

NEGOTIATING RURAL LAND OWNERSHIP
in Southwest China

A Study of the Weatherhead East Asian Institute

**NEGOTIATING RURAL LAND
OWNERSHIP
in Southwest China**

State, Village, Family

Yi Wu



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To my family, far and near

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Notes on Measures and Transliteration

1 *mu* (亩) = 0.165 acre; 6 *mu* = 1 acre

1 *zhang* (丈) = 3.33 meters

1 *dou* (斗) = 1 decaliter

1 *jin* (斤) = 0.5 kilogram = 1.1 pounds

1 yuan (元) = approximately U.S. \$0.119 in 2005 and \$0.161 in 2015.

All transliteration of Chinese terms uses the pinyin system of Romanization of Mandarin (*Putonghua*).

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CHAPTER 1

Introduction

Rights over land, the most salient form of property, have been at the heart of controversies concerning the transformation of contemporary China. As a fundamental economic institution that shapes the life chances of this country's more than six hundred million rural residents, the current rural collective land ownership system in China has been a contested arena throughout the People's Republic period (1949–present). The combined impacts of political turmoil, changing state-society relations, and population pressure gave rise to successive land property regimes. The land reform in the late 1940s and early 1950s took land owned by landlords and extra land owned by rich peasants and redistributed it to the rural poor. A roughly equal landholding among farmers was established thereafter. Starting in the mid-1950s private land ownership was gradually abolished in favor of collective land ownership and collective agricultural production. For more than two decades the majority of the rural populace was administratively bound to their collective units within the People's Commune System and was obligated to engage in collective labor. When the Household Responsibility System, the first major post-Mao rural reform, started in the early 1980s, land was allocated to individual households through contracts. Although farmland continued to be collectively owned, rural families were freed from the forced collective labor of the Maoist era and reemerged as the primary units of agricultural production. As China proceeded further down the road to a “socialist market economy,” sweeping institutional changes in land management occurred. First, land reemerged as a commodity after the Chinese constitution had banned land transactions for decades. Then a unified land management system was created in 1986,

enabling the central government to control national land resources more efficiently and effectively. As urbanization became a primary driver of China's economic growth in the new millennium, millions of farmers lost their contracted farmland for development, and land issues generated diverse conflicts and nationwide popular resistance. Such profound and rapid change in rural land property relations in China over the past six decades has drawn extensive scholarly attention.

Joining in the effort to understand the transformation of China's rural land ownership, this book approaches the issue of land ownership through in-depth ethnography in village communities and is based on my research since 2002 in Fuyuan County in the southwestern Chinese province of Yunnan. As an anthropological project, this research has three methodological focuses. First, drawing on theoretical developments in property studies since the 1980s that highlight issues of power (Appadurai 1986; Coombe 1998; Hann 1993a, b; Messick 1995, 2003; Stark 1996; Strathern 1984, 1988; Verdery 1996, 1999, 2003; Verdery and Humphrey 2004), I view the formation of a property regime as a fluid process within which social actors with different resources and capacities compete for control over various property elements such as rights, value, and meanings, and therefore I formulate the central questions of this study as to how the three major rural alignments—local governments, village communities, and rural families—have contested and negotiated land rights at the local level and thereby transformed the structure of rural land ownership in the People's Republic of China.

Second, following the central anthropological contention that property relations are to be understood as social relations and to be seen in terms of human society and culture (Firth 1965; Gluckman 1965; Hoebel 1966; Malinowski 1935), I do not take the property of land *per se* as my focus; rather, I focus on the interrelations between the land tenure system and the surrounding social and cultural systems. I explore how land property relations were shaped by complex cultural patterns and long-held traditions, such as the distinctive identities of rural settlements, popular religion, the logic of the family farm economy, egalitarianism, and a survival ethic that has long surrounded land distribution in rural China.

Third, as a historical anthropology of current rural land ownership in China, this research draws on the convergence of anthropology and history that since the 1980s has prompted anthropologists to historicize social and cultural phenomena and examine “history from below” (e.g., Cohn 1987; Dirks 1986; Geertz 1980; Messick 1996; Rosaldo 1980; Sahlin 1981;

Thompson 1963, 1966; E. Wolf 1982). As a result, my work does not start from the perspective of the state or national policy; nor do I treat the system of land relations as static. Rather, based on extended ethnography, archival documents, and local history from Fuyuan, I explore how local culture and practices articulated and interacted with the wider political economy, resulting in changes in land ownership structure. These changes continued throughout the long historical processes such as establishing rural collective land ownership in the 1950s and 1960s, implementing the household contract system in the early 1980s, and readjusting the rural economy in the new millennium.

With the above theoretical and methodological focuses, this book adds to the existing literature on China's rural land ownership system in three aspects. First, it provides a new approach to the formation of the current system of collective land ownership in rural China by shedding light on the enduring social identities of rural settlements (often referred to by the Chinese government as "natural villages") during the People's Republic period (1949–present). Specifically, it reveals how a landholding structure, which I term "bounded collectivism," was initially formed in southwest China as a result of the contestation between the socialist state aiming to establish collective land ownership and rural settlements seeking exclusive control over land resources within their traditional borders.

Second, it reveals the power of rural families in shaping the structure of rural land ownership through the examination of the grassroots land allocation principles under the Household Responsibility System in the early 1980s and of how domestic property relations are constructed through long-held norms regarding the rights and responsibilities of genders and generations, instead of state laws. Meanwhile, it also analyzes predicaments faced by small family farms in the new social and economic context of post-Mao China.

Third, while the majority of recent research on the reform of China's land management in the post-Mao era focuses on policy analysis and institutional changes at the national level, this book uses village-level data to show how local governments, rural communities, and rural households have contested and negotiated the essential component rights of land ownership (i.e., use, income, and transfer rights) in two major economic spheres—agricultural production and the land market. The contestation has manifested in several forms: conflict and cooperation between the local government and rural households in agricultural production; rural households' resistance to the government's compulsory land requisition; village cadres' attempts and

strategies in taking control over the collectively owned land and their underground activities in the land market; and the government's strategies in monopolizing land sale profits and the apparatus supporting its predatory practices in the land market. Only by understanding such competition and operation at the grassroots level can we understand why and how China's rural land ownership system is changing.

In short, by providing a multilayered and historical-contemporary analysis of the relationships formed among major rural alignments in dividing and sharing land rights over the past six decades, this ethnography demonstrates that the current rural land ownership system in China is not a static system imposed by the state from above, but a constantly changing hybrid resulting from the contestation among the major rural alignments. This property regime defies simplistic and ideological labels such as "socialist," "capitalist," or "postsocialist." Understanding the characteristics of land property relations in China will contribute to the understanding of the historical specificity and complexity of property relations and the different trajectories of socialist and postsocialist transformation across the world.

Making "Bounded Collectivism": The Long Overlooked "Natural Village" (*zirancun*)

The current rural collective land ownership system in China has been a major research topic in the field of China studies. The power and strategies of the Chinese state in establishing the rural collective land regime are studied by scholars from multiple perspectives. It is well known that, through various political campaigns and movements, the Chinese Communist Party (CCP) gradually abolished the previous private land ownership system and implemented collective ownership across the countryside within a decade of the establishment of the People's Republic in 1949. During the process, a new rural economic and administrative structure—the People's Commune System—was established in rural areas. As a result of this administrative change, every county in China started to contain a number of communes, each of which was composed of production brigades, which in turn were composed of production teams. The number of production brigades within a commune, like the number of production teams within a brigade, varied from region to region. Within this tri-level administrative structure, agricultural production and land management in rural China underwent profound changes, the most important of which was that the production team became the lowest-level collective land management unit and the most ba-

sic administrative unit to which the vast majority of the rural population was administratively bound from 1955 to 1983 (Chan, Madsen, and Unger 1992; Friedman, Pickowicz, and Selden 1991; Oi 1989; Potter and Potter 1990; Ruf 1998; Selden 1993a; Siu 1989). In examining the campaigns and movements initiated by the state, as well as the new social and political structures imposed on rural society, the existing literature reveals very well the power and strategies of the Chinese state in creating a new socialist land ownership system. However, little scholarly attention has been paid to the role played by another equally important social organizing force in this transformation—the “natural villages” (*zirancun*), at least two million of which are estimated to exist in China’s vast rural areas.¹

What then is a “natural village”? It is a settlement community, the most basic rural residence unit in China. For the rural populace, it refers to local residents’ sense of what is “local and long-standing” (Feuchtwang 1998) and therefore embodies long-established relationships that govern settlements, territories, agricultural production, ancestral graves, kinship, and the worship of local deities. Historically, neither the boundaries nor the membership of a natural village have been set by the state. This is why the current Chinese government uses the term “natural villages” to define these communities and to convey that these communities were formed spontaneously out of settlement choices over long historical periods. But the formation of these communities was of course shaped by many complex social and economic factors; therefore, they are not “natural” at all. The local terms for these communities vary in different regions. The most common term is *cun*; others include *tun*, *ying*, *zhaizi*, *zhuang*, *wanzi*, and *bang*, all of which can be roughly translated as “village” or “hamlet.”

In this book, however, I do not use the word “village” to refer to these communities, because the “administrative village” (*xingzhengcun*) or “village committee” (*cunweihui*), which is a unit in the current rural administrative structure, is also often referred to as “village” for short by many scholars and the government. In other words, in the social and political context of the People’s Republic of China, the concept of village encompasses the dual meanings of administrative villages and natural villages. Yet my fieldwork experience made clear that differentiating between these two kinds of villages is crucial to understanding rural land ownership and social relations of labor and income distribution.

Natural villages/rural settlements have been a major focus of several generations of anthropologists and historians of China. The first surge of

rural community studies occurred from the 1920s to 1950s and produced many important works (Fei 1939; Fei and Zhang 1945; Fitzgerald 1941; Fried 1953; Gamble 1963; Hsu 1948; Lin 1947; Yang 1945). Their studies have demonstrated that from the late imperial period to 1949, rural settlements not only functioned as the fundamental organizational node of interaction and exchange in rural areas but also exhibited stable and distinct identities in various ways, the most important of which included restricted community membership, exclusive control over community land, and distinguishable social and economic organizations.

In his study of the rural economy in Jiangsu and Yunnan Provinces, Fei Xiaotong (1939, 1945) is especially explicit about the exclusiveness of the community identity. He reveals a series of phenomena defining the social and economic boundaries between community members and outsiders: restrictions were imposed on who could be considered a community native resident; only community members were permitted to use, lease, or buy the public lands of the village; outsiders customarily did not participate in important voluntary organizations that shaped the political and religious life in the village; and so on. The situation is also described by Sidney Gamble in his book *North China Villages*:

In north China before 1933, the land was dotted with thousands and even tens of thousands of villages. Although they lay fairly close together, they were separate and distinct communities. There were only a few instances where two or more villages united for political or economic reasons. No two villages were alike in the sample groups we studied in Hopei, Shansi, Shantung, and Honan. They differed in size, in the number of families living within their boundaries, in the number of clans and name groups, in the amount of land they controlled, in the number and organization of their leadership groups, in the qualifications demanded of their leaders, in the political development, in their finances, in the amounts and methods of levying and collecting their assessments, and in their religious activity. (1963, 1)

After Fei, other scholars have addressed how natural villages' social and economic identities were maintained. In the area of popular religion, for example, Arthur Wolf (1974) shows how local deities were worshipped as officials holding territorial posts and thus defined the community boundaries. In his study of rural communities in north and south China during

the first half of the twentieth century, Philip Huang emphasizes the importance of taking the village as “a unit worthy of analytical attention” (1985, 27). Huang argues that the “supra-kinship territorial bonds” that existed in village communities made these communities have greater stability and continuity (1990). More importantly, Huang points out that while many scholars assume that “the villages were completely integrated into larger systems either through an intrusive state apparatus or through the pervasive influence of the gentry,” historical data prove that “the village was left intact as a basic unit of Chinese society” in the reconstruction of rural China in the twentieth century (1985, 27). Prasenjit Duara (1988) similarly concludes that although the natural village in late imperial society was not the sole, or perhaps even the dominant, node of coordination in the cultural nexus, it was an important one. For instance, the community managed different collective activities, the most prominent being religious ceremonies barring outsiders. Furthermore, Duara discusses the interaction between the rural settlements and the modern state. With the advent of the late Qing reforms and state-building attempts during the Republican period, a formal village government with taxing power emerged. As a result, the village leadership’s territorial jurisdiction over land was strengthened during the Republic, although the disarticulation of local political brokers from the cultural nexus in rural society weakened their moral authority and created a less cohesive community identity.

From the extensive research of the historians and anthropologists, it is safe to say that an important feature of rural Chinese society before 1949 was the exclusivity and solidarity of the natural village, which maintained powerful control over both social and physical domains. Yet we know relatively little about what happened to these communities during the process of transforming the “old” private land property relations into new, socialist ones after 1949. Many critical questions arise. For example, as socialism emerged in the rural areas, what kind of relationship existed between natural villages and production teams, the lowest-level collective land management units created by the state? Did the process of setting up new collective land management units change or disrupt the previous boundaries among natural villages? Did these communities try to maintain their social identities and long-held domains during this dramatic process and thereby shape the structure of the new land property regime? This book aims to explore these important questions.

My research on natural villages is based on field data from Fuyuan County, which contains a total of 1,788 natural villages. I argue that while

the existing literature reveals very well how the state-imposed rural administrative and economic structure of the commune-brigade-production team had transformed land property relations in rural China, the role played by natural villages in forming the current collective land ownership system has largely been overlooked. In fact, the state is only one of the major forces involved in forming this land property regime; natural villages constitute another one. The histories of natural villages in Fuyuan prove the tenacity with which these communities have pursued control over their long-held physical and social boundaries during the People's Republic. Certain traditional elements, such as restricted community membership, ancestral graves, kinship bonds, and territorial deities, have continued to play important roles in maintaining the identity and territory of each natural village, even in a socialist context.

However, a community's social identity and physical boundaries are maintained not merely by the resilience of these elements and long-held cultural patterns; more importantly, it is through the interaction between natural villages and the state-initiated collectivization program that these communities continue to lay claim to land within their territories. During collectivization, natural villages in Fuyuan persistently resisted collectivist approaches that aimed to disrupt the traditionally held boundaries defining these communities. The enduring identity of each community limited collectivism and land redistribution to its boundaries and prevented strict egalitarian land redistribution among communities. Facing such resilience and persistence, the state retreated from its most ambitious attempts to override the social and physical boundaries of these communities in the process of establishing a collective land ownership system; it not only acknowledged the land rights of natural villages but also incorporated these communities into its administrative and economic structure. Since most natural villages in China's southwest are small or medium-sized, often with several hundred people, they functioned as the basis for the production teams, the lowest-level collective land management unit, the primary locus of collective labor and income distribution, and the most basic rural administrative units. This incorporation into the state administrative structure provided natural villages with new social, economic, and political mechanisms to lay claim to land within their traditional borders and reinforce solidarity among their members. A landholding arrangement that I term "bounded collectivism" was formed as a result. In the post-Mao reform period, the production team was turned into the villagers' group. With deep social and cultural roots in

local communities, these new administrative units are not arbitrary units created for administrative convenience; rather, their control over land has made them fundamental, stable components of the rural political structure.

To conclude, embedded in a tenacious traditional culture and dominated by state penetration, bounded collectivism is not simply a static property regime imposed from above by the state—it is a landholding structure that has adapted to, and even strengthened, key elements that have traditionally maintained the social and economic exclusivity of natural villages. Data from Fuyuan and other parts of rural China lead me to conclude that bounded collectivism exists at least in south China. This landholding arrangement has important implications for how the two current levels of village administration—namely, the administrative village and its constituent villagers' groups—share land rights in the post-Mao era, how the current controversial land market will evolve in the near future, and how village cadres frame local politics and the state-society nexus at the village level.

The Rural Family: Independent Family Farming and a Key Framework for Constructing Property Relations

Before the CCP victory in 1949, the major owners of rural land were families, as well as private corporate groups, which include patrilineal ancestral associations, schools, temples, guilds, religious societies, and sworn brotherhoods (Cohen 1976; Freedman 1966; Potter 1970). Land ownership could be freely created, negotiated, and transferred among families and corporate groups through private contracts (Cohen 2005e; Shepherd 1993). The prevailing pattern of landholding and farm labor was one of small freeholders and tenants. This system remained essentially unchanged until 1949 (Huang 1985; Perdue 1987; Rawski 1972). During the land reform in the later 1940s and early 1950s, the CCP used the strategy of mass mobilization to confiscate land and all property from landlords, including houses and other belongings. The extra land of rich peasants was also taken away. The expropriated land was then distributed to the rural poor. As a result of this program, a roughly equal landholding among farmers was established. Shortly after the land reform, the CCP leadership started to push for collectivization, for the purpose of controlling a larger share of the agricultural surplus to invest in industry and feed China's rapidly growing cities. In the process, private land ownership was gradually abolished in favor of collective land ownership and collective labor, and the vast majority of rural residents were administratively bound to their local collective units. Extensively studied by scholars,

this turbulent socialism-building process tends to overshadow the underlying power of the family in defining property relations in a socialist context, and it also makes land ownership appear to be a one-sided arena in which the socialist state dominated. This book demonstrates that the collectivization movement never destroyed the family as a social unit within the community, and family-centered values have continued to shape state policies regarding land use and management from two aspects.

First, throughout the People's Republic, the long-held logic of the family farm economy remains a key source of farmers' proclivity for independent family farming and a range of household enterprises. Rural households never stopped struggling with the government for production freedom in the Maoist era, which, in the context of collective land ownership, meant more land-use rights or production freedom. After Mao's death in 1976, farmers' resistance to forced collective labor culminated in secret experimentation with an underground lease system in some poverty-ridden regions, which eventually resulted in the Household Responsibility System (HRS) in the early 1980s. Under the HRS, rural families reemerged as the primary units of agricultural production. This ethnography shows that independent family farming has become irreversible in the new political and economic contexts of the post-Mao era. Although local governments in southwest China have often tried to administrate agriculture in order to obtain more revenue, farmers have persistently demanded less interference in agricultural production. By struggling with local governments on what to grow and how to grow it, rural families influence the direction of agricultural development in the southwest. The family's status as the primary unit of production has been confirmed by two actions by the government: (1) farmers were warranted a new land contract term of seventy years in 2008 (and most rural experts in China expect that the term will be an indefinite one)² and (2) starting in 2012, the central government decided it would spend the next five years completing the process of issuing land-use rights certificates to rural households across the country. With formal land certificates, farmers can better defend their land use rights in many circumstances.³

Second, this ethnography reveals that the family has always functioned as a key framework for constructing property relations even in a socialist context. Historians generally agree that the traditional Chinese property rights regime "operated within a complex of institutions that included partible patrilineal inheritance, weak inheritance rights to women, ownership vested in the household and not the individual, the widespread use of con-

tracts to establish and transfer rights of property, and the existence of state and para-state institutions to the enforcement of these rights” (Zelin 2004, 32). Despite tremendous social and economic changes throughout the long period from the late Qing to the Maoist era, the household had always maintained its property-holding status. For example, even during the Maoist era, work point earnings of individuals were considered to be family property and paid directly to the family head (Cohen 2005c). My research focuses on the domestic property relations after the implementation of the HRS in the early 1980s. Data from Fuyuan County and other rural regions show that land allocation under the HRS was calculated in terms of individual entitlement, but made to households. Moreover, domestic property relations continue to be an arena where long-held norms regarding property rights between genders and generations reign, and one in which the state generally refrains from intervening. In other words, just as natural villages were able to demand relatively exclusive ownership rights over land within their territories and formed bounded collectivism, rural families also exerted important influence on which aspects of land property relations were under the control of the family and which were under the state. As a result, family property, including land, continues to be effectively held by households, despite the property law, inheritance law, and land laws that all promote the individual’s rights and equality between genders; the land rights of the individual are thus abstract. When the family divides, land is always divided equally only among sons; daughters are excluded from inheriting family property. Meanwhile, this ethnography shows that changes also occurred. The increase in off-farm employment, the expansion of wealth and consumerism, the emergence of a youth culture, and new legal institutions available to ordinary people for settling disputes have begun to erode the deep roots of the traditional customs.

Examining an Evolving System at the Grassroots Level

The rapidly changing land property relations in post-Mao China have drawn considerable scholarly attention since the 1980s. To date, key areas that have been carefully studied include the evolution of China’s land management institutions over the past six decades (Ding and Song 2005; Ho 2005a; Huang Xiaohu 2006; Wen 2000; Zhou Qiren 2004a; Zou 1998); rural land-holding arrangements across China (Chi 2000; Ho 2005b; Kung and Liu 1997; Liao 2008; Liu 2002; Rozelle, Li, and Brandt 2005; Wang 2001, 2005; Zhang Hongyu 2002); the implications of post-Mao land laws and policies

on rural society (Chen 2004, 2012; He 2010; Zhao 2000); compulsory land requisition and the establishment of a land market in China (Cai 2003; Chuang 2014; Ding 2004; Guo 2001; Ho and Lin 2003, 2004; Hsing 2010; Liu 2005; Sargeson and Song 2010, 2012; Zhang, Mao, and Xu 2004; Zhao, Verstappen, and Kolkman 2014; Zhou 2004b); and the interplay among land rights, identity shaped by gender and kinship, and politics in small rural communities (Judd 1996; Oxfeld 2010; Yang 2006; P. Zhang 2002; Zhu and Wu 2006). The above works provide essential information on the implications of major land policies; the general trends at the national level caused by institutional change; and specific land issues such as land requisition, the land market, local landholding arrangements, and land disputes in local communities.

However, there has yet to be a study that describes the operation and change of the current rural land ownership system at the grassroots level in the post-Mao era. My study reveals the operation of rural land ownership by disaggregating the notion of property into three kinds of rights—use, income, and transfer rights (Demsetz 1967)—and then I examine how each kind of right is exercised and competed for in the economic spheres of agricultural production and the land market. Using the above framework of property as a “bundle of rights,” the current study seeks to answer a series of important questions: How do the local government, village communities, and rural households share and divide land use rights in agricultural production? After reemerging as the primary unit of agricultural production after the implementation of the HRS in the early 1980s, does the family obtain full production freedom or does it still face the government’s intervention in local agricultural production? When land reemerged as a commodity in the reform era, who had the rights to assign land ownership to other parties and who benefitted more from the newly established land market? How did local governments and village cadres respond to the central land policies, and how did each form new political and economic interests in controlling land resources? What traditional strategies and new social resources and channels are available to farmers for defending their land rights? By examining these questions, I aim to provide a more complete picture of the operation and change of rural land ownership in the reform period at the grassroots level. The commodification and commercialization brought by post-Mao reforms have constituted new social, economic, and political contexts in which social groups form new motivations, resources, and strategies in their competition for land resources. At present, land has

taken on the essential elements of a commodity, but it is a commodity whose parameters are shaped by the contestation among local governments, different levels of village administration, and rural families. This research reveals why and how such contestation and negotiation have caused changes in the structure of the current rural land ownership. Because of the ever-changing nature of the system, it is important to be cautious about defining rural land property relations in China according to simplistic and ideological labels.

Research Site and Data Sources

This study is based on my field research in Fuyuan County, which is located in eastern Yunnan, a frontier province in southwest China that shares borders with Vietnam, Myanmar, and Laos (see map 1.1). I chose Fuyuan because my personal and family connections made close observation of local life and events possible, and because the social and economic conditions and land resources in Fuyuan are representative of China's less-developed interior regions. Fuyuan County has eleven townships, under which there are 161 administrative villages and 1,788 natural villages.⁴ In 2013 Fuyuan's population was 804,600. The majority of Fuyuan's population is Han nationality, with ethnic minority groups making up less than 9 percent of the population. Because of its rich natural resources, Fuyuan is often called "the home of eight treasures" (*babao zhi xiang*). Corn, tobacco, rice, and buckwheat are the major crops. Mineral resources such as coal, lead-zinc, fluorite, gypsum, copper, and gold are rich in this region. Its coal resources are especially large; ten of its eleven townships have coal resources. The proven reserves are more than six billion tons and the projected reserves are estimated at more than twenty billion tons, making Fuyuan's coal reserves the highest in the province. Despite its rich natural resources, Fuyuan has long been a poor agricultural county. The majority of Fuyuan's residents depend on farming for their basic livelihood. The agricultural yield there is generally low, because, as a mountainous area, more than 80 percent of Fuyuan's farmland consists of sloping fields, most of which have very restricted access to water resources. Until 1993, more than 200,000 people in Fuyuan had an annual income of 300 yuan or less.⁵ In 1994 the State Council designated Fuyuan as one of 592 poverty-stricken counties among the more than 2,000 counties in the country.⁶ These poverty-stricken counties regularly receive financial subsidies from the central government.

However, in the late 1990s, Fuyuan's economy made an upward turn due to its rich coal resources. With the increasing demand for energy amid