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Notions of Rights over Land and the History of Mongolian Pastoralism

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Abstract

In the 1990s the Mongolian state implemented a series of reforms designed to create a competitive market economy based on private property. These included the wholesale privatisation of the pastoral economy and the dissolution of the collective and state farms. The Asian Development Bank and other international development agencies advocated new legislation to allow the private ownership of land. This remains a highly controversial issue in Mongolia, particularly with respect to pasture land which remains a public-access resource. This paper reviews the history of conflicting notions of rights over land, and explores the ways in which indigenous concepts are rooted in pastoral practices and institutions which have long histories on the Mongolian steppe.

Historically, mobile systems of pastoral land-use in Inner Asia were based upon the flexible use of pastures by pastoralists within an established framework of use-rights, but this access was very clearly subject to regulation by district authorities. Some of the largest of these operations were, historically, conducted by wealthy noble or monastic authorities who also controlled rights to land. The operations of these large scale pastoral institutions can be compared with pastoralism during the collective period, in which control of land was combined with collective ownership of most of the livestock of the district. In both periods notions of rights over land can be described as custodial, in that politically authorised agencies had conditional rights to use territory, and always within a wider sociopolitical order. Indeed, the history of pastoral institutions in Mongolia reveals the ways in which land formed part of wider sociotechnical systems - activities linking techniques and material objects to the social coordination of labour. These attitudes to land use can be contrasted with the more exclusive and commercial notions of land ownership of Chinese agricultural and urban society. Indeed, in the late 19th and early 20th century the sale or leasing of previously public-access land to Chinese farmers was a central factor in the formation of resistance movements in Inner Mongolia. Today in Mongolia's 'age of the market' (*zah zeeliin üye*) issues of land ownership are once again on the political agenda.

In Mongolia the debate over the ownership of land has become one of the most controversial political issues in the recent history of this post-socialist state. The introduction of laws that would allow, for the first time, the private ownership of land has provoked heated debate in a nation that continues to construct its identity with reference to ancient traditions of mobile pastoralism.

As the Soviet empire collapsed in the early 1990s, the Mongolian state launched political and economic reforms designed to create a market economy and parliamentary democracy. The economic advice that former Soviet-block nations received resembled the stabilisation and structural reform packages recommended for poor countries by the IMF and the World Bank in the 1970s and 1980s (Nolan, 1995:75). It included price liberalisation, cutting state subsidies and expenditure, currency convertibility, the rapid introduction of markets and the privatisation of public assets. These policy recommendations were based on the notion that reform must 'emancipate' the economy from the political structure, and allow it to assume its latent 'natural' form, composed of private property and the market.

In 1991 Mongolia began a huge programme to privatise state and collective enterprises through the issue of share coupons (*tasalbar*).[1] In rural districts the reforms included the dissolution of the collectives (*negdel*) and later most of the state farms (*sangiin aj ahui*) which managed the bulk of pastoral and agricultural production. The land, however, remained a public resource used by local pastoralists, and regulated by local government.

Sucessive Mongolian governments have been advised to introduce legislation that would permit the private ownership of land so as to bring Mongolia into line with international economic orthodoxy. The Asian Development Bank (1994:33), for example, states:- "Currently, there is no private ownership of land. As a consiquence, land tenure insecurity causes disincentives to invest in land improvements." The ADB strongly advocated the new Land Law which would allow the private ownership of land; "the Land Law... aims to provide positive incentives to herders, farmers and others to maximize production and to protect land from damage or degredation."[2]

However, this new legislation has met with fierce resistance. Many parliamentarians are unhappy with the notion of privatising land, particularly those considered 'conservative' in the context of the post-socialist political arena, such as members of the former ruling, Soviet-style, Mongolian People's Revolutionary Party (MPRP) and the much smaller Mongolian Heritage and Justice Party. In the mid-nineties parliamentary opposition repeatedly delayed the new land legislation. However, in 1996 the Mongolian Democratic

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[1] Asian Development Bank, 1992:86-88. World Bank 1994:9.

[2] ADB Agricultural sector study of Mongolia division 1, agriculture department Feb. 1994. p.33. The notion that common land is a problem for which the solution is privatisation has a long history in the development discourse. This was strongly advocated in the case of pastoral land in a number of African states in the past, and a host of studies have challenged the wisdom of these policies, see McCabe, Oxby, Ellis, and Behnke.

Union, a coalition of more economically libertarian parties, defeated the MPRP in parliamentary elections for the first time. The new government was determined to press ahead with privatisation and the new land legislation. On May 27 1999 the bill came under attack when it was reviewed in a meeting of the parliamentary standing committee on environmental and rural development. Some MPs expressed fears that the best pasture land would be aquired by rich landowners, to the detriment of poorer herders. Others accused the government of persuing the legislation at the bidding of the Asian Development Bank in return for large loans. The Prime Minister, J. Narantsatsralt, found it necessary to publically deny the charge of ADB influence. "The ADB loan and the development, approval and implentation of the law are two separate things," he told *Ödriin Sonin* (Daily News).[3] In June the debate became even more heated. One of the MPs, O. Dashbalbar, declared that the privatisation of the land could result in 'civil war.'[4] While this was widely seen as exaggeration, it reflected genuine fears that privatising land would precipitate disputes over land claims throughout the country.

Mongolian public opinion appears to have swung heavily in support of socialist 'conservatism,' amid general disenchantment with the MDU. N. Bagabandi, the MPRP candidate, easily won the 1997 presidential elections with more than twice the popular vote of his principal opponant, and the MPRP seems set to win a landslide victory in the forthcoming 2000 parliamentary elections. Among pastoralists there is widespread unease at the notion of privately owned pasture land, and considerable support for the 'conservative' line. However, many have also become increasingly concerned with protecting their use-rights to pastures, since the tight control of land-use that local officials used to excercise in the past has decayed since decollectivsation. But the notion that land could be bought-up and owned outright by individuals, particularly outsiders, remains a deeply emotive issue. These attitudes reflect indigenous Mongolian concepts of land that are rooted in the long history of pastoralism.

Historically, extensive pastoralism in Inner Asia has entailed flexible access to large areas of grazing land, and this meant a different configuration of rights over resources than in agricultural society. Rather than absolute individual ownership, mobile pastoralists depended upon public access to resources under the juresdiction of a local political authority that regulated their use. Indigenous Mongolian notions of 'land ownership' can be described as 'custodial' in that agencies had conditional rights to use territory and always within a wider sociopolitical framework. Indeed, in the past, land, livestock and people were constituent elements of socio-political domains ruled by district authorities.

In the 13th century the Mongolian polity founded by Chinggis Khan had been

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[3] A. Delgermaa. *The UB Post*, 1 June, 1999. No. 22(159), p. 2.
[4] N. Oyunbayar, *The UB Post*, 14 July, 1999. No. 28(165) p. 3.

composed of units termed *myangad* ('thousands'), from which a nominal one thousand soldiers could be levied.[5] These were administrative units with their own territory,[6] ruled by lords who also commanded the military contingent that could be drawn from them. There is evidence that the use of pasture-land was assigned and regulated by the lord of the *myangan* and his officers. William of Rubruck, for example, the observant Franciscan monk who traveled to the Mongolian capital in the 1250's noted "Every captain, according to whether he has more or fewer men under him, knows the limit of his pasturage and where to feed his flocks in winter, summer, spring and autumn."[7]

By the end of the seventeenth century Mongolia had come under the control of the Manchus, who adopted the name Qing for their dynastic rule of China. The Manchu administration divided Mongolia into around 83 districts termed *hoshuu* - 'banners' ruled by Mongolian nobles who were vassals of the Manchu emperor. The *hoshuu* themselves seem to have predated Manchu rule, and as Natsagdorj argues, the military-administrative organisation appears to be an adaptation of the earlier Mongol decimal system.[8] The banner had territory allocated to it for the pasturing of livestock, and the subjects were required to render their lord service, military and civil. Over the next two centuries the number of *hoshuu* increased to about 160 as the Manchu had a tendency to sub-divide the political units of Mongolia.[9]

@The Manchu introduced an administrative division between the more distant regions of 'Outer' Mongolia and the territories that were close enough to the Qing Court to be administered more directly - 'Inner' Mongolia. In this period Mongolian society was composed of a ruling aristocracy and subordinate classes that roughly correspond to 'commoners,' 'freemen' and a category of personal servants.[10]

Land and the political order

Throughout Inner and Outer Mongolia in Qing times, the land was considered to

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[5] The *myangad* were in several cases based upon older named groups that seem to have had distinct territories.

[6] Ch'i - Ch'ing Hsiao notes, p. 10, "Thus the 95 chiliarchies in fact represented the entire Mongolian population under Chinggis Qan's control in 1206." "Each unit," Ch'i Ch'ing Hsiao writes "was assigned grazing land (*nutug*) and water sources (*usun*) for the purposes of production and self-sufficiency."

[7] Dawson p. 94

[8] There are certainly many similarities between the two structures. Both were civil units that were characterised in terms of their military role. The banner was made up of a number of *sum* ("arrows") - units of a nominal male population of 150 soldiers." See Bawden p. 105, (also Barfield p. 275).

[9] See Sanjdorj pp.XVIII - XIX the map by Onon, from 1968 edition of *The History of the Mongolian People's Republic* Ulaanbaatar Mongolia.

[10] The English terms are rough translations:- The *albat* or *sumyn ard* correspond roughly with 'commoners,' *darhad* with 'freemen,' and *hamjilga* and *shabi* with 'personal servants.' There were also some slaves (*bool*).

ultimately belong to the Manchu emperor.[11] We know that emperors gave grants of land, both temporary and permanent, to groups who had to move from their established pastures.[12] The actual unit for pastoral land management was the *hoshuu* ruled by the *Zasag noyan* - ('banner prince'). Although the emperor retained the formal right to allocate land, in everyday life the right to use pasture land was at the discretion of the banner prince, and his officials, who acted as custodians of both people and land. An official letter dated 1877 stated "the grass and water of a territory may be managed and assigned only by the ruler and *jasag* of the said land."[13]

Within the *hoshuu* , the herdsmen were assigned to smaller units (*sum*), and subunits (*bag*).[14] The territory of the *hoshuu* generally contained a number of different areas of pasture used in winter, spring, summer and autumn. These seasonal pastures were divided between the various *sums* and *bags*, and within these areas the individual households had customary use-rights to particular pastures. In effect this meant that each family 'owned' no land as such but had a recognised area of pasture that it used in the different seasons, and of these the rights to the exclusive use of the winter pasture (*övöljöö*) tended to be the most strictly enforced. Someone grazing their animals near another's winter site had to leave sufficient land untouched for the 'owner' to feed his animals over the winter months. The other seasonal pastures were not generally so firmly divided between households. In many cases the summer pastures for all the *sums* of the *hoshuu* were in the same general area, and the allocation of land was often very flexible, with few restrictions on exactly where families could camp.[15] There was generally no shortage of grass in the summer months, and relatively few problems of herders infringing upon pasture customarily used by others in that season.

In some cases herders would practice a more intensive method of grazing livestock called *otor*, rapidly moving their herds over more distant pastures to get the best from them, and this necessitated a good deal of flexibility in access to seasonal pastures. In the case of adverse climatic conditions in one area, arrangements were made for families (sometimes entire administrative units) to make use of neighbouring areas of pasture. The division of pasture land between different families was a fairly loose one, marked by topographical

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[11] Sanjdorj (p. 1) takes a Marxist line and states that in the sixteenth and seventeenth centuries "the land ... was the property of the feudal classes" and this may obscure the way in which the ultimate rights over land was vested in the emporer, and the *hoshuu* was administered in his name by the *Zasag noyan*.

[12] The K'ang Hsi emperor did so around 1689, for refugees from Züüngar invasion. See Sanjdorj, p. 24 . Manchu emperors also gave the Barga groups grants of land in what is now Hulun Buir, Inner Mongolia. See Lattimore (1935) pp. 158 - 160 and Tubshinnima of the Galzud, pp. 90 - 95.

[13] Sited by Natsagdorj, p. 267, and also refered to by Bawden p. 89.

[14] The *sum* and *bag* was the usual civil divisions and sub-divisions of the *hoshuu*, in ecclesiatical districts the subunit was the *otog* .

[15] Natsagdorj p. 269 describes the summer and autumn pastures to have been utilised in common by the people of the *hoshuu* and not divided between *bag* and *otog*. However, fieldwork in what was Borzigin Tsetsen Wangiin *hoshuu* (now Gov'sumber *aimag*) suggests that in this case at least the summer and autumn pastures were sometimes allocated to subdivisions of the *hoshuu*.

features such as rivers and hills, and subject to renegotiation.[16]

Rights to land-use were described in terms of entitlements to move herds or stay with them in a given locality, and this is reflected in the records of legal petitions made to the Bogd Khan, the ruler of Outer Mongolia after the collapse of the Qing in 1911. For example, one document notes that "Zandan, Damdin and Little Khaltar were punished under the pretext that they had lived in a place that the *Jasag* (banner prince) had forbidden." In another case banner officials insisted that several commoners move with their animals south of a river, but by giving the officials over 160 sheep and 20 Rubles the plaintiffs obtained permission to stay on the better northern side until the weather became warm.[17] What was being acquired in this way was in no sense the ownership of the land, but rights to use territory at a certain time in the annual cycle.[18]

The Jasah and his officials could and did often reserve the best pastures for their own use, but there remained a notion that the land of the *hoshuu* was managed by the *Jasah* for the general welfare of its members. And there seems to have been some limits on the powers of the banner prince if he tried to challenge established practice of his subjects. Bawden (1968:90-91) notes the difficulty with which customary grazing rights were changed by banner officials in 19th century. A noble from another banner was awarded rights to land, but was driven off by the locals.

Land and the Spiritual Order

Even Imperial and princely jurisdiction over land can be seen as subject to the approval of yet higher authorities. The *gazariin ezed* ('masters' or 'owners' of the land) are spiritual entities considered to be in control of the weather and environmental conditions of each locality of the natural world. Such spirits were, and still are, propitiated in annual ceremonies held at ritual cairns made of stones and/or branches, called *oboo*.[19] These ceremonies reflect the notion that humans do not hold land as they do other mundane

[16] Amongst the common people of the banner the richer herders had better access to pastureland than poorer families, before collectivisation, not only because of their better chances of influencing officials, but because they were more mobile. The early eighteenth century legal code, the *Khalkha Jirum* , suggests that the first to arrive at a disputed pasture should have rights to use it. Bigger herds tended to gain priority over smaller ones even in the twentieth century, when there were disputes pasture. Herdsmen who could remember the days of pre-collective pastoralism told me that larger herds would 'drive off' smaller ones. See also *Mengguzu Shehui Lishi Diaocha* p. 39

[17] Rasidondug and Veit p. 142 (document 39) and p. 124 (document 35)

[18] In the ceremonial journey of a high lama offerings were made to the *gazariin ezed* each night where the entourage camped. Staying in a locality should have (spritual) approval. See Pozdneyev p. 340.

[19] The *gazaryn ezed* appear to long pre-date widespread Buddhism in Mongolia, but were included in the later cosmology by identification with Tibetan Buddhist local spirits, and termed *nibdag* and *shibdag* after them. The Buddhist interpretation is that the *oboo* represents the holy Mount Sumeru.

possessions, but enter into relations with the spiritual powers of the locality to ensure favourable conditions. The spirits associated with a given *oboo* and locality have different preferences with respect to offerings. Some, for example a *tsagaan luu* (white dragon) should be offered white foods, such as dairy products and rice, but not meat or alcohol. The prayers made at these ceremonies employ the language used to address highly honoured dignitaries and include the honorific titles of numerous spiritual authorities. They call upon the local spirits for protection from illness, plague, drought, storms or other adverse weather, cattle-pest, thieves, wolves and other dangers, and ask for long life, increased herds and good fortune. The ceremony is followed by a *naadam* - a sporting festival involving wrestling, horse-racing, and, traditionally, archery (although this had become less common by the 20th century).

The *oboo* ceremony embodied and enacted the relations between human and superhuman forces associated with the land. As such they were highly political acts, denoting those who were the legitimate representatives of the human community as they stood in relation to the supernatural world. The various officials who attended the ceremonies were there to represent the different administrative units and subunits, so that the political architecture of the Mongolian state was represented at these events.

Just as subjects had obligations towards the secular authorities, so they did towards the spiritual authorities of a locale. The good will of these authorities, could not be taken for granted. There is an account of a local *gazariin ezen* becoming angered in the late 19th century, and interestingly the dispute centred upon the rights of foreigners to make use of Mongolian land.

A Russian named Nemchinov was buried in one *hoshuu* and the matter aroused great controversy. The veteran Russian Mongolist, Pozdneyev, noted that the location of Nemchinov's body near the road was "highly unpleasant for the genius, the patron of this locality, who would therefore perish from drought." [20] The effects on the locality were serious. "As though [in punishment] for a sin, there actually occurred in the next year in the *hushuu* of Tsetsen-beile a livestock epidemic and drought, and this was, of course, all ascribed to the burial of Nemchinov. It took the lamas a month of prayer-services to restrain the 'buka'" [*bug* - evil spirit]. The places said to be suitable for the burial of Russians seem to be those of low status.[21] That the native *gazariin ezen* could be offended by actions, such as the burial of foreigners in their territory, demonstrates that Mongolian society was concerned with retaining good relations with such spiritual stewards of the land, and that these entities were, to some extent, concerned with the exclusion or marginalisation of outsiders.

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[20] Pozdneyev p. 412

[21] A proclamation was made by the government to only permit the burial of Russians in places that were not sacred to Mongolians and that they should generally be to "the east of the Khüree [monastery]" (Pozdneyev p. 412). The east is generally the direction of lower status in Mongolian culture.

If we examine the indigenous concepts we see that 'owner' is a poor translation of the relationship between various authorities and the land. The term *ezen* is the usual translation of 'owner', but which also means 'head' 'lord' or 'master'.[22] This is a concept that applies to asymmetrical relations entailing obligations and expectations at several different social scales. It is used at the level of the domestic group (where the *geriin ezen* is the head of the household; at the level of some large resource or enterprise (land, a herd of animals, or a factory may have an *ezen*); and in the past it was also applied at the scale of the whole polity - a common term for the Manchu emperor was Ezen Khan.[23]

In the collective period the rites at the *oboo* ceremony itself was suppressed, but the attendant *naadam* games were appropriated by the socialist state as sporting events and celebrations of national culture, held (literally) under the Red Flag. Since political reforms began in the late 1980s the ceremonies have re-emerged, but to some extent they have been recontextualised as expressions of the high value now attached to Mongolian religious and cultural heritage rather than important politico-ritual events. The current liberal modernist thinking places the *oboo* outside the new political and economic discourse, consigning it to the realm of quaint but irrelevant 'traditional culture.'

But indigenous notions of rights to land and the wider social order which framed them have remained important throughout the twentieth century. When the new revolutionary government of Mongolia gained power in 1921-24 it inherited a society in which pastoralism and the political hierarchy were inextricably combined. This linkage was transformed, but retained as the state built the centrally-planned command economy. The way that pastoralists were eventually successfully integrated was through the introduction of large politico-economic territorial units - the collective and state farms. A new Revolutionary political language replaced the earlier aristocratic and Buddhist discourses. However, many elements of the *habitus* of patoralists and their masters remained. The everyday term used for collective or state animals was *alban mal* ('official' animals) and the root of this term translated as 'official' is *alba* - the feudal obligation owed by pre-revolutionary subjects to their lord. Indeed, in the pre-revolutionary era the term for a common citizen or serf was *albat* - meaning one with duty. In both periods these related terms referred to the obligations that pastoralists had to their superiors. Just as important as the conceptual continuities, many of the practices of pastoralism were retained. The collectives and state farms also owned most of the livestock in the district, they organised specialist herds of livestock and enforced movements between seasonal pastures. The introduction of state and collective property and control of land, then, was not a radical conceptual break with the past, but to some extent represented a

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[22] The other common term *ezemshigch* derrives from the same root - via *ezleh* - to rule, occupy, or dominate.

[23] The current debate on the private ownership of land reflects the continued importance of these themes. The term commonly used to describe private ownership of land are based on the term *ezen* - and employ the verb *ezemshih*, to 'master' or 'take control' or 'possession' of something.

new formulation of earlier political relations. From this perspective privatisation and the dissolution of the collectives can be seen to have been as radical a change as collectivisation, and the prospect of private land becomes understandably controversial.

Other Mongolian concepts reveal the inextricable linkage between political and economic spheres, and their roots in a unified social order. The term for government, for example, is *zasagiin gazar*. This *zasag* is the same term that was used for the lord of the banner. It was at this level, the unit of pastoral land management, that the notion of governance was located. The Mongolian term for the 'economy,' for example, is *ediin zasag* - composed of the word *zasag* (prince, ruler, government) and the term *ed* - which means both 'possessions' and 'thing,' 'article' or 'item'. 'Economy' in Mongolian could be literally translated as the "governance of property."[24] We can see here that the very definition of the economic sphere depends upon the notion of political authority. This was not an exogenous Soviet concept, this linkage was a long-standing one.

Even the term generally used to translate 'land' in Mongolian (*gazar*) has a perceptibly different meaning. A broader more inclusive term than 'land,' *gazar* can also mean 'place' or 'office.' (Government, *zasagiin gazar*, for example, is the place/office of *zasag*). Other terms describe types of land, classified by their use - *bilcher* for grazing land, *hadlan* for haymaking fields, *zuslan, namarjaa, övöljöö,* and *havarjaa* for summer, autumn, winter and spring pastures respectively. This ideation emphasizes land use, rather than substance that can be owned and possessed; indeed the new land law itself is called the *gazar edlengiin huul'* - the 'land use law.'

The most widely used term for private land is *huviin gazar*- *Huv'* is the term used for the concept 'private' and means a share, portion, allotment, as well as personal or individual. The verb *huvaah* means to divide or apportion.[25] These are notions of social and economic order that posit a whole. This is a sense of 'sharing' but it is not necessarily an egalitarian one. Pastoral Mongolian life relies continually on this principle. For example, everyday the food is cooked in one large pot, and served in strict order of seniority, with the head of the household - the *ezen* first. The whole, of which each member is allotted a portion, is a hierarchical one composed of more and less senior positions, but nevertheless, everyone has their share of both food and work in the encampment.[26]

Pastoralism as Sociotechnical System

[24] The other common term for economy (used for an economic sector) is *aj ahui* meaning 'living' or livelyhood.
[25] The oldest reference to this term dates from the Chinggisid period (13th century) - *huv - khubi* was the term used to mean the princely appanages, and share of meat at an important ceremony.
[26] The spirits also have their share - In religious households a portion of the best food is placed before the sacred images - the *burhan* - that dwell in the place of honour in the dwelling.

Mongolian pastoral institutions can be understood as part of the wider social and cultural fields within which they exist - in short as sociotechnical systems. Following Pfaffenberger (1992) I use the term to mean a system of activity that links techniques and material objects to the social coordination of labour (to modify 's definition very slightly).

Mongolian pastoralism involves a series of specialist artifacts, skills and techniques, many of which are located in the pastoral domestic group (*ail*). But these practices are utilised as part of wider sociotechnical systems that includes the jural framework of rights and obligations, the district authorities, institutions of land-use and associated concepts of land itself. These configurations were also hierarchical political formations,[27] and there is no doubt that the religious and political ideologies of the pre-revolutionary and collective eras served the interests of the managers of these structures. But these systems were not merely structures of domination, they reflect the technical constraints on production imposed by an externality - be that conceived of in spiritual or materialistic terms. Based as they were on pastoral mobility these sociotechnical systems tended to maintain and support it, and this seems to have provided a number of very real benefits for pastoralists.

Large-scale mobile systems of pastoral movement appear well suited to making optimum use of available forage resources, and can provide useful economies of scale. The forage available on much of the arid and semi-arid land is relatively low, yields being about 1-4 centners per hectare, and even on the better watered mountain pasture yields are not generally more than 5-8.[28] By moving livestock to different seasonal pastures pastoralists are able to make use of the different ecological and climatic conditions to get the best results from pastures in the different seasons. Available forage in the gobi, for example, does not fall as quickly or as far as those in better watered northerly pastures, which have higher yields in summer. Conditions are also highly variable from place to place, so that being able to move livestock in response to changing climatic conditions is a key method of avoiding livestock losses. Studies of East African pastoral systems with low and highly variable levels of rainfall in pastoral systems also suggest that high mobility and flexible access to wide areas of grazing is an important way of making the best use of these resources.[29] The collectives were also able to organise large-scale haymaking and district-wide delivery services which provided much-needed fodder in late winter and early spring. They were able to stockpile central reserves of fodder in case of particularly harsh winters when livestock would need extra forage.

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[27] As Pfaffenburger 1992: 502 notes in his description of sociotechnical systems in general; these systems "produced power and meaning as well as goods,"

[28] Average pasture yeilds are about 1-3 centners per hectare in gobi regions, 3-4 in steppe regions, and 5-8 in mountain pastures. See Purev in FAO 1990:43.

[29] See R. Behnke, & I. Scoones, 1993.

When the collectives were dissolved in the early 1990s, many of the large-scale movements and economies of scale that had been retained by the collectives have declined, and pastoralism has become increasingly atomised. This has caused a whole series of problems for herding families, many of whom now have difficulty marketing their produce, and who no longer have the support of hay or transportation that the collectives provided. The long movements that the collectives organised were supported by mechanised transport. Without this service and managerial imperative pastoral movement has declined. The lack of hay reserves and collective motor pools that could have been used to deliver fodder and move livestock is one of the principal reasons for the disastrous losses of livestock in this year's *zud* (harsh winter) in which an estimated 1.6 million animals have died at the time of writing.

Land Appropriation and the History of Resistance

The current Mongolian debate reflects the awareness that Mongolian culture, indeed the existence of the Mongolia as a political entity is the product of a history of contested frames for rights over land. The modern Mongolian nation was formed in the course of a struggle waged by pastoral society and its elite to resist the loss of public Mongolian grazing land to agriculture.

In the Qing period Mongolian systems of extensive pastoralism, and the associated regime of land-rights, faced a direct challenge in the form of Chinese agriculture. Agriculture, as such, need not represent undermine this regime but could complement it. Agricultural practices could be contained within the wider sociopolitical frame that supported pastoralism, and nobles and monasteries frequently organised crop cultivation to provision the local banner economies, often with imported Chinese labour. Traditional Mongolian agricultural methods relied upon the joint use of cultivated land, under a central authority who allocated land each year to the farming households.[30] In what is now Uvs aimag, North Western Mongolia, for example, agriculturalists had no permanent plots cultivation was carried out by groups under the direction of an *angiin daamal* (section head). These heads would meet to decide on the area to be cultivated and this was divided between the various groups who ploughed and worked on the allocated land. Interestingly, because the agricultural products were divided between the participating households rather than supplied to the state, this was termed *huviin tarialan* - 'private/personal' farming, although it was clearly based upon the joint use of public land. This was personal farming without private land.

[30] Erdenebaatar, 1996:104-106

However on the border of Mongolian pastoralism, in Inner Mongolia, Chinese agriculture entailed a quite different social, political and economic complex, one that generated permanent change in land-use and the transformation of land into a transactable, rent-generating, commercial asset. This complex of rights over land encroached upon and frequently permanently displaced both Mongolian pastoralism, and ultimately the wider sociopolitical structure of Mongolian life. Owen Lattimore, (1934:27) describing the early 20th century, notes "Throughout Inner Mongolia, the Chinese were encroaching and the Mongols were being wiped out. The princes were supported by the Chinese authorities... in the domains that were left to them; but at the same time they were forced to yield fresh grants of land to the Chinese every year."

This process was well underway by the middle of the Qing period. Since the earliest times pastoralists have required agricultural products, particularly grain, and steppe rulers had, from time to time, established areas of crop cultivation in their dominions. The Manchu installed agricultural colonies at various points in the eastern part of Inner Mongolia bordering Manchuria, and official granaries were maintained with specified reserves of grain for each administrative unit. This system was expanded in areas such as Jirem in the South East of Inner Mongolia, where the Mongolian inhabitants, particularly the elite, became accustomed to the continuous flow of wealth supplied by the Chinese agriculturalists working on their lands.[31] The spreading agricultural areas broke-up the remaining pastoral lands and reduced or eliminated pastoral mobility, so that the Mongolians themselves turned to agriculture. It became increasingly profitable and common for the *Jasah* of the banner to sell or mortgage prime land to agriculturalists for profit.

Chinese colonisation did not necessarily destroy the principle that banner land was in some sense 'common,' administered as part of the social whole of the *hoshuu*. In the Khorchin territories in the Liaoning region, where Inner Mongolia meets Manchuria, there was little or no transfer of land by mortgage to individuals. Instead, colonisation was a public enterprise on terms negotiated between the Mongolian authorities and heads of Chinese settler communities. Areas of banner land were turned over to the agriculturalists on long or permanent lease. The income from land rentals went into a banner fund, divided among the *Jasah,* officials, and subjects. However, it was the elite, Lattimore notes, that benefited most and actually handled this revenue.[32]

The material rewards available to the elite for diverting public land drove this process forward in the face of constant disapproval by the state. The Manchu court valued the mobile

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[31] Lattimore, 1934: 84-85. Lattimore (1934:86), quotes from a Qing source dated 1800; 'the Mongols, not contented with the nomadic life, get Chinese to cultivate for them. This has been going on for years... the rentals which the Mongols get are a benefit to them economically.'

[32] Lattimore, 1934: 83.

pastoral nature of Mongolian banners, particularly for their ability to provide a mounted soldiery. The Manchu attempted to institute regular surveys of settlement and repeatedly forbade any further transfer of land to agriculture. But although the *Jasag* were forbidden to allot land for cultivation without approval of Qing authorities, and were even instructed to expel Chinese settlers when the terms of their mortgages expired, this only succeeded in slowing, rather than halting the process. The result was an increasing impoverishment of the poorer pastoralists who were faced with shrinking pasture land. Popular resistance to this process frequently took the form of largely hopeless armed revolt. In the second half of the 19th century a series of uprisings erupted in the regions subject to land appropriation. Of the various reasons for these clashes, Heissing (1972:77) highlights the sale of Mongolian land to Chinese landlords. Many of these were led by local nobles, but others revolts were led by commoners against Mongolian princes. In the Töküm insurrection of 1899-1901, which was led by two commoners, for example, rebels defeated forces mobilised by the *Jasag*s of several banners, and were only finally eliminated when local rulers enlisted the help of Russian troops with heavy artillery.[33]

Lattimore (1934:114) argues that of the loss of land was the prime cause of the numerous Mongol rebellions from 1891 to 1930.[34] "Some of these rebellions were declared, by their leaders, to aim at local autonomy, or the restoration of the Manchu Empire, or the unification of Inner and Outer Mongolia; but every one of them was made inevitable by the increasing pressure of Chinese colonization." It was as part of this tradition of armed resistance to the Chinese that the struggle for Outer Mongolian independence was waged, indeed many of its leaders were from Inner Mongolia and had first led revolts there. It was the failure of the existing social order to resist Chinese appropriation of territory that provided the impetus for the Mongolian revolutionary movement. The emerging political leadership came to recognise "the futility of mere resistance as a method of preserving the integrity of Mongol territory and the Mongol people. What "revolution" really means among the Mongols is open-eyed admission of the fact that independence cannot be maintained without the creation of social forms adequate to the life of a modern nation in the modern world."[35]

In China the mode of political imagination that motivated the state had a direct impact on the place of Mongolians and Mongol land. In the Qing period Mongolians had occupied a relatively privileged place in the social order. This changed dramatically when the Republic was formed after the collapse of the Qing in 1911, and a new Han Chinese nationalism

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[33] Heissing 1972:79-88.

[34] There were a series of rebellions in the Barga region (now Hulun Buir), for example, aimed at autonomy from Chinese administration and colonisation, or union with independent Outer Mongolia. The later of these were in 1917 and 1928, and were semi-successful in that they won some concessions from the Chinese administration.

[35] Lattimore 1934:126

became central to the regime. In theory five 'peoples' were represented as participating in the formation of the Republic - the Han, Manchu, Mongols, Tibetans and Moslems. This was symbolised by a five-coloured flag, and can be seen as a political device to forestall the sort of separatist movements that emerged in Outer Mongolia. In reality, the Republican government favoured the interests of the Han Chinese, and pressure on Mongolian territory increased rapidly. In 1914-15 Chinese official in charge of colonisation began to develop legislative measures that transferred the rights to Mongolian land from the banner and *Jasag* to the Chinese state.

One peaceful form that resistance took was, paradoxically enough, to accelerate the privatisation of public land by Mongolians themselves. The elite hoped that by bringing the land under cultivation and occupying it with Mongolians, the advance of Chinese settlement could be checked. To do this they had transfer land from the public domain to private ownership, through the banner authorities. This was done with documents termed 'prince's land deeds.' But the Chinese responded with measures of their own.

> "In order to prevent the Mongols from settling down and forestalling Chinese colonization it was necessary to deny the validity of these deeds. In 1914-15, therefore, the Chinese began to assert the principle that these Mongol land deeds were not valid unless they were ratified at the time of issue by the provincial government which normally controlled the affairs of the Mongol territory in question. The Mongols responded by predating all "prince's land deeds" to 1913 or 1914 - that is, to the period of conveniently vague legal standards between the inauguration of the Republic and the initiation of the new Chinese policy. It was therefore necessary to go further by applying the new interdiction retrospectively. This was done by casting back to 1748 when the Mongol princes had been made responsible for checking Chinese colonisation.... On the strength of this law, all Mongol land settlement that had not passed through the hands of the Chinese land-commissioners was declared illegal."[36]

These policies created land-booms in Inner Mongolia in 1916-19 and 1926-28. Famine and civil war in China had led to huge numbers of Han Chinese prepared to farm Mongolian land and pay high rents and mortgages to do so. Mongolians were evicted from many of the areas in which they had 'defensively' cultivated the land for themselves. This generated a steady stream of impoverished Mongolians and huge fortunes for Chinese officials and land speculators.

The nationalist Guomindang administration (1927-31) discarded the 5 coloured flag

[36] Lattimore, 1934:104-105

and became openly assimilationist in its policies. 'Special Administrative Areas' were created, reaching into Inner Mongolia and linking Mongolian regions with the Chinese provinces immediately to the South. This process went a step further in 1929 when the Guomindang Nationalist government, organised these into 'standard' Chinese provinces (Jehol, Chahar, and Suiyüan), so eliminating Inner Mongolia as a separate administrative territory at a stroke. In practice the areas not yet reached by Chinese colonisation remained under the administration of their own princes. But new land was turned over to Chinese colonisation year by year and then brought under Chinese provincial government rather than banner administration, even if there were large numbers of Mongolians in the districts. In the 1930s the Japanese gained control of Eastern Inner Mongolia where land acquisition had been most rapid. Their policies were designed to favour Mongolian interests in an attempt to mobilise support against China and extend their influence to Outer Mongolia. This checked the Chinese acquisition of land until after the Japanese withdrawal and the victory of the Chinese Communists in the late 1940s. Inner Mongolia was incorporated into the People's Republic of China, and since then Han Chinese immigration into the region has continued, at a slow or rapid rate depending on the balance of power between pluralist and assimilationist elements within the Communist administration.

In the late 1950s Inner Mongolia saw the introduction of a form of collective farm - the People's Commune. These were dissolved in the 1980s and livestock and eventually land was distributed in individual allocations to pastoral households.[37] By this time Chinese studies suggested that environmental degradation had become a major problem; specialists estimated that more than a third of Inner Mongolian grassland was degraded.[38] Although one of the justifications for the land allocation measures had been to avert a supposed 'tragedy of the commons' it appears that the policy has exacerbated the problem of pasture degradation.[39] Pastoral movements between seasonal pastures was reduced further still and there has been an increasing tendency for livestock to graze in one location all year round. Ecological studies suggest that such grazing regimes can be much more damaging than systems of pasture rotation.[40] The Inner Mongolian administration continues to promote the enclosure of grassland using fences, although recent studies have emphasised the negative effects. Williams (1996:307), for example, describes grassland enclosure as the 'catalyst of

[37] In some cases these individual allocations were combined by small groups of households, see Humphrey & Sneath (1999:165)

[38] Orie Loucks and Wu Jianguo, (1992:71) puts the figure at 35.6%, Erdenijab (1996:190) estimates it as 38.5% in 1988, and Chen Shan (1996:123) gives an ever higher figure of 39.4% arguing that all such degradation has occurred in the last one hundred years.

[39] See Williams, 1996: 307 - 303, and Sheehy 1993:17-30.

[40] Tserendash and Erdenebaatar, 1993:9-15

land degradation in Inner Mongolia.'[41]

Conclusion

The historical process by which public land was progressively eliminated in much of Inner Mongolia was certainly initiated by incorporation into the Qing state. However, the process was not a result of state action, far from it. The Manchu administration disapproved of the destruction of mobile pastoral society and tried to prevent Chinese agricultural expansion. Rather the appropriation of banner land was the result of commercial and class interests; of the interaction between the commercial possibilities that private ownership presented in the Qing economy, and the financial interests of the Mongolian noble classes and Chinese officials. This was made possible, of course, by the economic potential in the change of land-use from pastoral to agricultural, but the change of land ownership from public to private was not a necessary condition for the realisation of this agricultural potential. Agriculture was found scattered in suitable locations throughout Mongolia, often established by district authorities and operated as part of the public economy of the banner; an economy mediated and supported by the status obligations of the pre-revolutionary social order. In some regions 'personal' agriculture was carried out on public land, and in others the income from rental of land used for private Chinese agriculture was managed as a 'public resource' in its own right. But in general, the greater material benefit that Chinese commercial interests could offer the human 'custodians' of the public land doomed it to conversion to private ownership. This process was dramatically accelerated when the Chinese state promoted, rather than prohibited, land appropriation.

The first half of the 20th century saw the Buddhist patrimonialism of pre-revolutionary Mongolian society displaced by Soviet modernism, and then in the 1990s, another major transformation as the state adopted policies inspired by market liberalism. Each of these changes have had important effects on the institutional frames within which rights to land are constructed. In the pre-revolutionary period land was the subject of spiritual authorities and its use by herders regulated as part of the sociopolitical system of the *hoshuu*. In the collective period land was identified with the secular Mongolian state and the virtually sacred Mongolian nation, and the use of land regulated by local collective and state farm management. The controversy over steps to allow the private ownership of land reflects both the history of the region and the resilience of indigenous attitudes towards land. Both these constructions of rights to land-use reflected the requirements of mobile pastoral

[41] In contrast, Mongolia which had retained mobile pastoralism seems to have very little by way of pasture degradarion, although livestock numbers have generally been lower and this may change as a result of decollectivisation.

sociotechnical systems that were established by elites in both periods, and in the past these systems have been antithetical to institutions of private land ownership. Mongolia may yet develop a new relationship between public and private rights to land that will permit viable mobile pastoralism in the future, but the recent history of Inner Mongolia suggests that it may be environmentally costly to forfeit time-tested systems of mobile pastoral land-use.[42]

[42] For a discussion of the effects of state policy on pasture condition in Mongolia and Inner Mongolia see Sneath 1998.

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