China: Ensuring Women’s Rights to Grassland and Related Subsidies and Rewards
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I. Executive Summary

This case study identifies good practices and lessons learned about ensuring women's rights to grassland and grassland-related subsidies and rewards in the Grassland Ecology Conservation Subsidy and Reward Mechanism (GECSRM) in China. The GECSRM, launched by the Chinese Central Government in 2011, aims to provide financial incentives to protect grassland from degradation and raise the living standards for herders. However, this program and the distribution of subsidies and rewards to herders raise new issues for women, mostly because their rights to grassland within their household are not clearly defined and protected.

Authorities in one area of Inner Mongolia Autonomous Region in China have introduced a policy change that alters the method of the distribution of subsidies and rewards. This different method has improved women's ability to guarantee a more equal share of the program's subsidies and rewards.

The main findings of the GECSRM program assessment include:

1. Unlike in other parts of China, the GECSRM policy and its distribution of subsidies and rewards in Inner Mongolia is based on individuals rather than the size of the contracted grassland. This ensures individuals rights to subsidies and rewards that can be clearly defined. This is important as it strengthens women's position within the household and reduces the risk of losing their grassland and related benefits when their marital status changes.

2. Social stability is always one of the top concerns of local governments in China. Women's awareness of their rights and their ability and willingness to organize themselves to actively claim their rights is critical in pressing the local government officials, who are concerned about possible negative impacts on social stability, to take effective actions to address women's problems under the GECSRM.

3. Given the strong intention to make sure that everyone can benefit from the GECSRM, the local government officials make great efforts to explore solutions to women's problems. A focus on local leaders' attitudes and perceptions on addressing women's land rights issues may be worth pursuing in other parts of China.

The local practices illustrate challenges and effective approaches for ensuring women's equal rights to grassland and grassland-related benefits under the GECSRM that can inform the implementation of the program currently underway in other grassland areas in China. Moreover, the legal or policy support for local practices the practices from the central government and a certain degree of autonomy at the local level is critical to ensure that the good practices are sustainable.

II. Background

China has about 400 million hectares of natural grassland, accounting for over two fifths of China's total land coverage. Recognizing the importance and multiple functions of grassland, the Chinese government has long made efforts to protect grassland from degradation and raise the living standards for herders. One program that is currently being implemented is the Grassland Ecology Conservation Subsidy and Reward Mechanism (GECSRM), which aims to provide financial incentives for grassland protection. This program and the distribution of subsidies and rewards to herders raise new issues for women, mostly because their rights to grassland within their household are not clearly defined and protected. Authorities in Left Banner of X League, Inner Mongolia Autonomous Region, have introduced a policy change that alters the method of the distribution of subsidies and rewards. This paper describes how this different method has improved women's ability to guarantee a more equal share of the program's subsidies and rewards.

a. China's grasslands reform and protection

In the early 1980s, the Chinese government introduced a profound reform affecting arable land in rural areas by establishing the Household Responsibility System (HRS). Under the HRS, village collectives retained ownership of the arable land, but use rights were allocated to farmer households based on the number of people in the household. The shift from collective to household farming resulted in a dramatic increase in China's agricultural production. Encouraged by the success of the HRS, the Chinese government extended a similar reform to grasslands in the late 1980s with the aim to increase land use efficiency and promote the development of the livestock industry. Grassland use rights were contracted to herders' households for a period of between 30 and 50 years based on the number of family members and the quality of the land.

Although the reform stimulated herders' production and had a positive impact on pastoral incomes, the reform did not prevent desertification of the grasslands. The HRS for grassland restricted herders' grazing to a relatively small area, which made it difficult to rotate their grazing areas. This led to an intensification of the use of grasslands and as a result accelerated land degradation and desertification in some areas. By 2011, 90% of China's usable natural grasslands were to some degree degraded due to climate change, excessive grazing, and rural development.
Table 1. Subsidies and rewards under the GECSRM policy.

<table>
<thead>
<tr>
<th>Subsidy</th>
<th>Sum (annual)</th>
</tr>
</thead>
<tbody>
<tr>
<td>To herders in grazing prohibition areas¹ that have use rights but have withdrawn from grazing</td>
<td>6 yuan per mu² (US$13.8 per ha)</td>
</tr>
<tr>
<td>To herders that achieve a forage-livestock balance³</td>
<td>1.5 yuan per mu (US$3.5 per ha)</td>
</tr>
<tr>
<td>To herders who plant improved grass seeds</td>
<td>10 yuan per mu (US$23 per ha)</td>
</tr>
<tr>
<td>Subsidy to purchase production materials (e.g. diesel oil) to enhance farm investments and improve production conditions</td>
<td>500 yuan per household (US$76.9 per household)</td>
</tr>
</tbody>
</table>

The problems of grassland degradation, overgrazing, and desertification have become issues of serious concern for the Chinese government. Grassland degradation and desertification restrict the development of grassland animal husbandry and negatively affect herders’ incomes. Accordingly, the government has taken various measures to improve grassland ecology and raise the living standards of herders.⁶ In October 2010, the State Council introduced the Grassland Ecology Conservation Subsidy and Reward Mechanism (GECSRM) for an initial period of five years (2011-2015). The program’s aim is to curb grassland degradation in the main grassland provinces and autonomous regions, change the development mode of livestock husbandry, and promote continuous increases in herders’ income. Table 1 lists the different subsidies and rewards that are distributed under GECSRM. The subsidies and rewards are distributed to herders’ households based on the grassland areas they have contracted from the village collective under the HRS.⁷ Herder households, which have contracted grassland from the village and have met the GECSRM’s requirements listed in Table 1, receive annual subsidies and rewards directly from the local government deposited into a special bank account set up for the household.

Currently, the GECSRM program has extended its range to over 268 semi-pastoral and pastoral counties, covering over 320 million hectares or 80% of China’s total grassland areas.⁸ Preliminary evaluations have suggested that some positive changes have been made: grassland ecological conditions are recovering at an accelerated rate, livestock production has increased, and herders’ income has significantly increased.⁹ In 2015, the Ministry of Agriculture conducted the first five-year assessment of the program and its ecological impact. Based on positive outcomes from the program, the ministry decided to extend the GECSRM program to 2020. Within this new 5-year term, the policy of the GECSRM remains largely unchanged. However, in some previous grazing prohibition areas where the ecological conditions have been satisfactorily improved, herders will be allowed to graze. However, they will be required to keep their livestock under a certain number to maintain a forage-livestock balance. In the new term, the subsidy to herders in grazing prohibition areas is increased from 6 yuan per mu to 7.5 yuan per mu. The subsidy to herders that achieve a forage-livestock balance is increased from 1.5 yuan per mu to 2.5 yuan per mu.¹⁰

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⁷ To facilitate the implementation of the GECSRM, the State Council explicitly requires improving the existing grassland contracting system and completing the grassland systematic registration in China. Currently, the central government is conducting a pilot project to register grasslands, where grassland areas that are contracted to herder households are being re-measured, and some households have been issued grassland certificates for the contracted grassland. Ministry of Finance, Ministry of Agriculture. 2010. Notice on the Preliminary Work to Establish Grassland Ecology Conservation Subsidy and Reward Mechanism.
⁹ Agriculture Department of Ministry to Finance. 2014. Grassland Ecology Conservation Subsidy and Reward Program is Beginning to Bear Results.
III. Methodology

This research uses a combination of desk research and field research. The desk research provides an overview of: the grassland reform in China, including laws, regulations, and central and local policies related to herders’ grassland rights and the GECSRM; the implementation status of the GECSRM, laws, and regulations related to rural women’s land rights; and the status of women’s land rights issues in China.

Field research was conducted for 10 days during March 2015. The Left Banner of X League, situated in the west of Inner Mongolia Autonomous Region, was selected as a case for this study. The GECSRM covers about 4.87 million hectares of grassland in Left Banner, of which 3.87 million is classified as a grazing prohibition area and the remaining 1 million as forage-livestock balance area.11 There are about 60,000 herders living in this area who can benefit from the GECSRM.

Ten randomly selected village collectives (gachas) were visited. Structured and open-ended interviews were used to collect data and information from 23 stakeholders (12 men and 11 women), including local government agricultural sector officials, gacha leaders, and female and male villagers. The interviews aimed to assess local policies and practices of the GECSRM from a gender perspective, as well as the practices for protecting women’s rights to grassland in the implementation of the GECSRM at the community level.

IV. Legal Framework

Although the local policy stresses that everyone benefits equally from the GECSRM, women are often at a disadvantage. The GECSRM program is based on the HRS, which means that women are only eligible for benefits if they have been allocated grassland within the household under the HRS. This section will situate the scheme in a broader legislative and administrative context.

A series of laws and policies in China granted equal land rights to women and men. While China’s constitution grants broad equal rights to women in all spheres of life,12 several laws grant specific protections for women’s land rights, including the Law on Protecting Women’s Rights and Interests,13 the Rural Land Contracting Law,14 and the Marriage Law.15 However, thousands of years of agricultural and patriarchal practices still prevail in rural communities where women are in a vulnerable position and do not enjoy equal rights to land. According to a survey conducted in 2007, more than a quarter of rural women identified in this survey had no land. Only 33% of women had land in their natal village, 41% had land in the marital village, and 26% of all women identified in the survey had no land.16 Rural women’s land rights have been identified by the Third Survey on the Status of Chinese Women as one of four key issues faced by rural women in the past ten years in China.17

Under the Organic Law of the Villagers’ Committees, gachas are authorized to decide key matters in the village, including how collectively owned land and land-related benefits are allocated, which is typically based on membership in the collective.18 As long as a herder is defined as a member of the gacha, the person has the right to receive allocated grassland from the gacha. However, a precise definition of membership is absent in national policies, legislation, and regulations, and is therefore left to the discretion of the collective’s leaders.

In the absence of legal guidance, together with persisting patriarchal values, the gacha defines the membership of the collective and decides the allocation of grassland rights and related benefits by treating women and men differently. The common practice is for women to move their place of residence from one village to another when they change their marital status. That is, in this patrilocal context, once women marry they relocate to their husbands’ village, and are thus seen as being “married-in”


15 Article 39 of the Marriage Law (2001) provides that the rights and interests enjoyed by husband or wife in the operation of land under a contract based on the household shall be protected according to law.


to their marital village, and “married-out” of their natal village. The Rural Land Contracting Law preserves a woman’s share of land in her natal village upon marriage and in her marital village upon divorce or widowhood and attaches civil liability to any person who deprives women of their rights to land. However, in practice, women’s land rights and related benefits may be lost depending on their marital status and the rules determining membership of a particular gacha. Some married-out women were deprived of the right to be allocated grassland either by their natal village or by their husbands’ village in the second round of grassland allocation due to the change of their marital status; some women lost their rights to benefit from the grassland originally allocated to them in the case of divorce or widowning; some women were deprived of the right to compensation for land expropriation because they were not recognized as members of the gacha.

In every gacha visited, there were women who had not been allocated grassland under the HRS. The example of Li Fang is illustrative. She got married in 1995 and moved to live with her husband’s family outside the grassland area. According to Chinese law, she is allowed to keep her registered residence in her birthplace, or move her registration to her husband’s household after getting married. Li Fang chose to keep her registered residence in her birth gacha. During the grassland allocation in the Left Banner, about twenty married-out women like Li Fang in this gacha were not allocated grassland because they married out and were not defined as members of their birth gacha, despite the fact that their registered residence was still in this gacha. At the same time, they were not accepted as members of their husbands’ gachas and thus were not allocated grasslands rights. Married-out women often lose their grassland rights as they may not be accepted as members of either their birth gacha or their husbands’ gacha at the time of the grassland allocation.

The current legal framework does not define the land rights of each family member within a household. When a change in the marital status occurs, it is almost impossible for a woman to claim and partition her share of grassland from either her birth family upon marriage or her ex-husband’s family upon divorce. In case of marriage, the women’s land and land-related benefits from her birth gacha will usually be under the control of either her parents or brothers, while in the case of divorce the women’s rights will be transferred to her ex-husband’s family. This becomes a barrier for women who have been previously allocated grassland to actually benefit from the grassland and from the GECSRM policy.

V. Intervention/Gender Assessment

a. Subsidies

Subsidies and rewards under the GECSRM that are distributed to the herders’ household are based on the amount of grassland contracted to the households; other factors such as the number of family members are not taken into account. This means that the larger the herder’s grassland, the more financial benefits the herder may receive. In the Left Banner, grassland area per capita varies significantly by location. In the desert and arid grassland area in the north, the grassland area per person can be as large as 8,000 to 10,000 mu (533-667 hectares). In the mountain areas with high quality grassland and higher population densities, the grassland area per person averages only 100-200 mu (6.67-13.33 hectares). If the subsidies or rewards were to be allocated based on the amount of grassland, as intended, herders in the desert and arid grassland areas would receive much higher payments than those in mountain areas.

The interviews with local policy makers show that the majority of local policy makers strongly prioritized a fair distribution to make sure that every herder in the Left Banner benefits from the subsidies and rewards equally, irrespective of the size of their contracted grassland. Authorities in the Left Banner have therefore implemented a different method that distributes subsidies and rewards based on the number of family members in the household. This adjusted policy, they believe, is more acceptable to local herders and is more conducive to social harmony and stability. Table 2 lists the distribution of subsidies and rewards under the adjusted local policy.

21 Used as a pseudonym.
22 Regulation on Household Registration (1958), art. 13.
Table 2. Subsidies and rewards under the Left Banner implementation of GECSRM.

<table>
<thead>
<tr>
<th>Herders living in grazing prohibition areas</th>
<th>Age</th>
<th>Condition</th>
<th>Reward (per year per person)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>under 16</td>
<td>None</td>
<td>2,000 yuan ($US307)</td>
</tr>
<tr>
<td>To herders who do not raise any livestock in the grazing prohibition areas</td>
<td>between 16-60</td>
<td>To herders who do not raise any livestock in the grazing prohibition areas</td>
<td>13,000 yuan ($US2000)</td>
</tr>
<tr>
<td></td>
<td>10,000 yuan</td>
<td>($US$ 1538)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4,000 yuan</td>
<td>($US$ 615)</td>
<td></td>
</tr>
<tr>
<td>60 and above</td>
<td>To herders who do not raise any livestock in the grazing prohibition areas</td>
<td>10,000 yuan ($US1538)</td>
<td></td>
</tr>
<tr>
<td>To herders with both grassland and arable land</td>
<td>8,000 yuan</td>
<td>($US$ 1230)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4,000 yuan</td>
<td>($US$615)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Herders living in forage-livestock balance areas</th>
<th>Age</th>
<th>Condition</th>
<th>Reward (per year per person)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>under 16</td>
<td>None</td>
<td>2,000 yuan ($US307)</td>
</tr>
<tr>
<td>16 and above</td>
<td>None</td>
<td>4,000 yuan ($US$615)</td>
<td></td>
</tr>
</tbody>
</table>

b. Measures taken to ensure equal benefits

The local policy makers and officials in the Left Banner strongly believe that the most important thing in implementing the GECSRM is to ensure a fair distribution so that all herders in the Banner, including women, benefit from the subsidies and rewards equally. These intentions are explicitly illustrated in the special efforts made by gacha leaders and local authorities to help women with grassland rights issues and related problems so that women could benefit equally from the benefits provided by the GECSRM to men. These efforts apply to married-out women, married-in women, and divorced women.

i. Small plot allocation to married-out women

In T Gacha, similar to almost every gacha that was visited, over ten married-out women had not been allocated any grassland either in their birth gacha or their husbands’ gacha during the grassland allocation under the HRS. Since they had no contracted grassland, they were not eligible to receive any subsidies or rewards under the GECSRM program. Dissatisfied with this outcome and realizing that the requests from individual women were not noticed by the local authorities, the women organized themselves and approached the gacha committee and the township government as a group to ask for equal treatment with other herders under the GECSRM. Women in this self-organized group share information, provide mutual support, and take collective actions to defend their rights to the subsidies and rewards. These collective actions proved to be effective to getting their voices heard and putting political pressure on the government and the gacha leaders, urging them to take these women’s problems seriously to avoid these collective actions escalating into mass unrest. With the strong intention to make sure that everyone would benefit from the GECSRM, together with the pressure to curb social unrest and construct a harmonious society, the local government responded by working with the gacha leaders to explore solutions.

Usually each gacha has some reserved grassland that is not allocated to herders’ households. The first initiative that gacha leaders undertook was to allocate a small plot of reserved collective grassland to married-out women. Although it is too small for actual grazing, it makes the women eligible for GECSRM’s benefits. In Gacha S, for example, approximately 1,440 mu or seven percent of the total grassland area was managed by the gacha committee, which decided to allocate about 30 mu of grassland to each of the 20 married-out women who did not change their residence registration from natal home to their marital gacha. These married-out women were then able to claim this small piece of land as their own land and accordingly were eligible to claim the subsidies and rewards under the GECSRM.

ii. Annual adjustment of the list of names of the herders eligible for the GECSRM’s benefits to include newly added members of the gacha, mainly married-in women and newborn children.

Since the beginning of the GECSRM, the list of names of the herders in each gacha who are eligible to benefit from the GECSRM is adjusted annually to ensure that the newly added members of the gacha are included and can access the subsidies and rewards like other members of the gacha. Those who die and those who move to urban areas are removed from the list. Those who are born that year are added to the list, and women who are newly married-in and choose to move their registered residence to their husband’s gacha are counted as members of their husbands’ household and are added to the list of names of the gacha. Some women marry and move to the grassland area from the arable land area, but they are never allocated any grassland. As long as married women move their registered residence to their husbands’ gacha and their husbands’ household is a contractor of collectively owned grassland, they will be entitled to grassland subsidies and rewards, and their name will be added to the list of names of the gacha.

iii. Grassland division for divorced women

Grassland is usually contracted to the household in the name of the husband, while the bank account where the GECSRM’s benefits are deposited is also usually held in the name of the
Since the implementation of the GECSRM, some divorced women have approached gacha leaders and relevant government sectors to request the division of their portion of the grassland and the subsidies and rewards from their ex-husbands’ households. These requests from divorced women raised the concern of the gacha leaders and relevant government sectors over the desperate situations some women may face in the case of divorce, especially those divorced women with young children. Concerned about the possibility of social unrest, gacha leaders and local authorities have taken actions to help some of these divorced women by conducting mediation sessions with the divorced couples (and in most cases also with the extended family of the husband) to ensure that the woman can have a plot of contracted grassland portioned out from the household plot. This in turn makes her eligible for the GECSRM’s benefits as well.

For those women who are not allocated grassland from the gacha in the grassland allocation, it is difficult for the gacha leaders and the local government to help them get a share of grassland from their ex-husbands’ household in a divorce. In this case, some divorced women are able to be allocated a small piece of grassland from the grassland that the gacha reserved for collective management so that they could be eligible to get the subsidies and rewards.

iv. Division of registered residence and independent bank accounts to benefit women

Since the GECSRM offers an annual subsidy of 500 yuan to each household in pastoral areas for the purchase of diesel oil and other supporting products, the local government strictly controls the division of households in the residential registration system and the related division of household bank accounts. Taking into consideration the vulnerable situation of married-out and divorced women, the local government not only makes extra efforts to secure a piece of grassland for these women, but also allows an exception for married-out women and divorced women to permit them to split their registered residence either from their parents’ household or from their ex-husbands’ household in the case of divorce in the residential registration system. Consequently, these women can be treated as an independent household and can therefore apply for a bank account in their own name where the GECSRM benefits are annually deposited.

VI. Recommendations

The local government officials say that all the actions they have taken to help women have been out of humanistic concerns. They intend to protect women from losing their rights to the GECSRM benefits and from falling into poverty. There are several factors that lead to better protection of women's rights in the GECSRM in the Left Banner of X League.

Adopt the Left Banner approach in other parts of China. The unique approach of the Left Banner in the implementation of the GECSRM policy, as well as the attitude of local gacha leaders and local authorities, has improved women’s rights in the GECSRM. Unlike in other parts of China, the GECSRM policy and its distribution in the Left Banner is based on individuals with the gacha, rather than the size of the contracted farmland. This ensures that individuals’ rights to subsidies and rewards can be clearly defined. This is important as it strengthens the women’s position within the household and reduces their risk of losing their grassland and related benefits when their marital status changes. The Left Banner policy implementation allows women to have and exercise their right to land and to gain an income from that land, whereas the central policy subordinates women’s rights to the head of the household, which in most cases is their husband or father.

Increase women’s awareness of their rights in rural China and support women’s groups as they arise. Women’s awareness of their rights and their ability and willingness to organize themselves to actively claim their rights was critical to their success in gaining grassland subsidies and rewards. Social stability is always one of the top concerns of local governments in China. Women’s group action was, therefore, instrumental in pressing the gacha leaders and the local government to take effective actions to address women’s problems under the GECSRM so as to avoid the possible negative impacts on social stability.

Encourage local government officials to work together with gacha leaders to explore solutions to women’s lack of equal rights to the benefits of land. Given the strong intention to make sure that everyone can benefit from the GECSRM and with the pressure to curb social unrest and build a harmonious society, the local government officials work together with the gacha leaders to explore solutions to women’s problems. The local government officials and village leaders are the ones who make policies and put them into practice. They have implemented an alteration in the GECSRM policy with the aim to ensure that everyone in the Left Banner, including women, is compensated for the loss of or limited use of the grassland that was allocated to their households. A focus on local leaders’ attitudes and perceptions on addressing women’s land rights issues may be worth pursuing in other parts of China.
VII. Conclusion

The year 2015 marks the last year of the initial term of the GECSRM. After the assessment of the program and its ecological impact, the Ministry of Agriculture decided to extend the GECSRM program to 2020. Within this new five-year term, the policy of the GECSRM remains largely unchanged. While all the other leagues of Inner Mongolia Autonomous Region allocate subsidies and rewards based on the land area instead of the number of family members, the local authorities in the Left Banner are facing pressure to reverse their policy implementation in line with the central policy. Such a policy change could mean that women who are currently protected would lose their rights to the subsidies and rewards. If the policy of basing allocations on individuals rather than the amount of the grassland area is reversed, the women of the Left Banner will then be left in a vulnerable position. The good practices at the local level will not be sustainable if the local government cannot get legal or policy support from the central government or if they are not given a certain degree of autonomy to address the specific land rights issues affecting women.
The Landesa Center for Women’s Land Rights is an initiative of Landesa, an international non-governmental organization committed to the power of land rights as a pathway to eliminate extreme poverty, reduce conflict, and build more gender-equal and just societies. Given the centrality of women’s land rights to a host of sustainable development and human rights outcomes, the Center partners with governments and global networks to champion women’s land rights in high-level and strategic norms-setting fora, and by leveraging innovative solutions for stronger gender-responsive land rights on national and regional levels.

Resource Equity was founded in December 2014 as a women-run, women-first non-profit which focuses exclusively on gender issues related to land and resource rights. We work in concert with other organizations worldwide to advocate for social and policy change that will enable women to have secure rights to land, and develop the capacity of others to do this work around the world.