PASTORAL NOMAD RIGHTS IN INNER MONGOLIA

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Abstract

It is not scientific to manage grasslands as farmland and manage nomads as farmers. We report evidence from Inner Mongolia that privatization of grassland use rights has led to large-scale wire fencing, grassland conversion to farming, excessive livestock stocking, and crises in grassland ecology, herders' living conditions and the Mongolian nomadic culture. The paper concludes that the ecological and cultural function of nomadism is non-substitutable from the perspectives of ecological security and cultural inheritance. The authors suggest that we should abolish private grassland use rights, tear down wire fencing, abolish set stocking rates and establish a legal nomad administrative licensing system to resume nomadism.
Keywords: Grassland ecology, Inner Mongolia, nomadism, pastoralism

Introduction

Located in the central east of the Asian continent, Inner Mongolia lies inland with an average altitude of about 1,000 meters above sea level, covering an area of 1,183 million square kilometres. It is an ecological barrier for China and the whole of East Asia. The grasslands of Inner Mongolia can be classified into five belts: temperate meadow, temperate typical grassland, temperate desert grassland, temperate grassland desert, and temperate desert. There are also three intrazonal grasslands: lowland meadow, mountain meadow and marsh. These eight types of grasslands vary in soil, plant species, grass yield and livestock capacity. To simplify the research, this paper classifies the grassland in the 12 cities, 101 counties and 5,000-plus villages into four types of zones according to soil properties.

Zone A: The Mongolian plateau area, also known as the semiarid region, which stretches to the Dengkou reach of the Yellow River in the west, northwest of Daxing'anling, and the north side of Yinshan Mountain in Inner Mongolia. It covers Hulunbei'er city, part of Xing'an league, Xinlinguole league, part of Wulanchabu league, part of Baotou city and part of Bayannao'er city. (See Figure 1)

Zone B: The Ke'erqin sand area in Liaohe Plain, also known as the serious soil loss area, refers to the area from the southeast hillside of Daxing'anling to northwest of Yanshan Mountain and north of Yinshan Mountain, which includes part of Xing'an league, Tongliao city and part of Chifeng city.

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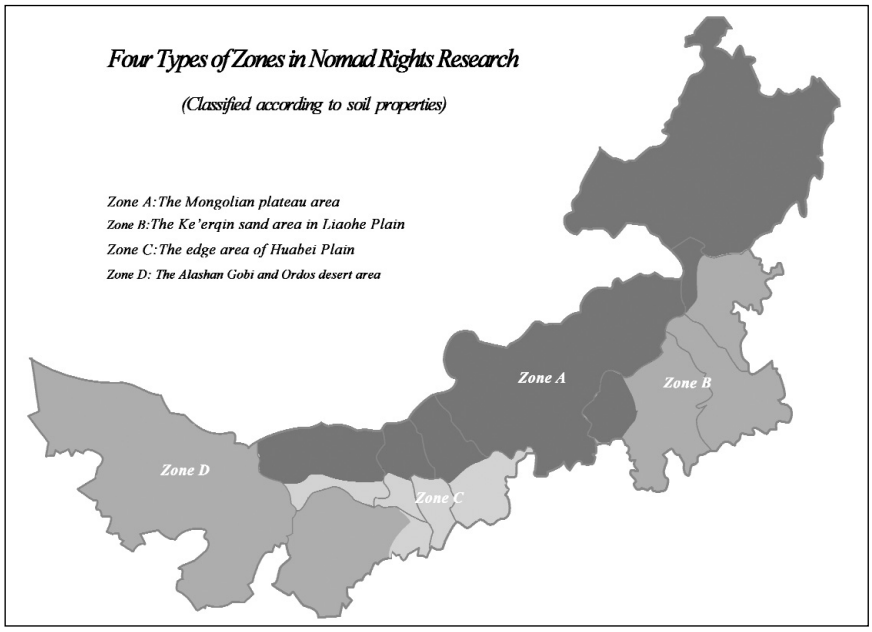

Figure 1: *Ecological Zones*

Zone C: The boundary area of Huabei Plain, also known as the fertile soil area, refers to the area from the east of Yinshan Mountain to Dengkou of Yellow River and Huabei Plain (excluding the Ordos desert area), which mainly includes part of Wulanchabu league, Huhhot city (Chi Le Chuan grassland), part of Baotou city, part of Ordos and part of Bayannao'er (Hetao Plain).

Zone D: The Alashan Gobi and Ordos desert area, also known as the arid area, covers Alashan league and Ordos desert area in the Inner Mongolia Autonomous Region.

The paper reviews the history of the grassland management system, ecological environment, natural disasters and cultural development of the four zones of Inner Mongolia. Results are presented from several years of systematic observations on herders' families, remote sensing surveys of satellite images, and data on social and economic development.

The article first discusses the ecological crisis of the Inner Mongolian grasslands, and then outlines the problems related to herders and the crisis of Mongolian culture. Based on these findings, this article concludes that nomadism is a non-substitutable production model for solving the three crises and discusses the difficulties and jurisprudential logic of the nomad licensing system.

Ecological Problems

History has proved that nomadism is the best production model for protecting grassland ecology. Rock paintings at Helanshan, Yinshan and Zhenzishan all indicate that the water and pasture-based nomadic living and production model can be dated back to over 3,000 years in the Inner Mongolian grassland. The region has been ruled by various regimes, including those of the Huns, Xianbeis, Rourans, Turkics, Uighurs, Khitans, Jurchens and Mongolians. There have been five phases in the administrative systems of the region. Phase I: the tribal nomad system before the Genghis Khan regime; Phase II, the subinfeudation[1] nomad system of the Genghis Khan regime; Phase III, the league and banner *Zhasake* nomad system from the Qing Dynasty to the Republic of China in the twentieth century; Phase IV, the small-area nomad system from the founding of the People's Republic of China to 1996; and Phase V, the land contract enclosed-stocking system from 1996 to the present.

The tribal nomad system period before the Genghis Khan regime was a period of natural maintenance of grassland ecology. This period was long. To deal with natural disasters, such as nine years of drought in ten years' time, and to develop productivity, these ancient stewards of the grasslands adopted practices of whole tribe migrations, following waters and pastures, which is known as the nomadic production model. In the Hun and Turkic regime period, there were even whole country migrations. The most distinguishing features of this period are the poor administrative order, use of vast nomadic spaces and long distances travelled without many rules. To win more pastures and resources which were of low productivity, internal and external battles took place regularly. The nomad tribes did not like farming and their capabilities for damaging the grasslands were limited. Having not attained the capacity for ecological destruction, the people of that period also did not form the concept of ecological protection.

The subinfeudation nomad system created by Genghis Khan protected the grassland. After being elected as Genghis Khan by *Huliletai* (meeting),[2] Tie Muzhen established a republic to put an end to the civil war among tribes and implement orderly nomadism. He appointed heads of large groups of nomad households,[3] granted them relatively fixed nomadic areas, and designated nomadic areas according to hierarchy. Shi Ji Hu Tu Hu was elected as the supreme *Zha'erhuchi*[4] authorized with judicial power to decide disputes between tribes and herders. Such an independent jurisdiction system established an effective channel for relief, reduced wars among Mongolian tribes and fundamentally instituted orderly nomadism. The series of new systems created by Genghis Khan substantially enhanced the productivity of the great Mongolian empire, providing a sound basis for establishing the world's largest empire in human history, ruling over all of Asia and into Europe.

Moreover, there was advanced consciousness of environmental protection in the Genghis Khan regime, even by modern reckoning. In his time, strict laws were

adopted to protect grassland ecology. For example, the Genghis Khan Code stipulated that digging pits on grasslands was prohibited and applied the death penalty to those who dug pits and refused to restore the grassland. The Code also prohibited setting fire to the grassland after autumn. Anyone who breached this rule would be subject to the death penalty on his whole family. Furthermore, the Code prohibited killing young, pregnant and old wild animals during hunting. The environmental protection concepts initiated by Genghis Khan became *Yuesun*,[5] customary law, deeply rooted in the blood of the Mongolian nationality through the form of statute law. These concepts were passed down orally in the grassland for over 700 years, until the end of the Cultural Revolution in the 1970s.[6]

The league and banner *Zhasake* nomad system and in-migrant land allocation policy from the Qing Dynasty[7] to the Republic of China in the twentieth century[8] caused serious damage to the grassland ecological system. The Qing government made separate administrations for pasturing and farming areas and set up the Ministry of Tribal Affairs to handle Mongolian and Tibetan affairs, systems which were ultimately inherited by the government of the Republic of China. To ease political rule, the Qing government altered the previous subinfeudation system, by dividing the former administration areas into smaller zones, mixing the Manchu and Mongolian leagues and banners through marriage and land grants and granting parts of the Mongolian lands to Manchu nobles. These policies greatly reduced the nomadic range, limiting the nomads' migration radius to no more than 150 km. At the same time, cross-regional liaisons and movement between various Mongolian banners was prohibited. In addition, to reduce the population of Mongolians and to tame their character, the Qing government strongly promoted Lamaism in the Mongolian region and built up many monasteries and temples where Mongolians could become lamas. In some areas, there was once a policy that all but one boy in every family should join monasteries and become lamas, so as to control the population.

Though in some regimes (Kangxi, Yongzheng and Qianlong) there were regulations banning migrants of Han nationality from claiming land in the Mongolian regions, batches of migrations to Mongolian regions and central China were organized by the government of the Qing Dynasty and the early Republic of China over a span of 120 years. These migrations were carried out to relieve the effects of natural disasters in central China, to handle the population explosion and to promote a 'nationality dilution' strategy. It is estimated that over 30 million people migrated in that period, a number 20 times the size of the Mongolian population. Most of these in-migrants turned into herders, and also converted the fertile grassland from southeast Daxing'anling to south Yinshan Mountain into barren farmland. Huge areas of fertile grassland and wetlands disappeared gradually, and various areas of ecological degradation were formed, such as Ke'erqin Sand, Hulunbei'er Sand, Hunshandake Desert and the Ordos Desert.

The outstanding features of this period are that the nomad production model remained basically unchanged, the nomadic area shrank, the population expanded and the grasslands degraded rapidly. In this period, the main degradation in Zone A was the rapid disappearance of wetlands; in Zone B there was large-scale conversion of grasslands into farms and the gradual disappearance of nomads; the degradation of Zone C was reflected in the large-scale arable conversion by in-migrants and the disappearance of the Chi Le Chuan grassland; and the degradation of Zone D resulted in the expansion of the Ordos Desert and the disappearance of the Alashan Juyan Oasis. In this period, human damage caused the rapid change in surface waters on the Inner Mongolia grasslands, leading to turbulence in the ecological system and to the large-scale deterioration of the grasslands.

After the founding of the People's Republic of China, Mongolians achieved autonomy with the establishment of the Inner Mongolia Autonomous Region. Based on tradition and in accordance with the nomad and inhabited areas of Mongolian tribes since the end of the Qing Dynasty, with reference to the *Zhasake* in the Qing Dynasty and the Republic of China regimes, the administration set up 12 league cities,[9] 101 banner counties,[10] and more than 5,000 *Gacha* (villages).[11] In this period, a nomadic production model was maintained, but the nomadic migratory scope was narrowed down to herders' own *Sumu* (sub-district)[12] or village. In this period, the population of the pasture area only increased by 2.82 per cent, reaching 1,964,900 people.

In 1980, the government of the Autonomous Region initiated the household contract responsibility system in pasture areas. This system integrated people, livestock and grasslands into an organic whole, with herder's responsibilities, rights and benefits. The double contract responsibility system of grasslands and livestock was promoted, featuring public-owned pastures, contract operations, livestock trade-ins and household ownership of livestock. This effectively stimulated the enthusiasm of herders and encouraged the rapid growth of herders' livestock enterprises. On this basis, in 1986 the Autonomous Region adopted the policy of 'promoting stock-raising business on the basis of the grasslands', the core of which was to raise as many livestock as possible to develop the local economy. This policy reached its peak in 1996 when the livestock inventory of Xilinguole league of Zone A reached over 10 million. However, since the policy completely ignored the capacity of the grasslands, the entire Inner Mongolia grassland experienced destructive damage, grassland degradation, decreases in livestock capacity and decreases in herders' income.

The ecological status indicates that set stocking rates, wire fencing and land conversion to farming have caused an ecological crisis in the grasslands. The systems of land contract and fenced stocking adopted since 1996 have disrupted the ecological system of the grasslands, including a decrease in biological diversity, breaks in the food chain, unbalanced groundwater resources and grassland desertification. After the double contract responsibility system of

pastures and livestock had been implemented for a while, it became necessary to solve the vicious circle of grassland degradation, and decreases in livestock capacity as well as herders' income. The government of the Autonomous Region issued the Relevant Regulations on Further Fulfilling and Perfecting the 'Two Rights and One System' (grassland ownership, grassland use rights, and the household contract responsibility system). This was done to prevent over-stocking by verifying the livestock capacity of pastures while fulfilling the grassland contract responsibility system. The policy could be summarized as 'demarcating pastures, forbidding free nomadism, adopting settled residences, and controlling livestock stocking rates'. The biggest change in this policy was that it placed a greater priority on the protection of grassland ecological systems than livestock output and income growth. Moreover, under this policy various levels of local government invested a great amount of labour, money and materials to help herders build livestock sheds and fencing, and to improve breeds.

Questionnaire Survey of Herders

The real effect of the policy on ecology restoration has yet to be observed. In our opinion, herders have the most profound knowledge of the grasslands and are the group most sensitive to changes related to the grasslands. Therefore, our research team distributed questionnaires to 5,000 households in 1,000 villages in 12 leagues of the Autonomous Region. This article reviews the answers of the herders, which reflect the living status in Inner Mongolia. Following are some of the questions from our questionnaires.

Table 1: *'Now there are many herders going to cities to work. Why do they go there?'*

Herders' Responses		
A.	Grassland deterioration; it is difficult to live in pasturing areas:	73 per cent
B.	They do not like living in pasturing areas:	6 per cent
C.	For their children's education:	13 per cent
D.	Other:	8 per cent

Table 2: *'Have the grasslands rejuvenated after the implementation of policies like "herding stoppage" and "in-turn herding"?'*

Herders' Responses		
A.	Rejuvenated substantially:	29 per cent
B.	No evident change:	37 per cent
C.	Further degraded:	27 per cent
D.	Other:	7 per cent

Table 3: *"What has been the deepest influence of the set stocking rate?'*

Herders' Responses		
A.	Changes in the herders' living style:	52 per cent
B.	The grassland ecology has improved:	8 per cent
C.	Traditional nomad culture has suffered a blow:	32 per cent
D.	Other:	8 per cent

For the first question, 73 per cent of the herders think that the ecology of the grasslands has deteriorated and the life of herders has become more difficult; for Question 2, 64 per cent of herders do not think that the present grassland ecology protection policy can effectively restore the grassland ecology; at the same time, 29 per cent of herders think that the herding stoppage and in-turn herding policy has helped restore the grassland ecology; and for Question 3, only 8 per cent of herders think that set stocking rates can facilitate grassland ecology protection. In short, in these herders' opinion, the current grassland management policy is not effectively restoring grassland ecology.

Contracting grassland use rights is the basis for large-scale wire fencing, a practice which directly leads to permanent settlement. Regarding the ecological problems of these new practices, herders have their own views. As an illustration, here are some opinions of one herder, Bao Lige from Zone A.

Bao Lige loves and hates grassland contracting, net fencing and set stocking. What he loves is that the system has turned grassland into his private asset, bringing him much contentedness. Among what he hates is that:

(1) Nomads can get around drought events by moving, but set stocking ranchers cannot. He can no longer move to obtain water and pastures, but instead has to wait for rain. His pastures have only received rain 13 times in 10 years;
(2) The grassland is seriously overloaded. Since the use rights of the grasslands have been privatized and the livestock sheds provide protection in climate disasters, he has not been able to control his desire for wealth, and so he raises numbers of livestock which are two times above the maximum pasture capacity;
(3) There are 'Fencing contests'. The unenclosed areas have almost become '*bona vacantia*' and are disputed by herders, leading to accelerated desertification of the surrounding areas of fenced grassland and forcing herders to take part in the contest;
(4) The ecology of areas surrounding the settlement deteriorates first. Domestic animals walk back and forth between pasture and sheep shed. They eat up grass along the road. Moreover, most seeds in the fenced pastures have been eaten, and the pastures are deteriorating;

(5) The food chain of the grassland is broken and the area is infested by rats. The wire fencing stop not only dzerens (*Procapra gutturosa, an antelope*), but also restrict the movements of their natural enemies like wolves and foxes. Rats without their enemies become extremely active. The pasture losses caused by rats are even higher than those by drought;
(6) The utilization of natural resources is becoming more difficult. Bao Lige's home is just ten kilometres away from Bei'er Lake as the crow flies and it only took him 20 minutes to go there by motorcycle in the past. However, since the wire fences now block the road, he has to drive 70 kilometres to go there;
(7) The stable breeding tortures animals. Some of his cattle have become mad due to long-term enclosed breeding, and two of them killed themselves by bumping into the walls;
(8) There are decreases in meat quality; The meat of pen-raised sheep is not so delicious. Now he has to buy mutton from others to eat;
(9) The set stocking cannot promote social harmony. In previous nomadic times, the relationships between herders were harmonious, but now various disputes between neighbours have increased substantially.

The phenomena mentioned by Bao Lige exist in all four zones. In addition, the Alashan Gobi of Zone D has these special conditions: (1) the desertified area is exceedingly large at approximately 2,000 hectares per household on average, (2) vegetation is scarce, (3) the cost of fencing is extremely high and hence very difficult to recover, and (4) the fencing stops camels from moving freely, bringing to the edge of extinction those plants which depend on camels' walking, making the ecology even worse.

Besides the above problems, grassland contracting, wire fencing and set stocking rates have also caused more serious problems in grassland reclamation, or the grassland farming problem. We call it 'a moment's relief with endless suffering'. Take Zhalute banner of Tongliao city as an example. Zhalute banner used to be fertile grassland. Along with the degradation of Ke'erqin grassland, Zhalute banner became 'the last integral grassland in Ke'erqin'. In recent years, to protect the local ecological environment, the government of the autonomous region has invested much in this area. Many leaders visited the area and gave instructions. According to a local officer, the government of the autonomous region has invested hundreds of millions of *yuan* in the area, and it is a non-reclaimed area. However, when the research team entered the banner, we saw many farming tractors busy ploughing up the grassland. It was even difficult for us to find the road to our village destination. According to a village head, since 1996 when the grassland contracting system was adopted, over 70 per cent of the grassland in the village has been converted to cropping, and the total converted area has reached 3333.33 hectares. The rental of converted grassland could reach 280 *yuan*/*mu* in the first year but decreases year by year as the soil is blown away

by the wind. The grassland turns into dead soil or desert in six years if growing corn or three years if growing mung beans. Though the grassland is disappearing on a large scale, the village's income is very good. Taking their village as an example, the income of each household ranges from 50,000 *yuan* to 300,000 *yuan*. Complete herding stoppage will be adopted there, and their village has decided to sell over 90 per cent of the livestock and turn to agricultural development.

Below is a satellite image of grassland reclamation in Zhalute banner:

Figure 2: *Grassland Converted to Fields*

Although the above case is not fully representative of the land conversion situation of the Inner Mongolian grassland, it still indicates the seriousness of grassland conversion from a certain perspective.

Frequent drought is a natural phenomenon of grasslands, but individual contracting of grassland, set stocking rates and wire fencing has meant that herders suffer from drought almost all the time. There is a common saying in Zones A, B, C and D: 'Nine years of drought in ten years' time'. Geographically,

most of the region is arid or semiarid. According to our questionnaire, herders have their own simple understanding of ecological protection.

Economic Survival Problems

The privatization of grassland use rights, wire fencing and settlement have worsened the ecological environment of the grasslands and compressed the survival space of herders. Survival problems refer here to the economic income of herders. Stock raising is the main source of income for most herders in Inner Mongolia. It is a key part of the GDP of the pasture areas. According to our questionnaire, 79 per cent of herders still rely on stock raising as their main economic source. Below is a question from the questionnaire.

Table 4: *'From the perspective of ecological protection, do you think it is still necessary to keep nomadism?'*

Herders' Responses	
A. It is not necessary; set stocking is good:	12 per cent
B. It is necessary; nomadism can promote ecological protection:	78 per cent
C. I do not know:	9 per cent
D. Other:	1 per cent

The above responses indicate that the great majority of herders consider nomadism a better production model for grassland ecological protection.

According to our findings, there are two main survival problems for herders in Inner Mongolia. In general, herders' income maintains a continuous undulant growth momentum, while in some areas poverty prevails without much improvement.

Table 5: *'What is the main source of income for your family?'*

Herders' Responses	
A. Working for others:	16 per cent
B. Stock raising:	79 per cent
C. Family side-line business (tourism, dairy products, etc.):	5 per cent
D. Other:	0 per cent

The above data are average values. In the poor banners which started land conversion early, herders' income has remained almost the same for the past ten years. Both their actual income and income increments are lower than the natural average level and inflation. Figure 3 contains data from the Balinyou Banner of Chifeng city and the Keyouzhong Banner of Xing'an League in Zone B, which supports this analysis.

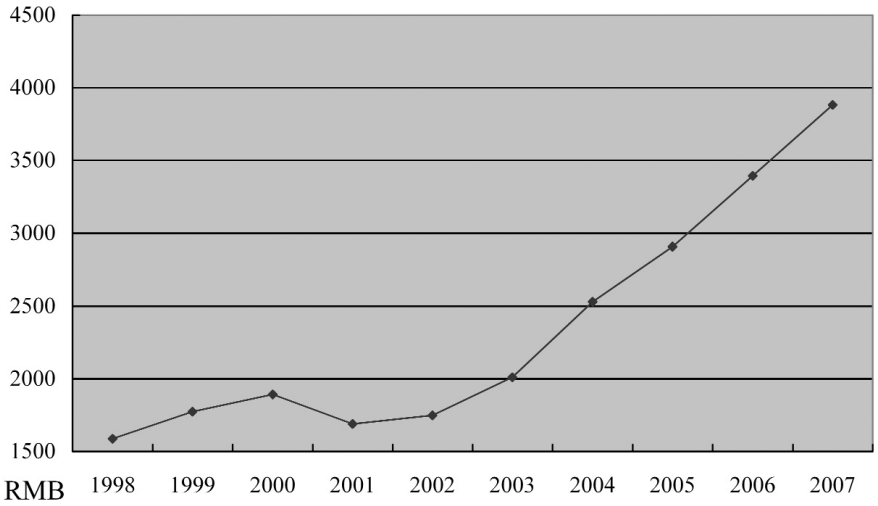

Figure 3: *Average Net Income for Herders in One Banner Regional Wealth Disparity*

The gap between the poor and the rich in the region continues to expand, and is closely related to the differences of the ecological environment. This is shown by a comparative study of Zhong Banner of Xing'an League and Zha Banner of Tongliao City in Zone B. The two neighbouring banners share similar climates, soil, geographical structure, altitude, nationality composition and population density. The main difference is that pasture land in Zhong Banner was converted 80 years earlier than in Zha Banner. There is also the difference of desertification and soil content related to reclamation.

Zhong Banner of Xing'an League has been designated a national poor banner and is a typical example of poverty following wealth due to grassland conversion. At present, no integral piece of grassland can be found in the area. Eighty five per cent of the grassland has been reclaimed over nearly its 100 years of conversion history. Seventy per cent of the reclaimed grassland has already turned into desert and barren white land, and the remaining farmland suffers from serious nutrient depletion. For example, a herder growing corn on 6.67 hectares of land in 2007 only yielded 15,000 kg of corn, an average output of merely 150 kg per *mu*. On the other hand, neighbouring Zha Banner is a rich banner in Zone B and is a typical example of get-rich-quick grassland conversion to crop farming. Its conversion started less than 20 years ago. Most farmland has been newly reclaimed. In 2007, the yield of corn grown in newly ploughed grassland irrigated by groundwater was 1,000 kg per *mu*, which is 6.7 times higher that in Zhong Banner. In terms of land rental (external renting), land in Zha Banner is 280 *yuan* per *mu*, while Zhong Banner is merely 20 *yuan* per *mu*. These are two typical differences.

System-related Gaps Between the Rich and the Poor

Primarily, the imbalanced possession of the grasslands has lead to the emergence of four social groups.

In 1996, the 'Two Rights and One System' policy was initiated in the Autonomous Region, and, in 1999, grassland use rights were contracted to individual households. 'Distribution according to people-livestock proportion' was adopted as the main policy for contracting out grassland, which directly led to the rich with more livestock acquiring more grassland than the poor with fewer livestock. Moreover, this gap between the poor and the rich was recognized and fixed by the land contracting policy, which would last for 30 years without change. The implementation of this reform gave birth to four new groups:

Landlord herder: Each village has three or more landlord herders, and over 70 per cent of them have certain characteristics. They possess several times or up to ten times more grassland than general herders, and over twice the number of livestock than the amount raised by general herders. They hire several migrant workers and local herders to work for them. Their daily job is management, not manual labour.

General herdsman: These herders possess 30 per cent more grassland than the average level. They are the majority group in this grassland society. Besides cooperating as herders, they usually do not have employees and carry out most or all of the labour by themselves. Their livestock-grassland ratio usually exceeds the acceptable level. Their life is difficult, but they can still maintain basic living conditions.

Lost-land herders: This group possesses 20 per cent less grassland than the average level. Approximately 20 per cent of the registered herders are in this category. The actual livestock capacity of the grassland belonging to each household is less than 100 sheep per unit. It is therefore difficult for them to maintain a normal life just by means of stock raising. Their plans for their futures are in three types: some wish to establish partnership operations with relatives, some will sell their grassland and work for landlord herders, and some will sell their grassland and move to the city. This group has developed for four reasons: (1) relatively few family members and livestock, which meant they received less grassland when it was originally distributed (2) poor personal qualifications (3) bad habits (drink, gambling, etc.) or illness and (4) having poor grassland.

Migrant workers: This is an old group. Some of them came to Zone A in the 1950s. They are neither herders nor farmers. They are actually refugees. The biggest characteristic of this group is that they have no land and feed their families by contracting to work on the grassland of lost-land herders or to work for landlord herders. They are diligent and able to herd livestock and grow grain, but their income is low. According to site observations in Zones A, B, C and D, migrant workers account for about 10 per cent of local herders.

Secondly, the gap between the rich and the poor is increasing in severity as grassland disputes continue. As the population and livestock inventory keep on

growing, grassland per capita and per household continues to decrease. This alone makes herders feel the pressure of life. We found in our investigation that land disputes existed across the region between government officers and herders, industry and stock raising, and agriculture and stock raising. Some government officers make use of their power or position to take over grassland and disputed land from herders. Some grassland is being occupied for industrial development such as mining and prospecting. It is almost inevitable that industrial development will further encroach on and expand into the grasslands. Land disputes between crop agriculture and stock raising refers to the phenomenon that pastures and stock raising businesses are damaged by crop production. The impact of agriculture on Inner Mongolian grassland has already been discussed above. This phenomenon has not only substantially pressed the surviving space of herders, but has also brought destructive damage to the grasslands.

Below in Figure 4 is a satellite picture showing grassland crop agriculture in Xinba'erhuyou Banner, located in Zone A.

Figure 4: *Crop Agriculture in the Grasslands*

There are many examples of the rapid degradation of the grasslands due to excessive conversion to farming, damage and improper development and management. Even advanced Western countries share the same problem.

Cultural Problems

Half of human history has been written in the grasslands. Nomadic civilization and agricultural civilization are equally great. They form the common spiritual assets of human beings. Mongolians are an outstanding representative of nomad nations. The unique Mongolian nomadic culture is the spiritual territory of the Mongolian nation and is also an important part of the world's nomadic culture. However, this precious cultural inheritance is now gradually dying out due to changes in the production models being used in the grasslands.

Nomadic Culture Extinction and Transitions

On 18 April 2008, at the home of Du Lema in Baerhu grassland of Hulunbei'er in Zone A, two Mongolian elders argued on the topic of 'whether Mongolian culture is dying out or is transitioning for development'. Elder Ba Tu, 78 years old, was a herdsman and used to be a leader of the banner. Since his retirement he has been living in the city. Elder Meng Ke, 72 years, is a herdsman and still lives in the grasslands. According to Ba Tu, settlement is good, for the modern media spreads Mongolian culture widely, making more and more artists love Mongolian culture; therefore, Mongolian culture is being carried forward instead of dying out. However, in Meng Ke's opinion, settlement is not good. Nomadism is the basis of Mongolian culture. If nomadism disappears, nomadic culture will disappear, too. He asks 'What can furs cling to if there is no skin?' More attention is not always good. For example, no one cared about Southern Chinese tigers when they lived everywhere. Only when they were dying out did people start to take considerate care of them in pens. This is not a mark of prosperity but a signal of extinction. Men Ke's son now lives in the city, and this city boy might be considered just half Mongolian. He lived in the grasslands when he was young, so he keeps about half of the grassland cultural tradition, but his grandson only keeps one fourth. He has no idea about Mongolian culture besides singing a few Mongolian songs, speaking a little Mongolian language and eating some Mongolian food. Meng Ke believes that if his grandson keeps on living in the city, the next generation will have no inheritance of Mongolian culture.

We agree with the opinions of elder Meng Ke and can feel his concern. For example, the Manchus were a powerful nation 100 years ago. However, after less than 100 years of cultural transition, how many of the ten million Manchu people could still speak the Manchu language? The great Manchu culture that thrived for over 400 years has disappeared. Below are the relevant questions in the questionnaire distributed by our research team on this topic.

Table 6: *'From the perspective of cultural inheritance, do you think it still necessary to keep nomadism?'*

Herders' Responses		
A.	It is not necessary; set stocking is good:	12 per cent
B.	It is necessary, because nomadism promotes cultural inheritance:	67 per cent
C.	I do not know:	19 per cent
D.	Other:	2 per cent

Table 6 shows that 67 per cent of herders consider it necessary to keep nomadism to protect their cultural inheritance, which proves that the nomad production model is essential for nomad culture.

The Developmental Status of Mongolian Culture

Our research team has carried out long-term follow-up observations on the development of Mongolian culture and has recorded various indices and data on livestock structure, Mongolian horses, the *Nadamu* festival, marriage customs and taboos, traditional diet habits, nomadic skills and traditional tools. We think that these data are of scientific value but will not be discussed in this article due to space limitations.

Though grassland privatization, settlement and fencing policies have been promoted by the government for ten years, a few herders in some areas still maintain their traditional nomadic habits. For example, some herders in Xilin'guole League of Zone A have torn down the wire fencing together, in order to resume small-scale nomadism. Therefore, we conclude that in the above two zones, nomad culture is disappearing rapidly in general, but still remains intact in some spots. Below is a picture of a spring pasture of Zone A in 2008.

Figure 5: *Spring Pasture now Sand*

Compared to Zone A, the nomadic culture is disappearing faster in Zones B and C. Much of the cultural inheritance that has been passed down for hundreds of years has died out or is found only in theatres. For example, three types of horse-head fiddles and various performance techniques have basically disappeared. There is a strong tendency that the higher the degree of farming, the less Mongolian culture remains.

There are two further representative indices of cultural change in the questionnaire survey.

Table 6: *'What kind of school does your child go to?'*

Herders' Responses	
A. Mongolian school:	88 per cent
B. Mandarin school:	4 per cent
C. No school:	7 per cent
D. Other:	1 per cent

The above survey indicates that most Mongolian herders tend to send their children to Mongolian school for education. However, there is a tendency for a decline in Mongolian-language-medium education. According to a comparative study on education in the Mongolian medium in 2006 and 2007, we found that in 2006, there were 571 primary schools in Inner Mongolia teaching in the Mongolian language, but in 2007, the number of such schools fell by 14 per cent to 490. On average, only 48.5 per cent of banners have high schools teaching in Mongolian. There were 5 junior vocational schools and 20 vocational high schools teaching in Mongolian in 2006, and in 2007, the number of junior vocational schools was reduced to 2, while that of vocational high schools increased to 21. In 2006, there were 29,835 graduates from such junior middle schools, and in 2007, the number decreased by 14.6 per cent to 25,493. In 2006, the number of graduates from such high schools was 16,106, which was reduced by 4.2 per cent to 15,437 in 2007. In 2006, there were 419 graduates from such junior vocational schools, and in 2007, the number decreased by 68.5 per cent to 132. In 2006, the number of graduates from such high schools was 1,639, which was reduced by 8.9 per cent to 1,493 in 2007.

Moreover, according to incomplete statistics, there are less than 10 universities in China teaching in the Mongolian language. There is no pure Mongolian-medium university in China but just a junior college, leading to the dilemma that it is extremely hard for students graduating from Mongolian schools to gain higher education and study their dream majors, even though 88 per cent of herders choose to send their children to Mongolian schools. This is a big obstacle for the development of Mongolian culture and civilization.

Figure 6a and 6b shows two pictures: one of the traditional style for mounting horses practiced in Zone A and the other of the modern mounting style practiced in Zone B. The lunge pole is a precious tool in the grasslands lacking trees, and

herders have a tradition of cherishing their lunge pole. In the above pictures, the mounting style of the herdsman from Zone A still maintains the lunge-pole-protection habit, and his manner is agile and beautiful. The modern mounting style of the herdsman from Zone B, however, may hurt both the pole and himself, and the manner is clumsy.

Figure 6a and 6b: *Traditional (left) and Modern (right) Methods for Mounting Horses*

The number of Mongolian horses is falling, and the culture of saddle, stirrup and horse taming are dying out rapidly. With industrial civilization prevailing, the Mongolian horse is gradually being withdrawn from its previous role. Currently, over 90 per cent of herders no longer raise horses, resulting in some areas not being able to hold the horse racing, which is traditionally a part of the *Nadamu* festival. In these areas, track and field sports have replaced traditional sports. It is said that the Mongolian nation is a nation on a saddle. Now the horse is disappearing, and so is the saddle. We consider it a huge loss for Mongolian culture.

To sum up, nomadic culture is the core of Mongolian culture, the nomadic production model is the key for inheriting and developing Mongolian culture and nomadism plays a non-substitutable role in the inheritance and development of Mongolian culture.

Establishing Nomad Rights

We draw the conclusion from the above analysis that it is not scientific to manage grasslands like farmland and manage nomads like farmers. The privatization of grassland use rights has led to large-scale wire fencing and large-scale grassland conversion to farming and stock raising, which have directly caused three crises:

in grassland ecology, herders' livelihoods and the nomadic culture (hereafter referred to as 'the three crises').

With reference to the desertification process of Zones A, B, C and D, this paper concludes that if the three crises can not be controlled promptly and effectively, in the next 50 years (1) the desertification rate of the Inner Mongolian grassland will reach over 80 per cent; (2) more than 90 per cent of herders will lose grassland; and (3) Mongolian nomad culture will have fundamentally vanished as part of Mongolian daily life.

We suggest two measures to solve the three crises:

- Restore the human population and livestock load of the grasslands to the level of the 1950s; and
- Arrange a system of free nomadic herding for more than 80 per cent of herders.

To realize these two measures, we need to consider how to solve three kinds of problems:

- Legal problems. At present, the 'Two Rights and One System' policy has been implemented in the whole Autonomous Region, and the use rights of more than 90 per cent of the grasslands have been privatized. How to terminate these grassland contracts is a big problem to be solved.
- Migration problems. Who should stay and who should move? Where should we move the 1.7 million herders?
- Funding problems. Migration and settlement require a huge amount of money. Where can we get the funding?

The central government has always attached importance to ecological protection, cultural heritance and herders' benefits in the Inner Mongolia Autonomous Region. President Hu Jintao[13] emphasized in the Rural Work Meeting of the CPC Central Committee in 2003 that 'we should strengthen grassland ecological protection and construction to realize sustainable development' and 'properly protect the vast grasslands of Inner Mongolia and the green forest sea of Daxing'anling, and make due contributions to the construction of the key ecological screen of north China'. In the meantime, the government of the Autonomous Region has also attached great importance to ecological protection and construction in order to fulfil central government policy. In the beginning of this year (2008), the government of the Autonomous Region put forward new requirements to fulfil the policy of President Hu Jintao, and has been conducting research on how to promote ecological civilization and construction. The Autonomous Region government is also considering how to enact the measures necessary to implement changes for initial effect or evident improvement of the region's ecological environment. The government requires us to make ecological

protection and construction the priority infrastructure construction task. We regard energy conservation and emission reduction as an urgent task for constructing ecological civilization to ensure the ecological security of north China.

To solve the legal and migration problems, we should abolish the system of contracting grassland use rights, terminate grassland contracts, tear down wire fencings, move the surplus population to the city, and let the herders with good cultural traditions and inheritance stay and lead nomadic lives. This is not in contradiction to the current legal system of China. We can solve the problem through local legislation.

Therefore, we suggest that a nomad licensing system should be established along with setting up nomad rights. This would entail certain herders having rights to practice free nomadism in a designated area under certain preconditions and in compliance with the regulations on grassland livestock capacity.

Firstly, nomad rights would be private rights closely related to public rights. Secondly, nomad rights would be quasi-property. In current legal theory, rights of fishing, hunting, water use and forestry belong to quasi-property. Nomad rights could also be quasi-property since grasslands are also a kind of natural resource.

As a part of the rights system for natural resources, nomad rights like other quasi-properties should also be acquired on the basis of administrative licensing, according to legal procedures. The current Administrative Licensing Law already provides a sound legal basis for this.

Therefore, we consider that nomad rights are private rights closely related to pubic rights and belong to the ownership system of our real right legal system. It fits the principle of fairness and justice and the current legal system of China. It is a feasible and legitimate theoretical innovation for the administrative management system.

Conclusion

History tells us that the reason our ancestors chose nomadism is that nomadism fits the natural ecological rules of the grassland. Reality has proved that nomadism is a non-substitutable production model for grassland ecological protection and nomad cultural inheritance.

We may encounter great difficulty in establishing nomad rights and creating a nomad administrative licensing system. However, it is our mission to shoulder the responsibility of ecological security and cultural inheritance. Therefore, this paper concludes that establishing nomad rights is a good solution for the problems of Inner Mongolia as well as for other areas with similar grassland problems.

Notes

1. Subinfeudation, in English law, is the practice by which tenants, holding land under the king or other superior lord, carved out new and distinct tenures in their turn by sub-letting or alienating a part of their lands (Wikipedia.com).
2. *Huliletai*: Mongolian, refers to meeting. In the Genghis Khan regime, it refers to the national supreme organisation for discussion and decision-making consisting of presbyters and thousand-household heads of various tribes. Its main powers included election of the emperor and chief justice and decisions on war.
3. Genghis Khan Code and Relevant Discussion, The Commercial Press, Edit. 1 July 2007, p. 3.
4. *Zha'erhuchi*: Mongolian, refers to the chief justice. In the Genghis Khan regime, the chief justice was elected by *Huliletai* with the nomination of the emperor. The chief justice was in charge of litigation verdicts, subinfeudation recording and law drafting. The verdict was a final judgment, and no one was able to change it. Thus it formed the earliest systematic precedential legal system in human history.
5. *Yuesun*: Mongolian, refers to customary law.
6. The Cultural Revolution was a large-scale domestic political movement started in 1966. It is regarded as the most turbulent period in China since the founding of the People's Republic of China and is widely known as the 'Ten-year Riot' or the 'Ten-year Calamity'.
7. The Qing Dynasty (1636 to 12 February 1912) became a national regime in 1644 and was the last imperial dynasty in the history of China. The rulers were the Aisin-Gioro family, originating from Jianzhou Jurchen.
8. The Republic of China (1912–1949) was the regime between the Qing Dynasty and the People's Republic of China. It was a transitional period in Chinese history in which the semi-colonial and semi-feudal society was terminated.
9. League and city: The administrative region between province and county according to the Constitution of China.
10. Banner and county: The administrative region below city according to the Constitution of China.
11. *Gacha*: Collective economic organization of herdsman.
12. *Sumu*: The branch agency of a banner government responsible for assisting the banner government to deal with herdsman and pasture affairs.
13. Hu Jintao, President of the People's Republic of China and Secretary General of CPC Central Committee.

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