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The XXI International Grassland Congress / VIII International Rangeland Congress took place in Hohhot, China from June 29 through July 5, 2008.

Proceedings edited by Organizing Committee of 2008 IGC/IRC Conference

Published by Guangdong People's Publishing House

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Implementation of Mongolia's 2002 land law : implications for herders and rangelands

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Introduction Shortly after the 1992 transition to democracy and a market economy, Mongolia's parliament passed the Mongolian Law on Land, which included provisions governing use of Mongolia's extensive rangelands. The law was revised in 2002, and in 2007 policy discussions continued on the need for a law specific to Mongolia's rangelands. Since the dissolution of herding collectives in the early 1990s, livestock have been privately owned, but pastureland remains state property to be used in common by herders in accordance with traditional patterns of seasonal movement. The 2002 Law on Land authorizes formal possession of the land under winter and spring campsites by groups of households that customarily camp together (*khot ail*), and specifies that summer and autumn pastures shall be used "in common" by herders of one subdistrict (*bag*). The law does not authorize possession of any seasonal pastures, but does empower local government officials to regulate carrying capacity and seasonal movements, and to impose penalties for out-of-season grazing of winter and spring pastures. Our research objective was to document the status of the implementation of the 2002 Land Law, and the attitudes towards pasture possession and pasture use regulation held by government officials and herders.

Methods In 2007, we surveyed land officers in 15 of Mongolia's 21 provinces (*aimag*) to assess the status of implementation of the pasture and hayland provisions in the 2002 Land Law. In addition, we surveyed 70 herding households in 4 different aimag (Selenge, Tuv, Uverkhangai, and Arkhangai) and 3 ecological zones (forest-steppe, mountain-steppe, and steppe), and conducted semi-structured interviews with local officials and herders in each study area.

Results According to the *aimag* land officers, possession of winter and spring campsites was implemented in all surveyed *aimag*. Pasture possession was reported in 2 of the 15 *aimag* (13%), in one of these on an experimental basis. Hayfield possession contracts had been issued in 6 *aimag* (40%). The majority of land officers (78%) perceived that herders' livelihoods had improved since 2002, but 93% believed that pasture conditions had declined and conflicts among herders had increased. Seventy-seven and 67%, respectively, felt that the Land Law had no effect on herders' well-being or pasture conditions, but 57% believed the Land Law led to increased conflicts among herders.

Herder surveys largely supported the perceptions of land officers regarding herders' living standards and pasture conditions. Slightly less than half of all surveyed herders reported that they held possession licenses for winter camps and 13% held licenses to separate spring campsites. The majority of herders surveyed (65%) supported formal pasture possession, though support was greatest for winter and spring pastures, and lower for summer and fall pastures. Interviews revealed significant variation in perceptions and understanding of the term pasture possession. Some herders understood it as an exclusive right, others as a priority right, but not necessarily exclusive. Many herders and local officials interviewed believed that formalized possession rights would strengthen their ability to exclude users from outside the community, but feared that possession would also limit their mobility and flexibility to access pastures outside the area allocated for possession. In our study sites we observed several cases in which members of organized herder groups had agreed to defer grazing of overused summer pastures or to enforce the traditional practice of reserving winter pastures for use during the dormant season. In at least one case this community decision was formalized in a local government decree. Even when a community of users successfully engaged in such collective action, their efforts were often undermined by herders from other districts who entered and grazed their reserved areas. Such cross-border infractions were the major source of pasture conflicts in the communities we studied. However, compared to our studies in 1995 and 1999, we found many more instances in which local government officials negotiated formal cross-border pasture use agreements among jurisdictions to limit the negative impacts of outsiders' grazing while still providing access to needed forage for neighboring herders. Most herders surveyed supported joint decision-making by herders and local government to regulate seasonal pasture use and carrying capacity.

Conclusions In the absence of formal pasture possession, donor-organized herder groups and local government are developing grass-roots institutions for collective action focusing on regulation of seasonal movements and enforcement of deferred grazing and grazing reserves. These arrangements are often undermined by trespassers from outside the group or the district, but some progress has been made in crafting cross-border agreements that meet outsiders' needs while respecting local grazing plans. A significant challenge to sustainable pasture use remains, balancing the need for tenure security with the need for flexibility and mobility in the spatiotemporally variable semiarid rangelands of Mongolia.