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Law on rural land disputes meditation to help ensure stability

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China's top legislature adopted Saturday a law on the mediation and arbitration of rural land contract disputes, aiming to help settle conflicts that affect rural harmony and stability.

President Hu Jintao signed a decree to publish the law.

The law, to take effect on Jan. 1, 2010, will help "settle disputes concerning rural land contract management in a timely and just manner" to ensure farmers' rights and promote rural economy and social stability, according to the law.

The law sets out principles related to the use of mediation or arbitration to settle land disputes. When a dispute arises, the parties concerned can reach a compromise on their own, or resort to a village committee or local government for mediation. If reconciliation fails, the parties can apply for arbitration by a local committee or take their case to court.

Under the law, local governments are to set up arbitration committees on rural land contract management disputes at the county or city levels.

The committees will be responsible for hiring arbitrators, hearing disputes and supervising the process of arbitration. They should inform applicants of whether they will accept cases in less than five working days.

The law also specifies that disputes over land expropriation that involve government organizations are not subject to arbitration and must be resolved through administrative appeals or litigation.

The new law was "an effective guarantee" to ensure farmers' land contract management rights and "an important approach" to safeguard rural stability, Minister of Agriculture Sun Zhengcai said when briefing legislators about the law in December.

The law represents an attempt to standardize the arbitration process, with land contract disputes having become more frequent and varied in recent years. These disputes are addressed as "a factor affecting rural harmony and stability."

Rising land disputes

One of China's basic rural policies is to allocate publicly owned farmland to individual households through long-term contracts on the basis of "household contract management."

Lawmaker Pei Chunliang, director of the Peizhai Village committee in central Henan Province, said in a group meeting deliberating the law that "China's land contract management system faces problems that constrain rural development and affect stability."

More than 50,000 land dispute cases arose in 224 cities and counties across the country from 2003 to March 2008.

Since the end of the 1990s, some Chinese villages have used arbitration to settle disputes. Currently, 23 provincial legislatures have regulations concerning land dispute arbitration.

The Ministry of Agriculture began to conduct pilot programs on land dispute arbitration in 2004, but the arbitration process and procedures were varied and sub-standard due to the lack of a pertinent law.

Under the Legislative Law, a draft law usually takes three bi-monthly legislative meetings to deliberate before being adopted by the top legislature.

The law on the mediation and arbitration of rural land contract disputes was first considered in December.

The latest deliberation at the six-day legislative session that closed Saturday added "mediation" to the law's title, with a greater focus on reconciliation before conflicts go to arbitration.

The law regulates the mediation process in a separate chapter, recommending that local government officials explain laws and regulations to farmers and encourage them to resolve conflicts through mediation.

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Disputes over land use have led the Ministry of Agriculture's petition list since 2003, with about 44 percent of those in 2006 being land-related.

(Xinhua News Agency June 28, 2009)

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