financing of agriculture?
- Today, the Albanian government has total control over the lands that were privatized during the 1980s. Have farmers' incomes dropped in Albania? Doesn't this cause problems concerning the future of the farming profession?
- What are the European Union's mechanisms for soil control? How can we be certain that the surveys' results are applied in the real world?
- There are great differences between China and European countries. In China, the number of farmers is much higher, while the amount of available land is lower. The Chinese government has chosen to promote urbanization, especially small and medium-sized cities, while the Europeans try to keep a minimum number of farmers. Why has the number of farmers dropped so much? What role has policy played in this reduction?
- Why do European countries give preference to small farmers, which, theoretically, are less productive than large farms?
- Why does the urban population remained constant while the cities increase in size?
- After World War II, Europe experienced a massive rural exodus and a great urbanization. What measures were taken in order to encourage the settlement of rural populations in urban areas?
- Is SAFER a State agency or an association?

*Response to this request for clarification:*

*SAFER is an anonymous company, that means a private firm, but it has a public service mission and is not for profit. It is a weird status, because it is a firm controlled by the government, directed by farm unions, and whose actions are limited by the rural code.*

*When SAFER was created, 50% of the company's expenses were paid by the government and 50% by the appointees. Today, 10% of its expenses are paid by the government, 80% by the appointees, and 10% by other means (communities).*

Is SAFER's pre-emptive right exercised upon an imposed price or does SAFER have some sway for negotiating this price? Are there SAFERs elsewhere in Europe?

*Response to this request for clarification:*

*Most of the time, SAFER intervenes at the price achieved in the sales agreement. If SAFER deems this price too high, it can exercise its right of pre-emption with price revision. It can propose a new price to the seller, who can either accept the price, take the good off the market, or ask that the courts fix a new price.*

*Farmland in France is the cheapest in Europe, partly because of the SAFER, which do not exist elsewhere.*

*Community Land Trusts (England) also use pre-emption, for example to provide affordable housing, but do not yet exist for farms.*

*In Romania, there is an agency that controls the exchange of land (specifically forests), but not yet the sale of these lands.*

*In Poland, a national agency has pre-emptive rights over sales of estates over 300 hectares if the buyer is someone from outside the canton.*

*In Denmark and Holland, there are farm-size restrictions, but no controls over the real estate market.*



## **SESSION 3**

### **WHAT CAN WE LEARN FROM THE SIMILARITIES AND DIFFERENCES BETWEEN CHINA AND EUROPE?**

#### **Synthesis of the big challenges in China and in Europe:**

In discussing the specific challenges and the common challenges, we will be able to identify the areas for collaboration. These big challenges are the following:

- Be able to ensure the food security of the Chinese and European people
- Preserve natural resources (soils, forests, farmlands, biodiversity)
- Preserve traditional knowledge and cultural knowledge that allow people to benefit from these resources
- Control urban sprawl and preserving the limit between the city and the countryside
- Overcome energy challenges
- Reflect upon the organization of farm production (large farms or little units?)
- Resolve the problems of European agricultural development (which produces negative side-effects on the environment and is not necessarily sustainable)
- Connect different levels of decision-making (local/national/global bodies)
- Define and guarantee the rights of different groups (families, village communities, nomadic tribes, cities, rural areas, States, etc.)
- Distinguish the law from the real-life practices
- Manage the income streams related to land and real estate resources
- Protect soils, which are diverse and complex natural spaces
- Provide farmers with the possibility to mobilize themselves so that they themselves can participate in the definition of the objectives to be reached
- Give culture the importance that it deserves, because if a law does not correspond to the culture, it is almost never applied, especially if its about the land
- Link soil management issues to water management issues
- Overcome the challenge of employment and productivity in the farming sector. It is necessary to preserve farm employment in order to maintain the territory.
- Think about environmental problems from an economic and financial standpoint, and no longer from a moral one. How can we organize ourselves in order to be content with only one Earth?
- Overcome the challenge of global warming, which involves land preservation, controlling urbanization, and internalizing environmental costs over natural spaces.



All these governance problems constitute the core of the problem to be developed in depth in order to move the debate forward.

The participants



**Synthesis of the similarities and differences in the big challenges**

| <b><u>Similarities</u></b>  | <b><u>Differences</u></b>   |
|---|---|
| <p>Necessity to preserve natural resources, and, in particular, land.<br/>Necessity to promote the support of scientific research and public information in this area.</p> <p>Necessity to overcome energy challenges.</p> <p>Necessity to organize farm production.</p> <p>Necessity to preserve or rehabilitate traditional knowledge.</p> <p>Necessity to preside over the great conflicts between the cities and the countryside.</p> <p>Necessity to respond to environmental challenges (having become economic and social questions).</p> <p>In order to reach the objectives of sustainable development, policies must conciliate 4 inseparable elements: the distribution of land, farm modernization models to be promoted, the parity of incomes between cities and the countryside, and migratory flux related to the creation of employment.</p> | <p>The role of mobilizing the farmers in the process of change is not the same. How to involve Chinese farmers in the process of change?</p> <p>Food security is not ensured for the long-term in China, while Europe has a surplus of farm production. How to ensure China's food security in the years to come?</p> <p>In China, the land is under more pressure (chemical inputs) than in Europe. How to regulate this pressure?</p> <p>Territorial planning is the domain of the central government in China, while it is up to the territorial communities in European countries. How to find the decision-making level that would be the most adequate for dealing with soil management and land management?</p> <p>The farm practices in Europe are more in line with the law, and they are no longer directed by habits and traditions in China. How to establish norms that would apply to everyone in a just and egalitarian way, all the while respecting each territory's socio-cultural specificities?</p> |

These big challenges are at the crossroads of four big fields of thought: law (management of rights), politics (governance), economy (income streaming from land tenure, tourism, the environment, etc.), and culture (relationship between the land and peoples).

## **SESSION 4**

### **HOW MIGHT WE STRENGTHEN THE DIALOGUE BETWEEN CHINA AND EUROPE?**

Several possible areas of collaboration have been proposed in order to face the big challenges of China and Europe. The areas that we need to develop together are (in no particular order):

- Privilege field visits, in Europe and in China
- Work together to find the financial means for organizing joint scientific missions
- Immediately begin preparatory work for the next China-Europe Forum, and set up an office for organizing these activities with one Chinese and one European manager
- Take advantage of already existing exchange platforms and capitalize on projects that are already in action
- Set up a platform for putting together an ensemble of well-defined projects as well as a process of reflection and research on the big issues at hand in China and in Europe
- Privilege scholarships in order to promote mixed and diversified education
- Be at the origin of exchange programs (between farmers, practitioners, academics, government representatives, etc)
- Begin joint comparative research programs to increase the level of knowledge
- Widen the socio-professional background of the dialogue's participants (especially for the third edition of the China-Europe forum): we need to involve farmers, political decision-makers, etc, and not only academics.
- Set up a common publishing program, prepare articles for mass distribution, employ medias that reach the public (video, etc) in order to make this no longer a debate among people in-the-know
- Privilege and promote the devices of decentralized cooperation (sister cities, etc)
- Urge Chinese and European policy-makers to place land and soil issues on their national/international agendas