

Trapping the Wanderers: The Disappearance of the Nomadic Way of Life

Caity Rautenstrauch, Webster University – Saint Louis

Abstract

Nomadic people are the world's neglected cultural minority. Their unique, peripatetic way of life leaves settled society uncertain and uncomfortable. In Europe, Africa, Asia and the Middle East, these peoples are subjected to pervasive discrimination and overwhelming mistreatment. Within this paper, I address some of the human rights issues facing nomadic peoples. I explore the ways nomadic people differ from settled society regarding property and social organization. I analyze the shortcomings of human rights frameworks which, having been written exclusively for sedentary people, do not offer appropriate protections for nomadic populations and leave them vulnerable to discrimination and abuse by settled society. Nomadic peoples have the right to self determination and deserve the opportunity to continue practicing their culture, of which movement is pivotal.

“Ordinary, innocent people – hard working, normal, straightforward people – want to get on with their lives in peace, but they want protection by the law when they are invaded by this scum. They are scum, and I use that word advisedly. People who do what these people have done do not deserve the same human rights as my decent constituents going about their everyday lives.”

– Andrew MacKay, Member of the British Parliament
discussing the Travelers' occupation of a parking lot in 2005

On the outskirts of several European cities – from Paris and Budapest to Cluj-Napoca, Romania – hundreds of thousands of Roma, or Gypsies, live in temporary, crowded shanty towns built with corrugated iron, sheets of plywood and perforated tarps. They live with limited access to clean, running water, flushing toilets, or medical care. Very few attend school or receive a formal education, and even fewer are employed. Many make a living collecting scraps of metal, glass bottles, or anything else that can be sold for recycling. Frequently, this nomadic lifestyle is targeted by outsiders who wander into the Roma settlements to burn down houses and beat residents without cause. Roma mistrust in the government, formed after years of neglect and abuse, leaves victims without anywhere to turn for help, and little means for providing justice for themselves (Amnesty International, 2012; Human Rights Watch, 2011b; Pogány, 2004).

These deplorable living conditions and threatening treatment from outsiders are not unique to the European Roma; nomadic populations around the world – as varied as they may be in culture, language, and location – face comparable discrimination from the settled populations of their regions. Nomadic peoples have very little personal property and land holdings, they typically value collective wealth over individual status, and they often live without regard to state borders (Goldston, 2010; Khazanov, 1994; Poulter, 1998). All of these practices greatly contradict the preponderant way of life exhibited by the settled communities who make up the majority of the world's population. In current society, nomads such as the Bedouin wandering northern Africa and the Middle East, the nomads of the Eurasian Steppes, the !Kung bushmen of southern Africa, and Europe's Roma populations all represent people who have been forced to settle or have been marked as a gratuitous burden upon settled society.

The definition of nomadic peoples has been subject to great debate (Chang & Koster, 1994; Kaufmann, 2009; Khazanov, 1994). For the sake of this paper, nomadic populations include any ethnic

group, clan, or tribe that desires to move from place to place, regardless of motivation, as long as mobility is an important aspect of their cultural life and sedentarization would have a negative impact on economic or social well-being. The origins of nomadism matter little for this purpose. The history is largely undetermined; what is important is that nomadic populations emerged worldwide according to their own motivations and with consideration to any inhibiting factors (Khazanov, 2010). Today they exist in dwindling populations, fighting for their survival.

A cessation of the nomadic lifestyle has been called for and enforced by state governments. These actions are illustrated by the relocation of Tibetan nomads into ghetto-style housing, the destruction by Israel of Bedouin encampments, and the deportation of the Roma out of France and other European countries for a number of reasons. Nomadic people are administratively inconvenient for nation states. Previously self-sufficient, independent groups, they were perceived to be unproductive members of society following the introduction of the state, fluctuating between one country and another while living unregistered lives (Lloyd & McClusky, 2008; Pogány, 2004; Tatham, 2005). Members of nomadic groups are thought to have some sort of criminal disposition and are considered untrustworthy because of their patterns of relocation (Amnesty International, 2012). They are unique and therefore require extra effort and adjustment. For this, settled society looks upon them with a notion of moral superiority (Human Rights Watch, 2011a).

Nomadic people, just as any other population, have the right to self-determination and to practice their traditional cultures, of which movement is pivotal. Within human rights documents, like the foundational Universal Declaration of Human Rights, property ownership and other implications of settled life, like citizenship, are critical tenements (United Nations General Assembly, 1948). Because nomadic people often lack a stationary address, established employment, legal nationality, and other

international human rights protections are sometimes difficult to apply to nomadic populations.

Regardless, these marginalized populations deserve protection.

Unfortunately, the rights of nomadic people are often directly violated. As noted by Trevor Phillips (2004), the chair of the UK-based Commission for Racial Equality, mistreatment of the Roma population is the last socially acceptable form of racism. He notes that it is acceptable for bars and shops to erect “No Traveler” signs to indicate that nomadic business will be refused, and that the media often vilifies the nomadic way of life. Within and outside of Europe, home demolitions and state-sponsored relocations are commonplace (Associated Press, 2012; Human Rights Watch, 2011b; Manski, 2007). Nomads face discrimination and violence, and laws are written directly targeting and criminalizing their livelihoods (Human Rights Watch, 2012).

This paper highlights and addresses some of the human rights issues facing nomadic populations. Stemming from the stigmas against nomads as not fully adapted people, incredible discrimination exists in all aspects of their lives. After a review of the literature, I explore the ways in which nomadism is seen as an improper culture and how nomadic people are denied vital land rights. From there, I present case studies of abuses, both present day and in the recent past, of the Bedouin of Israel and the European Roma. From these cases, I analyze the implications of restricting nomadic movement and forcing livelihood changes related to cultural and economic well-being. Afterwards, I consider the benefits of coupling nomadic rights with the indigenous and minority rights movements, before finally offering my own considerations on the future of nomadic rights. Nomadic people do not fulfill the criteria of personhood in international law and therefore are neglected by human rights framework and left vulnerable to grave mistreatment.

Literature Review

Literature about the plight of the nomadic people is rare, much like the nomads themselves, and spread across the disciplines. Nomadism seems to have not found a place in academia or in current society. Outside of ethnographic accounts of nomadic cultures, few books document the depraved situation of nomads. Analysis of the abuses against nomadic people is often missing in current news, or it appears as one line factual statements or footnotes in larger articles on the history of a region. Human rights abuse against nomadic peoples is often viewed as a fact of their transient situation, rather than a shocking situation that deserves pause.

Anthropologists have written an abundance of interesting case studies on nomadic cultures – some painting a more quaint, idyllic picture than is realistic. Anthropologists tend to be observers, not involved actors in social change, despite their investment in the preservation of culture. In these ethnographies, few anthropologists focus on the present day situations of these populations outside of final chapters where the authors may hint at shifting attitudes within the groups – people are settling down. István Pogány (1994), who is more law professor than anthropologist, offers great information from his field work with the Roma populations of Hungary and Romania in his ethnography, *The Roma Café*. In what he terms the “Forgotten Holocaust,” he calls attention to the often ignored historic plight of the Roma, especially during World War II (Pogány, 2004, p.45). During that time, Gypsies were rounded up by German troops and their own governments, systematically killed, or forcibly sterilized. The Nazi targeting of Gypsies is largely missing from popular analysis of the Holocaust, which is another indication of the lack of public investment in Roma issues. This is not helped by the Roma having no desire to draw attention to it themselves. With more demanding present-day issues like feeding or sheltering their families, many Roma make the deliberate choice to leave the past behind and therefore have “no tradition of commemoration or even of discussion” of the Holocaust. In fact, the Romani

Holocaust “is a story that remains almost unknown – even to many Gypsies who survived it” (Pogány, 2004, p. 46). In part, this lack of discussion results from the Roma’s inability to command the attention of politicians, the media, and the rest of non-Roma society. High levels of illiteracy and few well-educated members of Roma society mean there are few people to represent their issues. Pogány (2004) notes that many of the individuals he interviewed could not spell their names or the streets on which they lived. Roma journalists are rare and lawyers who are willing to take up Roma issues are almost nonexistent (Pogány, 2004).

The lives of nomadic people on the fringe of society becomes even more insufferable in the event of shifting human rights paradigms. Pogány (2004) contends that human rights frameworks are increasingly being supplemented by trade-related and market-friendly human rights, transitioning from concern for the well-being of vulnerable populations towards an emphasis on the needs of the only certain members of society, largely those in political power. Short of the creation of an entirely new system, Pogány (2004) considers human rights frameworks useful as long as they are refocused towards the protection of underprivileged communities. Pogány (2004) identifies the relatively good life of the Roma under the Communist regimes of Central and Eastern Europe. During that time, the Roma were assured some level of material security, had access to jobs, food, and some civil and political rights, though “freedom of expression and political participation have little meaning to people living on the edge of subsistence, in stinking settlements or squatting in crumbling tenement buildings” (Pogány, 2004, p.125). Recognition and enforcement of basic rights like the freedoms from inhuman treatment and from discrimination on the basis of race or ethnicity in the provision of public services or matters of employment are crucial aspects of a successful society and would improve the social situation of the Roma (Pogány, 2004).

While Pogány (2004) offers evidence that the Roma have long been victims of state abuses, Claudia Chang and Harold Koster (1994) suggest a less victim-based approach. Their book, *Pastoralist at the Periphery*, includes essays identifying just how nomadic pastoralist groups in the nineteenth century adapted to colonization and participated in the capitalist system. The point they hope to prove is that “no matter how violent and all-encompassing change from the outside may be, social actors are rarely passive recipients of that change” (Chang & Koster, 1994, p. 15). They stressed throughout the book that nomadic people are on the edge of society— geographically, economically and politically. The threat of sedentarization lingers between the lines of every account; there are goat herders in the Andes who had their pastures bought out from under them, uncertain how to fight back against the *hacedados* (wealthy hacienda owners) who were purchasing it, and tribesmen in Africa who had to protect their cattle from theft by larger farmers claiming the cows as their own. When the goat herders were forced to continue grazing on smaller and smaller parcels of land, Chang & Koster (1994) considered it a success of social adaptation. The herders could continue their livelihoods harmoniously with the *hacedados*, who are represented in the book positively for going about land use in the right way, by buying it. Although Chang & Koster (1994) offer anecdotal accounts of groups that were just getting by, hanging on by a thread, there was not enough analysis of why nomadic people must exist on the periphery to begin with. The dominance and superiority of settled, mainstream society is accepted. It is the capitalist system, after all, that the nomads are trying to fit themselves into; not the capitalist system trying to figure out how to accommodate the pastoralists.

Non-government organizations (NGOs) such as Amnesty International and Human Rights Watch provide a number of case studies focusing on nomadic struggles. Only organizations like these voice concern about the nomad’s well-being with any sort of regularity. For instance, Human Rights Watch emphasizes the connection between nomadism and statelessness. For the Bidun of Kuwait, state resistance has led to incredible difficulty in establishing their citizenship and accessing many basic

services. Following the emergence of Kuwait as a state in 1961, citizenship became a new and unnecessary concept for the sheep herding people and few registered themselves or their families (Human Rights Watch, 2011c). The Bidun received the same social benefits as the rest of the population for some time, but their status was changed to “illegal residents” during social unrest in the 1980s and ‘90s. This distinction excludes them from receiving health care or having access to education and employment (Human Rights Watch, 2011c). With international importance placed on citizenship and documentation, stateless people like many nomads (who previously had no need for state affiliation) face difficulty protecting their basic human rights. Human Rights Watch (2011c) offers recommendations including granting all Bidun Kuwaiti citizenship. In the short term, this is a positive step for those who require access to education or housing. In the future, however, there needs to be considerations for populations like the Bidun who should not have to belong to a state to access their human rights.

Previous cases that brought attention to Roma issues offer hope for defending the human rights of nomadic peoples. James Goldston (2010) catalogues a number of instances that provide lessons for future activism. First, there was a series of cases that questioned the state’s consistent failures in investigating or remedying police violence against the Roma. In these instances, the state was forced to acknowledge the human rights violations and acknowledge that protections and fair treatment must be offered regardless of ethnicity. Another slew of cases identified the state’s discrimination of the Roma in all public arenas. Along with police violence, investigators focused on discrimination in education, housing, and access to public places like restaurants and bars. One case in the Czech Republic, which called attention to the disproportionate number of Roma children in special schools, ruled that the state needed to take consideration of the “particularities and [unique] characteristics of the Roma children” and that failure of the generic state test was not “justification for the impugned difference in treatment” (Goldston, 2010, p. 321). Goldston (2010) noted that when activists ventured into Roma rights litigation in the 1990s, the “legal landscape was bare” (p. 317). Still today, there is incredible discrimination

against nomadic peoples with few successes in combating stigma or blatant rights abuses. Resistance to these views must be slow and steady, as Goldston (2010) shows, with the use of evidence and the commitment of nomadic activists and supporters to build compelling arguments for real change.

The Expectation of Pure Nomadism

In the case of nomadic rights, as with many vulnerable groups, there has been great debate over what traditions do and do not represent nomadism. These debates take place not only in academia, but among NGO and state actors; many of these discussions feed into the stereotypes of nomads as half-peoples who do not truly fit their own cultures or into settled society. In reality, nomadic groups are varied. It used to be thought that their migrations only occurred as an adjustment to environmental factors, so that livestock could follow rains into fresh pastures and so forth (Kaufmann, 2009). However, the reasons for movement can be much more nuanced. Some people move to avoid feuds within groups, to prevent overpopulation, or to escape disease (Hodgson 2011). Most nomadic groups are pastoralists but some, like the Roma, move for cultural reasons and out of necessity to find work (Pogány, 2006). Pastoralism is used to describe those people who are not wholly dependent on livestock for survival. Some populations – Arctic reindeer herders, several Bedouin groups in the Middle East, and some of the nomadic peoples of central Asia – are nearly entirely supported by their animals (Ingold, 1994). Structural organization within nomadic groups is often limited and strict political leadership is rare. Small populations, mobility, and few technologies mean that nomadic groups have little necessitated cohesion, though there is still investment in group maintenance. Groups are held together through a shared past, a focus on kinship, and a common ethic of sharing (Ingold, 1994). Wealth redistribution limits individual surplus and prevents storing resources, which is a difficult practice for mobile groups (Khazanov, 1994). Despite being considered an outdated, inefficient mode of subsistence,

nearly all nomadic groups – whose existence has not been subverted by national governments or modernity – have a varied and balanced diet that, coupled with frequent movement, has led to healthier individuals who also work less than their sedentary neighbors (Ingold, 1994). Nearly all nomadic populations maintain close ties with sedentary populations, in the form of small trading posts or participation in large markets where they buy supplemental nutrients and sell goods (Khazanov, 1994).

Nomadic interaction with sedentary groups, as well as their frequent dependence on them in modern times, helps explain why many nomadic cultures have been considered “half-cultures” that are not fully developed in sedentary society or living up to the “pure” form of independent nomadism (Kaufmann, 2009). Several scholars advise against the concept of “pure” nomadism, however. Jeffery Kaufman (2009) writes that while various studies have different ideas of “pure” nomadism, peoples who depend only upon themselves and the movement of their livestock are largely extinct. In fact, Anatoly Khazanov (1994) argues that the concept of “pure,” independent, mobile pastoralism is today an impossibility. The more specialized groups became in moving their herds across a landscape, the more dependent they were on outside society to supplement their livelihoods with things that were not discoverable during their migrations. Furthermore, the incorporation of agriculture into nomadic groups improved their economies, allowing more opportunities for success. This form of chosen and partial settlement is very different from the systematic and enforced entrapment many states have against their transient populations (Khazanov, 1994).

This expectation of essential nomadism, as well as the fact that such “pure” nomadism no longer exists, leads some people to incorrectly argue that nomadic populations do not have their own legitimate cultures. With popular thought conjuring one idea of what it means to be nomadic, and the reality being so different, the misunderstanding leads to difficulties in the application of laws and the

encouragement of prejudices. Regardless, nomadic populations are fully-formed cultures with capabilities for self-governance, the desire to practice their livelihood within traditional territories, and the ability to make decisions about their form of subsistence. Rigid conceptions of what makes a nomadic person can result in the denial of benefits under ethnic minority acts; in the United Kingdom, individuals must travel seasonally to receive Gypsy minority status (Lloyd & McClusky, 2008). No other group has such a particular restriction. The expectation that all Roma must be part of fully mobile groups leaves no space for the reality that many are semi-settled.

Nomads as Ineffective Land Occupiers

At the heart of most conflicts between sedentary and mobile populations are issues of possession and ownership of land. Nomads must have access to land to relocate for grazing and cultural purposes. With most land falling under private ownership, there is little opportunity for nomadic tribes to continue their way of life without interference. When encountering this interference, assimilation is often the adjustment of choice. Being forcibly relocated to foreign lands has drastically altered the nomadic social structure. They often fail to find new economic opportunities, are discriminated against by the greater population, and face increased tension and violence within and outside of families. There is little effort exerted by the state, which assumes that nomads will be too difficult to deal with if they offer assistance. This reveals that even at the national level, there are harmful stigmas preventing nomadic people from receiving access to housing, education, employment, or citizenship. Many of necessities for the nomadic way to life are further seen as inappropriate uses of land and incompatible with the majority's idea of a livelihood (Gilbert, 2007; Human Rights Watch, 2011a; Kaufmann, 2009; Pogány, 2004).

Jérémie Gilbert (2007) establishes the allowances of nomadic land rights from an international law perspective. He explicitly outlines the legal challenges and small triumphs made in recognition of nomadic land rights. There are a number of ways in which a person must use their land in order to be considered entitled to own it, which legally means that nomads are often “ineffective occupiers of their territories” (Gilbert, 2007, p. 5). Philosophers such as Locke, Rousseau and Kant all indicated through their writings that agriculture – the occupation of land for use and cultivation – was the only basis for ownership over that land (Singer, 2011). With this argument in mind, “Only cultivation of land can be regarded as proper occupation of land, and only agriculture can be regarded as a basis of a real land tenure system” (Gilbert, 2007, p. 5). Nomadic groups do not often toil their soil, and therefore they are not seen as having reason to own the land. Gilbert (2007) explains that:

Nomadic peoples were regarded to be in a sort of pre-political state of nature with no proper law and institutions dealing with property in land. Despite some nomadic communities having extremely elaborate systems of property rights, political scientists and lawyers have usually failed to recognize such systems either by ignorance or by arrogance. Only a system based on settled agriculture was seen as giving rise to a recognized system of property in land (p. 6).

It has been a continual struggle for nomadic populations to receive legal recognition, including citizenship or residency, while their political influence is severely limited by the need for registered land holdings. Critics such as Emerich de Vattel contend that nonagricultural societies did not have the lawful right to occupy a country. He goes so far as to forgive the seizure of Native American lands by asserting the superiority of settled agricultural societies, arguing that because nomadic peoples move from place to place, they have no ties to the land and no need for such large areas (Gilbert, 2007). This concept of the “effective occupation” of land has left nomadic peoples to be regarded as legally nonexistent. They are “perceived as not being civilized enough to have a right to occupy their lands” and preferences for agriculture “resulted in the belief that territories inhabited by nomadic peoples were empty and open to conquest” (Gilbert, 2007, p. 8).

Considered inefficient occupiers of land, nomads are often disregarded and their territories have been taken over by settler societies. These colonizers were aided by the intentional law principle of *terra nullius*, which implies that any uninhabited territory is open to conquest and occupation by states. The relationship nomadic peoples have with their land wasn't recognized in international law until a case brought to the International Court of Justice (ICJ) in 1975 over a territorial dispute between Mauritania and Morocco over the Western Sahara (Gilbert, 2007). The ICJ considered whether the nomadic tribes living in that area at the time of its colonization were occupiers of that land or if the area was *terra nullius*. The Court decided that the nomadic population "should be considered as having in the relevant period possessed rights including some rights relation to the lands through which they migrated" (Gilbert, 2007, p. 8-9). The ICJ added that "territories inhabited by nomadic people living as organized societies [should not] be considered empty nor open to state acquisition on the basis of occupation," rejecting the *terra nullius* approach by recognizing the nomadic presence (Gilbert, 2007, p. 9). However, the ICJ did not acknowledge that nomadic peoples had ownership over territory; instead, they tried to determine which state had their allegiance, implying that a particular state should have control of the area (Gilbert, 2007). While the rejection of *terra nullius* jurisdiction for nomadic lands is a crucial step for granting nomadic land rights, it does not assert them as proper owners; rather, they are just viewed as people existing in that area with the potential to be legal title holders.

Without forming a state of their own – something no nomadic population currently seeks to do – exercising land rights will come with great resistance. Considering the incredible challenges that face any group that has tried to secede from a larger country, it is incredibly unlikely that widespread nomadic groups would be able to muster the numbers and organization necessary to make a demand for statehood. In the past, any nomadic state that has formed emerged out of very specific circumstances, and were short-lived historic episodes (Khazanov, 1994). I identify these points not because statehood is something nomads should be seeking, but because statehood seems to be the only

acceptable way for true and legal occupation of land. This should not be necessary. As discussed above, the listed ways of land occupation are not thorough enough. Nomads occupy their land, if temporarily and some without agriculture, in ways just as legitimate as the farmer and the city dweller.

The Bedouin: The Romantic Wanderers

The Bedouin tribes in the Negev desert were – before the creation of the Israeli state and the establishment of surrounding nations – pastoral-nomadic, patriarchal clans traveling with their camels and herds of goats through the dessert (Yahel, 2006). Their peripatetic lifestyle created a romantic concept of desert peoples living truly free in the boundary-less wilderness. The Bedouin trace their lineage through the patrilineal line all the way back to one man within an inclusive group of original Islamic nomadic communities, making the Bedouin indigenous to the area (Hobbs, 1989; Kimmerling & Migdal, 2003). Until the beginning of the twentieth century, the Negev Bedouin wandered the deserts between Saudi Arabia, the Sinai Peninsula, and the south of Palestine without any permanent towns or settlements (Yahel, 2006). Today they are frequently denied their freedom of movement, as well as access to adequate housing or education, and they live in glorified reservations after being removed from their lands and restricted from practicing their livelihoods (Abu-Sa'ad, 2005; Manski, 2007; Yiftachel, 2006).

The Bedouin population has changed significantly during the last century. In 1947, the estimated 90,000 Bedouin living in the Negev lived there alone and controlled nearly all the land. The area was an open pasture overseen and monitored by tribal ownership. Following the exodus and expulsion of Palestinians after the establishment of Israel in 1948, the population of the Negev Bedouin dropped to just 11,000 people who were to be relocated onto a plot of land 10 percent the size of their previous holdings (Raanan, 2010). The Israeli government imposed military administration over the land of the

Negev, collecting the desert to be used as a military zone and reclaiming it as state land (Abu-Sa'ad, 2005). Any remaining residents were deemed illegal and their homes and buildings unrecognized as their personal property. The remaining Bedouin were evicted and concentrated into the Siyag region near Beer-Sheva, effectively severing people from their means of self-subsistence and their historic homes. Only 19 Bedouin tribes retained significant enough numbers to be recognized by the government (Abu-Sa'ad, 2005). To prevent people from returning to their homes, the state required permits for any sort of movement, demolished any existing structures, and reallocated Bedouin lands to Jewish farmers who turned the desert into a green forest and an area for grain growth (Raanan, 2010). For the Bedouin attempting to continue their livelihoods, laws like The Black Goat Law made those attempts impossible. The 1950 law was meant to restrict grazing outside of all recognized land holdings in order to prevent erosion. Since most Bedouin land was unrecognized, all of their goat grazing was illegal (Manski, 2007). In 1968, the first Bedouin town of Tel-Shiva was established to accommodate one tribe. In 1970, the government offered money to the influential heads of families to move their families into these new planned cities (Bora, 2006). Those who accepted would be given a plot of land, access to housing, clinics, and electricity in exchange for abandoning any disputes of land elsewhere (Yiftachel, 2006).

Currently, towns like Tel-Shiva accommodate about 60 percent of the Bedouin population and their state-sanctioned mistreatment continues (Yahel, 2006). For most resettled tribes, city life was unfamiliar and difficult to adjust to. They found themselves in a new place with a new parcel of land and no idea how to build upon it. It was quickly realized that there was not enough room for the animals and themselves (Bora, 2006). Some benefitted from their relocations, living in pre-built houses that offered protection from the elements, as well as access to medicine, food, and water (Manski, 2007). However, original housing and amenities deteriorated as state investments dwindled. Many Bedouin areas have transformed into urban ghettos, teeming with unemployment, crime, and social tension between the

Bedouin and the Israeli population (Yiftachel, 2006). In instances where Jewish cities expanded into Bedouin settlements, none of the amenities were extended to the Arab residents. This exclusion from the city further alienated the Bedouin and perpetuated their impoverished lifestyle. In addition, any tribe members who sought to live outside of the reservations faced difficulty in locating housing and employment, based on the deep patterns of ethnic discrimination (Yifatchel, 2006).

Today, the 70,000 Bedouin who resisted relocation remain on their tribal lands illegally and face several state tactics to pressure for their relocation into the cities (Khoury et al., 2011). Israel still deliberately does not recognize any of the Bedouin settlements, refusing them permits to build and denying them municipal services and basic infrastructure like road access or sanitation services (Yiftachel, 2006). The state frequently evicts families, forcing them to watch as their homes are destroyed sometimes dozens of times during a year (Guarnieri, 2011). Land that is planted upon is poisoned and there still exists heavy restrictions on grazing; the seizure and destruction of Bedouin herds is frequent (Yaftachel, 2006). According to Human Rights Watch (2011b), Israel displaced 459 people out of the West Bank in 2011 following the destruction of 207 structures. In December 2011, the government passed the Praver Plan as a way to solve the problem of unrecognized villages; the Plan approved the relocation of tens of thousands of Bedouin from their unrecognized villages into recognized towns (Khoury et al., 2011). Those who can prove they owned their land before 1979 receive an alternative plot of land and those who cannot receive monetary compensation (Khoury et al., 2011). The Bedouin, who have never put emphasis on ownership or care in state-validated documents to prove ownership, find proof of long-term occupation difficult. The Praver Plan is a violation of their rights to housing and self-determination. Having been drafted without the consent of any of the involved parties, it is a blatant indication of the state's disrespect for its nomadic populations. Israeli actions against the Bedouin have one goal in mind: the destruction of Bedouin culture and their assimilation into a society of Arabs living on the periphery of Israeli society.

The Roma: Europe's Discarded Population

Numbering between ten and twelve million people, the Roma (also known as Gypsies) are a pervasive European ethnic minority found in nearly every European territory (Amnesty International, 2012b). Tragically, feelings of xenophobia and racism follow the Roma to every country they move to. For that reason, they are one of the most deprived communities in Europe. With little societal willingness for social integration, the Roma are often found on the outskirts of large cities in third world shanty towns or in overcrowded tenement buildings (Berthaud, 2010; Pogány, 2004). Due to massive discrimination against the Roma, they are frequently denied access to employment, healthcare, education, and housing. High percentages of their population are also victims of racist attacks and police brutality (Amnesty International, 2012a; Goldston, 2010; Human Rights Watch, 2011a).

The origins and history of the Romani people is blurry and contested by scholars and the Roma themselves (Pogány, 2004). Some say they originated in India and migrated to Europe to work as cheap, slave-like laborers for aristocrats and in monasteries. In the nineteenth century, they were freed but found themselves landless and uneducated with few opportunities (Daley, 2010). History keeping is not a concern for the Roma, since their daily demands are too great to dwell in the past (Pogány, 2004). For several hundred years, the Roma have been mistrusted and unwanted for reasons ranging from being thought of as practitioners of witchcraft to being conniving thieves (Pogány, 2004; Poulter, 1998). These ingrained and expansive stereotypes against the Roma exist still. In 2011, an Italian man told Human Rights Watch (2011a) why he found the Roma untrustworthy: "Romanians have stealing in their DNA." Historically, the Roma supported themselves by selling handmade crafts or working odd jobs like shoeing horses, and today they obtain a little money collecting metal scraps or begging in cities (Daley, 2010; Pogány, 2004).

Indicative of how little the Roma are desired in European territories, settlement destruction and mass evictions are commonplace human rights violations. Issues accessing housing exist in likely every country in the European Union, but explicitly face the Roma in Italy, Hungary, the United Kingdom, Serbia, and France. State entities and private individuals alike attempt to dismantle and destroy Roma settlements. Only occasionally are the Roma informed of their eviction; typically bulldozers just appear and begin to destroy family homes (Amnesty International, 2009). New shelter is occasionally offered to the victims, but it is usually inadequate and overcrowded (Amnesty International, 2009). Laws written to target homelessness directly affect the Roma population who do not live in structures that are considered dwellings. Now viewed as a criminal offense, individuals living and storing their belongs in public spaces will be imprisoned for up to 75 days and fined in Hungary (Human Rights Watch, 2012). These actions will only further impoverish and marginalize the Roma. The Roma should not be targeted and detained for living in alternative ways.

In France, some Roma families were chosen to participate in a new form of Roma integration amidst various forms of state-endorsed mistreatment. There are fenced-off plots of land located in the suburbs of Paris and other places where the French government has placed 60 mobile homes to provide new housing for 185 Romani people. These reinsertion camps were established to provide adequate housing and protection to the Roma against outside attacks. The camps are guarded 24 hours a day and visitors, even non-resident family members, are only allowed in for three hours on Tuesday and Thursday afternoons, thereby denying residents the simple freedom of inviting people to their homes. In exchange for their provided mobile homes, the Roma agreed to send their children to school, learn French, find employment, and follow the rules of the site (Berthaud, 2010). There are many issues with these glorified reservations. First, the selection of families to live within them are chosen based on the lack of a criminal record, family members' occupations, years children have been in school, and so forth. Residency is not given to the families whose needs are greatest. Several French watch groups condemn

the camps, saying they are “semi-internment camps” whose real purpose is the “control and surveillance of a section of the immigrant Roma” (Berthaud, 2010). The government responds by saying that guards are for the protection of the residents and visiting hours prevent more families from moving in. Several of the residents are grateful for their new homes; many mentioned previously moving upwards of 10 times in as many months (Berthaud, 2010). However, this is a half attempt at social integration. The people are still separated and fenced in, under watchful government eyes, on the outskirts of town.

Opposite to policies of integration, as problematic as they may be, the Roma are frequently rounded up out of their illegal settlements and deported. States claim they are illegal because they lack residency papers, and without citizenship the Roma have no home to return to (Pogány, 2006). Often, the Roma are deported to countries, frequently Romania, that they have never visited before, which puts emotional strain on families and financial stress on both states (Daley, 2010). Former French president Nicolas Sarkozy shamelessly advocated for Roma deportation, making demands for the Romanian government to help cover the costs. These deportations were not only insulting, but also wasteful. The Roma, following their arrival in another place where they are unwelcome, begin to plan their return back to the countries from which they were evicted (Daley, 2010).

Amnesty International reports from International Roma Day in 2009 and 2012 highlight many of the injustices done to the Roma and show how little has changed in three years. The 2009 report outlined a continuing trend of education denial in the Czech Republic. Despite the basic human right to an education – one that shall be “directed to the full development of human personality” (United Nations General Assembly, 1948) – and the Czech law that all children have a right to an education, Roma children are being segregated into schools for children with mental disabilities (Amnesty International, 2009). The education they received at these schools provided little opportunity for

employment after graduation and students are very unlikely to progress on to secondary education. This same trend existed in Slovakia, where Roma children made up nearly the entire population of those special schools (Amnesty International, 2009). In 2007, a ruling by the European Court of Human Rights determined that this treatment was unlawful discrimination, yet this ruling continues to be unenforced (Goldston, 2010). Amnesty International (2009) also described new discriminatory “security measures” in Italy that targeted the nomadic Roma and Sinti minorities, violence against a Romani man and his five year-old son who were murdered in Hungary after their home was set on fire, and how several EU governments were forcing Roma individuals to return to Kosovo, a nation that did not have the resources to deal with the massive return. Furthermore, forced evictions and denials of adequate housing occurred in Serbia, Italy, and Romania. About 250 men, women, and children in Serbia stood and watched while bulldozers destroyed their makeshift homes so the site could be cleared for a road. Their replacement, a temporary shelter, was targeted by citizens living in a nearby suburb. Several of the structures were set on fire, forcing the residents to sleep for weeks outside. In Romania, 100 families lived beside a waste water filtering center in poorly-built dwellings that did not offer protection from the cold or rain. This living situation was supposed to be temporary, but the Roma lived there for more than four years (Amnesty International, 2009).

Amnesty International’s 2012 report outlines very similar treatment from nearly all the same governments. Families in Serbia still face potential eviction; despite being told they would relocate into houses built around the city, no such moves have been made. In Romania, 76 families were also evicted and relocated to live next to a garbage dump in tiny apartments. The very same mistreatment of children in segregated special schools continues. Employment often remains unobtainable for the Roma, and necessities such as medication, better housing, and education is unaffordable (Amnesty International, 2012b). Indeed, there are few positive stories of Roma presence in Europe. In all aspects of social life, states are uncertain how to approach these culturally different people. Advocacy groups

have trouble finding funding due to social resistance to this minority group (Daley, 2010). Illiteracy and lack of education further exacerbate the Roma situation, and many Roma individuals cannot always fill out forms for housing or employment (Pogány, 2004). Frequently, violence against them – culminating in arson and murder – goes uninvestigated (Goldston, 2010). People living in such desperate conditions with evident and unfulfilled needs should not be excluded and criminalized, especially in such wealthy countries that claim to value liberty and human rights.

A Home within Minority or Indigenous Rights?

The above case studies highlight the abuses of only two ethnic groups out of the many disadvantaged nomadic populations; there are overwhelming abuses done onto the nomadic populations of the world. It is evident that, due to their perceived incompatibility with settled society, little social investment is made in learning about nomadic people or educating the nomads themselves. As a result, social integration efforts are often unsuccessful and regularly end in violence. Remarkably, these human rights violations are largely ignored by international law. With no explicit forum for nomadic rights outside of few court cases, Roma rights advocates may find lessons from similar endeavors such as the indigenous or various minority rights movements. However, with limited successes in those single-issue regimes, such partnership could be problematic.

The indigenous rights movement stresses the concept of self-determination and rejects assimilationist approaches. In 1982, following the development of the UN's Working Group on Indigenous Populations, the International Labour Organization (ILO) rejected its earlier assimilationist approach to indigenous peoples in favor of one emphasizing understanding and support. With the 2007 UN Declaration on the Rights of Indigenous Peoples, the struggles of indigenous populations have been receiving increased attention within international law. However, there is no agreed-upon definition of

indigenous people or a consensus on who should benefit from the rights framework being created (Gilbert, 2007; Aukerman, 2000). UN Special Rapporteur Martinez Cobo offers one definition of indigenous peoples:

Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems (Gilbert, 2007, p. 13).

The Cobo Definition provides several positive elements that could benefit nomadic peoples, although it still creates possibilities for exclusion. The recognition of indigenous peoples as a minority and the inclusion of the element of self-identification are important and positive points. However, as with any definition, there are excluded groups. Dorothy Hodgson (2011) identifies the issue of African tribes finding recognition in international law, pointing out the complexities of African and Asian nations where most of the inhabitants can be considered “indigenous.” Can minority tribes like the nomadic Maasai and others still find a place in this emerging framework? Her critical analysis of having to “become indigenous” or being “indigenous enough” is important to consider when seeking a definition, and this debate provides important lessons for nomadic populations hoping to fight for their own rights. For example, how can a Roma individual prove to be “Roma enough” to uphold minority-specific human rights? Do the Roma count as indigenous, and how do they prove their indigenous status without documentation and in the face of frequent movement? The struggles of indigenous communities—the destruction and enclosure of lands, forced livelihoods changes, discrimination, denial of basic necessities such as housing, education, and healthcare—are similar to issues in nomadic communities. Any

international recognition of these shortcomings in one identity group will hopefully provide an arena to discuss further social change among other groups (Aukerman, 2000).

Without fitting completely into the indigenous framework, nomadic people may find protections by aligning themselves with the minority rights movement despite its shortcomings. For instance, a 1975 definition of the Roma emphasizes minority status while offering a general frame for understanding most nomadic populations. Nomadic populations, according to this view, are not simply a social group, but rather a cohesive ethnic group with membership based primarily on descent. The Roma have a distinct cultural identity and intentionally maintain separation from majority society by intent. Their value system is different from that of the preponderant culture, and their purposes and goals are centered in their own society (Poulter, 1998). "Traveling remains the ideal... They are adaptive people and have a viable family-based economy which in many cases requires geographical mobility . . . [The majority] demonstrate little or no desire for assimilation" (Poulter, 1998, p.148-149). Similar to the indigenous movement, however, definitions of minority vary by state and are contested. There seems to be a fear that if definitions are too broad, anyone could fit themselves into the requirements for afforded social benefits (Aukerman, 2000). Instead of drafting expansive rights frameworks that could cover a plethora of social issues, there is pressure for minority rights advocates to agree on a pragmatic definition; such definitions are contested and a little progress is made. Any efforts to address minority (or indigenous) rights has taken place at the governmental and intergovernmental levels with little invited participation from the minority groups. As a result, any drafted documents largely reflect the concerns of the state in regards to minority rights rather than the demands of the minorities (Aukerman, 2000).

Recommendations: Considerations for the Landless

For nomadic populations, there seem to be few human rights protections that are supported by the international community and responsible states. Nomads are routinely subjected to the denial of even basic rights required for survival or the living of a decent human life. They are frequently unable to access protections related to self-determination or the right to maintain traditions and perpetuate a cultural life. The protections outlined by the Universal Declaration of Human Rights (UDHR) are based upon a stable lifestyle with implied property ownership and citizenship. A seemingly all-encompassing document, which has some protections that nomadic peoples could benefit from, the UDHR has no plan of action for dealing with actors that don't fulfill its provisions. While this is a common critique of human rights frameworks, it is a worthy one to raise in discussions related to nomadic peoples. Declaring the rights to education, meaningful work, health, housing, culture, and human dignity does little good without an effective way to address abuses. Even cataloguing ignored UDHR protections for nomadic populations seems like a wasted endeavor because, without successful international legal cases supporting those rights, it is unlikely that attention will be brought to change situations (Goldston, 2010). This is an unfortunate truth but, perhaps due to the relatively small amount of successes thus far, it is an opportunity for some real positive changes.

New considerations of alternative lifestyles should be included in human rights frameworks. Nomads should not require the state to represent their affairs. They are separate, self-governing people with their own economies and social organizations. They should not be subjected to state meddling in intrusive ways, or be punished if they do not align with state membership. If some sort of inclusive independence were possible, they could occupy land through negotiations with land-holders and protect their livelihoods under the notion of sedentary equality. They should not require a state to protect and speak for them and their many issues.

The rights of nomadic peoples are gaining new urgency in the wake of climate change. Not only are nomadic people vulnerable to mistreatment from the state and attacks from settled populations, but new pressures and challenges emerge related to changes in the climate. The 2008 UN Permanent Forum on Indigenous Issues allowed nomadic populations from Gabon, Kenya, Tanzania, Senegal, Iran, India, Jordan, Mongolia, and the United States to come together and address their concerns about climate change hindering their already marginalized ways of life. Their concerns included a fear of increased climate-related physical stressors like more unpredictable precipitation leading to prolonged droughts or increased flooding, land degradation, limited water supplies, reduced vegetation, and decreased productivity of pastures. They also mentioned noticing a reduction in migratory routes and alienation from traditional land and resources. Considering that pastoralists depend on the environment for everyday survival, they are particularly affected by reduced biodiversity and emerging livestock diseases. Reduction in resources and land degradation has led to increased tribal conflict and a lack of government understanding or support, making contributions to policy making difficult (Chatty & Sternberg, 2008). Nomads require a particular forum to address these issues in conjunction with greater society.

Overall society could benefit from upholding the rights of nomadic people and reducing stigma against them. If the nomadic lifestyle was not vilified and misconstrued, many of the social issues stemming from discrimination could be avoided. If there was interest and respect for other peoples, communication could occur and abuses could decrease. A loosening of strict concepts like nationality and personal ownership, could be helpful in more issues than just nomadic rights; as vulnerable as the nomads are, they are just one group out of many who are neglected and abused as a result of widespread discrimination. Allowing rights for some will lead to rights for others. In the meantime, nomadic populations will continue to exist in impoverished conditions and be labeled as “backward” and “uncivilized” by sedentary groups. Without understanding and tolerance, they will struggle against the

forces of assimilation. As human rights advocates, it is our duty to promote education and respect for difference; there must be allowances for variance in our diverse society.

References

Abu-Sa'ad, I., & Masalha, N. (2005). Forced sedentarisation, land rights and Indigenous resistance: The Palestinian Bedouin in the Negev. In Masalha, N. (Ed.), *Catastrophe Remembered: Palestine, Israel and the Internal Refugees* (pp. 113-141). New York: Zed Books.

Amnesty International. (2009). Europe's Roma community still facing massive discrimination. Retrieved from <http://www.amnesty.org/en/news-and-updates/feature-stories/europes-roma-community-still-facing-massive-discrimination-20090408>

Amnesty International. (2012a). Hungary: Report into vigilante activities in Gyöngyöspata fails to address discrimination. Retrieved from <http://www.amnesty.org/pt-br/library/asset/EUR27/001/2012/en/0121017f-0569-43d4-b123-d5f028f669de/eur270012012en.pdf>

Amnesty International. (2012b). International Roma Day highlights discrimination against European Roma. Retrieved from <http://www.amnesty.org/en/news/international-roma-day-highlights-discrimination-against-european-romani-2012-04-05>

Anderson, T., & McChesney, F. (Eds.). (2003). *Property Rights: Cooperation, Conflict and Law*. Princeton, NJ: Princeton University Press.

Associated Press. (2012, April 26). Gypsy families evicted from settlement in Serbia's capital, despite protest by rights groups. *The Washington Post*. Retrieved from www.washingtonpost.com/world/europe/gypsy-families-evicted-from-settlement-in-serbias-capital-despite-protests-by-rights-groups/2012/04/26/gIQAzjW6iT_story.html.

Aukerman, M. (2000). Definition and Justifications: Minority and Indigenous Rights in a Central/East European Context. *Human Rights Quarterly*, 22, 1012-1050.

Berthaud, E. (2010, September 30). The Roma who stop roaming: Integration or marginalisation? *Mediapart*. Retrieved from <http://www.mediapart.fr/journal/france/041010/roma-who-stop-roaming-integration-or-marginalisation>

Bora, D. (2006). Bedouins of the Holy Land. *Middle East*, 370, 54-58.

Chang, C., & Koster, H. (Eds.). (1994). *Pastoralists at the Periphery: Herders in a Capitalist World*. Tucson, AZ: The University of Arizona Press.

Chatty, D., & Sternberg, T. (2008). Mobile indigenous peoples. *Forced Migration Review*, 31, 25-26.

- Daley, S. (2010, September 16). Roma, on move, test Europe's 'open borders'. *The New York Times*. Retrieved from http://www.nytimes.com/2010/09/17/world/europe/17roma.html?_r=1&pagewanted=all.
- Gilbert, J. (2007). Nomadic territories: A human rights approach to nomadic peoples' land rights. *Human Rights Law Review*, 1-36.
- Goldston, J. (2010). A struggle for Roma rights: Arguments that have worked. *Human Rights Quarterly*, 32, 311-325.
- Guarnieri, M. (2011, December 12). Bedouin protest relocation plans; village receives eviction notice. +972. Retrieved from: <http://972mag.com/bedouin-protest-israels-relocation-plans-village-receives-notice-of-imminent-eviction/29578>
- Hobbs, J. (1989). *Bedouin Life in the Egyptian Wilderness*. Cairo: American University in Cairo Press.
- Hodgson, D. (2011). *Becoming Maasai, Becoming Indigenous: Postcolonial Politics in a Neoliberal World*. Bloomington, IN: Indiana University Press.
- Human Rights Watch. (2011a). Everyday Intolerance: Racist and Xenophobic Violence in Italy. Retrieved from <http://www.hrw.org/reports/2011/03/21/everyday-intolerance-0>
- Human Rights Watch. (2011b). Israel: Halt Home Demolitions. Retrieved from <http://www.hrw.org/news/2011/06/21/israel-halt-home-demolitions>.
- Human Rights Watch. (2011c). Prisoners of the past: Kuwaiti Bidun and the Burden of Statelessness. Retrieved from <http://www.hrw.org/reports/2011/06/13/prisoners-past-0>
- Human Rights Watch. (2012). Hungary: Revoke Law Criminalizing Homeless. Retrieved from <http://www.hrw.org/news/2012/04/16/hungary-revoke-law-criminalizing-homeless>
- Ingold, T, (Ed.). (1994). *Companion Encyclopedia of Anthropology: Humanity, Culture and Social Life* 5. New York, NY: Routledge.
- Kariyawasam, K. (2010). The Significance of the UN declaration on the Rights of Indigenous Peoples: The Australian Perspectives. *Asia-Pacific Journal on Human Rights and the Law*, 11(2), 1-17.
- Kaufmann, J. (2009). The Sediment of Nomadism. *History of Africa*, 36, 235-264.
- Khazanov, A. (1994). *Nomads and the Outside World, Second Edition*. (J. Crookenden, Trans.). Madison, WI: University of Wisconsin Press.
- Khoury, K., Rinat, Z., & Rosenberg, O. (2011, December 9). Cabinet approves plan to relocate Negev Bedouin. *Haaretz*. Retrieved from <http://www.haaretz.com/print-edition/news/cabinet-approves-plan-to-relocate-negev-bedouin-1.383842>
- Kimmerling, B., & Migdal, J. (2003). *The Palestinian People*. Cambridge, MA: Harvard University Press.

Lloyd, G. & McCluskey, G. (2008). Education and Gypsies/Travellers: 'Contradictions and Significant Silences'. *International Journal of Inclusive Education*, 12(4), 331-345.

Manski, R. (2007). The Nature of Environmental Injustice in Bedouin Urban Townships: The End of Self-Subsistence. In *Environmental Injustice Report 2007*, Life & Environment NGO Coalition.

Phillips, T. (2004). A Strategy for Gypsies and Travellers. Paper presented at the National Association of Traveller Teachers Conference, Oxford, UK.

Pogány, I. (2004). *The Roma Café: Human Rights and the Plight of the Romani People*. London: Pluto Press.

Pogány, I. (2006). Minority rights and the Roma of Central and Eastern Europe. *Human Rights Law Review*, 6(1), 1-25.

Poulter, S. (1998). *Ethnicity, Law and Human Rights: The English Experience*. Oxford: Clarendon Press.

Raanan, Y. (2010). The Role of the Jewish National Fund in Impeding Land Rights for the Indigenous Bedouin Population in the Naqab. *Al Majadal*, 43, 34-38.

Schutter, O. (2010). The Emerging Human Right to Land. *International Community Law Review*, 12, 303-334.

Singer, J. (2011). Original Acquisition of Property: From Conquest and Possession to Democracy and Equal opportunity. *Indiana Law Journal*, 86(3), 763-778.

Tatham, Di. (Director). (2005). Roma rights: Breaking the cycle of Roma poverty. [Television series episode] In B. Kelly (Executive Producer), *Achieving Millennium Development Goals*. Television Trust for the Environment.

United Nations General Assembly. (1948). Universal Declaration of Human Rights. Retrieved from <http://www.un.org/en/documents/udhr/index.shtml>

Yahel, H. (2006). Land disputes between the Negev Bedouin and Israel. *Israel Studies*, 11, 1-22.

Yiftachel, O. (2006). *Ethnocracy: Land, and Identity Politics in Israel/Palestine*. Philadelphia, PA: University of Pennsylvania Press.

© Copyright 2012 *Righting Wrongs: A Journal of Human Rights*. All rights reserved.

Righting Wrongs: A Journal of Human Rights is an academic journal that provides space for undergraduate students to explore human rights issues, challenge current actions and frameworks, and engage in problem-solving aimed at tackling some of the world's most pressing issues. This open-access journal is available online at www.webster.edu/rightingwrongs.