Chapter V:

Gulnur's Family: How nomads view their natural resources

Introduction:

Rooting out the Problem by Understanding the Nomads as Users

We saw in the previous two chapters that grassland degradation is a serious problem in all pastoral provinces, and I introduced the major contributing factors. We also learned more about the nuanced differences in how pastures differ by season and county. Life in each county continues, mostly by coping with whatever natural calamity befalls the pastures. No one can determine a single direct causal relationship amongst the current multiple environmental problems of the grasslands in Xinjiang that include overgrazing, land degradation, soil erosion and desertification. While domestic political organs tend to find fault with the common users, the pastoralists, citing overgrazing as a human induced problem (China Development Gateway), the issue is far more complex, with causes interlinked throughout the legal, political, economic and social realms. Instead of looking for one cause to explain and blame, it might serve to imagine the environmental problems in Xinjiang as a thicket of inter-tangled, undesirable weeds and brambles, spreading rapidly and choking out the other options for land use. To solve the environmental problems in the plural, we have to look for and understand the causes in the plural as well.

As everyone knows, cutting back a thorny thicket at the surface is a wasted effort if the roots are not found, exposed and removed. We would want to be sensible and dig out the roots to eliminate the problem altogether, rather than simply cutting back the brambles. In Xinjiang, this requires some rather deep digging. When the human element is considered, the roots of the environmental

problems become exposed, yet the linkages still remain tangled and obscured. Simply locating the root labeled "nomad" and ripping it out would not and will not suffice. Nomads until recently functioned more like the soil stabilizer that allows other plants to flourish. Nomads provide high quality meat and dairy products to the marketplace. To rip out this root would be to create massive gaps in the landscape (no sheep) and to cause new problems (a lot less meat). Weeds have grown around this root due to poor long-term management by people, and the brambles (that mixture of soil erosion, desertification, overgrazing and land degradation) threaten to terminate the productivity of grasslands altogether. How then does one begin to attack and eliminate the undesirable thicket?

The nomads are one of the roots of this thorny thicket of problems. The other roots include a grassland allocation system which allows for the grazing rights of nomadic users and specifies the necessity for "rational use" or adhering to "carrying capacity", but either does not accurately specify what that entails, or does not adequately enforce them. Adding complexity, another root is the dramatic economic changes that are felt by everyone in China – and which have created difficult conditions for rural households. The catch-22 that is currently in the meat production system leaves the nomads no choice but to overgraze their pastures if they want to support their families in the present. The national and regional economic changes are entwined with another root cause: economic policy. While being genuinely concerned about grassland degradation as, evidenced in the lengthy amended Grassland Law of 2002, the government is simultaneously supporting price controls on certain foodstuffs, including meat, that help induce nomads to overstock the grasslands (Xinhua 2007). Secondly, the global glut of cashmere products, especially in the Western winter holiday season, is supported by massive exports of cashmere from China, which are in turn related to increases in cashmere goat herding in the grasslands (Osnos 2006). Goats, in general, are far more voracious and pernicious grazers than sheep, so a grassland that is just slightly overgrazed can quickly become seriously so.

All of these root issues do relate to predicament of the nomadic users of the grassland resource in some way, so this chapter has several aims with regard to the users. First, this chapter will clarify the rights and legal basis for nomads in the grasslands. Second, the legal and cultural context of Kazaks in Xinjiang is one where collective herd ownership or management has been practiced for some time. It has been the subject of scholarly debate whether common property is a more environmentally benign or disastrous way of managing natural resources. This chapter addresses the actual practices and beliefs of the nomads, with a focus on Fuyun County, and the effects of their actions on the grasslands. As a way of beginning to understand nomadic thinking, the best way to accomplish this is to let the nomads speak for themselves. Below, one nomad tells the story of her family's conflict with the neighbors. In the story and the discussion that follows, some of the motivations for action may be surprising. The significant point to remember is that the grassland conditions are subject to, in one way or another, the decisions and beliefs of people.

The grassland Laws and the *liyong zheng* (grassland utilization certificate)

The Grassland Law of China was promulgated in 1985 as a way of nationally codifying the rights to access, use and harvesting from the grassland resource. In 2002, the National People's Congress again adopted an expanded new formulation of the law, this time under Jiang Zemin. In Xinjiang, this formally gave nomads, referred to in the document as "herdsmen" the rights to graze and keep livestock in the grassland, using the resource for their own benefit, but also made them responsible for the grasslands' protection. The Law does not transfer ownership rights to grasslands, neither to people, nor by land title (see Appendix B, Article 9 through 11). The grasslands belong to the state, except where they belong to a collective. In all cases the people's governments may offer

usage rights, by contract and through certificates. Usage rights may be transferred, but only by a two-thirds majority vote in the villagers' assembly.[1]

The changes in reality reflected in the two versions of the Grassland Law provide an interesting comparison in them. For one, the length of the second version is about triple the length of the first version, suggesting higher prioritization by the central government. For another, the amended law goes into great detail on addressing the national urgency in halting the degradation of this resource. It lists numerous interventions and procedures for protecting, developing and stewarding the grasslands. In 1985, the users included "herdsmen", "those who dig for medicinal herbs", "hunters" and "motorcar drivers". In the revised version of the law, all but the herdsmen's rights have been eliminated. In the interim between 1985 and 2002, grassland degradation nationwide has escalated. Medicinal plants and wildlife have become endangered, just as the biodiversity supporting variety in grassland vegetation has declined. Clearly the central government has attempted to address the overall negative developments in the grassland with specific measures to halt grassland degradation.

This has left the "herdsmen", the nomadic and semi-nomadic families, in a potentially precarious situation. They have rights to use the grassland, documents that entitle them to a certain parcel as their summer pasture, and are organized through their village units, called *dui,* into designated individual herding movements and cyclical seasonal migrations. Currently, the timing of nomadic activity is an established pattern, but the locations are in the balance. The nomads' rights to use the grasslands are given through a certificate called the *liyong zheng* (see Figure 5.1), which is a grassland utilization certificate. Yet they may lose these rights as part of the larger regional project for restoring grasslands, the *tuimu huancao* project. This project, in conjunction with other development measures may stop nomadic razing altogether.

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[1] See Appendices A and B for the complete text of the 1985 and 2002 versions of the Grassland Law, respectively.

The *liyong zheng,* or grassland utilization certificate, is a by-product of the land allocation strategy from the early eighties. For the time being, this document is in force and has not been recalled. It has been in effect since 1983 or 1984, depending on the locale. This personal document was conceived to work in conjunction with the 1985 Grassland Law. It is a national-level legal document, in the format of a little green book, which bilingually, in both Kazak and Chinese, specifies the rights and privileges of the document bearer. Each little green book has pages of rules and obligations, but the most critical page is the one containing a sketch map of the piece of summer pasture to which the pastoralist is entitled. The Grassland Law exists at the national level, and in conjunction with the grassland utilization contract constitutes *de jure*, the protection of user rights, including the right to grazing access that pastoralists have in Xinjiang and other provinces with grasslands. The distinction is important, as is the emphasis that both of these are national-level documents. Indeed, as one scholar pointed out to me, the *liyong zheng* is a humble but powerful weapon in the hands of even the poorest pastoralists. This document supersedes any activity, or change in policy, by provincial or local government.[2]

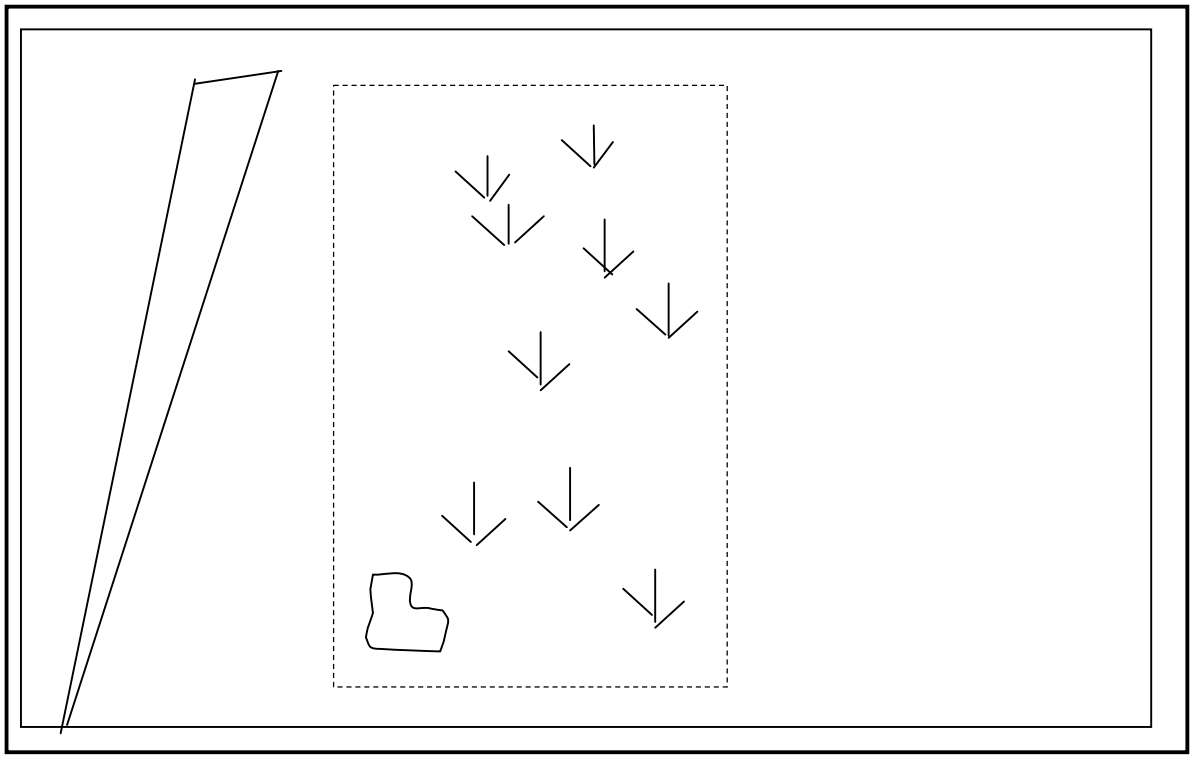

Figure 5.1 *Liyong zheng*: Grassland utilization certificate map facsimile

This is a facsimile of the main page of a *liyong zheng, or* grassland utilization certificate. It is a drawing of the summer pasture that the family is entitled to. In this case, it shows that the piece is flat and grassy, and it has a water source to the left side (represented by the triangle). The L-shaped symbol indicates where the yurt should be placed. It is not a drawing of the entire piece of pasture, which is much larger. Rather, it indicates the "center" and the nearest border to someone else's plot, in this case at the tope edge of the rectangle. This is the piece that is fought over in the story below, and the yurt that was attacked and damaged was here, though placed where the grass is, not where the L is.

Figure 5.1 is a facsimile of a real, but also hand-drawn map of an actual piece of pasture at Saikembulaq, Fuyun County.[3] The original map was hand-drawn, photocopied and pasted into the little green book. What is surprising is that any sort of formal map orientation notation is lacking: just basic cardinal directions, no coordinates, no distance markers. The owner said each family was personally shown the piece at the time of allocation. Having seen both the drawing and the landscape, even a layperson like myself could match the two according to the drawing. The nomads, and their village leaders, with a lifetime of knowledge of the landscape, will have no trouble orientating according to these simple drawings. The book contains only one map, and that is for the summer pastures. The winter and spring/autumn pastures are regulated differently.

[3] There are no photocopiers in the summer pastures. Though I heard about the certificates from almost all families, many said they left them in their winter homes for safe-keeping. When I finally held one in my hands, in a winter residence, I asked to take it to the photocopy shop. The man nervously declined, so I have carefully recreated the map to be as true to the original as possible.

The maps in the little green books were based on prior map surveys done by relevant departments, most in the 1950s.[4] A lot of time and effort went into determining who got which parcels, and it seems to have been a careful albeit subjective process.[5] The element of subjectivity will become more apparent later in the discussion of the nomad's story. In the last several years, the animal husbandry bureau in Fuyun has several workers actively measuring all grazing land anew with GPS technology. For its own purposes, the bureau of course wants the newest and most accurate measurements available, but one specific stated purpose of the activity is "to provide the exact measurements to each herding family, for their protection in case of conflict with other users."[6] Interestingly, these conflicts do happen, and the basis for them is that there are now too many nomads and too much livestock in the grasslands.

To summarize, in China in principle, all land belongs to the state when it is classified as urban land, while rural land belongs to the collective. This seems simple, except that the gray area is enormous, because natural resources such as mountains, forests and grasslands are state-owned unless clearly identified as collectively owned.[7] It is not surprising that local government in rural areas, despite the relative clarity of the Grassland Law of 2002, may willfully or inadvertently distribute land rights outside the parameters of the legal structure, in particular in conjunction with the rigid administrative structures of ministries. In fact, as Peter Ho suggests, the legal structure is so incomplete as to allow for interpretations that serve special interests, while at the same time eroding the rights of rural residents within the collective. Furthermore, as he argues, with the disassembly of the communes, and the introduction of administrative villages (*xingzhengcun)* and natural villages (*zirancun*), the basis for land rights for village

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[4] Personal communication, map specialist at Urumqi Animal Husbandry section. August 2006
[5] Personal communication with Cui Yanhu.
[6] Personal communication at AHB Fuyun, May 2006
[7] For a complete discussion of the ambiguities of land ownership in China, see for example Ho, Peter (2001). "Who Owns China's Land? Policies, Property Rights and Deliberate Institutional Ambiguity." China Quarterly **166**(June): 394-421.

units (including pastoral and agricultural producers) became more rather than less ambiguous.[8]

Individuals and other entities with proper documentation may have the right to utilize the land, but not to own it or consider it as private property.[9] Nomads have certificates which gave them rights to utilize a section of a pasture for their residences and for livestock herding purposes. The livestock are their property; they may buy and sell and otherwise use them as they wish. The nomads have contract rights to the land, where they may allow others to use their land or even to sign over their rights to others.[10] This is subject to approval by local government and village assemblies. Contracts in practice are said to run for a term of thirty or fifty years. These rights of direct benefit to the villagers are outgrowths of the Household Responsibility System introduced in 1978 rather than the Grassland Laws.[11] There are a finite number of contracts available, as there are finite grassland utilization certificates. According to several sources, there is a thriving market for these contracts.

I met one of the men who was able to secure such a contract. He is a Uighur businessman in Tacheng city. He had been a government employee in Urumqi, but after getting out of government employment by finagling an early retirement, he went back to Tacheng and started doing business with Kazakhstan. Just a few short years before he had started using his contract for pasture up in the mountains. He has built a new house, with two stories and a sizable courtyard, and owns a barnyard nearby. I interviewed him there, in the Kazak quarters. He says

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[8] It is an interesting point that in all my interviews in 2006 the nomads still self-identified as belonging to *dui* – brigades and only if pressed for clarification identified with a village.

[9] Privatization is slowly making inroads in China, but there is no evidence to support the idea that this currently has any measurable impact on the grassland context.

[10] "In 1993 the government made a decision that upon the expiration of a land contract the term could be extended for another 30 years and that during the contract term farmers could freely transfer the land use right with compensation, on condition that the way of its use remain unchanged."
Xinhua (2002). The Grain Issue in China, Xinhuanet.

[11] I was unable to obtain any existing contracts for review, though I met people, also non-Kazaks who had them. They were a frequent reference in conversation with nomads and others.

he owns five thousand sheep and a sizable herd of cows. He employees four Kazak families who live in small two room homes on the property during the winter, and take the animals up to the pastures in the spring. At the time that we met, the sheep had left some two weeks before, and the cows had left early that morning. They would be migrating for some several days before they got to the allocated pastures. Most of the Kazak men were now gone with the livestock, but a few of the women stayed behind as caretakers. The Uighur described how the contract system worked, which reflected the legal rights exactly as I described them above. At the time, I had no idea about these contracts, but I found it striking that the Kazaks were salaried employees of the Uighur businessman who maximized his pasture by stocking it with five thousand sheep, of which he planned to sell two thousand five hundred. He was a confident, smiling man during the entire interview.

From this interview I learned of the legality of subleasing a certificate, and the Uighur was clearly pleased with his good fortune in securing a piece of land for herding purposes.[12] This type of subleasing is possible when one of the finite numbers of parcels of land becomes available on the local version of an open market. The Uighur indicated that it is infrequent, but open to the public. This would suggest that Han, Uighurs, Mongolian and other ethnic groups have as equal status as Kazaks in securing the right to sublease and utilize the grassland, whether or not they would use the land in similar ways. For the government, this may generate revenue, for the grassland this creates additional stresses, for as we see from the above example, the sub-lessee has every incentive to maximize livestock in his own self-interest for short-term gains.

[12] I would like to have returned to Tacheng for additional interviews and an expansion of this line of inquiry about sub-leasing, but it was made clear to me by local officials that border issues are particularly tense here, and I chose not to return to the area.

The Grassland Users: How Nomads Became an Overpopulation Problem

There is a problem with overpopulation in the grasslands. The overpopulation has contributed a sizable share to the overgrazing problem. This in turn is directly linked to the small family/big family (*xiao jiating/da jiating)* social structure.[13] Derived from the historical Kazak social organization, it is also integral to the way the grassland utilization contracts were conceived and implemented in the early eighties. That is to say, the land was allocated to existing heads of households in 1983/1984, and livestock was allocated according to the number of members of the household, including all children.[14] Ten sheep were allocated to each adult, and five sheep for each child in the family. [15]The distribution of land and livestock in this way was a sensible and culturally sensitive measure in Xinjiang, some several years after the Household Responsibility System took effect.[16] It allowed families to be individually responsible for herds, and according to the skills and talents of each family, those sheep and other livestock multiplied. However, it represents a change from the preferred method of animal stewardship that Kazaks and other Central Asian nomads previously pursued. Vestiges of the traditional system still remain, primarily in the spring/autumn pastures, and in situations of crisis avoidance. What these are should become clear in the discussion below.

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[13] The social structure is Kazak, and exists in Kazak language as a fixed term. The term was translated to me as *xiao jiating* and *da jiating*, where *da jiating*, the big family, is everyone from the oldest living male and his wife, down through his sons and their wives. When the sons marry, they form their own family unit, which is marked by the setting up of their own yurt, and this is referred to as a little family. There may of course be multiple little families, according to the number of sons.

[14] This division was not all carried out in the same year. Some counties divided in 1983, some in 1984.

[15] According to Prof. Cui, the anthropologist at Xinjiang Normal University, there may have been some discounting according to gender, allocating less for females of a certain age, though this remains unproven.

[16] It would be advantageous to have more information about the collectivization period in pastoral areas. Very little is available. Though I made various attempts to ask more about it, men were so vague in their responses that the information was too fragmented to use factually.

The originators of the livestock distribution program, and the land allocation under the grassland utilization certificate) apparently did not consider the future ramifications of the *xiao jiating*, the little family. While each family received livestock according to the number of children present in 1984, those children have grown up and married, and there is no additional land available for them. All the available land was divided up the generation before. It is customary that the father's land gets reapportioned as the children marry, and the sons receive a share of the pasture in turn. The daughters marry out and move onto the land that the husband's family has apportioned off. This is, of course, a variant of land distribution customs that may also be found in agricultural areas. It squeezes families in agricultural circumstances, often leading to one or more sons having to seek a trade off the farm, as there is no land for him. Among Kazak pastoralists, where it directly contributes to the afore-listed problems of overgrazing, land degradation, soil erosion and possibly desertification, ties to their accustomed way of life remain strong. This impasse also contributes to the impoverishment of the families.

Having written something of the legal constraints that Kazak nomads operate under, I now turn to the interviews I conducted with them, in order to explain and illustrate their thinking. They live their lives under completely different assumptions and expectations from farmers or city dwellers. Their social sphere, firmly rooted in the family unit and tribal descent, is intimately tied not only to their economic needs, but also to the environmental conditions that surround them. Still, like everyone else, their concerns are for survival and the well-being of their families.

Gulnur and Serik's story

I begin here with the story of one family and their interpretation of user rights. They have a little green book, which they keep safe with other important documents in the winter home in Fuyun county town. The parents, Gulnur and her

husband Serik, despite getting on in years, still migrate to the spring, summer and autumn pastures by camel with their flock of sheep, several cows and horses. Some of the adult children have their own yurts nearby (see Figure 5.2). They are warm and welcoming to guests from afar, as Kazak custom dictates. Other than having a larger than average number of children, they are a typical nomadic family in Fuyun County.

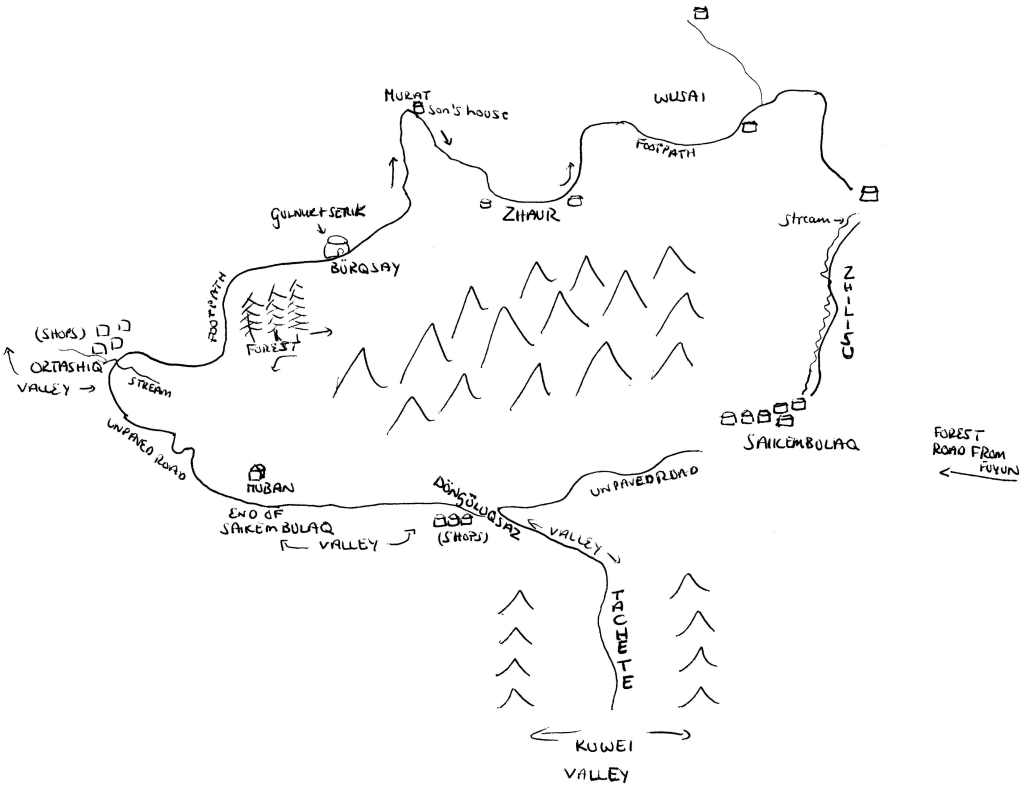

Figure 5.2. Summer Pastures at Wusai

This figure is a sketch map of the yurt locations and some summer pastures that I visited north and west of Saikembulaq. Gulnur and Serik's yurt is just north of the rolling hills. Their yurt is in a narrow valley, and the mountains rise on their property to the north. Their recently married son lives in a yurt close

by the parents' yurt, while an older son, Murat, lives at a higher elevation to the northeast. Murat's yurt was the highest elevation at which I was able to visit a yurt, though behind his family's home, the pastures continue to the north, and slightly higher elevations, as far as the eye can see. From Murat's house it is an elevation drop of about 500m to the plateau of Zhaur and again an elevation drop of 300 m to Wusai. The route we traveled is somewhat of a circle. It follows the valleys and the riverbeds. It is possible to travel over the top through the rolling hills, but it is arduous and I was actively discouraged from trying it, as there are no yurts in between the two valleys at Dongülüqsaz and Bürqsay.

Figure 5.3 View of summer pastures at Zhaur and looking north

Figure 5.4 View looking west beyond Gulnur and Serik's pastures

Among the more than one hundred nomadic families I interacted with during my fieldwork in Xinjiang, Gulnur's family was the most intriguing. Gulnur became a fixture in my thinking about what it means to be nomadic in Xinjiang and in the 21st century for several reasons. First, she and her husband have ten children; the two youngest were born in the late eighties.[17] This means that their socio-economic wellbeing offers material for a rich interpretation: how did they support twelve people throughout the recent decades, as the grasslands deteriorated and the economic conditions in Xinjiang changed continuously? Second, I became privileged to hear the story of their dispute with the neighbors over access to pasture, and as Gulnur told it, it was a textbook example of a common property-private property tension. Third, among her children is one who has emigrated to Kazakhstan, and come back to visit. Her son is one of many among China's Kazaks who have chosen to emigrate; this too is becoming common. Fourth, her family is well known among the animal husbandry bureau

[17] Although I met most of the now grown children at least once, the usual custom among Kazaks being to talk to the elders, my interaction were limited to Gulnur and Serik.

(AHB) people, the primary unit responsible for the nomads, their livestock, and the intended settlement plans. While it is impressive that the mere mention of a nomad's name causes the nodding of heads and instant recognition by the government officials, in this case, talking to the people at the AHB was a valuable cross-check on Gulnur's various stories.

In this chapter, my intention is to tell the story of the land dispute as it happened in the summer of 2006 and how it was dealt with. The story of the fight between two families about access to grassland was told to me while we were at their primary summer pasture location, Bürksay, also referred to as Bürkötöyä, during the same summer that it occurred. What follows is a retelling based on notes and recordings taken over several conversations. Writing in dialogue format hopefully better conveys Gulnur's thinking, which in turn may be more insightful for understanding Gulnur as a resource user.

Gulnur is a short, stout woman, with a strong forehead and deep gaze. She pouts a lot and has a slightly husky voice. When she sits, she likes to stretch her legs ahead of her and rock herself. She was always dressed in a wide, distinctly feminine skirt, black velvet vest, and a headscarf. If she was busy outside, she was in heavy, black boots; indoors, she wore her simple overshoes. Her two unmarried daughters, the two youngest of her brood, live with her and help with much of the housework. One of the daughters is excellent at embroidered needlework, a skill she learned from her mother. Gulnur herself makes *sirmaq*, the traditional Kazak felt carpets as almost all nomadic women do, though hers are elaborate, with original patterns and atypical color combinations. This is what made her stand out to me in the spring pastures – her carpets were memorably different. Like for most Kazak women, selling her carpets would be a way to make money, but this is rarely the case. Kazak nomads continue to base their economy on the selling of meat and dairy products.

Transcript of the conversation between Gulnur and myself: [18]

Gulnur: "Since we last saw each other [in May in the spring pastures], a terrible thing has happened in our family. My husband is in the hospital because the neighbors came and beat him up."

Astrid: "Really? What happened?"

Gulnur: "The neighbors started making trouble on the 18th of July. They told us to get off the land, that we should go away. But it's our land. It's our original land."

Astrid: "What do you mean by 'original land?'"

Gulnur: "In the eighties, when the government distributed land to all nomads, we were given this piece of land. But, our family grew quickly and the land was not enough with 10 children. About ten years ago, the *government wanted to split the land* again. We were given another piece of land in Norte, closer to the Mongolian border.[19] But this year we have returned to Saikembulaq, because my husband is getting old. It's too far and too hard a journey to Norte for him to make now."

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Gulnur: "Meanwhile the neighbors started using this piece of land all these years because we were not here. They didn't give us any rent. Shouldn't they give us rent all these years?"

Astrid: "Well, how is the division marked between your land and theirs?"

Gulnur: "The land is divided by marks made with a red paint can."

(in actual fact when I walked the property with her and asked to see where the borders were, she pointed to certain trees, rocks and the stream, none of which bore red markings.)

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[18] Gulnur spoke in Kazak to me via the translator. The translator gave a running translation into Chinese. Both the original and the translation were recorded as audio files. I understood a portion of the Kazak at the time, and have analyzed the audio files and my notes in Chinese and English to arrive at this transcript.

[19] For those familiar with Spanish, this word looks very much like the Spanish word for North, but actually, the pronunciation is different and it does not refer to north.

Astrid: “What happened with your husband?”

Gulnur: “The neighbors came on horseback during the night. There were several of them, and they started poking the yurt.”

“Poking the yurt?” I interjected.

Gulnur: “Yes, they came to threaten us,” she continued, “and they wanted to scare us. They yelled at my husband through the yurt walls. They shook the yurt so hard, some of the wooden ceiling poles broke and came down. When he came out of the yurt, they started beating him. They beat him to the ground. We took him back into the yurt and bedded him down. They beat him so badly, we had to take him to the county hospital in Fuyun.”

Astrid: “Really! Then what happened? Did you tell the authorities?”

Gulnur: “The next day, the local Party secretary came here to take down the story.[20] My husband is old and has high blood pressure, among other things. His condition did not improve. At midnight four men came together and carried him on horseback down into the valley, and then he was transported to the county hospital.[21] We also submitted a report to the Township Leader and to the Local Party Secretary”[22]

Astrid: “What about your husband?” I ask again, to get further clarification. “How did you bring him to the hospital?”

Gulnur: “We all went together, first by horse, then by car to the city [Fuyun county town]. The Secretary also told the neighbors to go to town.”

Astrid; “Okay, so what did the Local Party Secretary do?”

Gulnur: “He determined that all the hospital bills should be paid by the neighbors,” said Gulnur.

Astrid: “Wow. Was it a lot of money?” I asked.

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[20] The Local Party Secretary refers to the *zhibushuji*, a local, village level leader.

[21] It is difficult to say how far this is, because there exact route is unknown. It was an arduous journey. Serik was carried on horseback in some kind of improvised stretcher back down through the hills and valleys to a point where an automobile was available, then transported to Fuyun town. At minimum this would have been a full day’s journey.

[22] The *xiangzhang* is a higher level leader, here referred to as the Township Leader.

Gulnur: “About 700 yuan just in deposit. But they didn’t pay it. Before they paid [should have paid] the bills, they ran away from the town and came back here. Later they started a new argument with us. Here’s what the neighbor said, “Why do you listen to the Han people? The Han people are distributing land which belongs to the Kazak people.”

Gulnur added, “Their tone was one of ethnic opposition (*minzu duili*). Their point was that, well the Han people, that’s the government, right.”

Gulnur continues: “Then the neighbors said, “So you let the government – meaning the Han people – decide which is your land and which isn’t, what’s that about? This is our land, and we should separate it in our way. Whoever comes to the land first, they get to use it. And so since we are here now, and got here first, we should have the power to use it. If you let the Han people’s government determine who has the power to use the land, that’s defending their actions.”.

Gulnur concluded, “So, in this way, they [the neighbors] spoke with prejudice about what should happen to this land.”

After pausing to refill our teacups and sipping some tea herself, Gulnur continued, “I replied to them, I said, ‘How can you say such bad things about the government? It is the government that divided the land; it is the government that divided up all the livestock. They gave you enough to fill your stomach. They gave you enough clothes to wear. Why do you dare to fault the government?’ ”

She sighed, “And so two of them started to slander us again, ‘how can you pay attention to how other people divide this piece of land? The way this land gets divided, that should be our private affair.’’’

Gulnur, having spoken quickly and with much agitation throughout the conversation so far, now said with a pout, “and this is how they spoke to us!”

The she repeated to me what she had said she told the neighbors before, “The government has been so good to us Kazak people, it divided the land among us, it divided the sheep among us, and they took care of our lives so that we have no problems, the way you scold the government, it isn’t true.”

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She is getting tired now from telling the story, but adds a few more details.

Gulnur: “The neighbors came again and tried to destroy the yurt. They told us it is up to us to distribute the land ourselves.”

From this dialogue we can summarize a few points about nomads as grassland users, their rights and understandings of their rights. First, nomadic families did receive a piece of land as their own, and they know where the boundaries are to their piece. Second, the grass on the neighbor’s plot can be appealing, and if the neighbor is not around to watch, temptation takes over. It may also be a legitimate outcome of hungry sheep. Sheep do not understand invisible boundaries. What to make of the neighbor is the most challenging, even if the grass on his plot is exhausted. In this case, when under stress, the boundaries legal and ethical became erased. Although Gulnur and Serik’s land is not legally held in common, it was not perceived as private and off limits either. The neighbors took advantage of the absence of the owner, and did not offer compensation for services received. Furthermore, it was not a one-time incidence, such as in a drought year, but continued for the duration of the absence of the true and legal owners. When the owners returned, the neighbor’s sense of entitlement distorted their perception of the case.

What is unclear (for this an interview with the neighbor would really have been necessary) is whether the allegation that the Han do not act fairly is a racist statement, a statement of genuine ethnic malfeasance or merely an attempt to persuade Gulnur to give in to the neighbor’s demands, on the premise that any Kazak compromise is preferable to a Han dictate.

At the time, I undertook a visual inspection of their entire piece of pasture. The parcel Gulnur and Serik use is small indeed in terms of actual meadow for grazing, as it is fairly wooded, but has better access to water and better variety of grasses than the piece the neighbors use (though the neighbor has at least five

times more surface area of grass for grazing). I did not meet the neighbors, but I surveyed their piece of land. It is at a higher elevation and completely dry, with fewer trees and less variety of vegetation.

In subsequent interviews, Gulnur explained that she comes to the land through marriage to her husband Serik. Serik has an older brother, with whom he first split the land following the 1984 land rights settlement; (Serik's father was also herding at that time, but has since passed away and the elderly mother lives with Serik and Gulnur). Serik has since had to split his piece of the land parcel in six ways, since he had five sons. The piece of land at Saikembulaq was not enough for this size of family. Serik was granted access to an additional piece of land at Norte, further north in the mountains towards the Mongolian border, and therefore more difficult to get to, but with better grazing. Serik's family rented this piece of land and did not possess a *liyong zheng* for it. Their *liyong zheng* is for the land at Bürksay (the area of conflict). The family traveled to this new piece every summer for ten years. The forestry bureau provided this land for them, but it was also not enough.

In the year 2006 however, because the oldest generation cannot make the arduous journey anymore, Gulnur reported that they have returned to the land at Bürksay. One of the sons, with his young wife shares a tent at some 200 meters distance away on this piece of land. And then the quarrel with the neighbors started. For the more than ten years in which they were living in Norte, the neighbors got into to the habit of using their land, and letting all their own sheep eat the grass. Gulnur remarked that the neighbor's family never paid Serik any rent or user fees, though they used of the natural resources freely.

The ethnic slur the neighbor is reported to have said cannot be substantiated as such. However, within the context of the proven, insufficient quantity, quality and size of summer pasture parcels, the neighbor's point is well taken. The pastures were allocated in 1984 and the system no longer works. While efforts are under way to alleviate the stress on the grassland and the

overpopulation by livestock (and the humans who own them), the fact remains that the sheep are hungry, and the nomads are watching the resource base being degraded and eroded before their eyes. It must be tempting to take matters in one's own hands and to force a resolution that alleviates at least the problem of the hungry livestock.

While it might seem obvious that I should have gotten the neighbor's side of the story, I did not do this. I was developing a very warm relationship with Gulnur's family, having literally run into her several times in spring and summer pastures. The family would have seen it as a betrayal for me to contact the neighbors, when they had shown me such open hospitality, and the neighbors had been responsible for putting the father in the hospital. I trusted that I would get the other side of the story from a third party, and indeed, when returning to Fuyun, a government employee at the animal husbandry bureau provided a broader, more objective perspective on what happened. Apparently, Gulnur and Serik had been given preferential treatment at the time of land distribution, since Serik was a respected man in the community. As their family grew, and Serik's position did also, they were able to negotiate that piece of land in Norte as an *additional* piece of pasture. It was only once Serik and Gulnur became older and the trip to Norte, which is further away and an even more arduous journey than the pasture at Wusai, that they wanted to return to their first pasture and use it. This was a surprise to the neighbors, who had gotten used to using it over several years. The animal husbandry official said the neighbors in fact, according to law and the certificates had no right and no claim to the pasture, regardless of whether it was empty or not. They had been fined and would be liable for those fines.

In summary, the land is insufficient for the number of households that currently want to derive their livelihoods from it. The land distribution in 1984 sought to be equitable among the Kazak herding families, as well as the agricultural families at the time. However, it was a static distribution, that is, it did not factor in that families would increase over time. Thus, a mere twenty odd

years later, the stress on the land is measured ecologically by poor grass type diversity, soil erosion and many other symptoms, economically by a rising number of heads of livestock, and socially by more yurts, more idle labor, and more land disputes.

Ways of Seeing the Grassland Resource

The consequences to the environment and the behavior of the users, mostly the nomads, are a direct result of attempts to regulate and manage the grassland resource. The grassland is much worse for wear after only twenty years of this arrangement, though the nomads live – apart from rare but serious fights like the one above – in accordance with the rights of the certificate and the yearly directives from their leaders. Interestingly, they also devise their own strategies for economic success, which aid in their collective survival. Some of their strategies contribute to the environmental stresses; others simply make the best of a bad situation. Without talking to the neighbors, it is just conjecture whether they are acting towards the resource (Serik and Gulnur's land) as an open access pasture, some version of a common property or based on yet another interpreted right of access. We did see that they attempted to reinterpret the law for their own benefit, and that the official spoke in favor of Serik and Gulnur as rightfully entitled to the resource, regardless of whether they used it actively or not.

How then do we assess what happened above? It might seem that Gulnur is considering her land as private property rather than as a communal good, but what she is really doing is asking the more powerful actor (the local government, and even the judiciary) to step in. Given her husband's position of respect in both pastoral and governmental circles, this is not a surprising response.[23] The

[23] Overall, though I was troubled in my research by the number of nomads who responded to my questions that it was the government's responsibility, that they could do nothing, that they were waiting for subsidies from the government first. In other words, their responses formed a strong

neighbor, though manipulative in tactic, is calling for solving the problem among Kazaks, i.e. to determine land use rights within the pastoral community. Both of course want more grass for their sheep to eat and both perceived a need for the extra grass in that summer.

Empirical studies a few years ago on a very similar pastoral population in Mongolia came to a significant conclusion: unsustainable grazing patterns confirm the need to "reestablish strong local institutions to regulate pasture use" (Fernandez-Gimenez 2000); while allowing "opportunistic grazing strategies" in times of stress (insufficient locally accessible vegetation for livestock) in African pastoral contexts allowed for greater livestock survival than the government's "expert" rangeland management (Scoones 1995).

Reflecting on the above story and the conclusions drawn in contemporary pastoral conflicts, the head to head conflict in this story supports the following new-old idea: combining the differentiated, localized livestock stocking practices as proposed in new range ecology (where even high stocking rates are possible when combined with high mobility) with a strong CPR. In other words, supporting an expansion of group tenure arrangements and the right to negotiation of access rights within the group. The finite distribution of grassland parcels through *liyong zheng* is inherently intolerant to changes in user numbers, while new fences as additional, mechanical enclosures to grassland access only lead in the direction of further grassland degradation and vicious cycles of overstocking by nomads. Ho, a legal specialist himself, in conducting a rigorous assessment of China's rangeland policy after 1957, suggested that "decision-making [being] devolved to the community of direct rangeland users" is the next step forward for pastoral groups (Ho 2001); that is, if sustainability is the desired outcome. In subsequent research to her first study in Mongolia, Fernandez-Gimenez, makes a similar proposal, that "regulated seasonal movement" (which is currently the

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impression that they had not yet given up their pride in being pastoral Kazaks, but they had given up their willpower to solve their own problems. See the quotes in later chapter for details.

situation in Fuyun and Tuoli counties) should be combined with the "establishment of fixed entry and exit rules" by the users (Fernandez-Gimenez 2002). There seems to be no such discussion in Xinjiang, whereas parcelization is firmly rooted now in the mentality of the officials.

The next section describes the historical allocation of pasture parcels, information collected with the input of forestry and animal husbandry officials. In later chapters, I also describe the current and intended changes to pasture access through TMHC. That fencing project addresses entry and exit rules for the pasture, but with absolutely no participation by the pastoralists in creating the rules.

Azan is a man in his late thirties who has an office job with the Forestry Bureau, but likes to spend his summer in Saikembulaq in a yurt with his family, running one of the little businesses where visitors can sleep and get fed for a night or more in the yurts. He has a higher than average education, since he graduated from a forestry college in Yili. He demonstrates an interest in the outside world, including China-Taiwan politics, and the issue of moving to Kazakhstan. His main job has several parts, since much of what the Forestry Bureau does here is stewardship and protective in nature. These forests have at least ten species of protected animals including wolves, bears, foxes, cougars and a variety of red fish in the streams. He and other forestry officials are entrusted with the job of keeping the locals out of the forests. They may use the pastures freely, but the forests are off limits. He says that if they (he and other men at the little station) were not there, the "villagers" would freely go into the forests. Anyone who is allowed to go in must show the appropriate paperwork that grants them access. The forestry bureau does have hunting licenses and other such types of documents.

In these northern parts of Fuyun County where the summer pastures are located, different government departments manage the forests and grasslands (as they do elsewhere) but the composition of the land is such that this is part of the problem. When the land was parceled out, it created large discrepancies in the

quality and favorability of a land parcel. First, there was the issue of distance to travel. The closest summer pastures are just beyond the spring/autumn pastures, while the furthest are near the Mongolian border, deep into the forests and at much higher elevation. This creates a favorable alpine vegetation ratio in good years and an unfavorable hardship of travel ratio all the time for the families with the summer pastures that are furthest away. Second is the composition of the individual pastures. The differences in north-facing versus south-facing exposure, or access to a free-flowing stream versus natural spring water, or a relatively flat versus an eighteen percent gradient should not require further explanation. Some parcels are significantly better than others, but they were a lifetime allocation and intended as permanent. These will have assuredly had an impact on the economic well-being of families, or Serik would not have gone to the trouble of securing a different parcel.

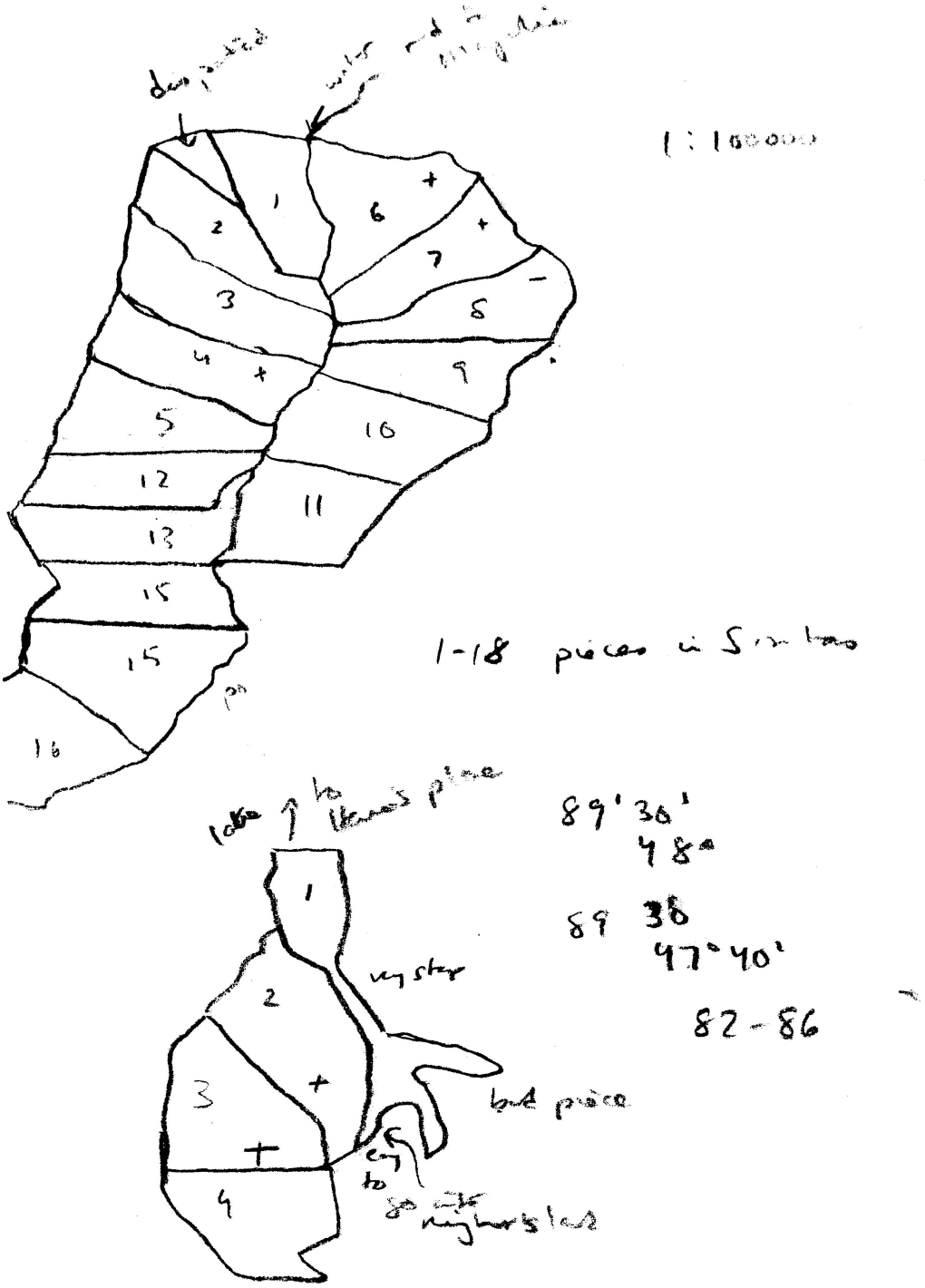

Figure 5.4 Summer pastures in the high mountains at Norte

Figure 5.4 is a traced representation of actual pasture plots near the Mongolian border. I was permitted to view the map and discuss the plots with the Animal Husbandry Bureau officials; however, they were not allowed to let me copy the map. The best they could do was to let me trace the pastures and not the coordinates. Despite this limitation, the figure nevertheless brings forth some important facts of pasture allocation practices. First, the pieces are not uniform in size. This gives some families an immediate access to more grass or more forest. Second, though this is a flat representation, the angularity of the shapes denotes the draping of lines over a valley and steep inclines. Third, in the top drawing, the irregular line running down the middle is the valley floor, and a water source. Thus for this particular grouping, all families are lucky to have a fresh water source readily available. The second drawing is added for contrast. The pieces are highly irregular, and the four pieces shown here would spell very different fortunes for the four families that received them. The family that received plot number one was very unlucky indeed, for its main feature is a narrow corridor between two larger plots, only one of which is suitable for the yurt location. During the discussion over the map, one official remarked that actually, of those four pieces only two parcels are good, numbers two and three. In sum, during the pasture allocation in the eighties, all families received a piece of pasture, but the distribution was inherently inequitable from the outset.

Chinese academics in fields as diverse as anthropology and forestry agree, the current situation is completely unsustainable and unfairly distributed. The incentives are to exploit now for personal gain, and not to think about future consequences. Prof. Cui and Hu both express the idea that the system may have been instituted with good intentions, but the best thing that could happen would be a return to collective grazing and grassland management. Prof. Hu, of the Forestry Department at Beijing Forestry University remarked, “Nomads use grassland, but they cannot decide how to use the land. Sometimes or often,

government officials can change their land owning [rights to land].[24] So, for these herdsmen, [the] best way to use land is that they increase the number of herds, [which brings] about eco-problems. Governments in different levels should pay [for] the deterioration due to land belonging [to the] country (or in another word) [the] government [itself].” The latter point is particularly lucid, and he repeated it later in more forceful words: “The grassland is nobody’s, it belongs to the country (*shi guojia de*)”. Professor Cui reflected on it from a social angle, summarizing his colleagues’ position by saying that they believe it is wrong to give herders any piece of the pastures. There should be no private property, because in the past twenty-five years, degradation has increased. “The collective way is much better than private property,” he said, adding that “the same thing happened in Inner Mongolia. Maybe private use of land is good for farming, but not for herding.” He concluded his statement by noting, “Nomadic herding (by definition) is collectively organized production. It is a method of production which can never be realized at the family level.”

In the past, Kazaks and other nomadic peoples used the resource on a tribal basis. In its worst case scenario, one man had become wealthier and more powerful than others, and the others managed his family’s massively larger herds, and remained poorer themselves (Starr 2004). What we see is almost a modern incarnation in Tacheng, where the wealthy Uighur employs the Kazak families to herd his enormous flocks of sheep. More commonly, there was a distribution of more and less wealthy families who had a range of herd sizes, but operated with a commonly understand system of access to the grasslands (Hudson 1938; Krader 1963; Goldstein and Beall 1994; Finke 2004). Even today, that tribal basis has not been completely eroded. All Kazaks self-identify with a “*semya*” and a “*buluo*”: a family and a tribe. The former is the smaller unit, which identifies both males and females as the offspring of a particular father, and the latter identifies the precise stem of which of the three larger original tribes. Not a single interview went by

[24] Words in brackets [ ] inserted by myself for better grammar and clarity.

without my young translator first being asked by the head of household, "and whose child are you?" Her answer was always welcomed with approving nods, there was no value judgment implied. It was intended to identify any existing relationship between my translator and the interviewee, and also to establish a friendly atmosphere for the conversation.[25]

Social placement is very important in the Kazaks' understanding of the world. The existing social hierarchy system was understood by the authorities and partially integrated into the pasture allocations of the early eighties. Prof. Cui elaborated on how this allocation came about. When they began the process, the local leaders acted judiciously, in such a way as to maintain stability. According to Prof. Cui, "the town leaders had to consider these families [with high status]. If the heads of these families do not complain, things will go smoothly. If they say 'no, we are not satisfied', the stability will be jeopardized."

Four criteria were used to determine the distribution of pastures. First, the local social structure: who is related to whom, and also, those with families in local government in fact must benefit in some way. Second, they took into account the existing social status: who is who, which families have historical status in the region. Third, at times the local leaders made compromises with some households. Those with power, or those who could undermine the government were given preferential treatment. Finally, the fourth reason was by external intervention. If a regional leader stepped in on behalf of a family, then his decision trumped the decisions of local leaders. The outcome was less than egalitarian: there were differences in land allocation to the nomads, because of pre-existing special interests. Some families benefited in the last round of distributions by receiving more favorable pieces of land. When the policy was designed, it was intended to establish equality and rights of access, but in practice,

[25] one of my translators was perpetually nervous about answering the question, since she was the daughter of someone very famous and known to all Kazaks, the head of the Kazak TV station in Xinjiang. There was however no easy escape from the question.

Prof. Cui believes that there was a reduction of equality in the implementation of the land allocation, and the creation of the *liyong zheng.*

Common Property Rights in Kazak Nomadic Situations

The allocation of the pastures was done in all pastoral counties. For Tuoli, this seems to have been completed in 1983, for Fuyun County, in 1984. The demographics since then have changed in parallel ways, the number of families and the livestock they keep have expanded exponentially. Fencing is a relatively new but invasive strategy where wire fences are erected to partition off pastures, prohibit certain grassland areas from further livestock access, and create migration corridors. It is expected to have differing impacts on selected counties, and the rates of settlement, though the details are hard to substantiate, are proceeding at different rates; I will elaborate on the fencing project in chapter seven. What has been evident from the interviews I conducted is that despite differences in migration habits and patterns, and despite differing levels of governmental intervention, the strategies pursued among Kazak nomadic communities from within are similar.

In the summer pastures, as we saw, pastures are family-based, though all the families of a township, village and its sub-unit the *dui,* have their pastures in adjoining areas. In the summer pastures, as I crossed from one valley to the next and randomly selected the yurts I wanted to approach, I would meet families that were all from Dure township or all from Kuerte township. The townships run from east to west, and so too do the pastures for each township. Some of the nomads would identify as the first *dui*, some as the second etc. These administrative categorizations are attached to their household registration, or

hukou. They are generally lifelong assignments.[26] The winter pastures are family-based and village-based as well. The grazing is more open, especially in Fuyun where the winter pastures for a township can stretch to a distance of some 200 km in flat land. Though still assigned to a township, and village, again each *dui* has its allocated locations. The small families that make the journey return to the same location every year. In Fuyun, these are generally earthen dugouts in the desert near a water source.[27] In Tuoli, the winter residences are stone or earthen houses in high snowfall areas. There is much less dispersion of the families in a *dui*, but also less movement of the herds. Some families even have barns or fenced-in areas around their homes where they bring the livestock.[28]

In the spring/autumn areas, there is a lot more negotiation for space and grazing rights. In Fuyun, the corridor that Dure and Kuerte township families use is through a valley they call Tachete, which connects Dongülüqsaz, the valley with the shops for the nomads and where the sheep dealers arrive (see chapter three), with Kuwei. Kuwei is large enough that nomads and jeep drivers refer to it in parts, as Big Kuwei and Little Kuwei. Kuwei is the first of the spring/autumn pasture areas when moving south. For some families (i.e. for some *dui)*, this is their designated pasture area. For some families, they may only pass through on their way to their proper pastures. This appears to be heavily negotiated by the families, but with buy-in from their immediate leader, the *duizhang*. This leader is also a Kazak man and usually chosen from among them, and he may be of any age and education level. I have met some as young as twenty-five and some as old as well, old. The families may negotiate a time period during which their animals

[26] Some of these must shift for the females, depending on who they marry. Several women commented that they very rarely get to see their families, because they travel with their husband's unit now. I didn't think to do a cross-check on their *hukou* status.
[27] These locations are very difficult for the nomads to get to, and I did not personally go to any. I was discouraged from doing so and the cost of doing so by land cruiser was prohibitive.
[28] I regret not doing more probing on this topic of fences near their homes. In Fuyun there were also some fences in the transit corridors. I was told that these are to protect the grazing land from the animals that are just passing through. I suspect though that it also has to do with the threat of attack. Both areas have wolves. The fences do offer some protection from predators at night.

use the land of another family (with or without the other family's presence). They may negotiate the grazing rights for a certain number of sheep. They may pay in cash, especially if they are negotiating for sheep, in which case there is a fee per sheep, such as five *mao* or one *yuan*. They may not pay anything because the family they are negotiating with are relatives, but in that case other compensation is arranged, such as taking responsibility for the care and feeding of some of their sheep in the summer pastures.[29]

One thing is for sure. All of this negotiation is about making sure more sheep survive and more families cope with the degraded grassland situation and the situation of too many people and too many livestock. It is only indirectly related to protecting the grassland resource. In Tuoli, there were many families who shifted flocks of sheep around, gave their flock to a younger brother or an uncle, split the cows away from the sheep, sent more sheep to Tasti, or less sheep to Tasti, depending on the availability of grass to see the livestock through. The men judge the conditions of the grasslands, and they know what the range can support and what it cannot. They base their decisions and their negotiations on how to feed their sheep, because they must also calculate how many sheep to sell, how many sheep to retain for breeding purposes.

As one nomad put it to me, " the nomads look at the degradation. They know they need to follow the laws…. the richer families give their sheep to others, give them to the poorer households. This creates better equality among them." What is unclear is whether the rich family wants to help the others economically (by paying them a fee per sheep), or it is solely because of the need for grass and the poorer households, who have less sheep, have not yet overgrazed their grass. Either way it is a way to maximize sheep. In the system where the pastures are

[29] It should be clear that social mediation is heavily used by the nomads as well as their local leaders to make the situation work for the families and to avoid both loss of livestock and more fights such as the one we saw earlier. For some pastures there are documents giving a private-like user right, for some pastures (particularly spring/autumn) there are no certificates, but in all cases, families and heads of household presently negotiate within and beyond the confines of the resource they personally have access to.

finite and allocated, some poor families have land but less livestock. Some rich families have livestock but less land.

In the old days, this is why migrational herd management and production were the standard practice for Central Asian nomads. It avoided locational overgrazing, and it gave those grasslands that had been grazed a chance to recover. In the past, the nomads recognized that their sheep thrived on plentiful grazing and a variety of edible grasses, shrubs and plants. On average, the animals provided nutritious, delicious and copious amounts sustenance for the families.[30] Their products, including butter, cheeses, horse sausage, fat tailed sheep and fresh meat were valued in the marketplace to the extent that it made herding and the hardships of a migratory life worthwhile. Now, this way of life is threatened by the greater forces at work in Xinjiang, which will be the subject of the following chapters.

Migratory Routes: Getting From Winter to Summer Pastures

As the last section of this chapter, I include a few excerpts from my investigations into the migration spatial patterns and seasonal cycles. Though I was unable to get the underlying maps at the right scale for me to do what I had at first intended: to overlay the map with the place names and the nomads' resting and grazing points, this data nevertheless constitutes a genuine contribution to nomadic and Xinjiang studies. In fact, pastoralists are so important in Xinjiang that the maps currently available to the public *do* include a symbol for nomads' yurts and pastures. Upon further investigation and comparison with my notes, I learned that these points are from the same survey I mentioned in an earlier chapter, the one from the fifties. These are almost irrelevant today.[31] The families have changed, and the map does not include the distributional changes from 1984.

[30] It is true that in bad winters or droughts in summer could cause death to the herds and famine or impoverishment for the nomads.

[31] When I compared my GPS data and written notes with the maps that my mapping expert friend showed me, he raised his eyebrows. He may have been surprised that I had collected information far more up to date than the official records.

I hope that with the survey that the animal husbandry bureaus are currently completing, new maps and atlases will again mark the locations of nomadic pastures for the public record.

For this chapter, I include the routes of a representative sample of families in Fuyun County, which show an excerpt of the variety in nomadic experience. Irrespective of the tongue twisting Kazak names, and the unfamiliarity with location, a few things should be apparent. Some families move less than ten times, some over a hundred times in a year.[32] The length of migration can be very long, since they can travel up to 20 km a day in some seasons.[33]

Migration patterns in Fuyun and Tuoli counties

	FUYUN COUNTY							TUOLI COUNTY	
Coding	**6F**	**7F**	**F1**	**F2**	**F3**	**F4**	**F5**	**T12**	**S1**
hukou	*Dure*	*Qalaburun*		*Kuerte*	*Dure*	*Dure*	*Dure*	*Dolati*	*Dolati*
summer	Sintas	Qöqsay	Saikembulaq	Kendiqtal	Sintas	Zhaur	Saikembulaq	Narinsu	Tasti
	Saikembulaq	Mazin	Qöqsay	Kuwei/Huyi	Qorunde	Düngüluqsaz	Wusai / Düngüluqsaz		Jirashok
	Jazzrasha	Jazzrasha	Qöqteriq	Kasherale	Kiergoroba	Kuwei/Huyi	Kuwei/Huyi	Qaratschok	Maile
	Tiemeke	Sarbulaq	Qayerte	Ashele	Norte	Talzheweh	Quyluq		Kizbeyte
	Tshauker	Karabulrun	Tiemeke	Harasu	Torutebe	Harasu	Harasu		Sarbastaw
	Durexiang	Yürgökteh	Särtö	Tesbaqan	Baliertis	Tiemeke	Tiemeke		Jayleran
			Turun	Yirtish	Batbate	Zhanesbiek	Jenisbiek		Zhangeztan
			Wuxia	Qöqbiekte	Saikembulaq	Yirtish	Taltesay		Karabaur
			Haratukö	Jingsqpai	Kuwei/Huyi	Qursuqbay	Lisanwu		
			Tshirktas	Yaroba	Taljibie	Qarlerash			
			Zasoba	Ulungur	Asheliq	Ulebay			
						Qulanqazran/			
winter			Sartiriq	Torangula	Quracha	Kulangrazran			
				Yesiq	Zhanesbek	Ashele			
				Düngorah	Yirtish	Qaririq			
				Zhuantaz	Sarbulaq	Tshauker			
				Yirimrum	Wusunqubaq	Üzünqawaq		By:	
	BY:			Qarasekiyul	Ashe	Dure		truck	car/camel
	camel			Sartompaq	Tshauker	Üyal			
				Tishkyerum	Dure	Zhangistas			
				Kiziltchelebye	Qiyingrum	Kiziltshal			
						Silem			
						Qatbay			
						Toktogora			
						Mangdaisha			
						Sorun			

[32] The names listed are exactly as they told them to me. In between two place names, there may be four or more nights on the road, sleeping in the *qoz,* the tent like temporary yurt for one night between designated stopping points.

[33] Migrations in Fuyun can be as long as four hundred and fifty kilometers from winter to summer, one way.

Figure 5.5 Migration Patterns in Fuyun and Tuoli counties

In this chart, I have selected seven Fuyun migrations and two Tuoli migrations as representational for a township, a *dui* or a route type and length. The first names on the list indicate the highest elevation and furthest distant summer pastures. Sintas is one of those near the Mongolian border (elevation about 3800m). Saikembulaq was mentioned earlier, it is at a much lower elevation (about 2800m), and is the last point that motor vehicles can get to presently. In other words, the final destination for some families is further and at a significantly higher elevation than for others. This is both advantageous and not. Of course it is closer and easier to arrive in Saikembulaq, but many more families pass through Saikembulaq, and thus there is more competition for grazing, because the livestock do not pass over the area without using it. Many families also pass through Timieke, which is where many families have designated plots for fodder production. In August, most of the adult male family members, and all the horses spend a few weeks here, harvesting and storing any grains, alfalfa or other fodder the family is producing. It is a permanently settled area as well. Family 6F has one of the shortest migrations in Fuyun that I learned of, and their winter residence is in the township of Dure. In my sample, very few families lived directly in the township during the winter, though many more had their *hukou* registration here. Family F4 passes through Dure, but continued south to winter pastures in the desert. For Tuoli, I include two examples. The first shows that the family has a winter and a summer pasture location. They use a truck to move between them, and the distance is less than 40 km. Asked about why they move, they say they are used to moving. They cannot stay in the summer pastures all year, and they do not want to stay in the winter home all year. Duolati is at about 1700 m, while Narinsu is at ca. 2000 m. Tasti, the most desired summer pastures are at about 2500 m, though if they pass into Yumin county, which many of them do to get more grazing for the sheep, the elevations can be higher. It is also useful to remember that the landscape between Duolati and Narinsu is mostly rolling hills,

while from Narinsu and Saz to Tasti the landscape becomes more starkly alpine. In the case of S1, the autumn pastures are at Sarbastaw.

Conclusions

Peter Ho has argued repeatedly, in multiple publications that the nebulous phrasing of China's Grassland Law, which categorically avoids defining what collective ownership is, is thus at least partially to blame for inadequately defining collective ownership vs. state ownership (Ho 1996; Ho 2001; Ho 2001).[34] The law does not hold anyone accountable for the degradation of the grassland. It is also rather difficult to interpret the law consistently in cases of land right allocation and also land disputes. Lin points out that abuses are easy where land transfer is unclearly legislated (Lin and Ho 2005). The land has not been privatized, yet users are given access to land as though it were exclusively theirs, but without the rights of ownership, which remain with the collective; unless it is designated as a natural resource, in which case it belongs to the state. On the one hand this has meant that the nomads are vulnerable to re-appropriation by the state, while on the other hand they do not have the incentive to protect the land, because it is not theirs.[35] In fact, as we will see in chapter seven, the nomads are being constrained to much smaller parcels now and in the future as a result of settlement and the *tuimu huancao* project. Decisions are handed down by ministries and provincial level units to their local bureaus and implemented within and around the grassland utilization contracts. What land is theirs to use is too small to support them economically, since the families have grown in size and there is no land available for new acquisition. They are thus compelled to make short-term economic decisions that have long-term (negative) ecological impact. This creates an

[34] The idea of collective ownership is separate and distinct from ideas related to Kazak common property arrangements which are not codified at all.

[35] Given China's problems with local government officials taking matters into their own hands, one can imagine how this loophole invites creativity in interpretation for personal economic gain or professional enhancement. This may be one reason why I only got vague answers to some of my questions in the animal husbandry bureaus.

unsustainable cycle of stocking the grasslands with large numbers of livestock per family, that leads to overgrazing which leads to thinner sheep and poor prices for livestock, which leads to increased stocking rates and so on.

A careful review of the Grassland Laws, as well as recent statements by the central government support the notion that Beijing is genuinely concerned about the conditions of the grassland as a resource and a significant portion of China's landmass. The Law and publications as recent as the Autumn 2007 report from the National People's Congress underscore the government's desire to support workers in the animal husbandry sector; principally this means nomadic ethnic minorities.

It also conveys responsibility upon the users of the grasslands, in passages such as this one:

> The transferee of the right to contractual management of grasslands shall have the capability of pursuits in animal husbandry and shall fulfill the obligations of protecting, developing, and rationally using the grasslands in adherence to the purpose of use as agreed upon in the contract. (Article fifteen, paragraph two, Grassland Law 2002; see Appendix B for complete text)

If the nomads saw themselves in a position to protect and develop their resource, they probably would.[36] As it is, they manage it just far enough to make economic ends meet, this year and right now. There is no enforcement either way. The only measures of active monitoring and control that I encountered, and described above, were done by the forestry bureau – whose jurisdiction excludes grasslands. The unsolved problem after the enforcement issue is that of accountability.

The local government is an important player in this discussion. They were mandated with the creation and production of the grassland utilization certificates in the eighties. They give directives, through the county animal husbandry

[36] Considered from another, more familiar angle, it is well known that renters have no incentive to invest in their abodes, but homeowners do.

bureaus, to the nomads on the seasonal migration dates and other matters of currency. They receive new policy measures from the regional level and are responsible for implementing them. They have the unenviable position of needing to do what they are told by their respective regional offices, but making it work for local conditions, too. Prof Hu summed it up this way, "The animal husbandry bureau for sure knows the problem with the grasslands. They have no money and no power to do anything on their own. So they wait for money to come and the directives to go with it. Taking initiative is risky. Expect that you get yourself in trouble for that; you have to leave office or get demoted or something else negative for not following orders. It is much more sensible to just follow orders."

The local governments at all levels hear the complaints of their constituents, but find themselves in the position of needing to follow policy directives. Some of these policies come with fiscal windfalls, such as the current *tuimu huancao* project. As we will see in the chapter on fences, whether or not they believe the fences are sensible, they are spending the money and erecting the fences. Again, Prof. Hu: "The county level people, they will spend the money, build fences, the government comes to inspect, they leave, you can tear down the fences if you want. You have satisfied the demand of your superiors."

Given the current structure of legal rights and responsibilities, I would sum it up as this: the grassland always loses. The central government has not yet sufficiently provided for the needs of the nomads as a rural population. It is making important efforts in education and healthcare, but its approach to the grassland is both too open-ended, as in the Law that holds no one accountable, and unfocused, as in its lack of attention to the economic mainstay of the nomads, the production of meat and dairy products (see the later chapter on meat production).

The contract system and *liyong zheng* strictures necessitate overgrazing. It may have been a sensible way to handle decollectivization and the distribution of existing livestock to individual households. Irrespective of this, the new pasture

allocation system did not adequately assess the implications for the future, and within one generation, the current crisis was at hand. It is not a matter of ethnic minorities having high birthrates. Pastoral families in this generation have reproduced at much lower fertility rates than was historically typical. Gulnur and Serik's ten children are atypical in the modern era; most families have two or three children, whereas five and more was normal in the past.[37]

Even with two or three children, the nomads are loud in their complaints of "*renkou tai duo le*": there are too many of us, for the amount of land allocated to us.

The nomadic users of the grasslands do the best they can. Although they stopped paying agricultural taxes in 2003, they still have a lot of economic pressure. [38]They make both sustainable and unsustainable choices. As we have seen in the discussion above, they are neither inherently environmentally friendly, nor intentionally environmentally destructive. They act in cooperative ways when they can as a means to achieving the collective economic survival, and they negotiate this via their social networks. They maximize their own gain to support their families by moving the livestock among pastures that they have or create access to. Because the situation has now become precarious, they experience stresses such as Gulnur and Serik did in a verbal and physical fight over pasture usage rights.

As a final note on Gulnur, Serik and their ten children, they exemplify the need to think of a Plan B. Several professions now support the family. They have five sons and five daughters. One son lives in Kazakhstan, two of the boys are married and are herding (including livestock for other family members) with their own little family; three daughters have married out. Gulnur and Serik live in Fuyun county town over the winter, as do the two daughters and one son who are

[37] A Kazak friend of mine, now aged thirty, is the youngest of seventeen children. It is unheard of in this generation.

[38] An accountant and former tax collector I encountered in the summer pastures told me that in the recent past, poor families paid 150 RMB, and rich families paid 800 RMB, where 350 RMB was the average tax paid on an annual basis.

as yet unmarried. The younger ones went to Urumqi to learn restaurant skills, and two work in the family restaurant in Fuyun during the winter. In the spring, the parents and the unmarried children continue the migration cycle. In the next chapter, I will explore how the youngest adult generation views their options, with greater attention to the details of their social reality.

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