

WHAT IS *O'VOLJOO* FOR THE MONGOLIAN HERDERS?: THE RIGHT TO LAND IN PASTORAL REGIONS IN POSTSOCIALIST MONGOLIA

KAZATO Mari

JSPS Fellow/Graduate School of Asian and African Area Studies, Kyoto University, Kyoto 606-8501, Japan

E-mail: kazato@jambo.africa.kyoto-u.ac.jp

Abstract

This paper discusses how Mongolian herders deal with the *o'voljoo*, the winter campsites with shelters and corrals, and the surrounding pasture, in response to the postsocialist changes such as land privatization. The state owns the pasture since the socialist period. However, international organizations are exerting pressure on the Mongolian government to establish private ownership of land as a measure against pasture degradation lead by overgrazing.

During the socialist period, livestock, shelters and corrals of *o'voljoo* belonged to animal husbandry co-operatives as common property. In the beginning of the 1990s, the co-operatives were dismantled and the livestock, shelters and corrals distributed to the herders. In 1995, the government issued a certificate to assure each household of the possession of land where shelters and corrals of the household's *o'voljoo* stood. The external logic of private property rights has thus become central to the state land policy.

Though the administration guaranteed the possessory right to *o'voljoo*, local people did not necessarily adhere to the land right itself, as they regard the right to *o'voljoo* as incomplete without actual use. It appeared that there was a gap between the state policy and herders' attitude to the right of *o'voljoo*. Herders' points of view to *o'voljoo* were as follows: The core part of *o'voljoo* is the special soil called *buuts*, which is many winters' accumulation of dung that serves as an indispensable "mattress" for animals to insulate heat during winter nights. It is necessary to build shelters and corrals in order to protect *buuts* from weathering as well as to protect livestock from the cold. Thus, the values of and the right to *o'voljoo* can also be generated through usage in daily pastoral practice and active maintenance to fix the shelters and corrals and to dig *buuts* up and move the hard part away.

INTRODUCTION: CHANGES IN THE POLITICAL SYSTEM AND THE PRIVATIZATION OF LAND

In Mongolia, because raising domestic animals depends entirely on pasture, people move their settlements seasonally, bringing their livestock along. Among the four seasons (spring, summer, autumn and winter), the winters are harsh, and it is especially important for the herders to choose good winter campsites. The Mongolian term *o'voljoo* refers to the winter campsites with shelters and corrals, and their surrounding pasture. This paper discusses how the Mongolian herders have created, used and evaluated the *o'voljoo* in response to the postsocialist changes.

In Mongolian pastoral regions, during the thirty years under the socialist regime beginning in the latter

half of the 1950s, nearly all herders were registered as members of animal husbandry co-operatives, and the means of production, such as livestock, shelters and corrals, were collectivized as the common property of the co-operatives. At the beginning of the 1990s, the co-operatives were dismantled, and by 1993 the common property was distributed to the former co-operative members and local people, and treated as private property. The basic idea behind the privatization of the property was “to return it to the former owners.”

However, as the state retained its ownership of the pastoral land even after the socialist period, various international organizations have called for the privatization of land for the following two reasons. First, the private ownership of land is seen as the basis for the shift from the socialist system to the market-oriented economy and democratization. Second, the need has been pointed out to settle the whereabouts of land rights and to protect them, because as a result of the rapid expansion of the market economy, overgrazing, leading to pasture degradation, has appeared in the outskirts of the big cities. As a result, all herdsmen’s households were given the right to possess *o’voljoo*. This means that the legislation and establishment of a certain kind of right to the land were carried out. Nevertheless, Mongolia’s pastures are unstable resources, because of the large annual variability of the climate. Therefore, rather than private land ownership, community-based collective management [Mearns 1996] and high-level sharing, that is, granting local authorities the right to control the pasture use of herders according to the seasons upon assuring herders of large-area access rights [Fernandez-Gimenez 2002] are advocated.

O’voljoo stand at the frontier in terms of the legal establishment of land rights in the pastoral region. In this paper, I examine how the people’s right to *o’voljoo* has been treated since the changes of the political system, and discuss what *o’voljoo* mean for herders, based on an investigation of *o’voljoo* in the context of pastoral practices.

BACKGROUND OF THIS RESEARCH

This research was carried out in Telmen District, Zavkhan Province, from October 15 to 23, 2003, and from July 12 to September 14, 2004, for a total of 74 days. Telmen District is located 960 km west of Ulaanbaatar, the capital, and occupies 3460 square kilometers in a mountainous area around 1700 m above sea level, and the average annual precipitation is 154 mm [Dagvadorj 1985: 1]. The main vegetation is forest-steppe, although the precipitation and temperature vary regionally. Approximately 20 rivers flow in the district, including the Ider and the Tegsh Rivers. There is a settlement called “the Center of the District” where public facilities, such as offices of the district government, a school, and a hospital, are located, along with a concentration of population. Telmen District is divided into five sub-districts. All the people in the district are Mongols.¹ There are 2,963 people and 731 households, of which 538 are herdsmen’s households that engage in mobile pastoralism throughout the year (from the census of Telmen District at the end of December 2003). There are a total of 62,000 livestock, including sheep, goats, camels, horses, and cattle² (ditto).

¹ The people of Telmen District are divided into sub-ethnic groups such as the Khalkha, Khotogoit and so on.

² The details of the livestock are as follows; 32,853 sheep, 19,599 goats, 409 camels, 5,884 horses and 3,322 cattle, including yaks and hybrids between cattle and yaks (from the census of Telmen District at the end of December 2003).

THE ANIMAL HUSBANDRY SYSTEM OF THE SOCIALIST CO-OPERATIVES AND ITS END

“The Way of Joy - Animal Husbandry Co-operative” was established in Telmen District in 1955. The co-operative drove forward the collectivization of the means of production, and registered all domestic animals, shelters and corrals as common property of the co-operative. The co-operative’s management aimed at improving production efficiency through the division of labor and the expansion of the scale of herds. Therefore, the livestock was divided by species, sex, and maturity. Large herds of 100-1,000 animals were entrusted to herders. At the same time, the scale of the shelters and corrals of the *o’voljoo* was expanded. In order to intensify the animal production, new corrals were constructed on *khavarjaa* (spring campsites) and *namarjaa* (autumn campsites), which previously did not have corrals. The co-operative registered the number of logs and boards of each facility to ensure that the construction materials would not be misappropriated for other uses.

The co-operative also controlled the seasonal movement of the herders to ensure that each herd had an appropriate pasture. In principle, the herders had to move in accordance with instructions from the co-operative. With regard to the use of *o’voljoo*, there were initial concerns that the former users or their children would have priority, but *o’voljoo* that were in especially good condition were allocated to herders who attained high productivity, regardless of whether they were the former owners. In other words, the co-operative retained the power to decide who had the right to use the *o’voljoo*.

In the latter half of 1980s, due to stagnation in the macro economy, changes appeared in the basic principles of co-operatives. At the same time, the political conditions of the state underwent major changes following the movement toward democratization. These changes resulted in the dismantling of the co-operatives and the privatization of their property.

The property of “The Way of Joy - Animal Husbandry Co-operative” was privatized under the following procedures. In 1991, 30% of the property was privatized. Former members and their families were given the animals and the corrals of the *khavarjaa* and *namarjaa* in accordance with their years of service. In 1992, the co-operative was dissolved. Nonetheless, following government instructions, most of the institution was left and reorganized into a stock company called a *kompan*. It took approximately 70% of the property over, along with most former members of the co-operative. However, the *kompan* went bankrupt in the same year. Its property, including the livestock, shelters and corrals of the *o’voljoo*, were distributed among the former *kompan* members according to household population.³ Thus, by 1993, nearly all the property of the former co-operative had been privatized.

³ Lots in the power machinery and buildings in the Center of the district were also privatized.

PRIVATIZATION OF THE O'VOLJOO

People referred to what happened in the process of privatization as follows: "we were given some animals, and we were given the *o'voljoo*." In fact, the statement that "we were given the *o'voljoo*" really means that the materials of shelters and corrals of the *o'voljoo* were distributed. This distribution of the *o'voljoo*, as well as of the *khavarjaa* and *namarjaa*, was conducted based on the records of the property ledger of the co-operative, that is, the number of construction materials. Which household would be allocated which *o'voljoo* was determined by factors such as whether the household had actually used it in recent years and whether the number of household members was suitable for the amount of construction materials of the *o'voljoo* concerned. Occasionally, the administrators made decisions based on their own self-interest or for the convenience of those with whom they had close social ties. Request by herders for the *o'voljoo* that their own parents or ancestors had utilized were seldom accepted.

In the process of privatization of the shelters and corrals, the price of each facility was calculated based on the amount of construction materials, that is, the number of logs and boards. Subsequently, based on the population and the number of shelters and corrals of each of the former production units called a *brigad*,⁴ the number of logs and boards that a person would be granted was calculated. Then, by checking the population of each household, several households were combined to share one *o'voljoo*. For instance, in the former O'gomor *brigad*, it was calculated that each person would be distributed 7 logs and 13 boards, and these numbers were used as the standards for distribution.⁵ Basically, one *o'voljoo* was allocated to several households. In order to allow several households to share one *o'voljoo*, household size was given priority over other factors, such as earlier experience utilizing the *o'voljoo* concerned. Because of this, some households who had never camped together were forced to share a *o'voljoo*.

People told me that the corrals of *khavarjaa* and *namarjaa* disappeared not long after they were distributed, for the herders did not consider them necessary. In the case of one *o'voljoo*, the members of several households who had been allocated its shelters and corrals could not find a way to share their use, so they dismantled the shelters and took the construction materials away. However, most of the *o'voljoo* were put into use as they were. Since the privatization of the shelters and corrals of the *o'voljoo* was carried out mechanically and forcefully over a short period of time, people told me that there was discontentment among the people lasting several years, and that in some cases it even led to legal disputes.

However, as time passed, people adjusted their ways of utilizing the *o'voljoo* to fit the situations and changing lifestyles within their households. Some households moved to settlements such as "the Center of the District" or big cities, due to aging, employment, or children's education. Some used a part of the construction materials as fuel. Others built new shelters and corrals or residence enclosures in settlements utilizing the *o'voljoo* materials, or sold them to the remaining households. When the number of livestock rose above the capacity of the shelters and corrals, people went to cut logs from the forest, or reused the construction materials that had been distributed to expand the shelters and corrals. Some families constructed

⁴ This corresponds to a sub-district in present.

⁵ Under the former O'gomor *brigad*, there was a special *o'voljoo* with large-scale shelters and corrals to keep cattle in the winter. When the distribution was carried out, first the facilities were dismantled, and then the people who had been assigned the logs and boards came to take them away with the ox carts. For some households, the construction materials assigned as *o'voljoo* were not sufficient, and this shelter was dismantled to compensate.

new *o'voljoo* and moved there. They built new shelters at the places that had been used as *namarjaa*, or as *o'voljoo* but had been left unused for several years. In these cases, people could not start the construction until they had completed negotiations with the former users or their relatives, such as children, nephews and nieces living in the locality, and obtained their permission to utilize the place. Then they also had to make reports to the head of the local administration. Moreover, after the distribution of the *o'voljoo*, many people got married and established new households. These new households, after staying in the parental *o'voljoo* of one or both sides for several winters, had to choose whether to continue to stay in one of the parents' places or to move to a new *o'voljoo*, when the number of livestock increased.

In 1995, a certificate was issued assuring each household possession of the land where the shelters and corrals of the household's *o'voljoo* stood. In other words, the householder made a contract with the state, and obtained the certificate guaranteeing possession of the land of the *o'voljoo* for 60 years. However, because it took time and money to obtain these certificates, the herders' response was slow.

In 1997, the district government investigated the utilization of all the *o'voljoo*, and registered the households who were using them at the time. It then made contracts with the households that had not yet signed contracts, and issued them certificates. The *o'voljoo* and the former group of households did not necessarily correspond to the situation of the distribution in 1992. The local government confirmed the changes that people made individually in the utilization of *o'voljoo*, including the transfer of "ownership" through the sale of construction materials, and the addition of married couples as new users. Consequently, all the herders' households in Telmen District obtained certificates for the possession of land holdings of 0.1-0.9 hectares. Then in 1999, revised certificates of land possession were issued. The above policies can be understood as actions giving the user possession of the land of *o'voljoo*, and the guarantee by the state of this as a legal right.

SIGNIFICANCE OF THE *O'VOLJOO* IN MONGOLIAN PASTORALISM

One herder in Telmen district told me, "Herders should be careful in choosing an *o'voljoo*. When living on domestic animals, the *o'voljoo* is the most important of the four seasonal campsites." He emphasized the importance of choosing an appropriate *o'voljoo* in the harsh winter cold and snow.

In a broad sense, the *o'voljoo* indicates the entire pasture land used in winter, while in a narrow sense it indicates a place (together with structures), about 200-300 square meters in area, upon which are built wooden structures such as shelters for sheep and goats, corrals for calves, corrals for storing hay, and enclosures for the residence. In the narrowest sense, the term *o'voljoo* also refers to the above-mentioned facilities themselves.

With regard to *o'voljoo* in the broad sense, those of most households are concentrated in areas that are far from the ranges used in other seasons. According to the law (Land Law, Article 52 (ii), revised edition of 2002, Minato [2003]), for the purpose of conserving pastures for the winter, the locations of *o'voljoo* cannot be used in other seasons. However, the use of *o'voljoo* is not exclusive. If an individual comes to ask for its use because his own became unusable due to climate changes, the request is accepted as long as there is space

for that individual's herds. In years when an *o'voljoo* is not in use, it is also common for the owner to lend it out.

Looking at *o'voljoo* in the narrow sense, they are usually located in geographical areas that are sheltered from the northwest wind in the winter, that is, either at the foot of the south side of mountains, or on the north side of mountains but enclosed within the surroundings.

The soil in the shelters and corrals is called *buuts* or *o'tog buuts*. It is made from the excrement of domestic animals, which becomes dry, piles up, and turns into soil. In Telmen District, the ground becomes frozen in the winter. If sheep, goats and cattle fall asleep while sitting up on the frozen ground, their feet get frostbite, and they become unable to dig the snow with their front legs to get to the grasses under the snow. When this happens, they gradually become weakened and die. However, the *buuts* never freezes. The surface may freeze, but the *buuts* several meters deep is never frozen. Rather, it is warm, soft and black-grey soil. In a word, since the *buuts* is good for keeping temperature, it acts as an indispensable "mattress" for the sheep, goats and cattle, according to one herder.

In a narrow sense, the word *buuts* refers to the "bed" for sheep and goats, while in a broad sense it means the entire campsite during the winter. The word *o'tog* indicates the accumulation of dung over many winters. *Buuts* or *o'tog buuts* are heat-insulating materials, originally made from the excrement of animals, that change into a kind of resource with the passage of time.

People told me that it takes 50 or even 100 years to create *buuts*, and that it is their ancestors who originally created them. The *buuts* is formed when people repeatedly take their animals to a certain place and use it as a campsite for many years, building corrals to protect the livestock from the wind and snow. At the same time, people protect the *buuts* from erosion. Only with the *buuts* is it possible to utilize the shelters and corrals as *o'voljoo*, and only when *buuts* and these facilities are available can the surrounding pasture be used as a *o'voljoo*.

However, to use the *o'voljoo* in the following winter, it is necessary to repair the shelters and corrals, and dig the *buuts* up and remove the hard part on the surface during the autumn. The blocks of *buuts* that are dug up can be used as fuel during the winter. The *o'voljoo* is maintained through such care. People told me that if they failed to use and take care of it for several years, the shelters and corrals would be weathered or the logs might be stolen and become useless.

There are "potential" *buuts* here and there inside Telmen District. These sites have not been used for several years, or are occasionally used in the autumn, and have not received sufficient care and maintenance. The act of building shelters and corrals in these sites to restore them as *o'voljoo* is termed *buuts gargakh*, meaning "investigate a *buuts*." According to one herdsman, "the *buuts* is a sign of the lives of our predecessors, with their domestic animals printed on the ground," and so though a *buuts* can be revived, it cannot be created in a single day. The *buuts* is historic stock because people share the memories of those who revived and took care of it.⁶ One herder said, "Now, we have the right to possess a *o'voljoo*, and to buy and sell its shelters and corrals in the market economy. But it is impossible to buy *buuts* with money."

⁶ Miyauchi points out that the value of some types of resources was generated by the accumulation of transactions between people and the environment or amongst people within the framework of a local institution, namely, historic accumulation or historic stock [Miyauchi 2001:157-162].

VALUES AND RIGHTS GENERATED BY THE UTILIZATION OF *O'VOLJOO*

The shelters and corrals of the *o'voljoo* were collectivized when the co-operatives were established, and were privatized when the co-operatives were dissolved. However, the land has consistently been owned by the state, and the *buuts* have also never been registered as a form of property, nor was a price set on them. The *buuts* is not a commodity. Rather, it is a resource formed as a by-product of pastoral practices during a long period of time. People remember who revived each and every *buuts*, and who maintained and utilized it until the present. Moreover, many people talk about the winter camps where they spent their childhoods as their "parents' *o'voljoo*" and their "ancestors' *o'voljoo*." Among the Mongols, the youngest boy inherits the property of his father, and patrilineal descent is the ideal. However, in practice, the *o'voljoo* can be inherited by bilateral and even collateral offspring. An individual can assert the validity of his or her right to utilize multiple *o'voljoo*, tracing usage back both through the paternal and maternal lines of his or her "ancestors' *o'voljoo*," mobilizing various discourses depending on the situation.

Given such kinship norms, the individual's right to utilize a certain *o'voljoo* is not an absolute one, but depends largely on the situation. Ecologically speaking, the fact that the usufruct right to *o'voljoo* is not exclusive has an adaptive value for each household, because the household is granted access to several pasture areas in an unexpectedly changing environment. However, this system has led to the regional overgrazing in an era of rapid social change. The idea of protecting pastures by fixing the whereabouts of land rights was realized in the form of the private ownership of the *o'voljoo*.

In the process of privatization of the property of the co-operatives, "distributing *o'voljoo*" only meant allocating the logs and boards, or the construction materials of the shelters and corrals, to the individuals. At that time, the privatization of the *o'voljoo* did not mean the privatization of the land, because the land was not the property of the co-operative. Some people sold the materials and moved away. Others utilized the shelters and corrals that were distributed to them, and later obtained a certificate that granted them the legal right to the land. The distribution included both movable property such as the logs and boards of the shelters and corrals and absolute immovable property, such as the *buuts* and its surrounding pastures. There were two sides to this privatization process: one was to distribute facilities such as the shelters and corrals in order to establish the private ownership of construction materials, and the other was to distribute the right to use the facilities on the particular place where the facilities stood.

The state's policy then moved toward guaranteeing households the right of possession over *o'voljoo*, with the aim of establishing rights. What is interesting is, even though the administration tried to guarantee the right of possession, people were more realistic in that they concluded that the right to *o'voljoo* would be weak if they were not used. I met an old man who said that although he actually wished to live next door to his children's household in the winter, he actually spent the winter together with the people who happened to be assigned to the same *o'voljoo* during the property distribution in 1992. He chose to do this because he thought that if he did not use nor maintain the *o'voljoo* that had been distributed to him, "the *o'voljoo* would be lost."

The *o'voljoo* and *buuts* are resources whose value is created and maintained only through usage: without it, their function and value diminish with the passage of time. When people stopped using a *o'voljoo* for reasons such as moving into a settlement, and their children also had no plans to use it in the near future, they tried to sell the shelters and corrals at a good price as soon as possible while the facilities were still in

good order.

In 2002, the Law on Mongolian Citizens' Ownership of Land was enacted. The external pressure for the expansion of private property rights seems to have led the state's land policy, although the privatization of pastures was postponed. However, we can see that local people themselves do not necessarily attach great importance to land right itself. For them, it is difficult to maintain the right to an *o'voljoo*, regardless of actual use. The *o'voljoo*, as well as its core part, the *buuts*, becomes a resource through the use of labor for recycling livestock dung with the accumulation of pastoral work, and it is only through daily pastoral practice, i.e. taking livestock and camping there, that the value and rights can be embodied.

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Kyoto University

Yoshida-Honmachi, Sakyo-ku, Kyoto 606-8501, Japan

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