WOLTS Project Mongolia

Tsenkher Summary

February 2019

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This short Summary presents the main findings set out in full in the WOLTS Project Mongolia – Tsenkher Soum Report, February 2019, available at: www.mokoro.co.uk/wolts.

Introduction and methodology

Mokoro's practical and action-oriented long-term strategic research project, the Women's Land Tenure Security Project (WOLTS), is piloting its methodology through a 'Study on the threats to women's land tenure security in Mongolia and Tanzania'. Working with People Centered Conservation (PCC) in Mongolia, we have been investigating the state of women's land tenure security in pastoral areas affected by mining investments, through both participatory qualitative and quantitative research to identify the main threats to the land rights of women and vulnerable groups. The WOLTS project's aim is to assess possible means to improve gender equity in land tenure governance and secure the land rights of vulnerable people within communities, as well as to support communities as a whole to withstand threats to their land and natural resources (see our website: www.mokoro.co.uk/wolts).

This Summary shares our findings from our research in Tsenkher between October 2017 and August 2018, including initial field visits, a baseline survey and a participatory fieldwork phase, which have been shared and validated during a follow-up visit in December 2018. We are grateful for both the overall support of the soum government and the engagement and hospitality of the people of Tsenkher throughout.

Our baseline survey was conducted in February and March 2018 with 10% of households in all baghs of Tsenkher. It included 170 households, of whom 137 were randomly sampled, 24 were additional female-headed households and nine were additional single adult male-headed households. Thus 81% of the total survey sample was randomly sampled (including 117 male- and 20 female-headed households) while 19% comprised deliberately targeted vulnerable female- and male-headed households. This was done to boost the total number of vulnerable households surveyed so as to help uncover critical gender issues for vulnerable groups. Data from the 33 additional households have only been included in comparative analysis of male- and female-headed households, and of male and female respondents, but not in all the general baseline analysis.

The participatory fieldwork phase took place in August 2018 and included 12 focus group discussions (FGDs) and 19 individual biographic interviews (BIs), involving some 124 people. Different types of social groups and individuals were specifically sought out for these discussions and interviews, so as to reflect different characteristics and issues that we considered worth exploring further after analysing our baseline results (e.g. widows, miners, married men and women, etc.). FGDs were structured around standard participatory exercises (including natural resource and migration mapping, seasonal labour analysis, and stakeholder analysis and institution mapping). BIs followed structured question guides that were tailored to the circumstances of the individual being interviewed in order to help us learn about people's lives and livelihoods and the ways both gender relations and access to different resources have changed since their childhoods. Our research also included interviews with other stakeholders, including government officials and representatives of some of the mining and tourism companies operating in Tsenkher, as well as five participatory community feedback meetings (CFMs) and a feedback meeting with local officials in December 2018.

Location and population

Tsenkher soum is located in Arkhangai aimag, 452 km north-west of Ulaanbaatar. Its total land area is 332,803.1 ha, of which agricultural land (pastureland, haymaking areas and a 320.4 ha abandoned crop farming area) takes up 149,042.9 ha, 73,720 ha is forest, 89,226 ha lies within the Khangain Nuruu National Park, and 9,636.81 ha is settlement land in the soum centre. Five mining production licences were current in the soum by 2017. Tsenkher's main mineral resource is gold.

Tsenkher is made up of six baghs; the soum centre, Tamir, is more urbanised, while in all other baghs pastoral herding is the dominant land use. The total population of the soum as at December 2017

was 5,892 people living in 1,685 households. Average population density for the soum as a whole was 0.18 people per ha.

Female-headed households made up 14.6% of the randomly sampled households in our baseline survey. Extrapolating from this suggests that some 245 households in Tsenkher were female-headed at the time of our survey. Our survey data also suggest that 38% of Tsenkher's population were 18 or under, 3% were elderly (aged 65 or older), and 59% were working age adults (aged 19 to 64). The youthfulness of Tsenkher's population is underscored by the number of younger adults (aged 19-24 and 25-34), who made up 44% of the working age population in our randomly sampled households, and by the fact that in total some 64% of people in these 137 households were aged 35 or under. The population of Tsenkher is largely Khalkh and Buddhism is the predominant religion.

Recent history of economic and population change

During the socialist period, Tsenkher was very much a typical Mongolian soum. Livestock husbandry was the main focus of socialist development policy, and crop farming was only developed on a limited scale. With the emphasis on collective state production from the 1950s, the vast majority of households in Tsenkher had to herd and milk state-owned livestock, and the products of their labours went to the state, with the negdel (collective) playing a major role in formally organising what had previously been regulated by local people following age-old customary practice. Regular seasonal movement of people and livestock was supported by the negdel through the provision of transportation to herder households, as well veterinary and other services. Individual herder households were not allowed to own more than around 30-40 head of livestock privately, and the negdel could confiscate livestock from those with larger herds than this.

After the 1990 democratic transition, the state collectives disintegrated and livestock were privatised in Tsenkher, as elsewhere in Mongolia. This allowed local herders to own more livestock again and it appeared that this freedom to increase livestock numbers from the 1990s contributed at least to some extent to current (relative) pastureland degradation in the soum. The number of school dropouts in Tsenkher soum also increased. This was especially the case for boys, who could help their families with the physical tasks of herding once livestock were privatised, when the collapse of the wider Mongolian economy caused many people to return to – or take up – herding as a way to survive. This resulted in relatively lower education levels, and consequent social issues, among the sub-group of local male herders aged in their mid-to-late 30s by the time of our research.

Mining only got properly under way from in the mid-to-late-1990s but it began earlier in the decade as some local herders started to work as illegal artisanal miners ('ninjas') in order to generate cash incomes to supplement their livestock herding activities.

Most citizens of Tsenkher soum are originally from the local area, and the soum's overall population has changed relatively little since the democratic transition; its current net migration rate is close to zero. Because there was very little crop or intensive livestock farming developed during the socialist period in Tsenkher there was little inwards migration of the kind found elsewhere in Mongolia as people moved around and settled in different places under the dictates of the socialist regime.

Livelihoods and gender relations

Marriage and family situation

Our baseline survey suggests that the majority of adults in Tsenkher were legally married but that there were also high numbers of female-headed households, with 82% of all female-headed households included in our baseline headed by widows, compared to only 10% of all male-headed households being headed by widowers. The high number of widows is thought to be a consequence of alcoholism. Divorce rates appeared to be low, with just 5% of randomly sampled households

reported to have divorced household heads, but this could be considered relatively high for a socially traditional part of Mongolia. Twelve per cent of randomly sampled households reported having at least one disabled member.

Only 72% of the members of the randomly sampled households were reported to live at the household's main residence for the majority of their time. People living away included school children and students studying in Ulaanbaatar or overseas, people working in the aimag centre or elsewhere in Mongolia in professional and service industries, and a few people who were unemployed but seeking work elsewhere. A further 23% of members of the randomly sampled households were reported to sometimes live elsewhere for the season. The vast majority of these households' members went away temporarily for school or to look after children going to school in the aimag or soum centre. Only eight people, from eight different households, were reported to move away temporarily for herding in the summer months, because where seasonal movement takes places it tends to be done by households as whole units rather than by individual household members on their own. Our baseline data suggest that temporary seasonal migration across the soum was thus driven almost wholly by educational and pastoralist considerations, and not for other reasons, such as to pursue seasonal cash incomes in the soum's main gold mining site.

Education

There was evidence of significant gender disparities in education, with a much higher proportion of households containing women than men who had undergone some form of tertiary education (36% compared to 15%). In our FGDs and BIs it was confirmed that families tended to send their daughters away to school and university while preferring to keep their sons at home to help with herding; many of these young women then did not return to the rural area, making it increasingly difficult for young male herders to find wives. There was also a general feeling that herders who had sent their children away for higher education did not get results as expected or hoped for, with many children ending up either with no jobs or working in service industries or small businesses.

Relative wealth and poverty

Ninety-one per cent of the randomly sampled households had a ger (traditional tent), 6% had a house, and 3% had both. 'Felt' was the most common housing material in both female- and male-headed households. During our participatory fieldwork phase we noted a good general standard of maintenance of the local gers, which may have been partly due to the proximity of forest resources making it relatively easy for households to fix wooden parts of their gers themselves, and partly also to the soum's various local sawmills making ger parts readily available. The vast majority of randomly sampled households had access to electricity, with the most common source being solar.

The vast majority of surveyed households also had televisions and mobile phones. However, less than 50% had refrigerators, washing machines or silver cups, and only 5% had a radio. Across the soum as a whole, a higher proportion of male- than female-headed households possessed televisions, mobile phones, refrigerators, washing machines and silver cups. The largest gender difference was in the possession of silver cups; since these are mainly held by herders as a traditional store of wealth, this suggests relative poverty of female-headed herder households compared to male-headed herder households.

No households in the baseline survey had access to mains water supply, with the main source of water being from rivers, followed by deep wells with paid-for access, and there were few gender differences here. Internal toilets were rare, with exterior toilets with no flush being the most common. Female-headed households were slightly more likely to have no toilet than male-headed ones; male-headed households were more likely to use a public toilet. Across all modes of transport – tractors, lorries, four-wheel drive cars, two-wheel drive cars, motorcycles, bicycles, hand carts, horses and buses – more male-headed than female-headed households reported having them.

Overall, our baseline survey data on housing type and materials, ownership of certain possessions and access to electricity, water and sanitation provided some indication of relatively equal living conditions among male- and female-headed households in Tsenkher soum, but the apparent inequality between male- and female-headed households with respect to transport points to both the relative poverty of female-headed households and the relative difficulties female-headed herder households face. This was supported by the findings from our FGDs and BIs, which revealed that herding was hard work for female-headed households, especially those containing no adult men.

Main livelihoods

The main livelihood of people in Tsenkher is traditional livestock herding based around regular seasonal movement. However, livestock herding was not the only source of livelihood in the soum, with 14% of all randomly sampled households reporting that they included people with formal employment; a little over half of these were in Tamir, the soum centre, where 43% of randomly sampled households included people in formal employment. Just one randomly sampled household reported including 'miners in official small-scale mining companies' and two included 'people who own artisanal mining companies'. In addition, participants in our FGDs and BIs revealed that the soum's rich natural resources allowed for the seasonal collection of non-timber forest products (NTFPs) such as berries and pine nuts to support the livelihoods of both vulnerable groups of people and relatively wealthy households alike.

In spite of the importance of livestock herding, just 52% of randomly sampled households reported it as their top source of cash income in the previous 12 months, and 72% had relied on two or more sources of income. Other top sources of cash income included government employment (8%), different forms of social welfare payments (26%) – we found that many poor households with few or no livestock appeared to live (almost) entirely on social welfare payments – and mining (3%). In a few cases the top source of income was from private business, shop work, and manual labour in the timber industry and construction. There were no big differences between male- and female-headed households, but the only household with no source of cash income at all was female-headed.

Gender relations

Divisions of labour within herding households in Tsenkher were largely regulated in accordance with long-standing gender norms, with men in charge of outdoor activities such as herding livestock, preparing firewood, taking livestock on seasonal and/or otor migration, and women mostly in charge of indoor work such as milking, processing dairy products, child care and cooking. However, according to the seasonal labour analysis done by men and women separately during our FGDs, it seemed that much more work was shared by women as well, including herding, hay making, seasonal movement and preparing firewood. The role of children also came out strongly, especially during the long summer vacation from school. Participants reported that children in general helped with herding, cleaning the house and taking care of their younger siblings, while secondary and high-school-age girls helped with milking and preparing dairy products. Women in Tsenkher also had the primary responsibility for school preparation at the start of each new school year; women with university-age students in their household had even more to prepare for this. Often women would stay with their children in the soum centre during the school year (September to June), meaning that male household members would have to do everything in the winter camp while they were away.

In addition to their traditional tasks, female household heads have responsibility for the outdoor activities that are usually performed by men. This can be very challenging and, as a result, they often move to live near their relatives during the wintertime, especially male relatives or those with more men in their household. Female household heads with grown-up sons are better off in this case.

Household decision-making is usually shared by women and men, and both genders also participate in meetings of the bagh and soum khurals, though vulnerable women do not always speak up. As

elsewhere in Mongolia, husband and wife jointly look after the household finances in traditional herding households, but with women taking the lead in day-to-day budget management. When purchasing livestock or a vehicle, however, it appears that men have a greater decision-making role.

One further critical issue for gender relations – that of alcoholism – came up repeatedly during our FGDs and BIs and was underlined in our CFMs. Male alcoholism not only increased the workload of women, most notably the alcoholic's wife, but it also appeared to contribute to violence against women – a big, if hidden, issue in Tsenkher, as in many other parts of Mongolia, that was not always talked about very openly during our research.

Mining companies and artisanal mining

Tsenkher's main mining site lies in Orkhon bagh, taking up 30-40% of the bagh's territory. Large-scale placer gold mining was pioneered in the Deed Nuur area in Orkhon in 1999. According to the aimag office of the State Specialised Inspection Agency, there were five business entities with active special mining licences in the Deed Nuur at the time of our research – Altai Gold, BMNS, Golden Hammer, Mongol Gazar and MGH. These companies were responsible for paying water fees directly to the aimag in respect of their licensed areas, and paying waste fees. We were further informed by the State Specialised Inspection Agency that two of these five companies, Mongol Gazar and MGH, had the same owner, and that only Altai Gold and BMNS were operating properly, in full adherence to the terms of their licences. This included carrying out environmental rehabilitation and reclamation work in accordance with their environmental management plans. We were told by the aimag office that the owner of Mongol Gazar and MGH had exploited a loophole in the law to sublet his licensed areas to a further 15 business entities at the time of our research, which included some small-scale mining companies belonging to people from Tsenkher soum; the fifth business entity with an active mining licence, Golden Hammer, had also sublet land to other small businesses, but they had not yet started any mining operations and were also not doing any environmental rehabilitation.

According to the State Specialised Inspection Agency, Mongol Gazar and MGH had failed to conduct any environmental reclamation work for several years preceding our research, after ceasing their operations with the government's adoption of the so-called 'Long Name Law' that banned mining near rivers and lakes. As a result, their environmental management plans had not been approved by the Ministry of Environment and their special mining licences had not been extended. The aimag office also told us that another company, Shinshiva Mongolia, had recently acquired a mining licence and brought all its equipment to Tsenkher soum; the local community did not want them to come so had held demonstrations, but the company went ahead and started operating at the end of August 2018. During our CFMs in December 2018 we learned that there had proved to be no minerals to extract in the licensed area, even though the company had carried out deep excavations; neither had any rehabilitation had been done.

Other than in Orkhon there has also been some placer gold mining in Tsetserleg bagh, in the Nariin Khamar area on the southern slopes of Mount Suvraga Hairhin, where Mongol Gazar had obtained a licensed area of 13,000 ha but only undertook mining production on 68 ha in 2005. Local herders from Tsetserleg had managed to get this operation closed down very soon after Mongol Gazar had begun it, through organising sit-ins at the mine site and investigating the licensing process to show that local herders had not been consulted as prescribed by law. As a result, mining production stopped completely and, in 2007, the Mongolian government approved Mount Suvraga Hairhin as a state-worshipped mountain, in order to better to protect the local area from any mining in future.

Sub-contracting of small-scale mining companies

Small-scale business entities that rent land from Mongol Gazar, MGH and Golden Hammer on annual contracts started operating from around 2010. According to soum government officials, there were

in total 36 small-scale mining companies operating in 2016 and 30 in 2017. However, during our FGDs and BIs, local people reported the presence of more than 50 active small-scale mining companies in Orkhon. It appeared that most of them were owned by ninjas who had previously worked (totally illegally) in neighbouring Uyanga soum. Their lengthy mining experience enabled them to upgrade both their techniques and their equipment, as well as to transition into legally registered small-scale mining companies. Better-off people of Tsenkher soum were also involved in this sub-contracted small-scale mining, especially wealthy herders from Orkhon, albeit mostly operating illegally when they rented mining land from Mongol Gazar, also on annual contracts. Because they were not formally registered artisanal miners but were still ninjas, they had to hire a drilling/executing company with the necessary machinery and technical equipment, which took 70% of any profit; only the remaining 30% went to the local herder. However, these drilling companies were generally the same registered small-scale mining companies from outside Tsenkher soum, just noted above, that also sub-contracted directly with Mongol Gazar and used to be ninjas themselves. Thus it seemed that these outsiders were taking all the profits from mining in their own sub-contracted areas as well as a share of the profits out of any (illegal) agreements they made with individual citizens of Tsenkher, and that the fluidity and dubious legality of all sub-contracting arrangements by the larger companies left open much scope for confusion and overlapping claims.

Legalisation of local artisanal miners

Partly in response to some of these growing issues in the soum, from 2017 local ninjas have begun to establish small community groups and associations (nukhurlul) to formalise their mining activities. By August 2018 there were already 10 mining nukhurluls involving members of over 100 households who had previously been mining illegally as ninjas. According to participants in our FGDs, after consulting with the Mongolian Artisanal Miners' Association – a large Ulaanbaatar-based umbrella organisation established with support from SDC's Sustainable Artisanal Mining Project – these 10 nukhurluls got together and established themselves as a local NGO in order to further protect their rights. This was because, as nukhurluls were only newly provided for under Mongolia's mining legislation, their status was not yet fully secure. Nukhurlul members we spoke with shared that they had not yet experienced any difference from being ninjas, as mining companies do not care about nukhurlul registration certificates but rather are keener to collaborate if the nukhurluls have an NGO registration certificate.

As with the sub-contracting cases described above, the local NGO also has to make a contract with one of the outsider-led registered drilling companies to act as executing company, and the executing company again gets 70% of any profit while the NGO's nukhurlul members get the remaining 30%. However, in this case, environmental rehabilitation is contractually obliged to be done by both the nukhurluls and the executing companies under tripartite agreements co-signed with the soum government. Any gold extracted is supposed to be sold jointly by the executing company and the local NGO to the original mining licence owner (e.g. to Mongol Gazar), but we heard that in practice the executing companies often go over the heads of the nukhurluls to directly obtain the remaining dirt from the originally licensed companies – the soil left over from the bigger companies' digging work, which contains small amounts of gold that were not economical for them to extract themselves – and then sell the gold on their own, leaving nothing from which to try to extract any ore for the nukhurluls that they had made agreements with.

Effects of mining

The reported effects of mining on local land and natural resources have been more notable than mining's economic effects on our surveyed households. People's main concerns about the effects of mining on local natural resources included that 'mining makes dust and degrades the land', that 'mining is shrinking local water sources', that mining has 'increased pressure on communal grazing land', and that 'mining makes roads everywhere which disturb the pastureland and creates dangers

for livestock'. In addition, many people reported major concerns about the quality of their drinking water. Across the soum, we heard that almost everyone had used the main Tsenkher river for their drinking water up to five years or so ago, but that it has become so polluted from the mining upstream in Orkhon that many people no longer trust it. Some local people in the Deed Nuur take their vehicles to fetch drinking water from rivers and streams that are further away from the mining site; others use water from wells built by the mining companies; and we also heard that some mining companies had sometimes trucked in water to distribute to local herder households for free.

One of the main issues around mining-related environmental degradation in Tsenkher was linked to the poor record of carrying out (legally required) rehabilitation on the part of the mining companies. However, out of the whole soum only certain parts of Orkhon have direct experience of mining and its effects. We found that, although people from other baghs often did not know very much about what was happening in Orkhon, they mostly still believed that mining had led to the degradation of Orkhon's pastureland. Moreover, we found that even some local herders from Orkhon who lived just one valley away from the main mining site had little understanding about its actual environmental effects. In particular, locals with larger herds tended to live in different valleys, away from the Deed Nuur, and often seemed to have little understanding of, or sometimes even interest in, the mining that was taking place not far from them as the crow flies.

There are also social effects around mining, linked to high alcohol consumption, which seem to have contributed to various accidents and criminal incidents. In addition, elderly herders living in Orkhon shared their view that people's characters have changed as a result of mining, with local men and women becoming generally more aggressive and violent.

Land allocation processes

In general in Tsenkher, land tenure arrangements for all types of land appeared to be largely still regulated in accordance with customary practices, both for people settled in the soum centre and for herders in the rural baghs. The main types of land subject to formal land allocation and certification processes were soum centre housing plots, for land ownership rights, and winter and spring camps, for possession rights. Moreover, not everyone in Tsenkher had an adequate understanding of the relevant Mongolian laws. Most respondents (slightly more men than women) knew that discrimination between men and women as regards land ownership was illegal, but 36% of all female respondents and 40% of all male respondents thought that according to Mongolian law men's rights to land took precedence over women's, and fewer than half of respondents knew that having rights to land did not also mean having rights to minerals under the land.

In addition, it became apparent during our fieldwork that there were misperceptions about the nature of land ownership. Outside the soum centre most people had not acquired formal land ownership or possession rights, but instead believed that because they had lived on and used 'their land' for generations they therefore 'owned' it; others thought that the documents they had received for their winter and spring camps during a recent cadaster mapping exercise in rural baghs were actually formal certificates of possession rights.

The overall perception among survey respondents was that women did not play a big part in decision-making about natural resources in the soum, and only a relatively small minority thought that all people were involved and consulted in decisions about community land management. However, it is women in Tsenkher who tend to prepare the required documents and meet with local government officials during the land allocation and certification application processes. Male herders in the rural baghs do not often participate because they usually live away from the soum centre while their wives stay there at least for the duration of the school year. Although women did most of the work, it seemed that land ownership certificates were mostly issued in the man's name. Most often, however, people considered their housing plot to be owned jointly – i.e. belonging to the immediate family for household use – even if formally registered solely in the man's name. This

tendency to sole registration seemed to be connected at least partly to the lack of space provided for more than one person's full name on the pre-printed official land application forms.

Female-headed households and vulnerable groups of people often rely on borrowing a plot to live on temporarily, as they find it more difficult to obtain an officially allocated housing plot. This is mainly due to lack of money to put a fence up on the boundaries of their plot and/or lack of male household members to help them physically build it.

Winter and spring camps

Winter and spring camps were only at the early stages of formal land allocation and certification processes at the time of our fieldwork. During our FGDs and BIs, many herders shared that they had paid for the preparation of cadaster maps for the land of their winter and spring camps held under customary rights. However, as mentioned above, we found that most of them were under the mistaken impression that those herders who had paid for the cadaster mapping had been given formal possession certificates, while in fact the documents they showed us were only cadaster mapping payment receipts.

Vegetable and fodder plots

Crop (vegetable) farming is very limited in Tsenkher, but we did observe a number of fodder plantations, particularly on the road between Altan-Ovoo hot springs and Tamir; these plantations were all fenced and generally seemed to be at least a few hectares each. Not everyone growing crops in Tsenkher had the correct documentation for the land they were using; some started farming without waiting for the paperwork, while others lacked information on how to obtain it. During our participatory fieldwork phase, local officials shared that agricultural land in the soum was only allocated following specific requests made to individual bagh citizen representative khurals. If a request was approved it was forwarded to the soum citizen representative khural to decide whether to allocate the land on a tender or privilege basis. If this was to be done on a tender basis then the land would end up with whoever was willing to pay the most for it, which did not favour poorer and more vulnerable households; if land was to be allocated on a privilege basis then those with the most farming experience would get it, but this would usually favour whoever made the original request for the land. Outsiders were only able to acquire land on a tender basis, but even then it was not often given to them because the bagh khural had to approve the outcome of the tender process.

Forests

Tsenkher's forests are rich with NTFPs, while timber itself is a valuable local resource for both commercial and domestic use. Each year the soum government decides how much of the forested area can be used for timber harvesting, and two different types of permit are issued: for firewood collection by individual soum citizens and for logging by registered business entities. There are no difficulties for female-headed households in obtaining permission, but for those assigned an area for firewood collection far from where they live there can be difficulties because a truck would need to be hired to collect the wood, with related difficulties in managing and affording the whole process.

As mentioned above, the collection and sale of NTFPs is an important local source of cash income, particularly for poorer households who live near the soum's forests. Soum citizens are allowed to collect pine nuts and berries for their household consumption without paying any tax. Some herders told us they had neither time nor manpower for this, while other people, with fewer livestock or who live in the soum centre, said that they often collected NTFPs for themselves, and for sale.

Tourism

There were five tourist companies formally operating at the spa and hot springs in Altan-Ovoo at the time of our research. According to our conversations with company representatives and local

herders, poor land management around the spa has led to an increasingly negative environmental impact: pastureland has been destroyed by the creation of new roads to accommodate tourist traffic and inadequate sewerage systems have caused local water to become heavily polluted.

Participants in some of our FGDs and BIs complained that the tourist companies generally did not consult with local herders, and that if herders invited them to their bagh meetings they would not come. However, we also learned that in the spring of 2018 the existing tourist operators in Altan-Ovoo had successfully fought alongside local herders against the establishment of any more tourist camps around the hot springs. Since then, however, it seemed that relations between the herders and company owners had deteriorated again and some new companies had been able to move in.

Land disputes

Only 8% of the randomly sampled households in our baseline survey reported that their household had been involved in a land or property dispute in the previous 12 months. Although by far the most commonly reported disputes related to grazing land, participants in our FGDs and BIs revealed that there have also been many more disputes over mining in recent years as a result of the sub-letting of mining licences described above causing conflict among people with overlapping claims. We were told that the disputing parties had informed Mongol Gazar but that nothing had been done to resolve these disputes by the time of our participatory fieldwork phase and they could not go to the courts because of the dubious legality of the whole practice. However, we subsequently learned that the aimag office of the State Specialised Inspection Agency had become involved in demarcating the disputed plots in order to help resolve the increasingly tense situation.

It seemed that there were generally few disputes over grazing land between local herders, with it usually being possible to resolve conflicts over seasonal movement between people from different baghs through informal negotiation at the local level. Instead, bigger pastureland disputes were mainly associated with herders from neighbouring soums coming into Tsenkher and allowing their livestock to eat up the local pasture. This phenomenon was mainly attributed to both increasing livestock numbers and the (negative) effects of mining on the pastureland in other soums. Land disputes also arose when outsiders on otor migration from further afield moved into Tsenkher soum.

Several participants in our FGDs and BIs expressed their general concern that disputes over pastureland had been increasing in recent years. In most cases, issues seemed to be resolved through face-to-face discussion to reach mutual understanding, although some people reported instances of physical fights and abuse. In more serious cases, people tried to get the support of bagh governors to solve their disputes, but as most participants in our research shared, there was no clear legal mechanism for resolving pastureland disputes, and around half of all male and female survey respondents agreed that it was not easy to get a just resolution to land and natural resources disputes.

We also sensed that better-off households who had obtained their documentation through the soum's winter and spring camps' cadaster mapping process had started to use those documents to at least secure their rights to exclusive use of the pastureland within a 500 m radius of their camps, as permitted by Mongolian law. However, local herders often considered that they had customary rights well beyond this area. Many of the disputes we encountered during our research were due to this disjuncture between the (lack of) formal status of local herders' pastureland use rights and their own understandings of what their (socially legitimate) rights were, according to customary practices.

One further type of dispute of growing concern that we came across during our participatory fieldwork phase was that of livestock theft, which many people complained had increased in recent years. The fact that most rural households lived in very remote areas and also lived far from each other, in relatively small khot ail, made tracking or catching livestock thieves very difficult.

Pastureland management

During our participatory fieldwork phase, local herders shared that they had not worried about pastureland issues even five years ago, but that now with increasing herd sizes and mining activities in the soum, the soum's pastureland was under threat and in need of greater formal regulation. According to the older participants in our FGDs and BIs, the soum's pastureland has been specifically coming under strain from reduced rainfall and the later arrival of spring. Elderly local people told us that water levels in all the local rivers and creeks had been dropping year by year and this had been affecting traditional grazing patterns: the number of herder households moving nearer to rivers and other water sources had increased, creating severe pastureland degradation from overgrazing around these areas. This might be linked to broader trends around climate change.

There was predominantly open access to pastureland in Tsenkher. Eighteen per cent of all female-headed households in our baseline survey were not grazing any animals at all, compared to just 11% of all male-headed households.

Divisions of labour within herding take place within a complex set of reciprocal economic arrangements and social relations, based around the khot ail, and many people rely on paid or unpaid assistant herders and/or members of their extended families to help with taking care of their livestock, with vulnerable households and female-headed households in particular more reliant on this kind of support from others in order to manage as herders. Both female-headed households and households with elderly household heads of both sexes tend to give their livestock to other households to look after, especially during the winter. It seemed that elderly widows were particularly reluctant to keep a lot of animals, and instead asked relatives – especially their grown-up married children – to take care of their livestock. This enabled them to then spend more time in the soum centre near medical services, while at the same time being available to help look after their school-age grandchildren. This kind of reciprocal family-based arrangement seemed to positively support vulnerable households in Tsenkher to keep their independence and retain their cash (and non-cash) incomes from herding.

Haymaking areas

We observed that those herders who lived lower down the valleys needed hay for their animals in winter, while those living higher up in the mountains tended to be more likely to take their animals on otor migration. It seemed common among the local herders that needed hay for them to have their own haymaking areas under customary rights. However, we also learned that problems had started to arise in the soum's haymaking areas more recently as households with larger herds had sought to access larger haymaking areas by gradually grabbing the areas of households with fewer livestock. This seemed to be mainly a result of both perceived increases in the total number of livestock in the soum and related pastureland degradation. Local herders and soum government officials alike told us that there was no government coordination of haymaking areas and they were left to be managed according to customary practice. Concerns were expressed that conflicts over haymaking areas had the potential to cause more serious problems in the longer term, including by increasing the gap between wealthy and poorer local herders, if no formal demarcation and/or regulation took place.

Seasonal movement and otor migration

Seasonal movement and otor migration with livestock are key elements of pastureland management in Tsenkher. Comparing the information shared with us by herders from different baghs, it seemed that, for at least the last 10 years, the farthest seasonal movement was about 100 km, most often between the winter and spring camps, while the shortest distance moved was only 5 to 10 km, between spring and summer camps. Those herders from the more mountainous parts of the soum who went for otor migration could even move six times per year, and travel greater distances.

Seasonal movement and otor migration are among the main difficulties faced by female-headed herder households. Otor is especially hard for them if they do not have any male family members, as often it is only men who go for otor migration in the winter, leaving the rest of their household behind at the main residence or winter camp. Female-headed households therefore tend in general to follow their male relatives who can help them manage routine seasonal moves and take their livestock with them for otor. Participants in our FGDs and BIs reported that otor migration was taking place more often nowadays due to the increasing pressures on the local pastureland, whereas 15 or 20 years ago it would only take place in harsh winters and bad vegetation years.

Herders from the neighbouring aimags and soums coming to Tsenkher on otor migration are a cause of land disputes in the soum, as mentioned above. However, this was not considered to be a major issue yet, only one that might get more serious in future if more outsiders kept coming. At the time of our research, there was no local government coordination or regulation of otor movement or areas, but there was the prospect of pastureland management being strengthened by support from SDC's Green Gold project, and in Orkhon bagh by GIZ's Sustainable Pasture Management project.

Difficulties faced by female-headed herder households

Many of the specific difficulties faced by female-headed herder households in Tsenkher soum have been identified throughout this summary. The traditional pastoral way of life is much harder for them, especially if they do not have any grown-ups sons, as they have to ask other people for help with everyday activities, such as preparing firewood and slaughtering animals, which local norms dictate are usually done by men. However, female-headed households who live in more settled areas like the soum centre, without livestock, also have difficulties. We found that it can be a big challenge for them to obtain their own housing plot because there is a high chance it will be taken back by the soum government if they are not able to put up a fence around it within two years. We encountered a few men in our FGDs and BIs who were keen to report their efforts to support vulnerable women herders, but this contrasts with the majority of evidence from most female household heads we spoke with, who shared that they do not often go to bagh or soum meetings as they do not feel confident that their views are sought after, and who struggle to balance the demands of pastoral herding with the legal requirements around their children's schooling.

Conclusions

In contrast to some other parts of Mongolia that had undergone dramatic social and economic changes over the past quarter century since the collapse of socialism and the democratic transition, it appeared in some ways that little had changed for people in Tsenkher soum. The pastoral herding lifestyle had continued among younger generations, rooted in customary land rights and pasture management based on the khot ail that were enmeshed in longstanding gendered norms and reciprocal economic arrangements and social relations. At the same time, herding traditions appeared to be gradually changing among younger herders, for example, as they preferred to use motorbikes for travelling and were chided by their elders for not training their horses. Moreover, although it seemed that both pasture condition and the broader environment had degraded around the mining area in Orkhon, in other baghs there were fewer issues of pastureland degradation, and only in periods of lower summer rainfall, perhaps due to climate change.

In the soum centre, Tamir, households have been able to access land under ownership rights, while the soum government has begun a process of possession rights certification for winter and spring camps in the five rural baghs. Compared to other soums of Mongolia, land disputes did not seem to be so serious at the time of our research, and the bigger disputes resulted from herders of neighbouring soums coming into Tsenkher for winter grazing. Some conflicts were also evident between local herders over haymaking areas, but for the most part disputes were managed informally by local people. On the other hand, it seemed clearly recognised by participants in our

FGDs and BIs that pastureland disputes could become more serious in future if environmental degradation continued, livestock numbers kept increasing, and if a range of official regulations and coordination mechanisms were not set up. Livestock theft was also becoming more common, and seemed to be a big issue for many local people.

The soum's rich natural resources were also being directly threatened by mining activities and the burgeoning but water-polluting tourism industry around the soum's various spas and hot springs. The main mining area, in the Deed Nuur in Orkhon bagh, appeared to be very chaotic, with officially licensed small-scale companies working directly alongside ninja miners. The mining camps were disorganised and unmanaged, and it was difficult to distinguish between official mining camps and those of (illegal) ninjas, (formal) nukhurluls and the nukhurluls' registered local NGO. Although the mining companies claimed to undertake environmental rehabilitation, we only observed one company, BMNS, whose area looked managed and included visibly rehabilitated land.

The most dramatic effects of mining have been on Tsenkher's water and pastureland resources. People in Orkhon are no longer able to use river water for drinking, and instead mainly use well water provided by the mining companies, but the downstream pollution affects people across the soum who have previously relied on the main Tsenkher river as well. When mining first started in the Deed Nuur, local herders with the largest herds moved down from the mountains to the upper valleys in search of good pasture, while households with fewer livestock stayed at or near the mining site to engage in mining alongside their herding activities, to supplement their livelihoods. When mining took off from the late 1990s, the local herders were not well informed about it and just moved away as they were told, without any compensation, but even by the time of our research, many people, even from nearby valleys, still seemed to lack information about, or even awareness of or any interest in, the mining activities taking place in the Deed Nuur. On the other hand, local people in Orkhon clearly did also benefit from mining as most of them worked either as ninjas or in a more formal way through nukhurluls, and some of the better-off people in Orkhon had been able to sublet mining land and contract with registered drilling companies to operate on a slightly bigger scale; some local herders were also profiting by selling meat and dairy products to the mining companies.

Gradually, and partly due to mining, there have been other signs of social and economic change. Alcoholism is a very big issue for the entire soum, increasing every year, and most particularly in the Deed Nuur. Car and motorbike accidents have become common and have been linked to the growth in the numbers of households headed by widows and widowers. In addition, participants in our FGDs and BIs reported that local people's characters had become more aggressive as they moved away from traditional reciprocal social and economic relations and a pastoral lifestyle based on strong community ties within the khot ail. These changes appeared to be linked to domestic and gender-based violence, which though not directly discussed much, was nonetheless present in the soum.

A further major social issue in Tsenkher, particularly for younger herder families, was a result of the Mongolian government policy of schooling now starting at the age of six. This has forced many young married women to live in the soum centre with their children for eight to nine months each year, while their husbands remain in the countryside herding. This puts immense strain on families from being separated for most of the year, and its short-, medium- and longer-term effects remain to be seen. Not least for the growing generation at school in the soum centre: they are growing up isolated from their origins, as some elderly herders pointed out. A second major social issue in Tsenkher soum has resulted from young male herders with no secondary school education being unable to find wives, since so many young women seemed to go to Ulaanbaatar to study and not return. While the young men who stayed in the soum were able to provide support to their ageing parents, which was a particular help to female-headed households, the longer-term effects of this kind of social change are very hard to foresee, especially when put together with all the social and environmental pressures resulting from the continuing development of mining and tourism, which might become even more pronounced in the future.

mokoro