

# Analysis of Legal Security of Food Security in China

Huijun Li\*

Zhejiang A&F University, Hangzhou 311300, China. E-mail: 1071624748@qq.com

**Abstract:** Food keeps the most basic means of production and subsistence for human beings. When facing global security issues such as severe global epidemics and African locust plague, human is supposed to put a top priority on ensuring food security. Although the grain production capacity in China has been increased and grain-related laws and regulations have been continuously improved in recent years, a food security legal guarantee system that can coordinate the seed industry, crop breeding, and grain reserves hasn't yet been established. Imperfect legal system reduces risk resistance of China. Therefore it is the key strategies to speed up legislation progress, optimize the subsidy system, strengthen emergency reserves, and form a more comprehensive legal system.

**Keywords:** China; Food Security; Legal Guarantee

Food is the foundation for a strong country and food security is closely related to the country's survival and development. Ensuring food security is an urgent matter. The most powerful way to ensure food security is to legislate laws and establish a complete food security system.

## 1. Status of China's food security legal guarantee

The novel coronavirus, which has been rampant since the beginning of 2020, has affected global production and life, and then food gives people a sense of security. Under the severe epidemic situation, No. 1 central document was put forward which is seen as an indicator of policy priorities: "Steel production must take the lead, policy, area, and output should be stabilized." Only by ensuring the supply and demand balance of food production and preventing the imbalance of the country's market, production and social environment<sup>[1]</sup> can food security be better guaranteed.

A series of laws and regulations such as

"Agricultural Law", "Measures for the Administration of Grain and Oil Storage" and "Regulation on the Administration of Central Grain Reserves (2016 Revision)" have been promulgated and revised. What's more, laws and regulations on food security are continuing to improve. However, there are issues threaten food security, for example, the loss of a large number of rural laborers, arable land is gradually decreasing, and the implementation of the food reserve system is not in place, ect. The current legal system in China has a special chapter on food security in Chapter V of the "Agricultural Law", which is poor practicability and does not cover the content that should be provided for the construction of a legal guarantee of food security. In addition, it only formulates laws or lower-level normative documents for certain aspects of food security such as cultivated land protection and food circulation. In China, there are only local regulations such as the "Zhejiang Province Food Security Guarantee Regulations" that make systemic stipulation on food security guarantees. There is no systematic food security

guarantee system in China, and thus many food security issues have not been properly addressed.

## **2. Problems existing in China's food security**

For a rice plant, there must be no leaks in the series from seed to harvest and storage in order to become high-quality rice on the table. This is also the case in ensuring food security. From ensuring seed security to food reserve security, there are hidden dangers in the absence of a comprehensive legal system to safeguard food security.

### **2.1 The innovation of the national seed industry cannot be effectively protected by law**

In order to maintain China's international status, we must consolidate the foundation of the national seed industry. The two "locks" that ensure the security of the seed industry are talents and the law. At present, the legal protection of new varieties of seeds related to food production is mainly the "Regulation of the People's Republic of China on Protection of New Varieties of Plants", whose scope and strength of protection is limited. Furthermore, the new varieties are protected for a short period of time. Once the rights of breeders are infringed, it is difficult to identify the ownership of the breeds. The energy and expense consumed in maintaining rights are too large and they may give up their hard work<sup>[2]</sup>. In the long run, the enthusiasm of more and more grassroots workers will be exhausted, and the safety of the seed industry will also be threatened. The seed industry needs to be passed down from generation to generation. Only with the upsurge of enthusiasm for production and research can the "Chinese grain and Chinese seeds" be continued.

### **2.2 The breeding work is subject to the "straitjacket"**

According to data from the National Bureau of Statistics, China's total food production in 2010 was more than 500 million tons, while China's total food production increased by 23% in 2019. There has been a continuous growth trend since 2016. China's food production capacity is basically stable, but two aspects will become "stumbling blocks". On the one hand,

urbanization has led to a reduction in arable land, limiting long-term research in breeding. The Agricultural Law amended in 2002 clearly stated that it is necessary to protect grain production capacity and establish a cultivated land protection system, but it is not comprehensive. On the other hand, farmers' enthusiasm for production has declined, weakening the main force of breeding. The agricultural subsidy system in China has the shortcomings of inaccurate subsidies, extensive subsidies, and weak systems<sup>[3]</sup>, and it is prohibitive for workers who intend to engage in food production to make ends meet. China's agricultural subsidy system lacks the goal of increasing farmers' income, farmers' income cannot be met, and the cause of food security is on the ropes.

### **2.3 Low level of legislation on food reserves**

The "Regulations on the Management of Central Grain Reserves" are administrative regulations promulgated by the State Council. Compared with the laws formulated by the National People's Congress, the level of legislation is low. Food security has been included in the National Security Law and has risen to the strategic position of national security. It is clearly inconsistent with the strategic position of food security issues. Grain output, consumer demand, and prices have all affected reserve work. Local governments have insufficient knowledge of grain reserves, so the grassroots have not actively set up special funds for grain storage. There is no sense of the potential danger.

## **3. The countermeasures of legal guarantee for food security in China**

### **3.1 Accelerate the establishment of a food security legal system and strengthen links with other legal systems**

A sound legal system can make big countries win the upper hand in effectively handling risks and challenges. Thus the country urgently needs to build a well-structured food security law to realize the pride of the big food producing countries. A sound food security legal system should closely link food, agriculture, and rural areas, and place food security as part of the work of agriculture, rural areas, and rural people instead of

existing in isolation. The basic law enacted should coordinate and link the "Agricultural Law", "Land Administration People's Republic China", "Seed Law", "Regulations on the Management of Central Reserve Grains" and other food security guarantee laws and regulations<sup>[4]</sup> to fill the legal gaps. In order to solve problems efficiently, the internal systems of the system must not conflict with each other. Efforts are supposed to be stepped up to build a new policy system for agricultural subsidies, according to the aim, which involves country will improve agriculture support. Government workers should strengthen ties with farmers, and inquire them for suggestions on food production and food management. In addition, it is necessary to strengthen the protection of farmers' rights and interests to motivate farmers. At present, the first draft of "Food Security Law" has been formed, and its introduction is just around the corner. The law should clearly define the legislative purpose, accurately locate the subject and object, encourage the public to actively participate, and exercise the right of supervision.

### **3.2 Establish economic compensation system for grain research and agricultural subsidy policy**

Data show that Monsanto's annual R & D investment is more than three times that of 1500 seed companies in China<sup>[5]</sup>. The research on new varieties requires a large amount of investment. In addition to research, a financial compensation system for food research should be established to encourage agricultural workers to be creative and become the leaders in the development of the food industry. According to the "Monitoring Survey Report on Migrant Workers in 2018" issued by the National Bureau of Statistics, in 2018, there were 172.66 million migrant workers in the country, with 69.9% of people under the age of 40 and 13.8% of those with a college degree or above<sup>[6]</sup>. The state should stabilize the subsidy policy for improved seeds, subsidize grains for young adults between the ages of 20 and 40, and ask professionals to give them free training. In view of the insufficient subsidies for agricultural subsidies, the state should expand the scope of agricultural subsidies, subsidize the purchase of new agricultural machinery such as agricultural drones and robots by large farmers and cooperatives, and subsidize farmers who reduce the

amount of fertilizer used. In order to coordinate the environment and food production, the state can set up a professional team as well as set up special funds. The professional teams which are led by agricultural researchers, they lead farmers to innovate and develop resource-saving and environmentally friendly agricultural products together<sup>[3]</sup>. The establishment of an economic compensation system for the protection of cultivated land<sup>[7]</sup> can encourage people to actively protect the cultivated land. In addition, in light of the international development situation, it is also necessary to learn from the successful experience of other countries. The "amber box policies" policies such as reduction of agricultural product price subsidies and export subsidies should be changed to income subsidies<sup>[8]</sup>. Existent policies should be fully implemented to ensure farmers' income increase targets being realized, furthermore, optimizing China's existing subsidy policy should also be on the agenda .

### **3.3 Improve the status of grain reserve laws and increase supervision**

The laws enacted by the National People's Congress and its Standing Committee are the most authoritative. The strategic position of the legal system of grain reserves should be improved to raise policies and regulations to legal documents. In order to ensure emergency reserves, the central government should give full play to the role of early warning and emergency response mechanisms for food security. First, the state must establish a central and local organization with a clear division of labor<sup>[9]</sup>, and set up an independent food supervision department that is not responsible for the grain and material reserve department. Secondly, the government cooperates with well-equipped enterprises to store grain, and uses information systems to implement dynamic monitoring of grain outbound and inbound storage. Thirdly, local governments should set up special grain reserve funds, focus on strengthening supervision in major producing areas, regularly update and eliminate outdated equipment, and use the reserve fund to purchase modern equipment<sup>[10]</sup>. Regularly disclosure of the status of grain reserves and opening monitoring information systems play an important role in grain reserves. This measure can be made public and transparent, allowing farmers to monitor and reflect problems in real time. A

World Meteorological Organization statement on March 10, 2019 made predictions that locust plagues could threaten global food security in the future. Emergency grain storage is the life-saving straw for people in case of emergency disasters. The government should organize food security education activities to make public pay more attention to food security and cultivate a sense of worry. Ensuring food security also requires increased supervision. To give administrative staff public authority, it is necessary to formulate grain reserve management regulations, thus the central and local governments must set up supporting regulations and rules to strictly fill loopholes in grain reserve work so as to take precautions.

## 4. Conclusion

All in all, food security is a top priority. The construction of China's food security legal system should be based on the national conditions and seed industry security to ensure basic food production capacity and emergency reserve capacity. This system should be further promoted innovation and development on the basis of complying with the law of market development. Only when peace is at stake, can we be in danger. With the outbreak of this epidemic, China has realized the importance of establishing a scientific and comprehensive legal security system for food security. Only when one strengthens his sense of vigilance in peace time, can he faces the danger calmly.

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