

China's Regional Ethnic Autonomy Law: Does it Protect Minority Rights?

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Statement of

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I would first like to express my appreciation for the opportunity to appear today before the Congressional Executive Commission on China and present my perspective on the question of “China’s Regional Autonomy Law: Does it Protect Minority Rights?”

Rather than discuss the broad range of minority rights issues in play in Inner Mongolia today, I would like to focus on the issue of “ecological migration” which illustrates in a striking matter how the guarantees of autonomy in the regional autonomy law fail to provide protection against massive state-directed dislocation of the Mongol nationality in China.¹

The earliest versions of “ecological migration” were pioneered in the early 1990s in Alashan district in far-western Inner Mongolia under the moniker “three-ways labor restructuring.” Responding to ongoing severe desertification and pasture degradation in Inner Mongolia’s driest district, the Alashan authorities started with the basic premise that excess population and livestock are at the root of pasture degradation. Their “three-ways restructuring” plan envisioned one-third of the current pastoral population continuing as herders, one-third switching to arable cultivation, and one-third entering township or urban enterprises.² In 2001, this basic idea was adopted by the Inner Mongolian government and renamed “ecological migration.” The vastly expanded plan involved moving up to 650,000 persons out of areas where grasslands are being subject to serious degradation into towns and other areas.³ Considerable sums are being assigned to build housing and other infrastructure for the new migrants, although whether these sums are adequate is controversial.⁴ In most areas it appears the relocations are not total with a small number of herders regarded as rationally managing rangeland being allowed to stay.⁵ Those relocated may return after five years if they too can demonstrate an ability to manage the grassland “scientifically.” Thus “ecological migration” is accelerating the trend to polarization in which a small number of relatively well-off herders (whether ethnically Mongol or Han Chinese) who have assimilated contemporary Chinese ideas of proper livestock management will continue herding, while the poorer, less sophisticated herders will be forced off the land. This social polarization corresponds to a polarization in the landscape itself, in which slowing expanding oases of intensively managed fodder and crop fields are set within rapidly growing desert areas, both squeezing out the remaining areas of usable natural grass pasture.

Any evaluation of “ecological migration” must deal with the undeniable ecological crisis in Inner Mongolia and the legacy of decades of over-reclamation and over-grazing. Massive dust storms in Beijing have alerted China’s central government to the seriousness of the situation. There exists a consensus among outside observers that while overstocking of livestock, particular sheep and goats valued for their wool and cashmere, today is currently driving much pasture degradation, historically it is over-reclamation of marginal lands for farming that has damaged Inner Mongolian pastures the most.⁶ Although Inner Mongolian policy in 1984 officially prohibited further reclamation of pasture, the 2003 land-use law in Inner Mongolia appears to again encourage “wild-cat” land reclamation.⁷ Economically, the bankruptcy of smaller-scale, less capitalized producers and their replacement by larger-scale commercialized producers is a universal, if often painful, aspect of economic development, although

rarely so explicitly decreed by the government as in this case.

In terms of human rights “ecological migration” raises serious problems. On an individual level we can ask, are the transfers truly voluntary? Are the residents being adequately compensated and given the ability to make a living in their new homes? Reports are contradictory. One geographer working in Ordos reports that the possibility of a prosperous town life is enticing for many poor herders, yet the fact that in this same community the possibility of returning after five years is also being touted as a concession/palliation indicates migrants may have reasonable doubts of whether they will really succeed as towns people.⁸ Other observers report cases of forcible eviction by the police of communities unwilling to move.⁹ Undoubtedly implementation of such a vast program differs widely in the localities. Yet it would be naive to put too much stock in the possibility of the implementation of such movement being fully voluntary. “Ecological migration” is now government policy, adopted without significant public input and those slated for migration are undoubtedly aware that resistance is futile.¹⁰ As with any issue of (broadly speaking) eminent domain, i.e. use of government power to abridge citizens’ existing property rights, the question is, does this abridgement disproportionately affect one community more than another and was the decision taken with input from all the affected communities?

Since pasture degradation is linked to the dynamics of herding and farming, an issue with long ethnic repercussions in Inner Mongolia, the “ecological migration” issue must also be seen in the light of minority rights. Nomadic pastoralism was the traditional way of life for most Mongols up to the twentieth century and the herding life has been the font of Mongol values, art, literature, and national feeling. Although the pastoral Mongols in Inner Mongolia had largely shifted to sedentary ranching by the 1980s, herding remains important for the Mongols, both practically and symbolically.

Yet I would like to dispose of a red herring immediately. “Ecological migration” is often cast as a conflict of purely traditional Mongols, seen as stubbornly attached to rural life and pastoral nomadism for cultural reasons, and Han Chinese practicing innovative, high-productivity land use. In reality, however, the Mongols of Inner Mongolia are highly educated with strong aspirations to success in the modern sector. In fact their literacy rate is slightly higher than the Han Chinese, and they are over-represented in the ranks of cadres.¹¹ Pastoralists in Inner Mongolian are more commercialized and have a higher income than farmers.¹² For better or for worse, Mongol herders have been quite as willing to adopt the new intensive managerial strategy of herding.¹³ At the same time, the contention that this managerial ranching will be less harmful to the steppe than nomadic pastoralism is quite dubious scientifically; in fact increasing, not decreasing, mobility may be the key to saving the grasslands.¹⁴ What is beyond doubt is that the almost twenty years of state-directed and scientifically managed programs to alleviate grasslands degradation have not worked and indeed may well have accelerated desertification.¹⁵ The issue is thus not modernization vs. tradition, but ensuring that the Mongols have meaningful voice in the nature of the modernization of their own communities.

“Ecological migration” thus remains an ethnic issue. Although Han Chinese herders and farmers in affected areas are also being deported, the Mongols remain the predominant population group in the arid regions of Inner Mongolia slated for population removal, and hence are being disproportionately influenced by ecological migration.¹⁶ These arid grasslands constitute the heartlands of ethnic Mongol life, where they are the local majority and dominate their community as the long resident native population. Until the 2001, Mongolian language, social standards, and culture still formed the norm in these remote areas to which the immigrant Han Chinese partially conformed.¹⁷

Ecological migration is breaking up many, if not most, of these last redoubts of Mongol community life in Inner Mongolia. In their new environments, the resettled migrants will often lack proper skills and aptitudes for their new occupations. Indeed by moving the most traditional and least capitalized and managerials-style herders, the authorities are choosing also the ones least likely to adapt to urban life.

When settled on the outskirts of predominantly Han cities and towns, the Mongols often lack Mongol-language schools and become marginal residents in a culturally and socially alien environment. Already there are alarming signs of dramatic drops in income among the resettled migrants as well as sharp drops in school attendance as relocated Mongol students find themselves with either no local schools, or only Chinese-language ones.¹⁸

Ecological migration thus runs directly contrary to any minority right to preserve its own communal life. Before 1947, pasture in un-reclaimed Mongol steppe was held collectively by the “banner” (or county-level unit). Decades of political and social conflict along the Mongol-Han frontier before 1947 had revolved around the Mongols’ tenacious and resourceful attempts to protect these collective land rights from encroachment by Han Chinese land-developers and their allies in the provincial governments. From the very inception of Chinese Communist land reform, however, land was transferred to the Chinese state, with rural producers being granted only longer or shorter leases. The deprivation of land-rights has hardly affected only Mongols or minorities; collectivization in 1956 and the current rampant abuse of government powers of eminent domain to facilitate urban sprawl are two other particularly egregious examples of this cavalier disregard of land rights.¹⁹ Articles 27 and 28 of the Law on Regional National Autonomy discuss land use and give the autonomous regions the right to determine ownership of pastures and forests. The same articles, however, absolutely prohibit any “damage” to the grasslands by individuals or collectives, and call on the autonomous authorities to give “priority to the rational exploitation and utilization of the natural resources that the local authorities are entitled to develop.” Technocracy thus explicitly trumps any and all land rights. The ongoing destruction of Mongol local community life involved in ecological migration is thus fully in accord with and indeed may actually be mandated by China’s regional national autonomy law, as long as one accepts the disputed premise that nomadism and overstocking are behind desertification.

Still, if Inner Mongolia’s regional national autonomous organs actually spoke for the Mongol nationality, then the articles 27 and 28 would still give the Mongols input into these technocratic land use decisions. This is, however, not the case. Along with the rejection of banner communal land-ownership in 1947, the newly-created Inner Mongolian Autonomous Region also rejected the then common practice of overlapping Han and Mongol local jurisdictions (Han counties or xian and Mongol banners) in favor of unitary local government. Inner Mongolia was eventually expanded to include most of China’s far-flung Mongol communities, but only at the price of thereby acquiring an overwhelming Han majority. At the prefectural and county levels, administrative changes ostensibly intended to give each unit a balance of agricultural and pastoral economies frequently yoked sparsely settled majority-Mongol districts with vastly more populous Han-majority districts. As a result, only in the arid zone townships (sumu) and in some purely steppe banners do Mongols actually predominate in government.²⁰ At the prefectural and all-regional levels, Mongol cadres have the worst of both worlds: over-represented enough through “affirmative action” to generate resentment, but not numerous enough to actually control decision-making in Mongol interests.²¹ This does not even take into account the power of the central government in Beijing. Thus the regional national autonomous organs simply cannot act as protectors of specifically Mongol ethnic interests.

Now, no one can deny that it would be fundamentally unfair for decision-making in a region only 16% Mongol, as Inner Mongolia as a whole is, to be monopolized by Mongols. Yet apart from such a monopoly, it is hard to see how the Mongols as a group can be said to have had any meaningful voice in the momentous decision taken in 2001 to remove whole communities from their ancient ancestral homes. Under Chinese law, regional national autonomy is for better or for worse the only organ through which the minority nationalities exercise their collective right to autonomy, yet in a region with borders drawn wherever possible to combine Han and Mongol communities, such an autonomy cannot help but be fictitious. As a result, “ecological migration,” despite its origin within the Inner Mongolian bureaucracy,

is one more example of the inability of Chinese regional national autonomy, as currently structured, to allow the legitimate concerns of minorities to even be voiced openly, let alone prevail in the public arena.

Notes:

1. Information on ecological migration is very difficult to obtain, a fact which by itself casts doubt on whether the policy's rationale and implications have been sufficiently debated. In preparing this paper I have been greatly assisted by the panelists at the panel "Ecological Migration: Environment, Ethnicity, and Human Rights in Inner Mongolia," which I chaired at the Association for Asian Studies (AAS) Annual Meeting in Chicago on April 3, 2005. I would like to thank the panelists Judith Shapiro (American University), Jeannine Brown (graduate student, University of East London), Hong Jiang (University of Wisconsin at Madison), S. Sodbilig (Inner Mongolia University), and Enhebatu Togochoag (Southern Mongolian Human Rights Information Center) for their very informative and insightful papers and comments.
2. A. Hurelbaatar, "A Survey of the Mongols in Present-Day China: Perspectives on Demography and Culture Change," in *Mongolia in the Twentieth Century: Landlocked Cosmopolitan*, ed. Stephen Kotkin and Bruce A. Elleman (Armonk: M.E. Sharpe, 1999), p. 201.
3. A key question about which data remains scarce is the actual destinations of "ecological migrants." In Üüshin Juu *sumu* (Mongol township), Hong Jiang found that ecological migrants were being directed not to the mostly Mongol township center, but to the new town (*zhen*) of Chaghan Süme (Chinese Chahanmiao) with a population of over 10,000 that are "mostly migrants from outside the area" recruited to exploit a natural gas field (Hong Jiang, "Fences, Ecologies, and Changes in Pastoral Life: Sandy Land Reclamation in Uxin Ju, Inner Mongolia, China" [unpublished paper], and "Cooperation, Land Use, and the Environment in Uxin Ju: The Changing Landscape of a Mongol-Chinese Borderland in China," *Annals of the Association of American Geographers*, 94.1 [2004], p. 129). In Alashan it appears that half of the herders or 20-25,000 were originally to be resettled on a 70,000 hectare oasis communities as farmers, although the construction of this oasis seems to be currently mired in corruption, incompetence, and flawed science (Jeannine W. Brown, *State Sponsored Resettlement in Inner Mongolia: A Case Study in Environmental Forced Migration* [M.A. Thesis, University of East London, 2004], pp. 35-36; "Irresponsible cultivation causes desertification, environmental destruction threatens Beijing," August 21, 2004, at http://www.smhric.org/news_45.htm, accessed April 13, 2005). Many of the migrants are slated to become sedentary dairy farmers working with foreign-breed milk cows; see Brown, *op. cit.*, pp. 43-44.
4. In Ordos, migrants receive 20,000 *yuan* (\$2,400) being given to each migrant (Jiang, "Fences, Ecologies, and Changes in Pastoral Life"). In Chakhar, Mongol herders being moved due to the production of a power plant received 10,000 *yuan* (\$1,100) if they agreed to renounce all return to their previous pastures; those who wish to retain their right to return would receive only a mud-brick house worth 5,000 *yuan* (\$550) and would have to purchase an Australian milk cow; see "Power Plant Project Forces Local Mongols to Abandon Ancestral Lands," September 4, 2003, at http://www.smhric.org/news_30.htm (accessed April 6, 2005).
5. In Ereen Khot (Erlian) the city boundaries were recently expanded to include pastures with 354 herding households. Of these only 50-80 have been chosen to be allowed to stay on the land to promote "animal husbandry for tourism." See "Ereen Hot municipality lends every effort to implement ecological migration project," August 8, 2004, at http://www.smhric.org/news_43.htm (accessed April 13, 2005). 100 households are being moved from Bүridү *gachaa* (a sub-township unit) in Üüshin Juu township (Jiang, "Fences, Ecologies, and Changes in Pastoral Life"); the only figure on the total population of that *gachaa* available to me, that of 210 households in 1984 (*Nei Menggu Zizhiqu diming zhi: Yike Zhao meng fence* [Höhhot: Inner Mongolian Autonomous Region Local Names Commission, 1986], p. 326), would indicate that roughly a third of the households are being moved.
6. Dennis Sheehy, "Grazing Management Strategies as a Factor Influencing Ecological Stability of Mongolian Grasslands," *Nomadic Peoples* 33 (1993), pp. 17-30, esp. pp. 26-27.
7. "Inner Mongolian authorities carry out new policies: Land use first, formalities later on" June 24, 2003 at http://www.smhric.org/news_27.htm (accessed April 6, 2005).
8. See Hong Jiang, "Fences, Ecologies, and Changes in Pastoral Life."

9. GardiBorjigin ,“InnerMongolian Environment Threatened, Nomads ForcedtoMove,”at <http://www.expertclick.com/NewsReleaseWire/default.cfm?Action=ReleaseDetail&ID=8211> (accessed April 6, 2005).
10. In April, 2002, a speech by CCP Politburo member Jiang Chunyun on tour in eastern Inner Mongolia monitored by the BBC made it clear that effectively implementing ecological migration will be the test for any cadre who hopes for promotion. “Any cadres in desertified areas who fail to attach importance to the environment should not be cadres; those who fail to build a sound environment are not good cadres. . . In areas where desertification is serious and where the conditions for human survival are more or less lost, ecological migration should be conducted.” Jiang Chunyun’s remarks on this tour are one of the clearest expression’s of the central government’s views on environmental policy in InnerMongolia. Seehttp://coranet.radicalparty.org/pressreview/print_right.php?func=detail&par=3268 (accessed April 13, 2005).
11. Song Naigong, *Zhongguo renkou (Nei Menggu fence)* (Beijing: China Finance and Economics Press, 1987), pp. 363, 359-361
12. *Nei Menggu da cidian* (Höhhhot: Inner Mongolia People’s Press, 1991), pp. 275, 296.
13. Hong Jiang, “Cooperation, Land Use, and the Environment in Uxin Ju,” pp. 117-139.
14. This was the conclusion reached by the large Macarthur Project; see Caroline Humphrey and David Sneath, *The End of Nomadism? Soceity, State and the Environment in Inner Mongolia* (Durham: Duke University Press), esp. pp. 292-93.
15. Dennis Sheehy, *op. cit.*; Dee Mack Williams, *Beyond Great Walls: Environment, Identity, and Development on the Chinese Grasslands of Inner Mongolia* (Stanford: Stanford University Press, 2002), esp. pp. 117-137; Hong Jiang, *op. cit.*, esp. fig. 9.
16. A BBC broadcast includes interviews with Han farmers from Taipusi Banner and Mongolian herders from around Shiliin Gol both being affected by “ecological migration”; see http://www.bbc.co.uk/worldservice/programmes/ram/parched_lands/parched_lands3.ram (accessed April 6, 2005). While no ethnic breakdown has been released, the ethnic demography of Inner Mongolia and the overwhelming testimony of observers agree that mostly Mongols are being affected.
17. Burton Pasternak and Janet W. Salaff, *Cowboys and Cultivators: The Chinese of Inner Mongolia* (Boulder: Westview, 1993), pp. 143-253.
18. A study of 111 households relocated in Sönid Right Banner showed their average incomes dropping from 2,872 *yuan* before relocation in 2000 to 503 *yuan* after relocation in 2002. At the same time their debt load rose from 0 *yuan* to 7,000-8,000 *yuan*. Enrollment in Inner Mongolia’s elementary schools dropped 19.4% from 2002 to 2003. See Enhebatu Togocho, “Ecological Immigration and Human Rights,” paper presented at the Annual Meeting of the AAS, April 3, 2005.
19. Abuses of eminent domain are also found in Inner Mongolia; see for example “Power Plant Project Forces Local Mongols to Abandon Ancestral Lands,” September 4, 2003, at http://www.smhric.org/news_30.htm (accessed April 6, 2005).
20. The *sumu* is a Mongol township; typically Mongols monopolize local government and police in the *sumu* even where Han migrants make up a large percentage or even a majority of the residents. See for example Pasternak and Salaff, *Cowboys and Cultivators*, esp. pp. 170-172. The special administrative terms used in Inner Mongolia’s Mongol regions are as follows:

Regular Chinese terms	Inner Mongolia’s Mongol areas
province	Autonomous Region
prefecture or municipality	league (<i>aimag</i> in Mongolian, <i>meng</i> in Chinese)
county (<i>xian</i>)	banner (<i>khoshuu</i> in Mongolia, <i>qi</i> in Chinese)
township (<i>xiang</i>)	sumu

21. William B. Jankowiak, in his *Sex, Death, and Hierarchy in a Chinese City: An Anthropological Account* (New York: Columbia University Press, 1993), pp. 33-37, 303, stresses the resentment which preferential policies for Mongols raise among Han in Inner Mongolia’s capital, Höhhhot; Uradyn E. Bulag describes the ethnic and regional factionalism in Inner Mongolian government in his “Dialectics of Colonization and Ethnicity Building,” in *Governing China’s Multiethnic Frontiers*, ed. Morris Rossabi (Seattle: University of Washington Press, 2004), pp. 84-116.