



Progressing the Provision of Traveller Accommodation to Facilitate Nomadism

A Discussion Document

"When Travellers speak of travelling, we mean something different from what country people [settled people] usually understand by it...Country people travel to get from A to B. But for Travellers, the physical fact of moving is just one aspect of a nomadic mind-set that permeates every aspect of our lives. Nomadism entails a way of looking at the world, a different way of perceiving things, and a different attitude to accommodation, to work and to life in general".

[Michael Mc Donagh, a Traveller activist]

1. Introduction

1.0 The purpose of a document on “Nomadism”:

This document brings together all the research and consultations undertaken by the Irish Traveller Movement regarding nomadism over the last decade. It is intended to stimulate discussion on how the provision of Traveller accommodation which facilitates nomadism can be advanced, and suggests practical ways forward to achieve this goal. It is anticipated that this document will assist in informing appropriate responses to nomadism which can influence and shape state services in the future.

1.1 Who is this document aimed at?

This document is primarily aimed at all personnel responsible for the implementation of accommodation services to support nomadism, such as local authorities, the Local Traveller Accommodation Consultative Committees, the Department of Environment, Heritage and Local Government and the National Traveller Accommodation Consultative Committee, and the general public who are interested in understanding Traveller tradition and nomadism.

1.2 Who are Irish Travellers?

Travellers are an indigenous ethnic minority who, historical sources confirm, have been part of Irish society for centuries. Travellers’ long-shared history, cultural values, language, customs and traditions make them a self-defined group, and one which is recognisable and distinct. Their culture and way of life, of which nomadism is an important factor, distinguishes them from the sedentary (settled) population. The Annual Count 2008¹ identifies 8,398 Traveller families in the Republic. The number of Traveller families continues to grow at approximately 4% per annum as identified in the 1995 Task Force Report².

1.3 What is Nomadism?

Nomadism can be defined as ‘a way of life in which a community has no permanent settlement but moves from place to place, usually seasonally and within a defined territory’.³ Nomadism is a historical tradition and part of Traveller culture; it is part of who and what Travellers are; it is part of their being as a people.

The Task Force Report⁴ explained that Traveller nomadism takes a range of forms. It includes those who are constantly on the move, those who move from a fixed base for a part of any year, and those who are sedentary for many years and then move on.

¹ Annual Count Figures 2008, Dept of Environment, Heritage & Local Government

² Report of the Task Force on the Travelling Community, 1995 Dublin: Stationery Office.

³ The New Dictionary of Cultural Literacy, Third Edition, 2002. www.bartleby.com/59/17/nomadism.html
Mc Donagh, M. 1994: ‘Nomadism in Irish Travellers Identity’ in Mc Cann, May, Seamus O’ Siochain and Joseph Ruane (Eds); *Irish Travellers; Culture and Identity*, Belfast: Institute of Irish Studies, Queen’s University, Belfast.

⁴ Report of the Task Force on the Travelling Community, 1995 Dublin: Stationery Office.

Research commissioned by the Irish Traveller Movement and Traveller Movement Northern Ireland addressed the question of what Irish Traveller nomadism means in the 21st century.⁵ The research dispels the notion that nomadism will 'die out' and identifies [two] profound changes [in Travellers' experience] over the last 50 years which have adversely impacted on Travellers' economic independence. These are *urbanization*⁶ and *sedentarization*⁷.

The report notes that while nomadic Travellers form a small minority of the whole Irish Traveller population, the tradition of nomadism continues to be very important to most Irish Travellers – whether they themselves are nomadic / practice nomadism or not.

It concludes that 21st century nomadism will be influenced by the success of the Traveller economy; that Travellers are increasingly likely to travel only in the summer months when children are not at school; that nomadism takes place from some fixed geographical base; and that there is some evidence of 'forced' or 'compulsory' nomadism⁸.

2. Framework for Nomadic Provision

The Report of the Task Force on the Travelling Community (1995) recommended that 1,000 transient units of accommodation were needed to accommodate nomadism and envisaged that 'a network of transient sites was required across the country and should be provided simultaneously with the other types of accommodation as an integrated part of a National Programme'.

To progress this recommendation, and other Traveller accommodation initiatives, the Government introduced the National Traveller Accommodation Strategy. The legislative framework for the strategy is set out in the Housing (Traveller Accommodation) Act, 1998.

2.1 The Housing (Traveller Accommodation) Act, 1998

Local authorities are required, under the Act, to carry out an assessment of Traveller accommodation needs and compile and adopt a Traveller Accommodation Programme (TAP) which responds to the needs identified within the assessment. The provision of accommodation for nomadism is an essential part of this process.

The Act requires the local authority to assess the need for transient accommodation and, as such, in making an assessment, the local authority shall have regard to 'the

⁵ Misli, Crush, Misli (Mc Veigh et al) 2004

⁶ **Urbanization** (also "urbanisation") is defined by the United Nations as movement of people from rural to urban areas with population growth equating to urban migration.

⁷ **sedentarization** Sedentarism will be defined here as that system of ideas and practices which serves to normalise and reproduce sedentary modes of existence and pathologise and repress nomadic forms of existence from MCVEIGH, Robbie (1997) 'Theorising sedentarism: the roots of anti-nomadism' in ACTON, Thomas (ed.) *Gypsy Politics and Traveller Identity*. Hatfield: University of Hertfordshire Press.

⁸ the process of people being 'moved on' constantly against their will. ... Misli, Crush, Misli (Mc Veigh et al) 2004

need for sites with limited facilities in relation to the annual patterns of movement of Travellers, otherwise than as their normal place of residence.⁹

Furthermore the Act states ‘the provision of sites to address the accommodation needs of Travellers other than as their normal place of residence and having regard to the annual patterns of movement by Travellers should be included in the TAP.¹⁰

As the Act requires local authorities to have regard for the provision of transient sites, a ‘specific obligation is placed on Local Authorities to provide for the annual patterns of movement of families. This not only requires Local Authorities to refrain from taking measures that would inhibit nomadism but also places a positive obligation on the Local Authority to provide services to facilitate nomadism.’¹¹

2.2 Guidelines for Accommodating Transient Traveller Families

The Minister of the Environment, Heritage and Local Government has also issued guidelines to local authorities for providing for nomadism to assist them in ‘*addressing Traveller accommodation needs in an integrated way*’.¹² These guidelines set out the range of options that should be provided to accommodate nomadism which are:

- the provision of a network of transient halting sites;
- accommodating family members where possible at permanent halting sites and group housing schemes;
- transfer arrangements between Traveller families that are negotiable with the relevant local authorities;
- assisting families to make arrangements for the provision of their own accommodation;
- liaising with private residential caravan parks to provide spaces for families;
- the identification of public land for temporary camping purposes

2.3 The National Traveller Accommodation Consultative Committee (NTACC)

The role of the National Traveller Accommodation Consultative Committee (NTACC), established under the Act, is ‘to *advise the Minister in relation to any general matter concerning accommodation for travellers and any matter referred to it by the Minister.*’¹³

*In 2003 NTACC examined the level of provision for nomadism and expressed concern ‘that none of the seven¹⁴ councils examined had yet provided any transient sites’.*¹⁵

⁹ Section 6(4)(c) Housing (Traveller Accommodation) Act, 1998

¹⁰ Section 10(3)(c) Housing (Traveller Accommodation) Act, 1998

¹¹ Irish Traveller Movement Legal Issues and Nomadism briefing paper to Consultative Seminar, 2006.

¹² Department of the Environment and Local Government, Guidelines for Accommodating Transient Traveller Families (November 1999)

¹³ Section 19 of the Act

¹⁴ During 2003 the Committee on a number of occasions discussed the issue of transient sites and agreed a “Report on the Provision of Transient Sites for Travellers in the Greater Dublin Area”. This report dealt with the areas covered by Dublin City Council and Dún Laoghaire-Rathdown, Fingal, Kildare, Meath, South Dublin and Wicklow County Councils, and a copy of the report was forwarded to the Minister for Housing and Urban Renewal.

¹⁵ National Traveller Accommodation Consultative Committee, Annual Report, 2003.

In 2004, NTACC carried out a review of the Operation of the 1998 Housing (Traveller Accommodation) Act¹⁶. As part of its review the NTACC drew attention to existing planning procedures for regulating the provision of transient sites given that such sites may be used only for weeks or months in each year and then revert to normal use. The lead-in time for determining an application for planning permissions was considered too long in this context and they believed that provision existed in Section 34 (4) (n) of the Planning and Development Act 2000 which allowed the grant of permission for a limited period each year.

Furthermore they believed that nothing in the public consultation process precluded a local authority from providing a transient halting site for a short period each year.

In line with this NTACC recommended the following:

- The use of land as a transient halting site for a specified number of weeks per year should be prescribed as exempted development under Section 4 of the Planning and Development Act 2000, subject to satisfactory local arrangements;
- Guidelines to be issued by the Department of the Environment, Heritage and Local Government should provide that Development Plans should clearly state the local authority policy on the development of halting sites, including the development of private halting sites;
- Planning authorities should ensure that their zoning objectives are co-ordinated with Traveller accommodation programmes in respect of their area, and should be flexible enough to allow for the development of private halting sites where this does not directly contradict other zoning objectives;
- There should be a greater linkage between the provisions of Part V of the Planning and Development Act 2000 (social and affordable housing) and the Traveller accommodation programmes.

3. Provision for Nomadism at Local Level

As set out above the legislative and policy framework is in place to assist local authorities in implementing nomadic provision. However, very little has been delivered to provide for nomadism.

3.1 Level of Provision

An analysis of local authority Traveller Accommodation Programmes 2000 to 2004, 2005 to 2008 and 2009 to 2013 show the provision of transient sites is not given the consideration and priority that was envisaged under the Act.

Most programmes make no reference to nomadic provision and the few that consider nomadism state that there was an identified need in the county and that they would seek to make provision. However, there is no strategy set out in any of the programmes to explain how provision will be implemented.

¹⁶Review of the Operation of the Housing (Traveller Accommodation) Act 1998, National Traveller Accommodation Consultative Committee, June 2004.

It is not possible to give the precise number of transient sites proposed in the current programmes as some indicate that transient 'bays' will be provided and others indicate that transient sites with a variable number of bays will be provided but no specific plans are laid out. Only six out of the 34 local authorities have included plans for such provision in their programmes, while sixteen have not mentioned transient accommodation at all in their programmes for 2009 to 2013.

While some progress has been made in the delivery of permanent accommodation, local authorities have been unable to provide the full complement of accommodation. In some cases this has led to a situation where a transient site or bays, when they do exist, are being used to accommodate Travellers waiting on permanent accommodation temporarily. This is a worrying development and highlights the need for an integrated approach to meet the needs of all accommodation options.

3.2 Barriers identified to delivery

The following set out the reasons from a local authority perspective in their TAP for the non-provision of nomadic sites:

- One of the main reasons for non-provision, despite identified need, is an inability to identify suitable locations;
- Other local authorities have declined to provide this type of accommodation and indicate that regional and national responses are required. For example, local authorities in the mid-west region made submissions in their Traveller Accommodation Programmes to the Department of the Environment and Local Government stating that the provision of transient sites is a national issue.
- Another reason identified is a lack of understanding of how to approach the issue and as such requires direction from central level to assist them in meeting their obligations.

The following quotes from Traveller Accommodation Programmes serves to illustrate the perspective of local authorities on the issue of nomadic provision.

Will only deal with this issue 'after providing full provision of accommodation, but will engage with the greater Dublin neighbouring local authorities'¹⁷

'The provision of transient accommodation should be implemented on a national basis using regional structure'.¹⁸ It goes on to state 'the Council does not propose making provision for transient sites in the county at this time. A clear understanding and definition as to what is meant by the word "transient" does not seem to exist and this issue has been referred to the Department of the Environment, Heritage and Local Government for clarification. Consequently the issue of transient accommodation is not dealt with in the context of the preparation of this Traveller Accommodation Programme'.

'Any consideration to be given to the provision of sustainable Transient Sites will require being done in full consultation with other local authorities on a regional basis'.¹⁹

¹⁷ South Dublin County Council, Traveller Accommodation Programme, 2009 – 2013

¹⁸ Clare County Council, Traveller Accommodation Programme, 2005-2009.

The council 'will endeavour to source land for the provision of a transient halting site over the period of the programme'.²⁰ However, no strategy is specified within the Programme to bring this about.

The lack of provision and the refusal to provide it in the future, by the various local authorities clearly reflects the inability for these issues to be progressed at local level. The impact of this is clearly felt across the Traveller community who are denied their right to a service, due to the failure of the local authority to apply its resources and fulfil its legal obligations in this regard.

There are, as yet, no proposals at national level to address these problems or no mechanism within the legislation to protect Travellers' nomadic rights. It is clear that the lack of action at a national level on the issue needs to be addressed with a national mechanism put in place to bring about the provision of accommodation for nomadism.

The ITM have identified a number of barriers to the provision for nomadism as follows:

- **Failure by the State to recognise Travellers as an ethnic minority** allows for misconceptions to remain about nomadism being a lifestyle choice and not a cultural right.

Planning Permission Procedures: A number of difficulties regarding the planning permission procedure or part 8 need to be considered in provision of transient areas/sites for short-term stay to accommodate nomadism. The following extract from an ITM report sets out these issues.²¹ It states:

- *'The present (planning) procedure is inappropriate for regulating transient halting sites or in allowing for provision for nomadism. The nomadic culture of the Travellers dictates that a certain number of short term or transient halting sites are available. Typically, the lands involved will only be used as halting sites for a number of weeks or months a year. Obviously, the lead-in time involved in the determination of an application for planning permission is a particular issue in this context. The use of land to accommodate nomadism for a specified number of weeks throughout the year should be prescribed as exempted development, under section 4 of the Planning and Development Act, 2000. This would enable some of the recommendations in the "Guidelines for Accommodating Transient Traveller Families," produced by the Department of Environment and Local Government, to be implemented'.*

In its review of the operation of the Housing (Traveller Accommodation) Act, 1998 the NTACC considered this issue as set out above (see page 4) and made positive recommendations to address these problems.

- **Anti-nomadic legislation:** In 2002, the government amended the Public Order Act 1994 which criminalises trespass on public land for the first time. Section

¹⁹ Kerry County Council, Traveller Accommodation Programme, 2005-2008.

²⁰ Dublin City Council, Traveller Accommodation Programme, 2005-2008.

²¹ Charting a Future Strategy for the Delivery of Traveller Accommodation, Irish Traveller Movement, 2002.

24 of the Housing (Miscellaneous Provisions) Act 2002 makes trespass on land with an 'object' such as a caravan, a criminal offence.²²

This law was introduced at a time when over 1000 Traveller families were living on public land still waiting for their accommodation to be delivered and at a time where there was no nomadic provision available in the state. Many of these families were included in Traveller Accommodation Programmes but were guilty of trespass on public land through no fault of their own.

The provision empowers the Gardaí to ask, in this instance, a Traveller camped on public land to leave the said land immediately on foot of a complaint. No notice is given to the family, so it is of immediate effect. Non-compliance can lead to immediate arrest. The law sends a message to Travellers that nomadism is not supported by the state and in practice it has meant that Travellers are no longer able to pursue nomadism for fear of imprisonment, and confiscation of their family home.

The Government argued that the section was only introduced to deal with large-scale unauthorised Traveller encampments. They stated that *'the existing powers in the Housing Acts to remove unauthorised encampments from public places were inadequate to deal with the large encampments which we have witnessed in the past year or two'*.²³ Yet anecdotal evidence to date, gathered from ITM's membership, of its usage has highlighted that it is used mainly against individual families camped on their own awaiting accommodation within their functional areas.

This legislation has seriously undermined Travellers' right to be nomadic, as it has become virtually impossible for Travellers to travel and move freely within the state due to the lack of availability of legal parking places. This law needs to be repealed as a matter for urgency and the issue of provision tackled to ensure Travellers' human rights are not further eroded.

4. Addressing the Barriers

In the light of the above, how can we progress the issue of nomadic provision in a meaningful way? Although many discussions have taken place at various levels by all those involved in the National Traveller Accommodation Strategy, over many years, there has been a failure to substantially progress this issue.

The resolution of this failure will require the State to take responsibility for ensuring provision is made within a defined timescale and ensure that those local authorities that fail to comply are assisted in meeting their obligations.

²² Section 24 inserted a new section 19 in to the Criminal Justice Act which criminalises trespass on public land.

²³ Government Meets Traveller organisations, Press Release, Department of the Environment and Local Government, 26th May 2002.

The following recommendations are broken down to national ones that require a government response and local ones that could be acted on immediately by local authorities to put in place the nomadic provision required to meet identified needs.

4.1 Recommendations:

4.1.1 National Level

Six key proposals are central to addressing the lack of delivery of transient accommodation and will require to be implemented by the Minister as follows:

1. The establishment of a national driver to coordinate and ensure the delivery of a range of accommodation including provision for nomadic families. The ITM restates its belief that the provision of a National Traveller Accommodation Agency, as recommended in the Task Force Report 1995, is the proper vehicle to secure the delivery of Traveller accommodation.

Such an agency should be complementary to the work of the National Traveller Accommodation Consultative Committee. This agency would have responsibility to develop, construct and manage a network of transient accommodation.

The ITM will table this issue for discussion at the earliest opportunity at the NTACC.

2. Section 24 of the Housing (Miscellaneous Provisions) Act 2002 should be repealed. This would ensure that Travellers are reassured that nomadism is recognised by the state, as reflected in the policy and legislative framework and would re-establish nomadic rights.
3. The recommendations from NTACC regarding reforms to the planning legislation to accommodate nomadism should be implemented.
4. A national mapping exercise should be undertaken, to establish traditional stopping places used by Travellers. Once established the Minister should issue a directive to local authorities to reopen traditional camping areas. Such areas could be hard surfaced and basic services provided. The management of same could be achieved through providing services such as refuse collection and service blocks in return for a fee.
5. The government should ensure that designated legal stopping places are created where Travellers can temporarily stay.
6. Models of nomadic provision in other countries should be examined.

4.1.2 Local Level

The following recommendations call on the local authority to implement nomadic provision in three ways. First, provide land that can be used temporarily to cater for fairs and events; secondly sites with basic services to cater for all year round

movement and finally, supporting Travellers to arrange nomadic provision privately. The recommendations also offer practical ways to manage transient accommodation.

Each local authority should implement the following:

1. As part of the development of the next TAPs, each local authority should identify and secure land to be used on a temporary basis for nomadic provision and when not being used as a permanent Transient Halting Site, the land should revert to its normal use. Such temporary transient provision should be made at fairs and other significant events for Travellers immediately. This can be achieved through opening up areas such as fields and providing basic services.
2. This should be relatively uncomplicated to deliver in each county. For example, a similar pattern already emerges each year during the summer months in regard to nomadic patterns in Co. Mayo. Areas such as Ballyhaunis, Murrisk, Bellmullett, Achill and Knock are visited for their religious significance at certain periods. The feast of the Assumption of Mary on the 15th of August represents an important day and as such Travellers from all over Ireland and England go to the Knock shrine in order to pray to 'Our Lady' for sick members of their family.
3. Each local authority should identify in this TAP for 2009 to 2013, a number of smaller sites that can provide ongoing transit service to Travellers. There is a preference for such transient site provision to be kept small and services basic. Basic facilities include hard surface, water, toilets and electricity supply. Such provision should be made available to Travellers not normally living in that area for short periods of time.
4. Private provision or arrangements that Travellers make to provide for themselves should be encouraged and supported. For example, in the past, in two areas Travellers attempted, but failed, to establish transient accommodation for their families and extended family network. Private provision of this kind should be supported by local authorities. Also, where Travellers can make suitable local arrangements on an ad hoc basis with local landowners to meet their specific needs this should also be encouraged.
5. Each Local Authority should consider and develop a policy regarding the management of transient sites (distinct from the temporary use of land for fairs and other events) which contains some of the following elements:
 - Such sites should be open, available and maintained all year round. There should be written agreement between Travellers normally living in that area and the local authority that local Traveller families will not be forced onto these sites if /when they are vacant.
 - Such transient site provision should be open on request and closed when nobody is on it but be maintained regularly. A set of rules for the use of sites including a grievance procedure should be developed to ensure clarity for tenants and the local authority.
 - The use of a transient site should incur a flat fee per caravan, a deposit and some form of ID required. It is proposed that the level of charge should reflect the quality of facilities on site.
 - A maximum length of stay should apply on transient accommodation.

- Residents on transient sites should access electricity supply through the purchase of meter cards.
- There should be an emergency card phone on site for families without mobiles.
- Health, Safety and Sanitary regulations should be enforced and on public display on transient sites.

5 The Irish Traveller Movement

Irish Traveller Movement (ITM) is a national network of organisations and individuals working within the Traveller community. ITM was established in 1990 and has over 80 Traveller organisations from all parts of Ireland in its membership. The Irish Traveller Movement consists of a partnership between Travellers and settled people committed to seeking full equality for Travellers in Irish society. The Irish Traveller Movement was formed to be a national platform through which Travellers and their organisations are enabled to:

- Highlight the issues faced by Travellers and to press for real solutions.
- Debate ideas and formulate and promote culturally appropriate initiatives.
- Provide those active at a local level with support and solidarity.
- Develop alliances at national level.
- Challenge the many forms of individual, structural and institutional racism with which Travellers have to deal.

For further information visit www.itmtrav.ie

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