

Application of LADM for Rural Homestead Administration in China

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SUMMARY

Land Administration Domain Model (LADM) became an international standard (ISO/FDIS 19152:2012) in 2012. When disseminating this model, FIG and ISO focused on the development requirements from UN-Habitat, UN FAO, and World Bank et al. international organizations to provide effective implementation instruments of policy for land governance, which contributed dramatically to poverty reduction and other sustainable development initiatives. In contrast to the rapid and intensive international application, few relevant researches were conducted in China. This article aims at bridging this gap with an attempt to apply LADM in the domain of rural homestead administration as a response to sustainable development targets of poverty eradication and rural revitalization in China. The research content covers the introduction and delimiting research scope, identifying the social and legal requirements from the rural homestead, formulating the framework of rural homestead governance, dissecting and adjusting the Administrative, BaUnit, and Party packages respectively, presenting the results and drawing the final conclusion. The methods of structural academic literature analysis, legal and policy documents analysis, and geographical information engineering based on LADM were employed. The results showed: (1) The bipartite entitlement system (ownership and use right) adopted in the current rural homestead administration is a mixed product from the planned economy to the marketed economy. Ownership belonged to the local community forms a politic foundation for public land interests. Use right freely allocated to the householder with a membership of the rural collective economic organization bears mixed function of social security and economic utility. For the sake of social security, use right is occupied until holder disappears and not allowed to transfer, leading to insufficient development of rural homestead and economic loss of rural householders. (2) The tripartite entitlement system (ownership, qualification right, use right) is specially created to tackle the problems brought by the bipartite entitlement system. Ownership keeps the same function. The Mixed function of use right of the bipartite entitlement system is separated. Qualification right as a personal servitude equips

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and protects local residents with social securities. Use right as a usufruct offers management freedom to promote new rural industries and services development. At last, public regulation enforced by local government serves as a governance framework for public land interests. (3) Administrative package in LADM provides tools to negotiate such diverse and often conflicting land interests. RRRs(Rights, Responsibilities, and Restrictions) are required to extend and develop in details according to land rights and public regulation system in China. In addition, ownership, qualification right, use right is extended as a class in rights module, and so do mortgage, easement, right of way and comprehensive land use zone in restrictions module. (4) There exist legal rights and customary rights in China rural area, so a boundary of a homestead is ambiguous. Requirements of revising BaUnit(Basic Administrative Unit) package arise to provide property boundaries to both legitimate rights and customary rights. (5) Societies in China rural area are in the form of family and clan structure, which require minor adjustment of Party package to cover two kinds of entities of both individuals and groups. Group class is designed to cope with the special problems of property share triggered by inheritance of family or clan. Finally, the article obtains the conclusion that it is practicable for LADM to apply in the rural homestead administration domain in China, which offers a land governance framework to prompt sustainability in the rural area.