Research on the Modernization of Governance Systems and Capabilities in Ethnic Border Regions

-- A Case Study of the Integration between Cangyuan Wa Traditional Culture and Modern Law

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Abstract

The core challenge in modernizing governance in ethnic border regions lies in whether the tension between the universal logic of state law and local traditional norms can be transformed into operational institutional interfaces, rather than merely overlapping or coexisting. This article takes Cangyuan Wa Autonomous County in Lincang City, Yunnan Province, as a case study, focusing on the mechanisms of integration between the Wa people's traditional "Awali" norms and modern legal systems across three dimensions: authority, norms, and procedures. The research reveals that the sustainability of integration is constrained by both the gradual decline of traditional authority across generations and the ambiguous handling of complex legal relationships by customary law. The direction of deepening does not lie in the pursuit of "complete integration", but in establishing differentiated institutional boundaries.

Keywords

Research on Border Governance,Modernization of the governance system, Cangyuan Wa Nationality, judicial confirmation.

1. Introduction

The modernization of governance in border ethnic areas always faces a structural question: When the unified national laws extend to the grassroots society, how can they effectively "connect" with the existing local normative order, rather than replacing one with the other? Existing studies have generally focused on "customary law as a supplement to national law" and "the normative space of legal diversity", but the complementary or diverse nature at the "ought" level is not sufficient to answer the operational questions at the "is" level: through what mechanism does the connection occur, at which stage does it switch, and where does it encounter limitations.

Cangyuan Wa Autonomous County provides a relatively complete sample to address this issue. Cangyuan is located on the border between China and Myanmar, with a concentrated population of the Wa ethnic group. The traditional Wa society is centered around the "A Wa Li" norms and mainly follows the procedure of village elders' mediation. At the same time, in historical events such as the resistance against the British in Ban Hong, a clear tradition of national identity was formed. In recent years, Cangyuan has implemented the "elder + judge" joint investigation, the "Ney Luo Lium" mediation work method, and the judicial confirmation closed-loop system at the grassroots level, systematically integrating traditional normative resources into the modern governance system. This article takes these practices as the analysis object and asks three levels of questions: Which elements of the traditional Wa norms have the characteristics of being compatible; How did Cangyuan complete the layer-by-layer

transformation from "people" to "rules" and then to "effectiveness"; What are the sources and structural limitations of the efficacy of this connection structure.

2. The Connective Elements of Awa Li: From Cultural Character to Governance Resources

The prerequisite for understanding the connection is to clarify the nature of the objects being connected. The traditional norms of the Wa ethnic group are not a closed "primitive law", but rather a complex normative system with its own governance logic. "Awa Li" is the core category of it, which not only includes specific rules such as marriage prohibitions, property punishments, and resource usage, but also carries the value orientation of "harmony", emphasizing harmonious coexistence among people and villages, and taking fairness, justice, and honesty as the normative basis. The "Jiang San Mo Luo" in Wa culture also represents the spirit of being both intelligent and courageous and fairness and justice, "Jiang" in the Wa language originally means "scale", containing a simple concept of balance. The statement of Long Na Village is quite typical: The Wa people have passed down the concept of "a single bamboo stalk cannot become a bamboo pole, but multiple bamboo stalks can become a bamboo pole" and "Jiang San Mo Luo" of unity and fairness for generations, as well as the reconciliation customs of "one pot of tea, one stick of tobacco, one bowl of rice, one egg". These elements are not inherently opposed to the basic values of national law, but rather there is room for dialogue at the levels of "justice", "order", and "harmony". More importantly, the "Awa Li" does not merely remain at the conceptual level; it has its own procedural carrier. The Wa ethnic elders in the village of Saimong in Yanshu Town, Caoyuan County, may not know the full name of the "People's Mediation Committee", but they are familiar with "Nielao Loom". In the past, when there were disputes in the village, "putting a pot of tea, a stick of tobacco, a bowl of rice, and an egg on the table, and having the village head settle the dispute in the middle" was the daily form of traditional dispute resolution. The "Sala House" (Wa language meeting pavilion) in Long Na Village, which is about three hundred years old, is said to have been built by the tribal chief to mediate disputes in the village. It is still the place where villagers "sit down to have a chat". This means that the task of governance modernization is not to deal with a normative vacuum that needs to be constructed from scratch, but to deal with an order space that already has authoritative carriers and procedural inertia. Therefore, the task of connection is to establish convertible interfaces on the existing structure, rather than "covering" this space with national law.

3. The Three-tier Linkage Mechanism in Cangyuan

The exploration in Cangyuan can be summarized as three progressive levels: authority, norms, and procedures. These three elements are not parallel and equal; rather, they progress from "who will do it" to "what basis to follow" and finally to "where the authority comes from", forming a relatively complete institutional chain.

3.1. Authoritative Integration: Institutional Incorporation of Traditional Dispute Resolution Entities

The most direct connection occurs at the main level. The court of Cangyuan County established a "Washo elder + judge" joint investigation model, set up a judge's office at the county's public security and stability center, and trained over a hundred "legal experts". They guided the border villages to incorporate legal content into village regulations and folk customs. The "Nielao Loomong" people's mediation room in Saimeng Village further materialized this logical entity. They recruited village elders, old Party members, and legal experts to form a bilingual mediation team. They used both the "emotional thread" and the "legal thread" to drive the

mediation process: respected elders used their emotional influence to persuade the parties involved, while the "firefly" legal mediators implanted legal boundaries during the mediation. [1] A villager from Longna Village described the dispute over the boundary of forest land precisely, presenting this division of labor: "The village elder explained the old rules to reason things out, while the mediator presented the legal provisions as the basis. Both sides calmed down before discussing compensation."

The essence of this approach is to transform the traditional authority from an "outside-the-system" folk force into an "inside-the-system" auxiliary role. The village elder no longer appears as an independent adjudicator, and the source of their authority partially shifts from pure personal prestige to institutional authorization. The two types of authority are placed side by side in the same field, neither replacing the other but forming a functional division: the traditional authority is responsible for "venting anger" and "reasoning", while the institutional authority is responsible for "defining rights" and "following the law". The network that Long Na Village has established, involving village group officials, "legal experts", village elders, and local celebrities, for jointly participating in mediation, is precisely the manifestation of this interwoven structure at the organizational level.

3.2. Standardized Screening: The Selective Pathway for Awa Li's Inclusion in Village Rules and Mediation Practices

The authoritative integration resolves the issue of the legitimacy of the subject. However, which contents in the Awa system can be accepted by the governance system need to be filtered. Village regulations and folk conventions are the most concentrated institutional outlets. The village regulations and folk conventions in the border villages of Cangyuan integrate the content of the rule of law with the simple and concrete behavioral rules in the traditional wa culture. They form normative expressions that overlap with the national laws in areas such as property order public facility management, and environmental conditions. The prohibition rules regarding the felling of trees on altars, water sources and auspicious places in the Awa system, originally guaranteed by ritual punishments such as "killing pigs and oxen, killing chickens for sacrifice", have gradually transformed into ecological protection clauses in the village regulations and folk conventions jointly undertaking the governance function with environmental protection regulations[2].

This selection process follows a "overlapping consensus" logic: contents that can be compatible with the basic order of national law and still maintain psychological identification within the community are retained and given the formal form of village regulations; contents that conflict with the principles of legal equality and freedom of marriage are excluded at the formal institutional level. [3] The selection process in mediation practice also exists, but in a different way. The mediation process of a forest rights dispute in Saimeng Village shows that the mediators did not directly replace local knowledge with legal provisions. Instead, they asked the parties to "produce aerial photos of the land boundary" and "describe the actual harvest of the planting area", reconstructing consensus within the local cognitive framework, and ultimately forming an agreement of "clarifying management responsibilities, determining boundaries, and facilitating industry exchanges". Here, the selection of norms is manifested as: the "harmony" and "mutual assistance" orientations in traditional norms are retained and activated, but the substantive allocation of rights and obligations still needs to be tested by the legal framework.

3.3. Program loop: The conversion mechanism from public consensus to judicial effect

The most significant institutional and technical integration occurs at the end of the process. The Judicial Affairs Office of Yanshazhen Town deeply combined the "Nielao Luomeng" working

method with the judicial confirmation mechanism, forming a seamless closed-loop integration of "signing of the mediation agreement → application for judicial confirmation → rapid review by the court". The parties "do not have to go through litigation or pay litigation fees", but receive a ruling with enforceable effect. The court in Cangyuan County also actively connected with the grassroots mediation committees for civil and commercial disputes that were suitable for mediation, promptly conducting judicial confirmation for successful mediations and seamlessly transferring unsuccessful cases to the litigation process. The key function of this setup lies in that it prevents the consensus reached through traditional mediation from remaining at the "humanistic constraint" level, but instead gains the endorsement of state coercive power. The advantage of traditional mediation is low cost, maintaining relationships, and acceptability, while its weakness is the lack of finality and coercive power. The "Nielao Luomeng" model does not attempt to allow traditional mediation to generate coercive power on its own, but through the judicial confirmation "converter", it "translates" the folk consensus into legal effect. This is much more profound than "adding some legal explanations" during mediation: the former is a structural connection at the procedural level, while the latter is only a symbolic integration at the discourse level. Longna Village transformed the three-hundred-year-old deliberation pavilion into a "micro-venue" for mediation, and relied on the three-level network of "town mediation committee - village mediation committee - villagers' group mediation team" and the "seven early and one timely" closed-loop management, enabling this conversion device to obtain stable space and organizational support. Over the years, the rate of conflict resolution and investigation has remained at 100%[4].

4. The Cultural Foundation and Spatial Carrier of Governance Effectiveness

The reason why these three mechanisms have observable governance effects in Cangyuan lies in their simultaneous response to two constraints of frontier governance: the national law must maintain uniformity, and local order must maintain acceptability[5]. From an efficiency perspective, the authority integration reduces the social resistance to the entry of the law into the Wa ethnic village, the norm selection reduces the direct collision between the national law and the Awa customs in application, and the procedural loop enables a large number of disputes to be resolved at a lower cost with finality before entering litigation. The Cangyuan court has promoted "field courts" and "fire pit mediation", conducting court mediation in the Wa language, and the number of visits has continued to decline. This is in line with the institutional rationality of this mechanism. The county has cultivated 570 people who are proficient in "Chinese + Wa language" as "legal experts", and organized 109 training sessions for mediators in 2025, covering 1,528 people. This provides human resources reserves for the connection structure.

The cultural foundation is also not to be ignored. The connotation of fairness and justice carried by "Jiang Sanmolu" provides a local legitimate discourse for judicial confirmation and legal mediation; the orientation of "harmony" in "Awa customs" makes the procedural arrangement of giving priority to mediation and restoring relationships more easily accepted. The historical memory of the resistance against the British in Banhong indicates that the Wa society has a deep foundation for its recognition of "the state". The Banba Village of Banhong Township and the border defense company, police station jointly established a "joint party branch", relying on the red resources such as the Banhong Resistance Against the British Memorial Park to form a border defense pattern of "villages being fortresses, households being sentries, and everyone being a sentry", which is a trial of converting historical recognition into contemporary governance resources. Therefore, the connection is not only the splicing of institutional

technologies, but also seeking "understandable expressions" for national governance in the local cultural context.

5. Conclusion

The experience of the Wa ethnic group in Cangyuan indicates that the key to the modernization of the governance system and governance capacity in border ethnic areas does not lie in making an either-or choice between "tradition" and "modernity", but in designing institutional interfaces that enable the two to transform into each other. The basic structure of this interface consists of authoritative integration, norm selection, and procedural closure. Its value lies in transforming the "background" of governance into an operable and controllable "variable" for the Wa people. The "Sala House" in the village, which has transformed from a meeting place for the village elder to a grassroots site for good governance that integrates mediation, public opinion collection, and integrity education, is a microcosm of this transformation in both spatial and institutional terms. However, this structure is not a one-time solution. The decline of traditional authority, the uncertainty of selection criteria, and the fluctuation of inclusion scales all suggest the fragility of the connection. Future research is necessary to further track the actual implementation of judicial confirmation cases in Wa ethnic villages and the way village regulations and folk norms are invoked in specific disputes, so as to examine at the micro level to what extent "connection" has changed the rule practice and to what extent it has merely changed the discourse form of the rules.

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