Mari Kazato, "The Local Value and Right to Winter Camps under the Land Privatization Policy in Postsocialist Mongolia", 11th Biennial Conference of IASCP (International Association for the Study of Common Property), in Bali Indonesia, June 19-23, 2006.

LOCAL VALUE AND RIGHTS TO WINTER CAMPS UNDER LAND PRIVATIZATION POLICY IN POSTSOCIALIST MONGOLIA

Mari Kazato

Graduate School of Asian and African Area Studies, Kyoto University
Kyoto, Japan
E-mail: kazato@jambo.africa.kyoto-u.ac.jp

This paper discusses how Mongolian herders have dealt with *o'voljoo* (winter campsites with shelters, corrals, and surrounding pastures) [*sg. o'voljoo, pl. o'voljoo*] in response to postsocialist changes such as land privatization. The state has retained possession of pasturelands even after the socialist period, prompting international organizations to call for the establishment of private land ownership to combat pasture degradation by overgrazing.

During the socialist period, the livestock, shelters, and corrals of *o'voljoo* became the common property of animal husbandry cooperatives. In the early 1990s, the cooperatives were dismantled, and the livestock, shelters, and corrals were distributed to herders. In 1995, the government issued certificates to ensure households had possession of the land occupied by the shelters and corrals of their *o'voljoo*. The external logic of private property rights has thus become central to state land policy.

Although possessory rights to *o'voljoo* have been guaranteed, local people have not necessarily adhered to the land right itself because they regard the right to *o'voljoo* as incomplete without actual use. A gap has thus developed between state policy and herders' attitudes to *o'voljoo* rights. From the herders' perspective, a special soil called *buuts* constitutes the core of the *o'voljoo*. Formed by the accumulation of dung over many winters, *buuts* serves as an indispensable bedding for animals, insulating them from the cold winter nights. Shelters and corrals are constructed to protect the *buuts* [*sg. buuts, pl. buuts*] from weathering as well as to protect livestock from the cold. Thus, the value of and right to *o'voljoo* are generated through use, such as daily pastoral practices and active maintenance, which includes fixing shelters and corrals, maintaining the *buuts*, and moving the herds to nearby areas.

1. INTRODUCTION: POLITICAL CHANGES AND LAND PRIVATIZATION

This paper discusses how Mongolian herders have coped with postsocialist changes, by examining the local value and right to winter camps called *o'voljoo* under the state policy of land privatization. Livestock husbandry in Mongolia depends entirely on the

pasturing of animals, and herders move their settlements and livestock seasonally. Mongolia has four seasons (spring, summer, autumn, and winter). Winters are often harsh, with snow and ice covering pastures and temperatures dropping as low as –40ºC. Thus, the choice of good winter campsites is critical. This paper discusses how Mongolian herders have created, used, and evaluated such winter camps in response to postsocialist changes.

In pastoral regions, animal husbandry cooperatives collectivized the means of production from the end of the 1950s to the beginning of the 1990s under the socialist regime. All domestic animals, shelters, and corrals were registered as common property of the cooperatives, which sought to improve production efficiency by division of labor and the expansion of herd sizes. Livestock were divided by species, sex, and age, and large herds of 100–1,000 animals were entrusted to herders.

In the latter half of the 1980s, macro-economic stagnation led to alterations in the basic cooperative principles. At the same time, democratization drastically altered the political situation. These changes resulted in the dismantling of cooperatives and the privatization of their property, including animals, shelters, and corrals.

Winter campsites are called "*o'voljoo*" in Mongolian. Shelters and corrals at these sites protect animals against the harsh cold. However, pasture conditions can vary from year to year, depending on the region's wide annual fluctuations in precipitation and temperature. Therefore, it is important for herders to choose an appropriate *o'voljoo* each year, as well as to improve facilities at the *o'voljoo.*

In the approximately 30 years of socialism that began in the latter half of the 1950s, nearly all herders were registered as members of animal husbandry cooperatives, and means of production, such as livestock, shelters, and corrals, were collectivized as the common property of the cooperatives. However, at the beginning of the 1990s, the cooperatives were dismantled, and by 1993, common property such as livestock, shelters, and corrals were being distributed to former cooperative members and local people as private property. The basic idea behind the privatization of this property was "to return it to the former owners." From this perspective, *o'voljoo* shelters and corrals were to be returned to those who had possessed them before collectivization. Nevertheless, in practice, the privatization process was difficult because nearly 40 years had passed and new generations had emerged.

Although livestock and shelters were privatized, the state retained ownership of pasture lands, even after the socialist period. Various international organizations, including the World Bank and the Asian Developmental Bank, called for land privatization and laws. First, these organizations argued that private ownership of property is fundamental in the shift from a socialist system to a market-oriented economy and democracy [Sneath 2002: 192]. Second, land privatization was advocated as a way to alleviate the economic distress that started with the transition to

democratization. The World Bank, for example, argued that the management unit of animal husbandry should be changed from the cooperative basis to a household basis that basically consisted of a nuclear family, and that each household should then be given land rights in order to promote investment. Third, observers also noted that private lands had to be delineated and protected, especially given the rapid expansion of the market economy that has led to overgrazing and pasture degradation in some areas near large cities [Tumenbayar 2000].

As a result, the government gave all herding households the right to possess their *o'voljoo*. This policy established legislation and specific land rights in pastoral regions, ensuring each household's possessory rights to *o'voljoo*, although the ownership of the land was still retained by the state. There are three concepts of land rights in Mongolia: ownership [*o'mchilekh erkh*], possessory rights [*ezemshikh erkh*], and usage rights [*ashiglakh erkh*]. However, Mongolia's pastures are unstable resources due to the large annual climate variability. The Govi region in southern Mongolia, in particular, has a "non-equilibrial grazing system" [Ellis et al. 1993: 31, Sneath 1999: 270–272]. Therefore, rather than private land ownership, community-based collective management [Mearns 1996] and high-level sharing, i.e., granting local authorities the right to control the pasture use of herders according to the seasons upon ensuring herders large-area access rights [Fernandez-Gimenez 2002], have also been advocated.

O'voljoo lie at the frontier of legal land rights in pastoral regions; these winter camps also have practical importance in the local context of mobile pastoralism in Mongolia. In other words, the *o'voljoo* are where local and global values meet. This paper examines the practical meaning of *o'voljoo* in the local context, how changes in the political system have affected rights to *o'voljoo*, and how herders have coped with postsocialist changes, including land privatization.

2. BACKGROUND OF THIS RESEARCH

This research was carried out in Telmen District, Zavkhan Province, from 15 to 23 October 2003 and from 12 July to 14 September 2004 (74 days in total). Telmen District is located 960 km west of Ulaanbaatar, the capital of Mongolia, and occupies 3460 km^2 in a mountainous area, approximately 1700 m above sea level. The average annual precipitation is 154 mm [Dagvadorj 1985: 1], and the main vegetation is forest-steppe, although precipitation and temperature vary regionally. There are approximately 20 rivers in the District, including the Ider and Tegsh rivers. A settlement called the "District Center" houses public facilities, such as local government offices, a school, and a hospital, as well as residences. Telmen District is divided into five sub-districts: Nuur, Shurgakha, Bayan-airag, O'goomor, and Bayan-tegsh. A census of Telmen District at the end of December 2003 counted a population of 2,963, all of whom are Mongols of

various sub-ethnic groups.[1] Of the 731 households, 538 were herders engaged in mobile pastoralism throughout the year. The same census estimated approximately 62,000 livestock animals in the District, including sheep, goats, camels, horses, and cattle.[2]

3. THE *O'VOLJOO*

One herder in Telmen District, a Mr. Tserendorj (60 years old), reported that, "Herders should be careful in choosing an *o'voljoo*. When making a living on the basis of domestic animals, the *o'voljoo* is the most important of the four seasonal campsites." He emphasized the importance of choosing an appropriate *o'voljoo* to cope with the harsh, snowy winters. Each *o'voljoo* has a name. Spring campsites also have names, while those of summer and autumn are descriptively referred to by the name of nearby wells, springs, or creeks. Herders are assigned to administrative districts based on the location of their *o'voljoo*. For example, households with *o'voljoo* in the valleys of Deed Shurgakh or Dood Shurgakh belong to the Shurgakha sub-district.

The term *o'voljoo* is polysemic when used in the local context. The term *o'voljoo* generally comprises three broad meanings: (1) wooden structures such as shelters (*saravch*) and corrals (*hashaa*); (2) land of 200–300 m^2 where facilities are located, generally called *buuts*; and (3) the surrounding pasture where animals graze in winter. When herders use the word *o'voljoo* in everyday life, usually meanings (1), (1)+(2), or (3) are signified, but it is rare that only (2) is signified. However, the land on which the facilities exist has been a key focus in the postsocialist transition process.

In this paper, I define *o'voljoo* narrowly as (1)+(2), i.e., land of approximately 200–300 m^2 upon which wooden structures such as shelters are built, and broadly as (1)+(2)+(3), i.e., the land, structures, and the winter pasture. An *o'voljoo* serves three main functions: a base camp in winter, a winter pasture for animals, and a place for mowing hay. As a place for human residences and sheltering animals at night, *o'voljoo* facilities consist of shelters for sheep and goats, corrals for calves and hay storage, and residential enclosures. Shelters and corrals are divided into numerous partitions to allow animals to be separated by species, sex, and age. Concerning the second function, herders work to protect their winter pasture against other herders and also to carry out planned uses. As reported by Mr. Tserendorj, "The border between neighboring *o'voljoo* have long been agreed, using the lay of the land such as ridgelines and valleys as marks. We have followed this custom from olden times, and try not to let our animals beyond the border." Regarding the third function, as a mowing field, Mr. Myagmaa

[1] The people of Telmen District are divided into sub-ethnic groups such as the Khalkha and Khotogoit.
[2]This figure is comprised of 32,853 sheep, 19,599 goats, 409 camels, 5,884 horses, and 3,322 cattle, including yaks and cattle/yak hybrids (from a census of Telmen District conducted at the end of December 2003).

(about 40 years old) explained that, "Grass within a 100-m radius from where the *o'voljoo* structures stand might be trodden underfoot by animals and therefore wasted when the animals are taken into the *o'voljoo* in winter. So, we mow the grass of the *o'voljoo* in autumn and make hay."

4. THE *O'VOLJOO* UNDER POLITICAL TRANSITION

4-1. The Animal Husbandry System during and after the Socialist Cooperatives

The "Way of Joy" animal husbandry cooperative was established in Telmen District in 1955. During the period of socialist collectivization, herd sizes increased, so the scale of the *o'voljoo* shelters and corrals also expanded. To intensify animal production, new corrals were constructed on *khavarjaa* (spring campsites) and *namarjaa* (autumn campsites), which previously had not had corrals. The cooperative registered the numbers of logs and planks at each facility, to ensure that the construction materials would not be misappropriated for other uses.

The cooperative 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 the instructions from the cooperative. Initially, there was concern that former users of the *o'voljoo* and their children would have priority in using the winter sites and that even the state might respect elders' rights to their *o'voljoo*. However, some *o'voljoo* in especially good condition were allocated to herders who attained high productivity, regardless of whether they were the former owners. In other words, the cooperative had the power to decide who had *o'voljoo* usage rights.

In 1991, 30% of the property of the Way of Joy animal husbandry cooperative 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 cooperative was dissolved but, following government instructions, most of the institutional structures were retained and reorganized into a stock company called a *kompan*. The *kompan* took over 70% of the property, and most former members of the cooperative joined the *kompan*. However, the *kompan* went bankrupt in the same year. Its property, including the livestock, shelters, and corrals of the *o'voljoo*, were then distributed among the former *kompan* members, according to household population.[3] Thus, by 1993, nearly all the property of the former cooperative had been privatized.

[3] Numerous items of power machinery and District Center buildings were also privatized.

4-2. Privatization of *o'voljoo*

People referred to what happened in the process of privatization in the following way: "We were given some animals, and we were given the *o'voljoo.*" In fact, what the statement "we were given the *o'voljoo*" really means is that the shelters and corrals of the *o'voljoo* were distributed. Some people expressed this limited ownership as, "We were given *hashaa buuts* (shelters and corrals)." The distributed shelters and corrals included not only those of the *o'voljoo* but also those of the *khavarjaa* and *namarjaa*. The two latter categories had fewer structures, and herders did not think of them as indispensable for breeding animals. Therefore, in what follows, I discuss only the distribution of *o'voljoo* shelters and corrals.

In the process of privatizing shelters and corrals, the value of each facility was calculated based on the amount of construction materials (i.e., the number of logs and planks), which was estimated from the cooperative's property ledger. Subsequently, based on the population and the number of shelters and corrals in the former production units called *brigad*,[4] the number of logs and planks that a person would be granted was calculated. For example, in the former *O'goomor brigad*, the total amount of material to be distributed to one person was calculated as amounting to 830 *to'g* (*Mongol to'grog*, the Mongolian currency).

The unit of distribution was a household. However, because each *o'voljoo* generally included several facilities, the total number of logs and planks required was often too large to distribute to only one household. Thus, based on household populations, several households were combined to share one *o'voljoo*. For example, "*Oyuungiin o'voljoo*" was estimated to be worth 130,000 *to'g* and was divided into units of 830 *to'g* for allocation to 15.6 persons. Three households with 14 members in total were selected to receive *Oyuungiin o'voljoo*. For practicality, another method was also used to smooth the distribution process. By this method, each person was allocated 7 logs and 13 planks.

There was one case in which materials only were given, not as an *o'voljoo*. In the above *brigad*, there was a special *o'voljoo* called *Doshintoi Khavtgai* that had large-scale shelters and corrals for wintering cattle. During the distribution process, these structures had been dismantled, and the recipients of the logs and planks had taken them away in their oxcarts. This allocation was designed to compensate households that had not received sufficient logs and planks for their own *o'voljoo*. However, one herder (Mr. Nyamsu'ren, about 50 years old) said that he had been told to collect a quantity of logs and planks from *Doshintoi Khavtogai*, but when he arrived nothing was left, as people arriving earlier had taken all the materials.

Three factors were used to decide which household would be allocated which *o'voljoo*. First, the number of household members had to match the quantity of

[4] This corresponds to a present sub-district.

construction materials of the *o'voljoo*. The first factor of household size was given priority over other factors. Several households grouped together to share *o'voljoo*, and some households that had never camped together and had no kinship ties were forced to share the same *o'voljoo* under this new system. These groups subsequently began to camp together in winter.

Second, the household that had consistently used a particular *o'voljoo* under the cooperative in recent years was given priority to receive that *o'voljoo*. During the socialist period, residence groups of several households were organized into production groups called *suur'*. After the economic transformation following socialism, these residence groups were kept together to cooperate for the purpose of performing pastoral labor at winter camps, even though they had no kinship ties. Thus, people were still constricted by the social relationships of the socialist era in the distribution of the cooperative's property. That is, remnants of the power relationships of the socialist era can still be seen in the formation of current residence groups.

Third, administrators occasionally made decisions based on their own self interest or the interests of their friends and associates. The authorities in charge of the actual process of distribution were the heads of sub-districts (*brigad*). However, these authorities were also herders engaged in animal husbandry as part of their subsistence. Consequently, one case was reported in which a sub-district head had ignored the distribution principles that had been set up so that he could secure a good *o'voljoo* for himself.

At the same time, some herders wanted the *o'voljoo* that their parents or ancestors had used before collectivization, not the camps they had been allocated by the cooperative and had used during collectivization. However, such requests by herders were seldom accepted.

Because the privatization of the *o'voljoo* shelters and corrals was carried out mechanically and forcefully over a short period of time, many problems emerged. For example, in one case the shelters and corrals of an *o'voljoo* were allocated among several households that could not find a way to share them. Consequently, the households had dismantled the shelters and taken the construction materials away. In some cases, resentment and discontent as to who had received an *o'voljoo* lingered for several years, and in some instances legal disputes erupted.

Meanwhile, the *khavarjaa* and *namarjaa* corrals disappeared soon after their distribution because herders did not consider these structures necessary. People dismantled the corrals and brought the materials to other places for use in other projects.

5. CHANGES IN DEALING WITH THE *O'VOLJOO*

5-1. Autonomous decision making and changes in *o'voljoo* use

Most *o'voljoo* materials were initially used as they had always been utilized. However, as time passed, people adjusted their ways of using the *o'voljoo* in accordance with the changing lifestyles within their households, the addition of new users, changing conditions at preferred *o'voljoo*, and the creation of new *o'voljoo*. Each household modified their use of their *o'voljoo* autonomously in response to both social and economic changes within the household. When the number of livestock rose above the capacity of the shelters and corrals of the *o'voljoo*, people expanded the shelters and corrals by cutting logs from the forest or by re-using the distributed construction materials. Some bought bigger *o'voljoo* from other households or constructed a new *o'voljoo* and moved there. Others moved to settlements such as District Centers or to the larger cities because of age, employment prospects, or schooling opportunities for their children. Such households, generally, tended to use a portion of the construction materials as fuel in addition to building new shelters, corrals, or residence enclosures in settlements, or sold materials and structures to remaining households.

Moreover, marriages and the establishment of new households also altered *o'voljoo* use and demands. These new households, after staying in the parental *o'voljoo* of one or both sides of the family for several winters, had to choose whether to move to a new *o'voljoo* when the number of livestock increased or continue to stay in a parental household as heirs.

In choosing an *o'voljoo* location, herders put great emphasis on the distance from the District Center as well as on the scale and quality of facilities. Because the household stays at the *o'voljoo* for 4–5 months during the winter, access to the District Center with its social services and economic functions is important. Mr. Pu'revdorj (about 40 years old), the head of Nuur sub-district, said that *o'voljoo* were scattered all over Telmen District before collectivization. After collectivization, however, the cooperative constructed the District Center to concentrate economic and social functions; new *o'voljoo* were then built around the Center. Only some *o'voljoo* in remote areas have been continuously used for special purposes, such as for horse breeding. Even after the transition, some households, especially those with pensioners and children of elementary school age, prefer *o'voljoo* that are very near the Center so that they can come and go as often as necessary. Families with fewer animals also prefer *o'voljoo* relatively close to the Center, contenting themselves with a small pasture, because they don't have sufficient means to move livestock such as camels and oxen. In contrast, households without elders or school-aged children, but with many livestock, choose *o'voljoo* that have large shelters and corrals, far from neighboring *o'voljoo*, to

ensure sufficient pasture space. Thus, *o'voljoo* preferences vary according to household situation, and change with time and the developmental cycle in families.

New *o'voljoo* have been built in places previously used as *namarjaa* or at *o'voljoo* that have fallen into disuse. Negotiations with the former users or their relatives, including children, nephews, and nieces living in the area, are necessary to obtain permission to use these places. The construction of new *o'voljoo* must also be reported to the head of the local administration.

Herders from other regions also constructed new *o'voljoo*. From the early 1990s to the beginning of the 2000s, people from Uvs Prefecture in western Mongolia migrated to Ulaanbaatar, taking with them all of their property, including livestock and yurts. Driving sheep, this trip takes approximately one year, and migrants who left Uvs in summer arrived in Telmen District in autumn. Owing to the difficulty of winter travel and the need for shelters in which to birth livestock in spring, the migrants had to spend the winter in Telmen. They chose *o'voljoo* locations, constructed simple shelters and corrals by themselves, and stayed for the winter. Then, after the sheep and goats had given birth, they continued the journey to Ulaanbaatar. When they left, they sold the shelters and corrals of the *o'voljoo*.

As described above, following privatization, the use of *o'voljoo* materials changed, as did the number of *o'voljoo* in use, which *o'voljoo* were used, and the users of the *o'voljoo*. In the Nuur sub-district, Mr. Pu'revdorj reported that there were 78 *o'voljoo* at the end of the cooperative period, but that after privatization 18 new *o'voljoo* were created. A ledger from Telmen District shows which *o'voljoo* were used and by whom in 1997. The ledger lists 66 *o'voljoo* in 1997, of which 43 were still in use in 2004, meaning that 23 had been abandoned. Nine *o'voljoo* had the same users in 1997 as in 2004. The users of 34 *o'voljoo* had changed; 11 were handed over entirely to other users, 10 were newly constructed, and 13 were continuously used but only by some of the members. Sub-district divisions within Telmen were also re-organized in 2002. There were four sub-districts up to 2002; subsequently, Bayan-airag sub-district was established, and 38 *o'voljoo* were transferred from Nuur sub-district to Bayan-airag.

5-2. State policy and herders' responses

In 1992, construction materials for *o'voljoo* shelters and corrals were distributed, in keeping with the state policy of dismantling cooperatives and distributing their property to the former members as private property. Those who received a share of the logs and planks from the *o'voljoo* began to use the whole *o'voljoo*, including the surrounding pasture, as well as the shelters and corrals constructed of the materials. In the local context, distribution of the materials of *o'voljoo* implied a distribution of the rights to use the entire *o'voljoo*. As people said, "We were given the *o'voljoo*."

In 1995, a certificate was issued ensuring each household possession of the land on which the shelters and corrals of the household's *o'voljoo* stood. Households made a contract with the state and received a certificate guaranteeing possession of the *o'voljoo* land for 60 years. However, because it took time and money to obtain these certificates, herders were slow to respond to this initative.

In 1997, the District government investigated the use of all the *o'voljoo* and registered the households who were using them at the time. The government then made contracts with the households that had not previously signed contracts and issued certificates. Consequently, all the herding households in Telmen District obtained certificates of possession for land holdings of 0.1–0.9 ha. The groups of households associated with the *o'voljoo*, however, did not necessarily correspond to those in 1992. The local government confirmed the changes in *o'voljoo* made by individual households, including the transfer of "ownership" (as herders understand it) through the sale of construction materials and the addition of married couples as new users. However, this registration did not fix the situation, as people subsequently continued to buy and sell the *o'voljoo*, and new couples married and altered the makeup of families. Revised certificates of land possession were issued in 1999 in the pastoral areas. In 2002, the Law on Mongolian Citizens' Ownership of Land was enacted, allowing private ownership of land for all residents of cities, district centers, and prefecture centers. Nonetheless, in pastoral areas, the 1999 law was still applied, which granted leaseholds to *o'voljoo* based on 60-year contracts. The above policies gave users possession of *o'voljoo* land and guaranteed that possession as a state-secured legal right.

6. SIGNIFICANCE OF THE *O'VOLJOO* IN MONGOLIAN PASTORALISM

6-1. *Buuts*, the core of the *o'voljoo*, and its formation

Most *o'voljoo* are located far from the summer pasture lands. According to the law (Land Law, Article 52 (ii), revised edition of 2002, [Minato 2003]), to conserve the winter pastures, the areas around *o'voljoo* cannot be used in other seasons. Sub-district heads, under the authority of the Head of Telmen District, monitor and control the *o'voljoo* pastures to conserve them for winter use.

Geographically, *o'voljoo* are usually located in areas that are sheltered from the northwest winds of winter, either at the foot of a south-facing mountain slope or in a north-facing, but enclosed, area. Soil in an *o'voljoo* is referred to as *buuts* or *o'tog buuts*. It is made from the excrement of domestic animals that has dried, accumulated, and turned into soil. In a narrow sense, the word *buuts* refers to bedding for sheep and goats, but it also broadly indicates the entire winter campsite. *O'tog* indicates the accumulation

of dung over many winters. *Buuts* or *o'tog buuts* are insulating materials that have become a resource. Here, both are referred to simply as *buuts*.

According to one herder, Mr. Byambaakhu'u (about 55 years old), "In Telmen District, where the ground freezes in winter, *buuts* conserves heat and acts as indispensable bedding for sheep, goats, and cattle. If these animals fall asleep on the frozen ground, their legs and feet can become frostbitten, hindering them from digging into the snow with their forelegs to forage grasses under the snow. When this happens, they gradually become weakened and die. However, although the surface of the *buuts* may freeze, *buuts* layers several meters deep never freeze." This black-gray soil remains relatively warm and soft and is an indispensable element of the *o'voljoo*. Shelters and corrals alone are insufficient; only when *buuts* has been developed can people utilize a place as an *o'voljoo*. More broadly, only when a place has both *buuts* and facilities can the surrounding pasture be used as an *o'voljoo*. In short, *buuts* constitutes the core of the *o'voljoo.*

The formation of *o'voljoo* is thus linked to the process of creating *buuts*, which is formed by keeping animals at a campsite for many winters. While the animals are protected from the winter cold in corrals and shelters, the *buuts* must also be protected from erosion. Herders remove excrement, especially from cow shelters, and take it to the corrals every morning, because it is unhealthy for the cows to fall asleep on wet excrement and urine. In sheep and goat shelters, the herders collect shed wool and burn it every 3-4 weeks because it too can make the bedding wet. By this process, the excrement dries, accumulates, and turns into soil. *Buuts* is generated by converting animal excrement into a resource through everyday pastoral practices.

Mr. Byambaakhu'u reported that "It takes 50 or even 100 years to create *buuts*, and it was our ancestors who originally created this resource". There are "potential" *buuts* in some areas of Telmen District. These sites have either not been used for several years or are used only occasionally, in the autumn, and thus have not received sufficient care and maintenance. The act of building shelters and corrals at these sites to restore them as *o'voljoo* is termed *buuts gargakh*, meaning "reviving the *buuts*." It is possible to revive *buuts* but impossible to create this kind of soil quickly. According to Mr. Byambaakhu'u, "*buuts* is a sign of the lives of our predecessors, with their domestic animals, printed on the ground."

6-2. Local rights based on actual use

The shelters and corrals of the *o'voljoo* were collectivized when the cooperatives were established and then privatized when the cooperatives were dissolved. The shelters and corrals were registered as property and evaluated, and property rights were changed in accordance with administrative directions. However, *buuts*, which is the core of the

o'voljoo, has never been registered as a form of property, nor was a price set on it, as the land had been owned by the state. Mr. Byambaakhu'u reported: "Now, we have the right to possess the *o'voljoo*, and to buy and sell its shelters and corrals in the market economy, but it is impossible to buy *buuts* with money." The *buuts* is not a commodity. Rather, it is a resource formed as a by-product of pastoral practices over a long period. People remember who has revived each *buuts*, and who has maintained and utilized the *buuts* up to the present. Each *buuts* is historic stock because people share the memories of those who revived and cared for it.[5]

The use of *o'voljoo* is not exclusive, though the right to *o'voljoo* is now in the process of becoming fixed. If an individual asks permission to use another *o'voljoo* because his current *o'voljoo* has become unusable, due to climate changes, the request is generally 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. Ecologically speaking, the fact that the usufruct rights to *o'voljoo* are not exclusive has an adaptive value for each household because the household is granted access to several pasture areas in an unpredictably changing environment.

In the local context, an individual's right to use a certain *o'voljoo* is not an absolute one, but depends largely on the situation. 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 use multiple *o'voljoo*, tracing usage back through both the paternal and maternal lines of his or her "ancestors' *o'voljoo*" and engaging in various types of discourse, depending on the situation. Nonetheless, as people wish to maintain good relationships with the present users of the *o'voljoo*, they do not deprive these users of the *o'voljoo*. Instead, they make such assertions as a way of asking for permission to use the *o'voljoo* in years when they cannot use their own *o'voljoo* in unfavorable climate conditions.

The important point is that the right to *o'voljoo* in the local context stands on actual use and maintenance. To use an *o'voljoo* in the winter that follows, it is necessary to repair the shelters and corrals and to dig the *buuts* up and remove the hard crust 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* are maintained through such care. People told me that if they failed to use and care for an *o'voljoo* over a period of several years, the shelters and corrals would become weathered or the logs might be stolen; consequently it would become useless.

[5] Miyauchi has noted that the value of some types of resource is 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].

Interestingly, even though the administration tried to guarantee rights of possession, herding households more realistically concluded that rights to *o'voljoo* would be weak if they were not used. I met one elderly herder, Mr. Bairaa (60 years old), who said that although he actually wished to live next door to his children's household in the winter, he spent the winter 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 or maintain the *o'voljoo* that had been distributed to him, the *o'voljoo* would be lost.

O'voljoo and *buuts* are resources, the value of which is created and maintained only through usage; without use, their function and value diminish with the passage of time. For example, when people stop using an *o'voljoo* (e.g., because they have moved to a settlement) and their children also have no plans to use the *o'voljoo* in the near future, they try to sell the shelters and corrals at a good price as soon as possible while the facilities are still in good order. When people buy and sell the shelters and corrals, the right to the *o'voljoo* also transfers to the buyer, and they try to rewrite the registration in the District administrative records within a few years.

7. CONCLUSION

When the cooperatives were dismantled and their property privatized in 1992, distributing *o'voljoo* only meant allocating the logs and planks, or the construction materials of these structures, to the former members of the cooperatives. Because the land was not the property of the cooperatives, the privatization of the *o'voljoo* did not mean the privatization of the land at that time. Some people sold the materials and moved away or used the shelter and corral materials for other purposes, unconnected with the land. Others used 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 logs and planks, and utterly immovable property, such as the *buuts* and surrounding pastures. This privatization process had two aspects. One was to distribute facilities, such as the shelters and corrals, so as to establish the private ownership of construction materials. The other was to distribute the right to use the facilities at the particular place where the facilities stood.

State policy then moved toward guaranteeing households the right of possession over *o'voljoo*. External pressure for the expansion of private property rights seems to have propelled this state land policy, although the establishment of private ownership of pastures has been postponed. However, as illustrated above, the local people themselves do not necessarily attach great importance to land rights. For them, it is difficult to maintain the right to an *o'voljoo*, regardless of actual use. The *o'voljoo*, as well as its key

component, the *buuts*, becomes a resource through the use of labor to recycle livestock dung as part of the process of pastoral work. It is only through such daily pastoral practices, i.e., keeping livestock at a camp, that value and rights become embodied.

REFERENCES

Dagvadorj, D. (ed.) and Sambalkhu'ndev, V. (supervisor). 1985. *Telmen Sum Negdliin Taniltsuulga*. Tuyaa soniny khevlekh uildver. Uliastai khot. (in Mongolian)

Ellis J. E., Coughenour, M. B. and Swift, D. M. 1993. Climate variability, ecosystem stability, and the implications for range and livestock development. In R. H. Behnke Jr., I. Scoones, and C. Kerven (eds.), *Range Ecology at Disequilibrium: New Models of Natural Variability and Pastoral Adaptation in African Savannas.* London: Overseas Development Institute, pp. 31-41.

Fernandez-Gimenez, M. E. 2002. Spatial and social boundaries and the paradox of pastoral land tenure: a case study from postsocialist Mongolia, *Human Ecology* 30(1): 49-78.

Mearns, R. 1996. Community, collective action and common grazing: the case of post-socialist Mongolia. *Journal of Development Studies* 32(3): 297-339.

Minato, K. 2002. Laws concerning land of Mongolia, *Mongol-Kenkyu (Journal of Mongolian Studies)* 20: 101-137. (translated into Japanese)

Miyauchi, T. 2001. Local people's strategy of life and the commons: case study of Solomon Islanders. In M. Inoue and T. Miyauchi (eds.), *Sociology of the Commons*. Shin-yo-sha, pp. 144-164. (in Japanese)

Sneath, D. 2002. Mongolia in the 'age of the market': pastoral land-use and the development discourse, In R. Mandel and C. Humphrey (eds.), *Markets and Moralities, Ethnographies of Postsocialism,* Berg, Oxford and New York, pp. 191-210.

Tumenbayar, N. 2000. Land privatization option for Mongolia. Presented at "Constituting the Commons: Crafting Sustainable Commons in the New Millennium," the Eighth Conference of the International Association for the Study of Common Property (IASCP), Bloomington, Indiana, USA, May 31-June 4.