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978-1-107-06682-3 - Resolving Land Disputes in East Asia: Exploring the Limits of Law

Edited by Hualing Fu and John Gillespie

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RESOLVING LAND DISPUTES IN EAST ASIA

Economic development and mass urbanisation have unleashed unprecedented levels of land disputes in the region. In China and Vietnam especially, courts and other legal institutions struggle to find lasting solutions. It is against this background of legal failure that this book brings together leading scholars to understand how state agencies, land users and land developers engage imaginatively with each other to resolve disputes. Drawing on empirically rich case studies, contributors explore the limits of law and legal institutions in resolving land disputes and reveal insights into how key actors in East Asia understand land disputes. Their studies reveal promising dispute resolution practices and point to the likely ways that states will deal with land disputes in the future.

HUALING FU is a Professor of Law in the Faculty of Law of the University of Hong Kong, where his research interests include public law, human rights and legal institutions in China.

JOHN GILLESPIE is a Professor of Law and Director of the Asia Pacific Business Regulation Group at Monash University, Melbourne, Australia. He specialises in law and development, regulatory theory and socialist-transforming Asia.

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PREFACE

The idea to publish a book dealing with land disputes in East Asia evolved during conversations between John Gillespie and Hualing Fu, when John worked in the Faculty of Law, Hong Kong University as a visiting professor in 2011. At this time, new land disputes were erupting in China and Vietnam on a daily basis, and the insurrection in Wukan village in the Pearl River Delta, less than 60 km from Hong Kong, was making international headlines. In November 2011, a group of scholars from around the world gathered at Hong Kong University to discuss how land disputes are resolved in East Asia. To understand this complex phenomenon, participants in the workshop examined land disputes from a wide interdisciplinary perspective. This discussion not only centered on China and Vietnam, but also drew comparative insights from land disputes in the economically developed East Asian regions, especially Taiwan and Hong Kong. After numerous follow-up discussions and the commissioning of new chapters, this book emerged from the workshop.

We wish to thank Professor Albert Chen for supporting the Hong Kong workshop, the University of Hong Kong for supplying the convivial facilities, and the Asia Business Regulation Group, Monash University, for providing funding. Particular thanks to Flora Leung for logistical and organizational support.

We also wish to thank our editor, Sarah Russell, for her attention to detail and keeping the project on track. Finally, we have enjoyed working with Cambridge University Press. Our sincere thanks go to all involved.

John Gillespie and Hualing Fu