

# MISLI, CRUSH, MISLI<sup>1</sup> IRISH TRAVELLERS AND NOMADISM

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A research report for the  
Irish Traveller Movement and Traveller Movement (Northern Ireland)

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<sup>1</sup> Misli, Crush, Misli, translates as 'Go, Move, Shift' from Gammon, the language of Irish Travellers

“You’ve got to move fast to keep up with the times  
For these days a man cannot dander  
There's a bylaw to say you must be on your way  
And another to say you can't wander”

Ewan MacColl – ‘Thirty Foot Trailer’

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## Preface

On 10<sup>th</sup> April 2002, the President of Ireland signed into law the Housing (Miscellaneous Provisions) Bill (No 2), 2001. She convened a meeting of the Council of State to discuss the proposed legislation following representations from Traveller organizations but decided not to refer the matter to the Supreme Court to test its constitutionality. Section 24 of the Act makes trespass on land a criminal offence for the first time. The Irish Government argued that the section is intended to deal with 'large-scale unauthorised Traveller encampments by traders, Travellers from abroad and others not indigenous to an area and Travellers who have other homes' (Logue 2002). Traveller organizations, however, vociferously criticized the new law on the basis that it allows local authorities to evict Travellers indiscriminately without having to fulfill their responsibilities to provide halting sites or other suitable accommodation.

This kind of negative government intervention has been mirrored in the north of Ireland. In September 2003, the Department of Social Development published a consultation document *Proposed Control of Unauthorized Encampments*. While the document addresses other issues in passing, the key focus of the document is Travellers and Traveller sites. In conducting its own equality impact assessment of the proposed legislation, the DSD concluded, 'that the proposal to introduce legislation to control unauthorised encampments as set out above is *likely to have an adverse impact on Irish Travellers*' (our emphasis). Despite this straightforward assessment of the negative impact of the proposed measures, the DSD proceeds to support the introduction of the legislation.

This new proposal was only the latest intervention in a long tradition of governments, in Ireland and elsewhere, attempting to curtail Traveller nomadism. Over the years governments around the world have tried to put a stop to Travellers travelling in many different ways - from genocide to transportation and from enslavement to branding.<sup>2</sup> In this sense, anti-nomadism is a centuries old European tradition.<sup>3</sup>

Almost every human right – cultural, social, political and economic – has been disregarded in this misplaced effort to get rid of Travellers and other nomadic peoples around the world. In spite of - and sometimes because of – all this negative activity, many peoples have continued to pursue a nomadic way of life. In Ireland, Irish Traveller nomadism continues to survive despite a concerted effort over the past forty years by government in Ireland, north and south of the border, to encourage Travellers to 'settle' and 'assimilate'. This report argues that government in Ireland should now explicitly repudiate this assimilationist policy and do its best to ensure that the tradition of Traveller nomadism is respected and facilitated. This report seeks to make a contribution in this context. Traveller nomadism is a part of Irish identity, north and south, which should be cherished rather than eradicated. There is no reason why nomadic people and sedentary people cannot live and work happily side by side in Ireland or anywhere else. This outcome, however, must be premised on an acceptance of the legitimacy and equality of nomadism as a way of life. Moreover, Traveller nomadism must be serviced by government in order to give practical effect to the principle of the equality of nomadism.

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<sup>2</sup> See Ian Hancock's (1987) *The Pariah Syndrome: An account of Gypsy Slavery and Persecution* (1987) and Kenrick and Puxon's *Gypsies under the Swastika* (1996) for a detailed overview of this history of persecution and genocide.

<sup>3</sup> See McVeigh's *Irish Travellers and the Logic of Genocide* (1997a) for this argument in the Irish context.

## Chapter One:

### Introduction

*I've done my life travelling and a happier time I never had. It was the greatest in the world. You had everything - comfort, life and pleasure, and something to always do. You could get up in the morning in the tent and hear the blackbird and thrush in the trees whistling. The good days are gone, a mhic - at that time on the roads you were safe. There was no blackguards then. I'm bet and not able to travel now. If I was younger I wouldn't stop three minutes in this house.... The young people will be ashamed of being a Traveller in the future. However, no matter what you put on them - if it was silk, you'd still know them. It's hard to burn wildness out of a wild bird's nose - you'll tame them for a while, but they'll fly away again.*  
Paddy McDonnell.

**T**his research is the result of a collaboration between the Irish Traveller Movement and the Traveller Movement (NI). The aims of the research were defined in the research proposal as follows:

The research will take place countrywide in a number of identified areas in cooperation with local Traveller projects and will examine:

- a) the historical practice of nomadism in Ireland and the development of state responses to nomadism,
- b) the patterns and extent of the contemporary practice of nomadism by the Irish Traveller community,
- c) how the accommodation, education, health, and economic needs of Travellers as a nomadic group can be addressed,<sup>4</sup>
- d) the current aspirations of Travellers regarding the practice of nomadism.

Nomadism has been seen as the defining aspect of Irish Traveller identity. Traveller activist, Michael McDonagh, writes:

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, a different attitude to accommodation, to work and to life in general. (1994: 95)

Statutory responses to Irish Traveller issues have also begun to accept the centrality of nomadism. For example, the 1995 *Task Force Report* argued:

Traveller nomadism, as with its counterparts across Europe, takes a range of forms. It includes those who are constantly on the move, those who move out from a fixed base for a part of any year, and those who are sedentary for many years and then move on. Traveller Nomadism contributes to the social organization of the community as it provides for contact and communication within a dispersed community. It plays an important economic role in providing Travellers with access to markets broad enough to make marginal economic activities viable. It also plays a psychological role....' (1995: 72)

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<sup>4</sup> This was to address specifically the impact of Section 10 (c) of the Housing (Traveller Accommodation) Act 1998 on provision for nomadism: (3) A relevant housing authority, in preparing an accommodation programme shall have regard to.... (c) 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...

Our research addresses the question of what this Irish Traveller nomadism means in the 21<sup>st</sup> century. It engages with the argument that nomadism is something that is of little importance to Travellers. Traveller nomadism is sometimes regarded as an invention of settled people - reflecting a romantic projection of settled people working with Travellers. The research draws on the unique expertise of national and local Traveller support organizations across Ireland to achieve an accurate sense of what is happening on the ground across the country.

There are two defining features of discussions of Irish Traveller nomadism. The first is that nomadism is assumed to be 'dying out'. The second is that it refuses, in fact, to 'die out'. An assumption about the 'end' of Traveller nomadism is shared by most settled people and many Travellers. Thus, whether people are supportive of nomadism or hostile to it, whether they see its demise as a good thing or a bad thing, whether they regard it as the loss of a great tradition or the beginning of a possibility for Traveller 'civilisation', they are all certain that nomadism is on its way out. It is, in colloquial terms, '*the end of the road*'. This received wisdom runs through Irish popular culture - Pecker Dunne famously sings that he is, 'the last of the Traveller people'; a host of settled musicians have insisted that the 'days of the Traveller are numbered'. Over forty years ago in his seminal radio ballad 'Thirty Foot Trailer' Ewan MacColl sang:

The auld ways are changin ye cannae deny  
The day o the traiveller's over  
There's naewhaur tae gang an there's naewhaur tae bide  
Sae farewell tae the life o the rover

Against all this received wisdom however, is the reality that nomadism refuses to 'die out'. Traveller nomadism remains a defining feature of many Irish Traveller lives. It takes new forms certainly; it endures terrible pressures certainly; but it doesn't 'die out'. The tents disappear – but Travellers keep travelling; the barrel tops disappear – but Travellers keep travelling; the trailers disappear – but Travellers keep travelling. This reality should warn us that the periodic assertion of the demise of Traveller nomadism is somewhat premature. This survival of Irish Traveller nomadism has been reinforced by another recent social phenomenon – the 'new Travellers'. The development of a whole range of people who wanted to *become* nomadic, people who had no cultural legacy of nomadism, provided another challenge to the notion of the inevitability of sedentarization.

Many Travellers, of course, also continue to assert the centrality of travelling to Traveller culture:

Travellers need to move – if it is only six weeks or whatever – they need to move. It doesn't matter where they are based, in what kind of houses, or sites, or transit sites or group housing schemes, they have to move. There will always be travelling in our culture and it will have to be catered for in accommodation. (Younger Traveller Man: Tullamore)

Alongside this reality, however, is the parallel truth that Irish Traveller nomadism has changed profoundly over the past 50 years. This causes some commentators to question the whole notion of Traveller nomadism. For example, activist and author Sinead ní Shuinéar argues:

My current thinking on this topic is that "mobility" is a far more useful, less either/or notion than nomadism. The general trend towards stable base coincides with general trend towards acquisition of motorised transport, mobile phones, availability of cheap flights et al. Mobility is higher than ever it was. Second and third generation "settled" Travellers spend incredible amounts of time zipping around the country (and indeed these islands, and beyond). They just think nothing of driving for three or four hours to a funeral, market, fair, whatever. And it's ongoing, not the occasional big deal. One of the huge objections routinely put forward by "local residents" when trailers appear is that the people in them are simply holidaymakers, as

they actually have houses somewhere else and this is frequently true. So are they "nomads"? (personal communication)

Ní Shuinéar's question is important. Many Travellers are more mobile than Travellers have ever been but this remains very different from 'traditional' models of Irish Traveller nomadism. In the most recent 'census' by the Traveller Accommodation Unit of the (southern Irish) Department of the Environment, enumerated around 5000 Traveller families of whom only around 1000 were identified as being 'on the roadside'. Furthermore, of those, 'on the roadside', only 223 were identified as 'transient'. In other words, only 20% of Travellers are living on traditional roadside halting sites and only 5% are nomadic in the sense of being defined as 'transient'.<sup>5</sup> From this perspective, nomadic Travellers form a small minority of the whole Irish Traveller population.<sup>6</sup> Moreover, for some Travellers there has been a long history of what might be termed compulsory or forced nomadism – the notion of being 'moved on' or 'go, move, shift' to which we allude in our title. This kind of movement was is forced upon Travellers at times when they have no wish to move (ITM 2002: 23-24). Alongside this forced movement, however, is widespread voluntary movement among most Travellers. The increasing mobility that ní Shuinéar describes above is often premised upon the existence of a secure base from which to travel. This kind of Traveller mobility is increasing rather than decreasing. For example, *the Irish Traveller Movement estimates that around 25% of all Travellers are mobile at any given moment.*

Any consideration of contemporary nomadism, therefore, has to engage with the interplay between the continued importance of mobility for all Travellers and the much smaller numbers of Irish Travellers who conform to traditional notions of what it is to be a nomad. It also has to engage with the contrasting rights of a right to travel and a right not to be forced to travel against one's will. This picture is further complicated by the reality that the 'tradition' of nomadism continues to be central in legal and sociological notions of what it means to be a Traveller. Moreover, the tradition of nomadism continues to be very important to most Irish Travellers sense of self – whether they themselves are nomadic or not. This obviously begs the question of how Irish Traveller identity is connected to nomadism.

## Who are Irish Travellers?

Irish Travellers are the largest minority ethnic group in Ireland as a whole. They are the largest minority ethnic group in the south of Ireland and the second largest minority ethnic group in the north of Ireland (after the Chinese). The number of Travellers has increased over the last three decades but they remain a small proportion of the total Irish population: about 0.5% of the Irish population as a whole; approaching 1% of the population in the south of Ireland; and around 0.1% in the north of Ireland.

Irish Travellers are an indigenous, nomadic group. Travellers have been variously identified as 'gypsies', 'itinerants', 'tinkers', 'travelling merchants', but they identify themselves as Minceir in Gammon, the Travellers language, or 'Travelling People' or 'Irish Travellers' in English. The words 'tinkler' and 'tynkerie' (from the Irish word 'ceard' for smith and 'tinceard' for tinsmith) appear in Irish records from the 12<sup>th</sup> Century onwards. Historically, Travellers were regarded as having an important economic function even if

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<sup>5</sup> The Department of the Environment makes no explicit comment about the numbers who are nomadic and accepts that the figure of 5% may significantly underestimate the numbers of Travellers who are nomadic. Nevertheless, the figure of 5% 'transient' implies a figure of 95% 'non-transient' which might read as implying 'no longer nomadic'.

<sup>6</sup> The census only covers the south of Ireland but the breakdown in terms of the Traveller community appears fairly accurate for the population in the north of Ireland.

there was sometimes a sense of otherness and social distance between Travellers and settled people. The notion of travelling and nomadism being an deviant and outmoded lifestyle is, however, a relatively recent one. In the past, while there were sometimes tensions between sedentary and nomadic forms of existence in Ireland, the two could coexist symbiotically in *relative* harmony (McVeigh 1997).<sup>7</sup> Recognizable anti-Traveller stereotypes have been around for many years (Burke 1999). They appear in Dáil debates as early as the 1940s. For example, in 1944 Deputy O'Donnell made a series of references in the Dáil that might easily be transposed to current debates:

[I refer to] the tramps and others known as gypsies who go round in caravans touring the country. The Irish people generally, both rural and town folks, are very friendly disposed to them but they have become a bit of a nuisance. As Deputy Linehan remarked, some 30 or 40 years ago they were quite useful citizens—tinsmiths and metal workers. I myself remember their being at that work. I can tell of a particular case where five caravans came to a town and set up near it. About eight or ten people then came along begging. The Irish people are very kind to poorer people but these beggars are a nuisance. During the day when the men are in the fields the farmer's wife or daughter is at home and these beggars make a raid on the place. They ask for a grain of tea or sugar or a bit of bacon and are never satisfied. One would not mind that so much but they hold up the lady of the house in that way and, in the meantime, the hen roost and the hay loft are raided and any loose feeding round about the house is stolen.... Those tramps on the roads here ... do not seem to bother very much about birth control. I saw three generations of such children; they marry very young and breed like rabbits and consumption is unknown amongst them. I remember a time when I had some five acres of potatoes to be picked and there was rain impending. I asked some of those men to come in but there was nothing doing. I heard one of the lads return from town later and his father said to him, as he had not had a successful day: "I will make you go in there and pick spuds." In the town of Cahir market day on a Friday is a gala day. I was going in on the bus on a ten-mile journey one Saturday morning. Seven of them got in and paid 9d. each to get into town. The return journey cost them 10/6. Their peregrinations around the town came to my notice. I never saw a more drunken crowd leave it. They created scenes and their language was terrible. I suggest to the Minister that the Roosevelt method might do something in the way of making such people useful citizens. With regard to those people, their horses, mules and asses grazing on the road carry on their osculations with farmers' animals. Many diseases in animals may be traced to that. Farmers consider it much better to give these people supplies of milk because otherwise they will go out at night and milk the cows. The tinsmiths and the metal workers have practically ceased to exist. These young boys and girls do not go to school and there is no earthly chance of doing anything with them. (Dáil Éireann, Volume 93, 19 April, 1944)

There were also deputies prepared to defend 'Travelling People'.<sup>8</sup> Witness Deputy O'Leary in the same debate:

I have listened to Deputies attacking dance halls, picture houses and travelling people on the roads. Those travelling people buy donkeys from small farmers in the district, and in the course of their journeys at the present time they do very useful work making galvanised buckets, when buckets are not to be had in the hardware shops. They are not as dangerous as certain speakers made them out to be. They are human beings and they have to live. They have their own way of living and I do not see why attacks should

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<sup>7</sup> Traveller nomadism is as much part of 'Northern Irishness' as it is part of 'Southern Irishness' - if such distinctions can be held to be appropriate at all with regard to a nomadic population for whom partition was a sedentary construction. Travellers in Ireland, north and south, are therefore part of a nomadic community that has survived for centuries throughout the whole of Ireland. Some Travellers based in the south of Ireland do travel regularly within the north; but then some Travellers from the north of Ireland travel regularly within the south.

<sup>8</sup> Interestingly, this is the first reference to 'Travelling People' in Dáil debates. Travellers had previously been referred to as 'gypsies' or 'itinerants' or 'vagrants' or 'nomads'.



be made upon them from all sides. They are living in their own way and they never interfere with others. They may brawl amongst themselves, but they never interfere with anyone outside their own circles. Every one of us must make a living—we are not all lucky—and I think it is very unfair that all Parties should be attacking these people. They are horse dealers and many farmers buy horses from them. They are very useful for the farmers. They go down to Cork and buy donkeys which they sell to people around County Wexford, to cottage people and others who want donkeys. It is very hard to get them, and, but for these people, they would not be available. They go to Connemara and buy ponies. They are not all beggars —some of them are wealthy men. (Dáil Éireann, Volume 93, 19 April, 1944)

The two definitive changes in Irish Traveller experience since the Second World War have been *urbanization* and *sedentarization*. The Traveller population has urbanized over the past 50 years (like much of the settled population), as most Travellers have gradually moved from a rural to an urban environment and from a nomadic to a more sedentary way of life. In the south of Ireland, this has seen a massive increase in the numbers and visibility of Travellers in Cork, Galway and especially Dublin. While there were always Travellers in Dublin and traveling to and from Dublin, there is now a large urbanized Traveller population across the greater Dublin area. Equally, while there always were Travellers in Belfast, the 1960s and 1970s saw increasing numbers of Travellers living in Belfast. This process of urbanization was also mirrored elsewhere in the north in places like Derry and Newry. Since the Second World War there has also been a series of ‘moral panics’ in Ireland about nomadic people. Travellers have been subject to racist and even genocidal abuse over recent years.

The Irish Traveller population has therefore undergone a profound and traumatic transformation because of the decline of traditional rural-based economic activities and a related decline in the economic function of nomadism. This process was not in any sense the responsibility of Travellers. Nor, indeed, was there much that Travellers could do about the decline of the traditional Traveller economy. This encouraged high levels of migration to urban centres as well as high levels of emigration, particularly to Britain. The importance of this transformation has been identified by many different observers (Gmelch 1977). Seeing the urbanization and sedentarization of Travellers solely in terms of loss, however, denies the reality that the economic base of nomadism has been adapted and developed in response to the new demands of the urban environment in positive and exciting ways. The Traveller economy in the USA is testament to the success of Traveller commercial nomadism in one of the most unrestricted markets in the world (McDonagh and McVeigh 1996).

The process of urbanization and sedentarization has undoubtedly changed Travellers in significant ways. First, this movement is almost certainly permanent for a sizeable proportion of the whole Traveller population. This means that Travellers and Traveller sites - whether legal or illegal, serviced or unserved – are now a permanent part of the make-up of towns and cities of Ireland. Second, it has profoundly changed both the possibility and the actuality of nomadism. Travelling from and within an urban environment is very different from traveling from and within a rural one. Urbanization and sedentarization has raised important questions about the future of nomadism. Third, urbanization generated new forms of conflict between settled people and Travellers. A specific anti-Traveller racism developed which was more widespread and more focused than any of the tensions involved in rural nomadism. This saw an explosion in anti-Traveller sentiment from the 1960s onward alongside a more specific pathologisation of nomadism. The state began to intervene in this context for the first time with the *Commission on Itinerancy* which reported in 1963. This marked the beginning of an explicit *settlement policy* – in which the state encouraged Travellers to abandon nomadism and ‘assimilate’ into sedentary Irish society. In a parallel development, the community and voluntary sector began to intervene for the first time with the development of the *Itinerant Settlement Movement*. This

movement was, of course, also explicitly sedentarist – the key to ‘helping’ Travellers was to ‘settle’ them.

The impact the Itinerant Settlement Movement remains questionable given that it was a phenomenon of the community and voluntary sector. Sedentarization informed Government policy from the 1960s onwards and there was at least some voluntary movement into housing by Travellers in this period, so nomadism might well have changed profoundly anyway without the ISM. Two facts are indisputable, however. First, the vast majority of Irish Travellers were nomadic people - in the sense that they carried their dwellings and their possessions with them as they traveled from camping site to camping site - before the advent of the Itinerant Settlement Movement. Second, forty years later, the majority of Travellers are no longer nomadic in this sense. Most older Travellers still have a sense of this transition:

There was no halting sites that time. At that time I don't believe we would have wanted them. My people belonging to me – Lord have mercy upon them – they wouldn't stay in houses, they wouldn't. If they got a house – if the Council gave them a house – they'd move away. They wouldn't want to be settled in the one place. They wanted to keep on the move. We were nearly as bad ourselves, we wanted to be moving.... I liked moving then but now I wouldn't. I wouldn't like to go back again. I wouldn't mind going away for a couple of months but wouldn't like to go away altogether. (Older Traveller Woman: Tullamore)

The 1980s marked a sea-change in attitudes towards Travellers from both the state and civil society in Ireland, north and south. Gradually, and sometimes painfully, there was increasing acceptance of the reality that Travellers had *rights* – not just as citizens but also specifically as Travellers. In the 1990s, in response to activism – from Travellers and the Traveller Support Movement, Travellers began to be protected from discrimination in law. This legislation is, however, far from clear on who Travellers are and how their relationship with nomadism should be defined. For example, there is a marked difference between the (southern Irish) 1988 Housing Act which regards Travellers as a people who are nomadic (regardless of ethnicity) and the (northern Irish) 1997 Race Relations Order which defines Travellers as a racial group (almost regardless of nomadism). Neither is nomadism, or ‘a nomadic way of life’ defined in this legislation. Nevertheless, the important aspect of the legislation is that it collectively accepts that nomadism is in *some* way definitive of being a Traveller.

All this legislation, of course, should mean that there is a new willingness right across the statutory sector - as well as the community and voluntary sector - to address and redress Traveller disadvantage in the Ireland *including rights and other issues associated with nomadism*. The legislation places both institutions and individuals under a legal obligation not to discriminate against Travellers. Thus, whether people change their attitudes and practices positively in a new spirit of anti-racism and equality or negatively, under the threat of legal sanction, this should be a particularly propitious time to encourage discussion and action around Traveller nomadism across the island of Ireland.

## Methodology

This research uses a range of secondary sources to draw the broader picture of nomadism. Our primary research, however, is dependent primarily on the expertise of the Traveller Support Movement. The primary information was generated by a questionnaire sent to the Irish Traveller Movement and the Traveller Movement (NI) networks across Ireland asking them to assess the contemporary forms of nomadism in their local areas. This information was supplemented by focus groups discussions in the north and south of Ireland - in Belfast

and Dublin and Tullamore - as well as a specific focus group discussion with the Travellers of Rathkeale.

This method recognized explicitly the unique knowledge of the Traveller Support sector, north and south. There are specific methodological challenges in terms of doing research on or with nomadic groups. Research is often explicitly or implicitly 'sedentarist' in that it assumes that a given research group is sedentary. (One obvious example of this is the use of the electoral register to sample public opinion.) Our research recognizes the challenge of doing research with a nomadic group as well as the need for innovative and flexible research methodologies to overcome this challenge. It bears emphasis that this could not have been done without the Traveller Support Movement.

The research also places heavy emphasis on the notion of 'situating' Irish Travellers and Irish Traveller nomadism in international context. This is important conceptually, of course, but also practically, as we look at how Irish Traveller mobility should be understood and facilitated. Traveller nomadism in Ireland has often been seen as an aberration - a bizarre and unique social phenomenon. Because of this, we spend a fair proportion of our work putting this experience in international context. This is quite deliberate. The consideration of other comparative dynamics in both nomadism and anti-nomadism is crucial to understanding the specificity of nomadism in its Irish context. It is important that the common themes of international nomadism are used to understand Traveller experience. Moreover, it is clear that the dynamics of contemporary nomadism in Ireland *cannot* be understood with reference to Ireland or Irish Travellers alone.

Finally, we recognise that there is a wider intellectual project which uses the idea of nomads and nomadism as a key metaphor for social theory. The French theorists Deleuze and Guattari defined their approach as *nomadology*. They argued that:

History is always written from the sedentary point of view and in the name of a unitary State apparatus, at least a possible one, even when the topic is nomads. What is lacking is a Nomadology, the opposite of a history' (1988: 23).

Deleuze and Guattari's 'Treatise on Nomadology' is taken as a starting point for a whole new intellectual paradigm – there are a range of books and university courses based on the concept of nomadology. It has to be said that this kind of avant garde theorizing, however interesting, often appears very distant from the prosaic challenges of contemporary Irish Traveller lives. Nevertheless, this approach does at least defy the hegemony of sedentarism in social research. It also reminds us that the nomad and nomadism continues to be a powerful positive metaphor for many contemporary sedentary people. Understanding nomadism is important in itself but it is also a key to understanding what it means to be sedentary.

## Chapter Two:

### Nomadism in international comparative context

*Adam lay with his wife Eve, and she became pregnant and gave birth to Cain. She said, "With the help of the LORD I have brought forth a man." Later she gave birth to his brother Abel. Now Abel kept flocks, and Cain worked the soil. In the course of time Cain brought some of the fruits of the soil as an offering to the Lord. But Abel brought fat portions from some of the firstborn of his flock. The Lord looked with favor on Abel and his offering, but on Cain and his offering he did not look with favor. So Cain was very angry, and his face was downcast. Now Cain said to his brother Abel, "Let's go out to the field." And while they were in the field, Cain attacked his brother Abel and killed him. Then the LORD said to Cain, "Where is your brother Abel?" "I don't know," he replied. "Am I my brother's keeper?" The LORD said, "What have you done? Listen! Your brother's blood cries out to me from the ground. Now you are under a curse and driven from the ground, which opened its mouth to receive your brother's blood from your hand. When you work the ground, it will no longer yield its crops for you. You will be a restless wanderer on the earth.".... So Cain went out from the Lord's presence and lived in the land of Nod, east of Eden.<sup>9</sup>*  
Genesis 4, New International Version.

**N**omadism is a cultural universal. At one time in human history, everybody in the world was nomadic. Indeed, for most of human history, there has been no separation of 'home' and 'work' – people carried their dwellings and their possessions with them constantly. In this sense, contemporary nomadism emerges from a vast history and prehistory which is unlike any other. Moreover, for the large majority of human existence, people have been entirely nomadic. At first everyone belonged to hunter/gatherer societies which were continuously mobile, later other peoples developed pastoral nomadism with movement related very specifically to an animal herd – like sheep or goats or reindeer or buffalo – that provided the core elements of subsistence. Both of these modes of existence were completely nomadic. An alternative mode of existence – sedentarism or being 'settled' – only emerges relatively recently in human history. The next stage in this history is the period at which sedentary and nomadic societies face each other on a relatively equal basis. Once again, this is a key episode in human history. In the Judeo-Christian tradition, it appears as the biblical tensions between Cain and Able and between Esau and Jacob. Later the difference between Jews and Arabs is explained in a similar way. In Arab culture this nomadic/sedentary difference continues to be even more central in notions of identity. Socially, Arabs are often divided into two groups: the settled Arab (divided in turn into *fellahin* or 'villagers', and *hadar* or 'townspeople') and the nomadic Bedouin. Ibn Khaldun famously developed a whole philosophy of history which explains Arab society in terms of the nomadic/sedentary tension.

Obviously the earliest nomadic societies developed independent of settled communities.<sup>10</sup> They had no necessary relationship to any settled community. Later, however, *commercial nomadism* developed as a specific possibility in the context of sedentary societies. This point is important. It means that commercial nomads, unlike pastoral nomads, are usually dependent on a relationship with the sedentary society with which they interact. At best this involves a symbiotic relationship of mutual benefit to

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<sup>9</sup> 'Nod' means 'wandering' – in other words, life as a nomad.

<sup>10</sup> There is a whole literature which addresses these dynamics of nomadism. For example, Sadr in his *The Development of Nomadism in Ancient Northeast Africa* (1991) takes as his starting point Kroeber's "symbiosis" model for nomadism, which stresses linkages between nomads and state-level societies. He prefers this to the more popular "ecological" model, which stresses nomadism's direct economic advantages in particular environments. There are, then, different kinds of pastoralism: mixed economy (with symbiosis within the family), agropastoralism (with symbiosis between segments or clans within an ethnic group), and true nomadism (with symbiosis at the regional level, between specialised nomadic and agricultural populations). Sadr suggests that the origins of nomadism lie in a progression through these three stages, accompanying population growth and an increase in the complexity of social organisation.

sedentary and nomad alike; at worst, it means that commercial nomads are highly vulnerable to both prejudices and economic shifts within sedentary society.

Nomadism is thus a core element in human identity – it is not some kind of aberrant, minority social behaviour. As the very existence of the journal *Nomadic Peoples* testifies, there are nomadic communities all over the world.<sup>11</sup> Neither, however, is nomadism some fantastic identity abstracted from its economic base. For most of its history, nomadism is based on its efficacy in producing the conditions of existence of the group involved. In technical terms, nomadism is based on a particular *mode of production*; in less technical terms, nomads were and are nomads because this is the best or only way to survive. For most of human history and prehistory, being sedentary was recipe for starvation – people were nomadic because this was the only way to live. This is not to deny or underplay the spiritual importance of nomadism but it is to insist that nomadism is about practical and prosaic survival as much about the arcane and abstract spiritual commitments to movement that sometimes figure heavily in sedentary descriptions of nomadism.

As Acton points out the ‘logic’ of a commercial nomadism economy is ultimately much the same as any other:

Gypsies are subject to the same universal constraints of economics as other [people]; any way of life must enable [people] to ‘make a living’; and, faced with two options, [people] will, *ceteris paribus*, choose the more profitable. Economic life shapes culture. Gypsy economic life is distinguished by the peculiar importance within it of two institutions, self-employment and nomadism; but these together form part of a general tradition of adaptability - geographical, occupational, and social - which is highly ‘rational’ in the classical economic sense. Both Gypsies and their clients, customers or employers normally act so as to maximize their net marginal rewards.... The Gypsies are much nearer the classical model of economic man than many others, and certainly than the Gajo [non-Gypsy] social scientists whose concepts of ‘rational behaviour’ derive from that model. When that rationality is perceived, when we have finally abandoned the picture of the Gypsy as some primitive creature moved by mystic and unanalysable impulses, then we can begin to explain and predict voluntary behaviour and make informed policy decisions. (1974: 245-7)

While commercial nomadism is a distinct ‘mode of production’ characterized by self-employment and adaptability, it is still a mode of production. In this sense, commercial nomadism is no different from any other way of life in that its basic necessity is ‘making a living’. The social and cultural superstructures that connect with these are in themselves dependent on an economic base.

Commercial nomadism does, however, contrast with the sedentary (or ‘settled’) mode of economic organization engaged in by the vast majority of European citizens. In this sense, the Traveller economy is ‘outside’ dominant or ‘mainstream’ economic activity that is based on sedentary modes of production. It also contrasts with the *pastoral nomadism* of peoples dependent on herding and the nomadism of hunter/gatherer peoples. Indeed, commercial nomads sometimes have a relationship with pastoral nomads not unlike their contemporary relationship with sedentary societies (Acton 1974: 260). In the Irish context, Irish Traveller commercial nomadism probably developed alongside pastoral nomadism, long before the arrival of sedentary modes of existence. In this sense, Irish Traveller nomadism is more likely to predate Irish ‘settled’ existence by centuries rather than ‘evolve’ from it.

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<sup>11</sup> This is the ‘Official Journal of the Commission on Nomadic Peoples of the International Union of Anthropological and Ethnological Sciences’. The Journal’s aim is to ‘deal with all types of nomadic peoples, such as pastoral nomads, foragers, peripatetics (gypsies), and so-called sea nomads. Its aim is to provide the scientific community and the general public with information on the traditional as well as the actual lifestyles, on strategies of herd management, hunting, fishing, food gathering, servicing and trading. It discusses the hazards nomadic peoples face in a rapidly changing world. The contributions cover all aspects of the culture of itinerant peoples’.

## Contemporary Nomadism in International Context

As we have seen, nomadism is a vast historical tradition. Likewise, contemporary Traveller nomadism is specific neither to Ireland nor Irish Travellers. There are many surviving hunter gatherer and pastoral nomadic groups around the world. Most of these are under increasing pressure from sedentary society but they continue to exist. These groups share some aspects in common with commercial nomads like Irish Travellers and many of the stereotypes about them are all too recognizable to anyone familiar with anti-Traveller racism. Irish Travellers have a closer relationship and identity, however, with other commercial nomads – principally Romà of course, but also a whole range of other Travellers groups (Kenrick 1994). Acton recognizes a specificity to commercial nomadism at a local, regional and transnational level:

Where the size of the average village in a society is too small to sustain or train a full-time smith or entertainers of its own, the existence of nomads is as rational as the existence of rural travelling libraries today. In Persia one even has the example of ... commercial nomads living in economic symbiosis with the pastoral nomads who are themselves living in a different kind of symbiosis with the settled society. And seasonal labour of all kinds continues to be needed in advanced industrial society.... If, then, we see economic nomadism as giving a very rational life style in many societies to some sections of certain groups of specialized self-employed or independent workers, we will no longer be surprised when we find similar cultural and economic patterns existing amongst many groups of Romani-speaking people throughout the Indo-European world. Nomadic self-employment and ethnic differentiation tend mutually to reinforce one another.... (1974: 260-1)

Within commercial nomadism, economic flexibility is often directly connected to movement:

Economics are an important determinant of nomadism or sedentarism. Moving brings adaptability, flexibility, and autonomy in maintaining economic independence. The scope and frequency of the moves will depend on the trade(s) being practiced at any given moment. (Liégeois 1994: 95)

The collapse in the traditional Traveller economy and an associated shift towards urbanization and welfare dependency in Ireland was also part of a wider European process:

In most countries, 1945-60 was the period of most significant change: the rural exodus, which decimated an established clientele and destroyed a symbiotic relationship in which rural and nomadic families exchanged goods and services. In many countries ... Gypsies' characteristic trades (as pedlars, craftsmen, musicians) has ensured their relative acceptance as suppliers of services.. Economic development brought profound change ... Other factors were the growth in mass-produced goods, which took over many traditional markets, and motorisation, which change the practices associated with nomadism: faster, more frequent journey radiating from a fixed, or semi-fixed base. (Liégeois 1994: 97)

These changes were accompanied by a tightening of bureaucracy around trading and camping which placed ever more restrictive regulations on the life and work of nomads and contributed to a growing crisis in commercial nomadism across Europe.

The 'New Traveller' phenomenon in Britain and Ireland illustrates that people can *become* nomadic even on a economic base of welfare dependency and despite the legal and extra-legal repression of nomadic identity (McVeigh 1997; Clark 1997). Welfare dependency can therefore in circumstances support nomadism. Generally, however, commercial nomadism is a viable economic base with substantial potential for development. Moreover, past experience suggests that it is going to continue whatever its treatment by

sedentary structures of Government and economic development. These structures can either work with the commercial nomadic peoples to make the economy better for everyone or they can ignore this base and abandon it to survive in increasingly difficult circumstances.

Irish Traveller nomadism should be approached from this perspective and situated in terms of its wider context of commercial nomadism. There is, of course, a specificity to the Irish Traveller nomadism and some generalizations are more applicable than others. Nevertheless it is striking that points which hold for commercial nomads across Europe are representative of the situation of nomadic Irish Travellers. This perspective helps shift the analysis away from racialized explanations for the movement of Travellers - where nomadism is explained in cultural or even genetic terms - towards explanations firmly grounded in the social context of contemporary nomadism and the widespread economic crisis in the Traveller economy.

## Chapter Three:

### Nomadism in Ireland – history, ethnicity and the law

*Mr. Palmer asked the Minister for Justice if he is aware of the doubt as to whether there are any laws, by-laws or regulations by which bands of travelling tinkers, gypsies and lino sellers, all equipped with cars and caravans of various types, may be prevented from camping for a period longer than one night in the vicinity of towns, villages, entrances to private houses and hotels, sea beaches, listed beauty spots and tourist resorts; and, if so, whether he will introduce proposals for legislation by which such obstructions and nuisances may be prevented.*

*Minister for Justice: The police have no power to interfere with persons camping out, so long as they do not obstruct the public highway. If such persons trespass on private property, the matter is one for the owners or occupiers of the property. I appreciate that these bands of vagrants are a great nuisance and if I could see any satisfactory way of dealing with them I should not hesitate to introduce proposals for legislation. At present, however, I do not see any satisfactory solution of the problem.*  
Dáil Éireann, 21 July, 1949.

There has been nomadism in Ireland as long as there have been people in Ireland. Despite this reality, there is a common misperception that nomadism in Ireland suddenly developed at some arbitrary point in Irish history for some (usually unexplained) reason. Thus a recent article the *New York Times* could tell us:

In modern Ireland, where immigrants and refugees from Africa, Asia and Central Europe are rapidly becoming part of the cultural landscape, the Irish travelers, *who began wandering here more than 800 years ago*, remain the principal social outcasts. Disparagingly called "tinkers," a reference to their former role as tinsmiths, repairing pots and pans as they moved from town to town, they are all too often publicly perceived as a tribe of thieves. (18/11/2001, our emphasis)

This illustrates graphically the common perception that Travellers emerged from somewhere and 'began wandering'. In fact, it was settled people who emerged here 'more than 800 years ago' and 'began settling'. It is as much 'becoming sedentary' as 'becoming nomadic' that has to be explained as a new social phenomenon.<sup>12</sup>

In Ireland itself, the Irish Traveller nomadism is part of a broader tradition and network of 'people of the roads'. The central importance of figures like the spailíní fánach, the 'rambling shúiler', scoláirí bochta, and the bacach buí in traditional Irish culture, are all testament to the history of nomadism and traveling in Irish society:

So numerous were the beggars who travelled along the roads from 1447 down to the middle of the nineteenth century that laws were passed to cope with them.... The famine of 1845-7 uprooted hundreds of thousands of people from their homes.... Descendants of these poor people, of both sexes, continued to journey from house to house, looking for alms and shelter, although in much smaller numbers, down to the early years of the present century. Many houses had a special bed or straw mat for these more-or-less regular visitors, who were always welcome owing to the news which they brought from distant parts, entertaining the

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<sup>12</sup> Deputy Orpen gave a useful account of this process in the Seanad: 'Perhaps I might digress for a moment and remind the House that, if you consider agriculture in the past, not just the last 200 or 400 years but agriculture over thousands of years, there was no private ownership, whether of animals, crops or land. In the case of the nomad, everything was owned by the community. In our own Celtic booley system over centuries in Ireland, crop, animal and land were not private property but belonged to the tribe. As time went on, it was seen that there was some advantage in private property and the animal came in first. Then the crop followed, and at long last, many centuries afterwards, you began to have ownership of the grazing. That was last in. It was only comparatively recently in this country—over the last few hundred years—that we have had this idea of exclusive ownership of animal, crop and land or grazing.' Seanad Éireann, Volume 37, 08 March, 1950



company at night with their stories.... Itinerants (tincéara or travellers as they prefer to be called) ... are still to be found along the roads in the summer, or encamped on vacant spaces at the edge of towns and cities in winter.... Peddlers of various kinds, selling pins, laces, thread, tobacco, tea and other goods, have travelled along the Irish roads for centuries, but are now rarely seen. There were also travellers who bought or collected eggs, old clothes, rags, feathers and other goods. Similarly, tradesmen such as tailors, stone-masons, spailpíní (travelling labourers) and others went from place to place in search of work.... Finally, there have been, through the centuries, thousands of itinerant musicians of various kinds, ranging from the old harpers ... to fiddlers, dancers, dance-masters, those who sang or sold ballads, and popular entertainers of other kinds. (O Súilleabháin 1968: 109-10)

These 'people of the roads' included not only 'ethnic nomads' like Travellers and Gypsies but a whole range of nomadic and itinerant salespeople - some travelling individually, others in nuclear and extended family units. This is captured in Florence Mary McDowell's autobiography, *Other Days Around Me*. There she provides an account of what she calls the, 'unending stream of itinerants of one sort and another who brought variety to daily life and a glimpse of other worlds' to the north of Ireland at the beginning of the 20<sup>th</sup> century (1966: 100). McDowell identifies two different ethnic groups of Travellers:

The Tinkers preferred selling new wares to mending old ones; but occasionally they would come into the kitchen and, heating the soldering-iron in the fire there, would sizzle the quick-running solder on to pot or can. They brought with them their own smell of wild living - of sweat and porter and rancid clothing, of poaching of nights and sleeping rough, while permeating all was the smell of their smoky way-side fires. First cousin to the Tinker was the Gipsy, but his assertion both would have violently resisted. The Tinkers were travelling men but citizens. They earned their keep by skill and salesmanship and, like the cottagers, accused the Gypsies of theft, lying, laziness, general lawlessness and Cursing.... The Gypsies always arrived during the week before the Ballyclare May Fair, having travelled Ireland from fair to fair since the previous May. The main business was dealing in horse-flesh, which included for business purposes, ponies and donkeys. (1966: 108)

McDowell's work provides one example of the range of itinerant and nomadic enterprises which were historically central to rural life in Ireland.<sup>13</sup> Likewise, O'Baoighill's account of Na Lucht Siúil in Donegal records the social importance of this tradition:

Shiúladh an chuid is mó acu agus bheadh asal agus trucaill le cuid eile acu. Corruair bheadh scaifte acu le chéile ach an chuid is mó den am ní bheadh ach duine amháin ann. Nuair a d'fhanadh siad i dteach ar bith chruinníodh scaifte daoine go dtí an teach sin le héisteacht leo ag inse scéalta.<sup>14</sup> (2000: 423-424)

There is, however, a specificity to the Irish Traveller nomadism which deserves a focused discussion. Moreover, this tradition has survived while other 'people of the roads' have all but disappeared in Ireland. This specificity holds broadly true in terms of what Irish Travellers do in Ireland itself - north and south. But it also holds true for Irish Travellers outside of Ireland, sometimes for many generations - in Britain, in continental Europe and in the USA. In other words, Travellers in Ireland are part of a broader tradition of nomadism in Ireland but they are also part of a broader Irish Traveller nomadism which extends well beyond Ireland - across Europe and North America.

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<sup>13</sup> McDowell was neither an anthropologist nor a sociologist. The group which she identifies as 'Gypsies' may indeed have been Romà but they may equally have been Irish Travellers - the term 'Gypsy' is often used inappropriately to describe Irish Travellers, especially in the north of Ireland.

<sup>14</sup> 'Most people would walk, while others used a donkey and cart. Sometimes there would be a crowd of them but most of the time there would be only one person. When they stopped at a house a large crowd would gather to hear the news'.

As we have seen, these Irish Travellers are *commercial nomads* – they have constantly interacted with the sedentary communities within which they traveled. This defined the experience of Travellers but it also left a marked legacy on the sedentary population. For example:

In the 1800s large groups of travelling people used to come to *Gleann Cholm Cille*. Among them, there were master tin-smiths who made and mended household goods known as *pandaís*, and highly accomplished musicians. At times over forty of them would come together and they would stay for over a month, making tin goods and playing music. Such was their love of music that they made tin fiddles for children to practise on. These metal instruments were cheaper than the standard wooden fiddles and much easier to mend if damaged! In the early 1900s a dispute arose between the Catholic curate and a large group of travellers camped in the glen. The priest drove them out of the area and they never came back in such numbers. Still, some families continued to come, particularly those with an interest in music, most notably the McConnells, Rourkes and Dohertys. They greatly enriched the local repertoire and also helped to spread Gleann Cholm Cille tunes throughout the county. As time went by, however, plastic removed the demand for tin goods and the decline of housedances ended the centuries-old tradition of travelling musicians. By the 1970s few travellers visited the area. They had left their mark on the music of the glen, however, and their unique tin fiddles are still in use. (Gleann an Cheol 2000)

In this sense, Irish culture should properly be seen as an outcome of a complex interaction between sedentary and nomadic ways of life. This is much more holistic approach than the sedentary narratives that usually erase the nomadic dimensions of Irish history.

## **Commercial nomadism or ‘trading’ in the Traveller economy**

Traditionally Irish Travellers were commercial nomads who traded in the rural agricultural economy. What they traded was less definitive than the way in which they traded. They bought and sold or bartered with the farming community. Two of the defining activities of the traditional Traveller economy – tinsmithing and horse-dealing – have all but ended as commercial enterprises, although they remain a core part of Traveller cultural identity. Contemporary Traveller trading, however, continues to illustrate the ways in which most Travellers made a living in the past. Many Travellers have survived economic changes in the rural economy and progressed to exploit niches in a mostly urban environment by trading in a whole range of goods and services - in goods like antique furniture, farm gates, bed clothing, video and electrical equipment, tyres and carpets (Task Force 1996: 242-3). Trading is done by selling from the roadside, door-to-door selling or by selling from stalls in the markets. The Task Force identified two main types of trading: *transient trading* which involves selling from the roadside and door-to-door and *market trading* which involves selling from stalls in the casual trading areas.

With transient trading, overheads are significantly different from those of settled business people. While Travellers involved in trading do not routinely have property costs, and current costs such as employees’ wages, electricity and heating, they require quality vans and caravans and significant cash resources to buy and sell in bulk where and when opportunities arise. They also have considerable fuel costs. The Task Force argued that, ‘it is generally acknowledged that there are difficulties involved in Transient Traders fully participating in the taxation and social insurance systems as presently structured’ (1996: 243). Despite these challenges, this form of commercial nomadism remains generally successful:

These Traveller Traders have exploited niches in the modern economy such as antique dealing, trading in farm gates and such. Existing groups already dominate the niches identified and it is unlikely that new groups could set up to compete with them. However,

they have shown that Transient Trading as currently practised is feasible and profitable. Transient Trading is a model of entrepreneurial skill to encourage extended family groups to identify other niches and exploit them. To succeed in Transient Trading requires: identifying feasible niches to exploit; significant resources to buy and sell and diversify when opportunities arise; capital to get quality vans and caravans; a large united extended family group for support, division of work and company while moving around; access to parking space and facilities. (1996: 244)

The Travellers most involved in trading usually travel in extended family groups. The three main groups are based in Rathkeale, Wexford and Sligo and these form around 150 of all the families engaged in 'transient trading'. These Travellers trade as extended family groups (from about seven or eight families up to forty families) and they are generally economically successful. The Annual Count of Traveller Families carried out by the Department of the Environment defines around 5% of all Travellers as 'Traders'. In reality, however, there is no appropriate distinction between 'traders' and other Travellers, trading is a form of commercial nomadism that all Travellers may participate in, some very successfully, others less successfully. It is not a separate ethnic or cultural identity.

There have been particular tensions between Travellers involved in trading and the settled community, north and south of the border (Task Force 1996: 244). The increasing use of the notion of 'indigenous Travellers' simultaneously creates an excluded category of non-indigenous Travellers who are denied any right at all to accommodation or site provision in a given area. The concept is, of course, meaningless to Travellers and has little reference to any reality. All Irish Travellers are indigenous to Ireland while no Irish people – settled or Traveller – can be identified as 'indigenous' to a county or a district council area in any meaningful legal sense. Moreover, Traveller nomadism means that Travellers are less identified with locality than settled people. For example, many Traveller 'traders' work in the north of Ireland as much as the south of Ireland - in this sense, the whole of Ireland is an integrated market for transient trading. The trading Traveller economy is already an example of the much-heralded 'island economy' - the border is almost meaningless in terms of this particular economic activity.

## **Irish Traveller nomadism outside of Ireland**

Irish Travellers, like other Irish people, have a long history of emigration to different countries around the world. Traveller nomadism remained a key part of people's identities following emigration. There is, however, very little research work on Irish Traveller nomadism around the world. Nor indeed is there any consideration of the specific impact of emigration on nomadism. Traveller activist Michael McDonagh has recorded how much of the migration to England in the 1960s was to take advantage of participation in construction of motorways and so on. There is some evidence of Travellers developing work in new opportunities around informal economy like car window washing and suchlike. There is also movement beyond Britain to continental Europe - this work is increasing and deserves discrete attention but as yet there is no developed analysis or research on the Traveller nomadism in continental Europe.

There is more detail on Traveller identity in the USA and many authors mention aspects of Traveller nomadism in passing (Salo 1986). Harper (1977; 1971; 1973) and Andereck also provide useful detail on aspects of Traveller nomadism. Some Travellers from Ireland also travel for part of the year in the US (McDonagh and McVeigh 1996: 1). This is an example of the continuing internationalization of Traveller nomadism and the Irish Traveller economy. After emigrating in the mid-nineteenth century, the original Traveller emigrants to the USA practiced tinsmithing and peddling. They gradually entered the mule-trading business. They moved to the southern states in response to demand for horses and

mules in southern agriculture. Initially they spent the winter in the South trading livestock and returned to the North for the summer. The decline in demand for horses and mules in the North encourage them to migrate to the South permanently. Travellers bought mules in the stockyards in Atlanta, Nashville, Fort Worth, and Memphis and went off on predetermined circuits selling exchanging and buying mules. Diversification into spray-painting, linoleum trading and 'blacktopping' or tarmacadamming continued after the war. Spray-painting, linoleum-selling and asphaltting are now the chief occupations of Travellers (Andereck 1992).

The similarity of the experience between Ireland and the USA is striking - despite the years of separation and huge economic transformations since that separation. Of course, much of this derives from the continued commercial nomadism of both groups. Nevertheless, it is striking that the economy of the two groups developed separately but in parallel through horse and mule trading to trading in linoleum and tools, spray-painting and black-topping. With commercial nomadism, however, the whole family is the unit of economic activity and gender divisions in employment are less absolute than in sedentary economic activity.

The continuing success of the Traveller economy in the USA means that the Traveller community is generally affluent. Given the common Irish stereotypes of Travellers as 'dole scroungers' living in a 'subculture of poverty' it is especially ironic to find that accounts of US Traveller identity have been characterized in terms of wealth and the absence of dependence on welfare. Murphy Village is now characterized by huge and expensive houses - many of which have limited practical function since the population continues to be nomadic. Thus, while Travellers in the USA are often stereotyped, these stereotypes are more likely to be couched in terms of wealth rather than poverty.

Nomadism continues to play an important part in Traveller identity in the USA. As US Traveller, Richard Waters writes:

I'm a Northern Irish Traveller and our people tended to immigrate here later than the families now known as the Southern Irish Travellers. My own grandparents' families arrived here during the 1870s and the 1880s. Oddly enough, considering the climate, many of those (Northern) predecessors also favored north-western New York State as the initial jump-off point for their exit from ordinary Irish Immigrant status to their debut in the New Country as a fully operational Irish Traveller (albeit incognito) organism. Personally, I suspect (and this is pure speculation) that the opportunities offered by the famed Erie Canal enabled the new US Irish Travellers to accumulate, in exchange for their labor, a little money and a free passage for their family away from the cities packed with settled Irish toward rural markets for their accustomed services. This possibility would at least account for their choosing as an initial center of operations a site like North Tonawanda, NY with such harsh winters. I don't think that there can be too much of a comparison made between nomadism in Ireland and the USA. There were overwhelming forces involved in the change of locale: repulsion and attraction. The repulsive force involved settled Irish immigrants; it was too much to expect Irish Travelers to continue to serve as a despised underclass to people who were themselves treated as an underclass, people Irish Travellers considered content, even eager to serve as another man's wage-slave. The old social order, as seen from the Irish Traveller's point of view, was turned upside down. Irish Travellers separated themselves completely from other Irish here, even those few who remained near the cities. The attractive force was like a huge vacuum; coming from a country where families had followed the same circuits perhaps a few hundred km long for generations, to a rapidly expanding nation where ten million square kilometers of settlement were creating huge markets demanding minker, pavee and, especially, curree-moocher skills. To steal from Hemingway: it was a moveable feast. In general, the Northern Travellers are the most truly nomadic today and there has been no research done on us to the best of my knowledge. The Southern, Western and Mississippi Travellers are the best studied but are more occupationally than true nomadic; mostly the families don't travel much. I doubt that there would be much cooperation given on routes of march by any group, though, to any researchers. The formerly live-and-let-live attitudes of the police and the general public have turned into a televised witch-hunt in recent years.

Nomads are out of fashion here and Travellers even more secretive than usual. As they say: even paranoids can have real enemies now and then. (Richard Waters, personal communication 13<sup>th</sup> December 2001).<sup>15</sup>

The contrast between the USA and Ireland appears even more remarkable in the context of commonsense Irish notions about the outmoded nature of Irish Traveller nomadism. The undeniable success of the US Traveller economy suggests that the relative failure of the Traveller economy in Ireland has less to do with its inherent qualities than with the hostile and unsupportive climate in which it is forced to survive (McDonagh and McVeigh 1996).

## The History of Irish Traveller nomadism

As we have seen already, nomadism is as old as the human presence in Ireland. This pre-history and history, however, is largely undocumented. The character of Irish Traveller nomadism is, however, addressed in several more recent accounts. Most of these are autobiographies by Irish Travellers. Nan Joyce's autobiography gives a sense of the Traveller nomadism in the post-war period:

Ireland was very poor then, especially the Free State, you couldn't get copper or brass or tin or anything like that so the Travellers used to smuggle it in their wagons. They'd bring it into the Free State in big hundred weight bales and they'd make tins and pots and lovely copper ornaments and buckets.... In the summer we'd go travelling. We'd leave up the heavy wagons because it was easier on the horses, they just had to pull the car, and we'd sleep in tents. They were made from green covers with hazel branches for wattles. In the morning we'd roll up the sides, and fold the bedding, fresh air would get in and the place would be cleaned up spotless. (2000: 3-4)

Nan also records how even at that time Travellers were subject to forced movement:

We used to be hunted out of the Bog Meadows. We'd go from the Catholic side to the Protestant side, then to the Falls Road, up to Andersonstown, out the Holywood Road, up the Glengormley Road, the Whiterock and the Shaws Road. We kept moving because we had to, there were big fines for camping.... We'd have to pack up everything in the middle of the night, and at that time we had no motor van or car, it was a horse and wagon. You couldn't say to the police that you weren't shifting because you'd be kicked around the road, the men would be beaten with batons, they'd even be brought into the barracks and locked up. You got no fair play at all if you were a Traveller.... We travelled around Portadown and Lurgan, to Ballymena and Newry, we travelled all of the North over and over again. (2000: 39-40)

This forced movement was accompanied by a developing crisis in the traditional Traveller economy in Ireland in the post-war period.

This traditional Traveller economy supported Travellers without any external supplement for decades. This is not to romanticize its historical success - some Travellers were relatively affluent, but many lived in poverty and hardship - but it is to recognize its autonomy. The Traveller economy existed in a symbiotic relationship with the settled rural economy but it was economically self-sufficient. This changed for most Travellers in the aftermath of the 2<sup>nd</sup> World War as the Traveller economy entered a period of prolonged crisis and decline. The crisis in the Traveller economy in the post-war period marked a profound transition for most Travellers as they were forced to move from a rural to an urban

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<sup>15</sup> The witch-hunt mentioned by Richard Waters has also resurfaced in Ireland. For example, the *Sunday Life* uncritically reproduced a scare story under the banner headline, 'On the trail of the Murphia: The Irish Travellers who prey on USA's vulnerable elderly' with sensationalist claims about a '\$3 million scam' and 'roaming con artists' (19/04/1998). These kind of stories disguise the fact that the US Traveller economy is testament to continued viability of commercial nomadism.

environment. This migration created a series of illegal and unserviced sites in areas like Finglas, Tallaght and West Belfast. It also marked a profound change in the nature of Irish Traveller nomadism. In particular, Travellers came under the scrutiny of the state in an sustained manner for the first time.

## **Nomadism and the state in Ireland**

Irish Travellers have been directly affected by anti-nomadism and anti-Traveller racism of both states on the island (Noonan 1998; Mayall 1995; Hawes and Perez 1996; McLaughlin 1995). As Noonan argues:

Significantly, the first interest shown by the state of Northern Ireland in what was characterized as the 'problem' of Travellers occurred during the post-war period. To those committed to economic modernisation, the presence of a community committed to a nomadic lifestyle (and a lack of attachment to land as property) and to independence from wage labour (one of the central features of industrial capitalist economies), Travellers (in both rural and urban setting) symbolized anachronistic and deviant values. (1998: 154)

As we have seen there were also concerns around Travellers and nomadism in the south of Ireland from the 1920s onwards – these focused on education and public health issues. The state in the south began to intervene for the first time in a structured way, however, with the *Commission on Itinerancy* which was established in 1961 and reported in 1963. The conclusions of the Commission were explicitly sedentarist – it saw the end of Traveller nomadism as a positive goal. This position had mediated slightly by the time of the report of the Travelling People Review Body in 1983. By the time of the completion of the Task Force on the Travelling Community 1995 the discourse had changed, at least superficially. As we have seen, the Task Force recognised that nomadism was a key part of Traveller culture and that, 'the distinct culture and identity of the Traveller community be recognized and taken into account'. (1995: 76). The Task Force report, however, still contained a minority report that was explicitly anti-nomadic (1995: 289-291). Four dissenting members argued:

The emphasis which has been given to the element of nomadism in the lives of the traveller community begs the assumption that there will be no significant change in the nomadic way of life for the foreseeable future.... The formulation of Government policy to the year 2000 and beyond should include consideration of alternatives to the nomadic way of life in view of:- the disadvantages of the current lifestyle of the traveller community; the changing pattern of work opportunities available to the traveller community; the increasing conflict with the settled community which arises mainly from the consequences of the nomadic lifestyle; the inordinate cost to the exchequer of catering for this way of life. Nomadism in the context to today's traveller lifestyle is a contentious and emotive issue but any lifestyle which places that community at a significant disadvantage in virtually every walk of life and which is inordinately expensive on the taxpaying community to maintain for the questionable benefit of a small section of the population must be regularly reviewed in the interest of society as a whole and particularly in the interests of that community. (1995: 289)

In general, therefore, the history of the relationships between Travellers and both states in Ireland has evolved through neglect, then active assimilationism, towards a position which, formally at least, recognises the distinctiveness of Traveller identity (as well as the importance of nomadism within that identity). While there has been an increasing acceptance of Traveller ethnicity, none of these phases has been particularly sympathetic to nomadism in practice. Moreover, nomadism continues to be the element of Traveller identity which is identified as being most problematic for settled people in general and for

the state in particular. The continuing presence of boulders preventing camping around the country is perhaps the most graphic symbol of continuing opposition to nomadism at local and national level but this physical barrier to nomadism has been accompanied by a range of other measures which might be termed *institutional sedentarism*. These behaviours have served to 'normalize and reproduce sedentary modes of existence and pathologies and repress nomadic modes of existence' in Ireland (McVeigh 1997: 9). This process reached a new nadir in Section 24 of the Housing Act 2002 . This legislation has already had a disturbing impact in terms of Traveller equality. It has also had a more specific and immediate impact in terms of Traveller nomadism:

It has affected Travellers in a very bad way – it has taken away their culture from them. All the camps are blocked up. They don't have the freedom to travel – that freedom has been taken off them. Who has the right to do that to anyone? There's some of them doing it anyway. They are charged, they are fined, they are getting their caravans taken off them. They are left homeless because of the law. (Younger Woman: Tullamore)

In 2002, the Citizen Traveller campaign, which had been promoting positive images of Travellers was 'wound up' by the Irish government which provided its funding. RTE reported this decision thus:

The Government-appointed Travellers' support group, which aimed to contribute to a greater understanding between Traveller and settled communities, is to be wound up. A review of the workings of the Citizen Traveller Campaign had been ordered by the Minister for Justice, Michael McDowell. That followed what the Department of Justice described as concerns over its management and direction. The findings of that review have been published and it concluded that the Campaign didn't fully embrace the objectives it had been set. Instead of trying to contribute to greater understanding between the traveller and the settled communities, the Campaign focused exclusively on the traveller perspective. Tonight, the Minister for Justice said the best way forward is an orderly winding up of the project. However, Minister McDowell said he would be consulting with interested parties before deciding on a replacement for Citizen Traveller (RTE Interactive News 2002).

It was widely perceived that the catalyst for this abrupt change in Government support for the Citizen Traveller campaign was a controversial advertisement against the anti-nomadic effects of the Housing Act. This Citizen Traveller advertisement had argued: 'Suddenly, in caring Ireland, to be a Traveller is a terrible crime. The racist and unworkable law on trespass criminalizes 1200 unaccommodated Traveller families' (The Traveller 2002: 11). Certainly the advertisement caused widespread and vocal concern among representatives of the coalition parties in the Irish Government. Once again, the key interface between Government and Travellers was specifically associated with tensions connected to Traveller nomadism.

## **The 'Consultation paper for control of unauthorised encampments'**

On 25<sup>th</sup> September 2003, John Spellar MP, the British Minister with responsibility for Social Development in the north of Ireland launched a 'consultation paper on the control of unauthorized encampments' (DSD 2003). Announcing details of the consultation exercise, Spellar said:

Unauthorised encampments have long been a cause of complaint from both members of the public and elected representatives. This consultation paper stems from a report by a Working Party set up by the then Minister for Social Development, Maurice Morrow, to consider the whole issue of unauthorised

encampments. The Working Party looked at the extent and causes of unauthorised encampments. They also considered the effectiveness of current legislation and the position in GB and the Republic of Ireland. They found that current legislation is inadequate and recommended that enforcement powers should be strengthened. The Department for Social Development has accepted the recommendations in the report and this is an opportunity for interested parties to let the Department know what they think about these proposals. (DSD 2003a)

The consultation document was accompanied by an equality impact assessment as required by Section 75 of the Northern Ireland Act. This concludes, 'that the proposal to introduce legislation to control unauthorised encampments as set out above is *likely to have an adverse impact on Irish Travellers*' (our emphasis). Despite this bald assessment of the negative impact of the proposed measures, the DSD proceeds to support the introduction of the legislation. In other words, the government department already knows that this legislation will discriminate against Travellers but is proposing to push it through despite its racist and sedentarist implications. There can be few starker examples of government anti-nomadism in practice.

There is little doubt that the proposed legislation will be indirectly discriminatory against Travellers within the meaning of Race Relations legislation unless sufficient and adequate accommodation provision is made available. The consultation document provides no details of how transit sites will be located, designed or managed. This raises concerns that inadequate and inappropriate sites could be located without consultation with or consent from Travellers with the effect that they are not culturally suitable and won't be used. Travellers choosing to camp outside the officially sanctioned sites, suitable or not, will then presumably be prosecuted as criminals under the new measures. The use of criminal rather than civil law is disproportionate and will mirror some of the shocking and distressing consequences of the criminalization of trespass in the south of Ireland.

The proposed lead role for PSNI in enforcing the new measures is likely to preclude any improvement of the already strained relationship between Travellers and police and do nothing to support the promised move towards a 'new beginning to policing'. The PSNI still have not fully implemented the ACPO guidelines on race equality and have no effective strategy for provision of anti-racist training for members.

The final ignominy is that consultation paper suggests that Traveller representative groups are expected to be involved in a partnership to enforce the legislation. These organisations were not invited to be members of the secretive working party which examined the issue of illegal camping – there was no hint of partnership at that stage of the process.

## **Nomadism and the community sector – from settlement to partnership**

In Ireland, the community and voluntary sector began to intervene in a concerted fashion in the situation of Travellers for the first time with the development of the *Itinerant Settlement Movement*. This movement was explicitly sedentarist – it was defined by its commitment to 'settlement' - the key to 'helping' Travellers was to 'settle' them. This movement took its lead from the southern Commission on Itinerancy and its report of 1963. It developed earlier and with greater impact in the south of Ireland – the north adopted the same paradigm but it was generally a 'Catholic' social phenomena. The northern state generally ignored the itinerant settlement movement, perhaps precisely because it was a southern 'Catholic' phenomenon.

Itinerant settlement was more than just another aspect of the dominant thinking on Travellers – *it was the paradigm within which Travellers were to be 'helped'*. In other words,



there was no justice or equality for Travellers separate from the process of ending their nomadism. This changed in the 1980s as elements within the Traveller support movement began to critique the notion of settlement as a 'solution' to Traveller equality issues. Once again this process developed first in the south of Ireland and was echoed in the north. A new paradigm evolved which repudiated the notion of settlement and began to articulate Traveller inequality in the context of the concepts of anti-Traveller racism and Traveller ethnicity. This change was first symbolized by the Traveller-only organisation Minceir Misli and later associated with organisations like Pavee Point (formerly DTEDG) in Dublin. Groups like these regarded nomadism as a crucially important and *positive* part of Traveller identity. The legacy of assimilationism has largely faded, although there are still individuals within the Traveller Support Movement who subscribe to the notion that 'settlement' is the best 'solution' to the problems of Travellers.

## **The Legal Context – Travellers and nomadism in Law in Ireland**

While anti-nomadism informed attitudes and practices towards Travellers from the 2<sup>nd</sup> World War, legislative protection from anti-Traveller discrimination developed more recently. In the north, the Race Relations Order (1997), the Report of the PSI Working Group and the Housing Bill (2000) all marked a movement towards acceptance of Traveller ethnicity and, more specifically, an acceptance of the legitimacy of nomadism within that identity.<sup>16</sup> In the south, Traveller ethnicity has been less explicitly recognised, but the right of Travellers not to be discriminated against as Travellers has been integrated into broader equality measures. This situation has been further confused by a recent statement in the Dáil by Minister for Justice, Michael McDowell in response to a question about the refusal to recognise Travellers as an ethnic group in the preparation report on the UN Convention for the Elimination of all Forms of Racial Discrimination.<sup>17</sup> The Minister's statement implies the

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<sup>16</sup> The Draft Housing Bill (2002) defines its aspirations on Traveller accommodation thus: 'Chapter II of Part III gives the Executive power to provide and manage caravan sites for Travellers. A Working Party on Travellers' Accommodation, which was set up in 1996, confirmed that existing local authority provision of serviced sites for travellers was inadequate. It also confirmed that some travellers, especially those, who have been living on "settled" sites for a number of years, wish to have access to social housing specifically designed to meet their needs. It was therefore proposed that the Executive should take responsibility for the future acquisition and management of serviced sites. The policy objective is to ensure that the housing needs of travellers are addressed in a holistic and consistent way.... The Working Party on Travellers' Accommodation considered a number of options for delivering and administering, within available resources, new arrangements for meeting travellers' accommodation needs. The Working Party published its report for consultation in 1998, seeking views on the provision of accommodation through the existing system of serviced sites (provided by district councils) and housing (provided by the Executive); or, alternatively, sites and accommodation, or a mixture of both, to be provided by district councils or housing associations. Responses indicated strong support for the strategic role in relation to traveller accommodation to be given to a single agency. It is therefore proposed that the Executive should undertake responsibility for serviced sites and provide a range of appropriate accommodation through the normal mechanisms for the funding, programming and allocation of social housing.' (DSD 2002)

<sup>17</sup> The Minister's statement in full reads: 'The UN Convention on the Elimination of all Forms of Racial Discrimination defines "racial discrimination" as any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin. To suffer from racial discrimination Travellers would need to suffer distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin. The Government's view over the years, and repeated in the draft report under the UN Convention on the Elimination of All Forms of Racial Discrimination, has been that Travellers do not constitute a distinct group from the population as a whole in terms of race, colour, descent or national or ethnic origin. In the preparation of equality legislation, it was considered that discrimination against Travellers would not be covered by the term "discrimination on the ground of race". Therefore, a separate ground - membership of the Traveller Community - on which it is unlawful to discriminate was put into equality legislation. This was not meant to provide a lesser level of protection to Travellers compared to that afforded to members of ethnic minorities. On the contrary, the separate identification of Travellers in equality legislation guarantees that they are explicitly protected. Some of the pressure to recognise Travellers as an ethnic minority in

anomalous situation in which Travellers are explicitly recognised as an ethnic/racial group in law (and in British Government reports to the CERD) in the north of Ireland but not in the south. Despite this recent confusion, however, legislative interventions, north and south, have almost ended the prevarication around Traveller ethnicity and the related debate on the question of whether or not Travellers experience racism. Anti-Traveller discrimination generates the largest volume of work for the Equality Commission in the north and the Equality Authority in the south. Moreover, Travellers are routinely acknowledged and accepted as an ethnic group that can experience racism by most state institutions, north and south.

All this equality legislation and practice, however, has not contributed particularly to clarity around the notion of Traveller nomadism. Since the Dáil passed the Housing Act of 1988, Travellers and nomadism have been defined in a series of different and conflicting ways in both parts of Ireland (see Table One). The legislation in combination is far from clear on who Travellers are and how their relationship with nomadism should be defined. Thus Travellers are variously: 'a class of persons who traditionally pursue or have pursued a nomadic way of life'; 'the travelling community'; 'the Traveller community'; 'people with a shared history, culture and traditions including, historically, a nomadic way of life on the island of Ireland'. Nomadism, or 'a nomadic way of life' is not defined but it is taken to be definitive of being a Traveller. In other words, being nomadic (or at least part of a nomadic tradition) and being a Traveller have been accepted as inseparable in Irish legislation. There is, however, a continuum from the 1988 Housing Act of a people who are nomadic (regardless of ethnicity) to the 1997 Race Relations Order of a people who are a racial group (regardless of nomadism, except as a an historical legacy).

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Ireland arises from a desire for Travellers to be protected by international human rights instruments such as the International Convention for the Elimination of All Forms of Racial Discrimination, CERD. The Government is committed to applying all the protections afforded to ethnic minorities by the CERD equally to Travellers. For this reason, the Government has included in detail the steps taken to tackle discrimination against Travellers in an appendix to Ireland's draft report under the UN Convention on the Elimination of all Forms of Racial Discrimination. However, the Government is not prepared to include in the report a statement it does not believe to be true, namely that Travellers are ethnically different from the majority of Irish people'. (Dáil Debates Wednesday, 15 October 2003)

**Table One: Statutory protection from discrimination and definitions of Travellers in Legislation, north and south**

<p><b>South</b></p>
<p><b>Housing Act 1988 – Section 13</b>  <b>Provision of sites for travellers.</b>            13.—(1) This section applies to persons belonging to the class of persons who traditionally pursue or have pursued a nomadic way of life.</p>
<p><b>Prohibition of Incitement to Hatred Act 1989 – Section One</b>  <b>Interpretation.</b>            1.—(1) In this Act— "hatred" means hatred against a group of persons in the State or elsewhere on account of their race, colour, nationality, religion, ethnic or national origins, <i>membership of the travelling community</i> or sexual orientation;</p>
<p><b>Employment Equality Act 1998 – Section Six</b>  <b>Discrimination for the purposes of this Act.</b>            6.—(1) For the purposes of this Act, discrimination shall be taken to occur where, on any of the grounds in subsection (2) (in this Act referred to as "the discriminatory grounds"), one person is treated less favourably than another is, has been or would be treated.            (2) As between any 2 persons, the discriminatory grounds (and the descriptions of those grounds for the purposes of this Act) are....            (h) that they are of different race, colour, nationality or ethnic or national origins (in this Act referred to as "the ground of race"),            (i) that one is a member of the Traveller community and the other is not (in this Act referred to as "the Traveller community ground").</p>
<p><b>Equal Status Act 2000 – Section Two</b>  <b>Interpretation.</b>            "Traveller community" means the community of people who are commonly called Travellers and who are identified (both by themselves and others) as people with a shared history, culture and traditions including, historically, a nomadic way of life on the island of Ireland.</p>
<p><b>Housing (Traveller Accommodation) Act 1998</b> - To make provision for the accommodation needs of Travellers, to provided for the appointment of a National Traveller Accommodation Consultative Committee and Local Traveller Accommodation Consultative Committees and to provide for related matters.... "traveller" means a person to whom section 13 of the Act of 1988 (as amended by this Act) applies. [The amendment did not change the definition of 'traveller' from the 1988 Act cited above]</p>
<p style="text-align: center;"><b>NORTH</b></p>
<p><b>Race Relations (Northern Ireland) Order 1997:</b>            In this Order "racial grounds" ... includes the grounds of belonging to the Irish Traveller community, that is to say the community of people commonly so called who are identified (both by themselves and by others) as people with a shared history, culture and traditions including, historically, a nomadic way of life on the island of Ireland [and] "racial group" includes the Irish Traveller community. (1997: 9)</p>

**Northern Ireland Act 1998 – Section 75**

**Statutory duty on public authorities.**

75. - (1) A public authority shall in carrying out its functions relating to Northern Ireland have due regard to the need to promote equality of opportunity-

(a) between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;

(2) Without prejudice to its obligations under subsection (1), a public authority shall in carrying out its functions relating to Northern Ireland have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

[In this Act] "racial group" has the same meaning as in the Race Relations (Northern Ireland) Order 1997.

**Northern Ireland Bill of Rights (draft)**

2. Everyone has the right to be nomadic or sedentary and a right to change from one mode of living to the other (p.27)

**Housing Bill (2002) (draft)**

**Clause 122... Provision of caravan sites for members of the Irish Traveller community**

28A.(1) The Executive may :

(a) provide caravan sites for the accommodation of caravans of members of the Irish Traveller community, and

(b) manage those sites or lease them to some other person.

(2) For the purposes of paragraph (1), the Executive may, under Article 87, acquire land,

(a) on which to construct caravan sites,

(b) which is in use as a caravan site, or

(c) which has been laid out as a caravan site.

(3) The Executive may make such provision as appears to it desirable in connection with caravan sites provided under this Article and, in particular, may provide for the use of those occupying such sites, any services or facilities for their health or convenience that appear to it to be appropriate....

(7) In this Article,

(a) "caravan" and "caravan site" have the same meaning as in the Caravans Act (Northern Ireland) 1963; and

(b) any reference to the Irish Traveller community shall be construed in accordance with Article 5(2)(a) of the Race Relations (Northern Ireland) Order 1997 (NI 6).".

## Chapter Four:

### Contemporary Nomadism in Ireland

*I would hate to be settled. You have no choices at all – school and then university and then a job. We are free to go where we want and do what we want. Being a Traveller is the best thing in the world.* Young Traveller woman, Rathkeale.

This chapter draws on the knowledge of the Traveller Support Movement across Ireland to paint a picture of contemporary Traveller nomadism in Ireland.<sup>18</sup> In one sense there is nothing new about this reliance on local Traveller organisations – research in both the statutory and non-statutory sectors has relied heavily on the expertise and goodwill of the Traveller Support Movement for years. In another sense, however, it is a more formal recognition that this is usually the only way in which do meaningful research with or on Travellers. It is an acknowledgment of the key expertise of these social partners, whose partnership is often taken for granted.

There is also some basic demographic data for the South of Ireland from the Traveller Accommodation Unit of the Department of the Environment. There is no equivalent data from the Department of the Environment in the north – there has been no Traveller census since 1993 (DoE 1993). The nearest equivalent figures are contained in the Housing Executive's *Travellers Accommodation Needs Assessment in Northern Ireland* (2002). It bears emphasis that the methodologies employed north and south are different. The figures are generally agreed to be fair approximations of the accommodation patterns of the Traveller population across the country, given the difficulties of doing any census of a nomadic population. The figures for the south tell us a couple of things. First, the proportion of Travellers identified as 'transient' is fairly small – in 2001 only 214 families out of 5150 are identified as such. Thus only 5% of Travellers belong the category which appears to be most obviously associated with continuing nomadism. A further 803 (or around 15%) are identified as 'indigenous' but living on the roadside. Thus only 20% of Travellers are living on the roadside in the south of Ireland and only a quarter of these is defined as 'transient'. The definition of 'transient' is of course imposed by non-Travellers, the statistics say nothing about the self-definition of Travellers and whether they regard themselves as nomadic or 'transient' or not. Nevertheless, the figures are broadly accurate in terms of general trends around accommodation. Thus defined, the numbers of 'transient Travellers' has also increased substantially over recent years – from 158 families in 1998 to 188 in 1999 to 223 in 2000 to 214 in 2001. This, however, is as likely to represent the inexactitude of the methodology as it is a marked increase in Traveller nomadism.

There is also, however, a more fundamental problem with this figure for 'transient' families. It represents a categorization of Travellers in terms of forms of accommodation used *not patterns of movement*. As we have already seen, ITM estimates that round a quarter of all Travellers are moving at a given time. This movement can take place from any type of accommodation base and, indeed, is more likely to occur from a secure housing base.

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<sup>18</sup> Responses were received from: Bray Travellers Group; West Cork Traveller Center Association; Limerick Travellers Support Group; Tallaght Travellers Support Group; Donegal Travellers Group; Clondalkin Travellers Development Group; Galway Travellers Support Group; Kerry Travellers Development Project; Roscommon Travellers Group; Tipperary Travellers Group; Belfast Traveller Support Group; Belfast Travellers Education and Development Group; Pavee Point; Finglas Travellers Group; Southside Partnership; Waterford Travellers Group; Cork Traveller Visibility Group; Nenagh Community Network; Kilkenny Travellers Project; Derry Travellers Support Group; Newry Travellers Support Group; Mullingar Travellers Group.



**Table Two: Traveller Families in south of Ireland by Accommodation Category**

	'ON THE ROADSIDE'						TOTAL TRAVELLER FAMILIES		
	'Indigenous'			'Transient'			Accommodated by or with assistance of L.A. and on the Roadside		
	1999	2000	2001	1999	2000	2001	1999	2000	2001
Carlow	30	20	11	0	0	12	60	45	61
Cavan	5	5	1	0	0	0	49	48	49
Clare	37	39	43	0	4	20	107	119	142
Cork (City)	12	9	12	4	37	36	196	223	247
Cork (County)	28	20	23	17	10	12	168	151	161
Donegal	35	39	21	0	0	0	116	121	130
Dublin (City)	95	62	46	18	0	0	408	411	452
Dun Laoire/Rath.	23	29	19	0	0	0	96	103	121
Fingal	83	74	106	12	11	12	269	276	271
Galway (City)	26	25	12	0	0	0	193	197	199
Galway (County)	80	64	69	4	4	10	333	331	355
Kerry	13	12	12	3	3	0	225	228	204
Kildare	15	14	7	23	43	11	68	98	70
Kilkenny	8	7	6	4	6	4	65	72	70
Laois	15	21	22	0	0	0	65	80	91
Leitrim	0	0	0	0	0	1	24	22	33
Limerick (City)	7	4	2	4	3	0	66	70	63
Limerick (County)	53	32	31	3	7	10	220	196	208
Longford	6	8	8	12	8	1	158	162	162
Louth	11	13	6	0	0	0	157	170	177
Mayo	56	53	47	1	0	1	160	175	174
Meath	8	7	9	4	5	5	146	146	156
Monaghan	0	2	2	1	0	3	57	58	66
Offaly	56	55	46	22	4	5	156	145	145
Roscommon	9	2	0	0	1	11	47	44	53
Sligo	12	14	10	11	16	16	59	83	82
South Dublin	90	76	66	0	0	0	364	350	398
North Tipperary	29	27	23	7	4	5	113	115	121
South Tipperary	21	19	16	4	1	0	89	85	87
Waterford (City)	8	2	5	6	6	8	93	99	112
Waterford (County)	1	2	2	11	10	9	37	39	39
Westmeath	11	4	11	0	14	4	88	91	98
Wexford	110	88	83	0	3	0	230	230	239
Wicklow	26	22	26	17	23	18	108	115	114
<b>TOTALS</b>	<b>1019</b>	<b>870</b>	<b>803</b>	<b>188</b>	<b>223</b>	<b>214</b>	<b>4790</b>	<b>4898</b>	<b>5150</b>

Source: Traveller Accommodation Unit, Department of the Environment.

**Table Three: Traveller Families in the north of Ireland in 2002 by Accommodation Category**

	Belfast		Derry		Newry		Dun-gannon		Armagh		Other		Total	
		%		%		%		%		%		%		%
<b>Social Housing</b>	7	5	20	15	15	11	13	10	22	17	55	42	132	100
<b>Serviced Site</b>	<5	5	18	27	12	18	25	38			7	12	66	100
<b>Side of the road</b>	<5	3			9	27			8	24	16	47	34	100
<b>Co-operated site</b>	23	79					6	21					29	100
<b>home</b>	6	33			<5	6	5	28	<5	6	5	28	18	100
<b>Other</b>	5	14	<5	8			<5	11			25	68	37	100
<b>Total</b>	45	14	41	13	37	12	53	17	31	10	109	34	316	100

Source: Traveller Accommodation Needs Assessment 2002.

The figures for the north do not employ the same categories as the southern research. They tell us less about the geographic spread of nomadism but they give us much greater detail on attitudes towards nomadism as well as other dimensions of Traveller accommodation. They suggest that around 10% of Travellers are living 'on the side of the road' across the north:

More than two-fifths of respondents (42%) said their current accommodation was social housing (i.e. Housing Executive or Housing Associations). Twenty-one percent said they lived on a serviced site; 11% said they lived by the side of the road and 9% lived on a co-operated site. Six percent of respondents said their tenure was privately rented accommodation and 4% were in grouped accommodation. The remaining 7% were in other types of accommodation. (2002: 21)

This research indicates around 20% of Travellers routinely travelling, with those living by the side of the road much more likely to travel than people in other accommodation:

One-fifth (20%) of respondents said that they travelled and the remaining 80% did not. When asked if they would travel if they had a secure base, 28% said they would do so. Of those who travelled, almost two-fifths (39%:24) said they would normally travel for between one and three months per year and 32% (20) said they travelled for less than one month per year. When asked what season of the year they would normally travel, 71% (44) said they would normally travel during the summer months.

Analysis by tenure shows differing incidences of travelling within each tenure type. Less than one-sixth (14%:9) in serviced sites said they travelled, compared with 79% (27) of those living by the side of the road. Twenty-one percent (6) of respondents living in co-operated sites said they travelled as did 11% (15) in social housing and 6% (<5) in privately rented accommodation. (2002: 29)

The Housing Executive research has much more detail on attitudes to travel and other dimensions of Traveller accommodation than the southern research. For example, they asked a question about travel from a 'secure base' which suggested that nomadism would *increase* if Travellers had more secure accommodation:

More than one-quarter (28%) of respondents said they would travel if they had a secure base (an increase of 8%). Reasons given for travelling were economic (26%:23), family related (57%:51) or 'holiday' (31%:27). Of those who said they would travel if they had a secure base, more than one-third (34%:30) said they were planning or intending to travel within the following six months.



Although they employ different methodologies and categorizations, the northern and southern research suggest no huge difference between levels of movement and nomadism, north and south. Our research sought to explore in much more depth some of the nuances of and attitudes towards this movement. Our research with the Traveller support movement and with Traveller focus groups addressed a series of questions related to contemporary nomadism.

## **Proportion of Travellers travelling**

We asked a question about how many and what proportion of the Travellers different groups work with are traveling during the year. As a general rule it seems that the more nomadic a Traveller family is, the less contact that they will have with the local support movement:

We try to keep contact with all Travellers who live or stop in Cork. However, for many of the more nomadic Travellers, this might consist of no more than patchy contact, once or twice a year, depending on how long they stop. We have a lot of contact with the Travellers who live in the group housing scheme and in the halting sites. It is through these contacts we have learned about the more nomadic Travellers. (Cork)

It is also the case that nomadic Travellers remain a partially 'hidden' population, despite the improvements in census taking over recent years:

There are 200 Traveller families in Cork according to official local authority figures. However it is our understanding that the families are counted on one day, so even though the figure includes transient Travellers living on unofficial roadside sites, it does not present the full picture of nomadism throughout the year. We also believe that the local authority misses many of the unofficial sites. For example, the Traveller Visibility Group recently gave information to the Citizen Traveller Campaign that there are presently 22 unofficial roadside sites. The figure the local authority gave to Citizen Traveler is three sites. (Cork)

It is clear that there is still a huge level of movement among Travellers. Any census is premised upon situating the Travellers at the time that it is taken – Traveller nomadism is, however, the very antithesis of such sedentary notions of 'fixed abode'. Travellers are never 'from somewhere' in this sense – they are coming from somewhere and going somewhere else.

## **Patterns of Movement**

We asked a question about where Travellers that support groups were working with were coming from and going to. It is clear that most nomadism occurs within a defined pattern across a relatively small number of counties. Despite the stereotypes about aimless wandering, most traditional Traveller nomadism followed well-defined and cyclical routes. This continues with contemporary nomadism:

Traveller families in Tralee would normally go traveling for the summer when the children would finish up for the summer holidays. They go back to the same places every year they have with the last 20 or 25 years because the Travellers in Kerry do a lot of trading, they go to a lot of different fairs and markets.... They would go to all these fairs and in between all these fairs there would be small markets or car boot sales that they would go to and then after Puck Fair they would come back home for the Rose of Tralee which is

on the end of August. They would not go traveling then after that because the children would be going back to school the following week. So they would just settled back in home and they would just do the odd fairs and markets during the winter but would not stay away from home any more than a week. At the markets they would sell stuff like toys, tools and household goods. (Kerry Travellers Development Project)

People tend to travel in a circle from Kilkenny to Waterford, to Cork to Limerick, to Tipperary and back to Kilkenny. Some families will travel to Tullamore. Climbing Croagh Patrick and visiting Knock are dreams for many and some would manage to do that. Families do not travel normally to Britain or Europe. (Kilkenny)

The families travel each year to the same traditional campsites around Ireland. Traveller families that have children at school travel only when the children have holidays from school. (Galway Travellers Support Group)

They travel to places such as Cork, Galway, Clonmel, Belfast and Great Britain and Europe. The pattern is mainly of a seasonal nature, taking place during the summer season and to coincide with fairs and markets to facilitate the dealing of horse/vending and to attend religious occasions (Knock 15<sup>th</sup> August). Travel usually involves 6-7 groups traveling together (related and otherwise). One family in particular travel to mainland Europe for economic purposes. (Limerick)

There is also growing movement between Ireland and Britain and continental Europe but this still represents a relatively small proportion of the nomadic Traveller population:

The Glen Road families would be traveling to London, Derby, Glasgow, Derry and Dublin. Another family goes to Birmingham, Manchester, Liverpool and Derry. Another family travel and live in Germany, France, Denmark and Belgium and Holland – they are mostly tarmacing. There are two families who travel to Philadelphia in the USA. There wouldn't be much movement between Travellers in the north and the south of Ireland except to Dublin. (Belfast Travellers Education and Development Group)

As we have seen, travelling always had a seasonal element to it. This is, however, becoming ever more pronounced. Most Travellers are likely to travel in the summer months. The increasing importance of education to many Travellers compounds this trend:

Several Traveller families living in Waterford City leave their residence for the summer. This usually starts in and about the beginning of the school holidays. Most families return for the beginning of the school year in September, but some families remain travelling until late October.... Some Travellers state, because the travelling is "in you", they could not possibly stay for the summer in Waterford. 3-4 Families often start out travelling together, but numbers can increase along the way. Trips to Knock can consist of 10-30 caravans. Having company and not being lonely are important reasons for this, other reasons are a sense of security in numbers when hassled by the police or farmers, or having someone to keep an eye on the caravans of everyone in the group. (Waterford)

Travellers who live in the Newry town area, confine traveling to the summer months i.e. May-August, to ensure children receive sacraments in school. Only some of the families travel, visiting family in Eire, Scotland and other parts of Northern Ireland. (Newry)

There are three patterns of movement that we can identify. This is based on anecdotal evidence, and is not as a result of formal research. The first is seasonal; during the summer months, families visit relations in Ireland and England. Sometimes the timing of the visit is determined by the date of the blessing of the graves, or a family wedding, when the visitors would stay for a period afterwards. The second is trade. Most Travellers who are active in trading attend the large fairs in Ireland, of which four are in

Munster. This applies not only to owners of houses, but to smaller operation such as stall traders, whose trade depends to a certain extent on the size of crowds who attend the fairs. The third is service. Travellers who are able to provide a specific service sometimes move long distances for work. One family travels to Germany to pave gardens and other private property to exploit one niche market. Others travel all over Munster doing other garden landscaping, replacing gutters, etc. One extended family of about eleven nuclear families travel through different parts of Cork city and county for nine to ten months of the year, but they call Wexford their home. (Cork)

There are clear and methodical patterns to Traveller movement. Nomadism is not about some directionless 'wanderlust', it has clear direction. It is also increasingly seasonal.

## **Traveller Accommodation and Nomadism**

We asked a question about the connections between Travellers' accommodation and whether they travel. We were particularly interested in whether people were more likely to travel if they are on sites or public or private housing. It became very clear that Traveller mobility is increasingly predicated upon having some kind of secure base to return to. (This is supported by the findings of the Housing Executive research in the north). Conversely, Travellers are increasingly unlikely to leave sites if there is a danger than they may not be allowed to return to them.

Travelling is mostly undertaken by Travellers living on halting sites and/or in caravans for the remainder of the year. Some Travellers in houses have less of an interest in travelling, while some other Travellers in houses just do not have the opportunity to do so (e.g. no way to tow a trailer, etc.). Some Travellers are prevented from travelling due to medical conditions (e.g. a requirement to stay close to the Regional Hospital in Waterford). Some newly wed couples spend a few months or years travelling, before returning to Waterford or settling down elsewhere (in a site or house). (Waterford)

The families that have permanent accommodation regardless of whether it is a standard house or on a halting site travel annually whereas the families that are waiting for permanent accommodation don't move for fear of being taken off the Local Authority housing/accommodation list. If they had permanent accommodation, more Travellers families would travel during the summer months. (Galway Travellers Support Group)

While living in housing may be an indicator of less mobility for some Travellers, however, it also provides a crucial base for others. For example, many of the most nomadic Travellers own their own houses in Rathkeale to which they return periodically.

## **Nomadism, work and leisure**

We asked a question about what kind of work Travellers are involved in when they travel. We were interested in the degree to which movement is connected to the Traveller economy as well as how much movement is connected with social/cultural factors. It became clear that most nomadism is grounded in an economic imperative. In other words, Travellers travel because this is the way in which they make a living. This is not to dismiss the spiritual and social aspects of nomadism – many Travellers also travel for non-economic reasons - but when the question of why people travel is asked the answer is usually couched in terms of work:

All movement is connected to availing of economic opportunities. Few Travellers move for pleasure, except for occasional short holidays and even then may take any economic

opportunities that present.... Social visits are usually quick (overnight stay perhaps). In England a visit may take five days. (Belfast Traveller Education and Development Group)

The reasons for traveling are economical such as attending markets or fairs etc., not social events. The traveling takes place primarily within the Leinster province. But occasionally they would travel to Munster. Traveling usually takes place between members of the same or extended family grouping. The sad reality is that it seems that the majority of Travellers in Finglas are resigned to what they perceive as a fact that traveling is a thing of the past. It is not the case that they do not want to travel or that it is no longer viable, but moreover it is the case of giving in to the tremendous pressure brought to bear on them by the local authorities and society in general. They know that Traveller nomadism is not seen as a valid way of life. They see no resources being invested to facilitate nomadism, The situation is quite the opposite; they see huge resources being invested to prevent Travellers from practicing the nomadic identity. All of this contributes to a sense of hopelessness and depression. (Finglas)

This sense that many Travellers don't travel because they have no economic need for movement is echoed in other places:

Families who live in the Newry area have little or no Traveller based economy, so traveling in pursuit of employment is non-existent. (Newry)

And, while Travellers travel for social reasons, this is not necessarily nomadism:

Most Travellers would not bring their caravan for weddings or funerals, as it would be an inconvenience. (Clondalkin)

Other Travellers, however, maintain their nomadic traditions without any particular economic imperative:

In so far as we can ascertain, with the exception of one family, none of the families who moved in to or out of the area did so for economic reasons. The main reasons that families gave for movement included: the need to get out of the house; moved to spend time with other family members; holiday; need a change. (Roscrea)

In fact, there is some evidence to suggest that, as the economic basis for nomadism is removed for some Travellers, so it is replaced by other cultural and spiritual factors. Thus many Travellers may still want to practice nomadism even when this is not at the centre of their experience of work. Our research suggests, therefore, a complex interaction between economic and other factors in contemporary nomadism. While the Traveller economy continues to be the key reason for movement for many Travellers, cultural factors ensure that many Travellers continue to travel even when this has no economic rationale or benefit.

## **Accommodating Nomadism**

We asked a question about what could and should be done to facilitate Traveller nomadism. We were interested in what needs to be provided for families who travel for economic reasons and for families who travel at different times in the year for non-economic reasons and visiting families. Respondents made it clear that many factors currently inhibit travelling:

More families would wish to travel but are restricted in doing so as they are afraid they may lose their pitches or have their property damaged during their absence.... Until

recently people would have purchased a small 'touring' caravan for use during the summer months, and left their main trailer or mobile on their pitch. The locked barrier which is at the entrance to the site, prevents the movement of trailers either in or out. Families cannot get the barrier opened without the Council's permission. This also restricts nomadism as, not only can they not travel, but it prevents relatives or visiting families staying on site. (Newry)

As we have seen, there is one basic truth about facilitating contemporary nomadism. Nomadism is facilitated rather than undermined by the possession of stable 'base' for traveling:

It is quite clear the more secure base you have, whether it be standard housing, Group housing, or permanent site, you will feel more comfortable in moving around the county knowing that you have a secure home base to return to. (Clondalkin)

There are different opinions among Travellers as to their accommodation requirements while travelling. Some say that knowing a certain place with basic facilities to pull in helps in making the decision where to go to. (The concrete hardstand adjacent to a site in Cork City was given as an example here.) Others say their main motivation for the summer is to get away from the site they are living in for the rest of the year. The last thing these families want to do is to pull into another site for the summer. Opening of fields and a toleration of temporary encampments may be all that is required. (Waterford)

Local authorities could and should facilitate the more nomadic Travellers. Transience and nomadism together causes as much tension as any other element of Traveller accommodation in cork. Unless local authorities plan an provide adequate temporary accommodation for families who are on the move, this will go on. We have advocated the development of sites with sanitation, water, electricity, refuse collection, and site management, on the assumption that many of the nomadic and transient families are economically active, that they can afford to pay for proper facilities and that they would be willing to pay an economic rent to have these facilities available. Refuse collection should be provided without charge as they may already be paying for it in their own accommodation wherever that is. Up until recently in Cork, a private business provided camp site facilities for Travellers and other. He charged well for it and there was a waiting list to get in. Why don't local authorities license private individuals to provide similar facilities in every local authority area? (Cork)

When Travellers say they are not and will not travel this should not be construed as meaning that they no longer value it. Time off the road should not be taken as an endorsement of settlement and a settled way of life but rather time out from the hazards that constitute life on the road – the hazards that are created by society at large. (Finglas)

There is clearly therefore both a need and a demand for systematic intervention by government to provide accommodate that supports rather than inhibits contemporary Irish Traveller nomadism.

## **Irish Traveller nomadism in the 21<sup>st</sup> century**

Our research throws important light on the nature of Irish Traveller nomadism at the start of the new millennium. There are a number of striking elements to this. First, while nomadism carries with it a host of spiritual and social dimensions, it remains predicated on the success of the Traveller economy. Travellers travel for other reasons as well, of course, but whether a Traveller is nomadic is largely determined by their ability to find a successful niche within the Traveller economy. Second, patterns of travel and nomadism are clearly changing. Education in particular has played a key role in reinforcing traditional patterns of seasonal migration. Travellers are increasingly likely to

travel only in the summer months when children are not at school. Three, nomadism increasingly takes place from some fixed geographical base. Most Irish Travellers travel now from a secure base – and that the more secure the base, the more Travellers are likely to travel. The Travellers of Rathkeale are the best known example of this – constantly traveling and yet immediately associated with the town where many of them own houses. However, many other nomadic Travellers use the same methods now – the more successful Travellers are in the Traveller economy, the easier it is to have a private house or land as a base. Fourth, there is some evidence of ‘forced’ or ‘compulsory’ nomadism – the process of people being ‘moved on’ constantly against their will. This does, of course, represent a form of nomadism but it is hardly a positive model for anyone involved. If nomadism is to be supported and cherished, it cannot rely on compulsion as the primary factor in its reproduction. Finally, it bears emphasis that patterns of movement are very different across the spectrum of the whole Irish Traveller community. This is not to deny the centrality of traditional forms of nomadism in the identity of all Irish Travellers. (We might compare this to the centrality of cultural expressions like the ‘Waves of Tory’ or the ‘Fields of Athenry’ to settled Irish people who live, overwhelmingly, in urban environments.) It is to suggest, however, that nomadism has very different significance in terms of two distinct Traveller groups – one travelling fairly constantly, the other travelling much less frequently. It is also to suggest that these groups require different levels of support in terms of the nomadism they might wish to practice.

## Chapter Five:

### Anti-nomadism: racism and sedentarism

*Hark, hark, the dogs do bark, The beggars are coming to town,  
Some in rags, Some in bags, And one in a velvet gown.*  
Children's nursery rhyme c. 15<sup>th</sup> Century

*Ordinary, innocent people - hard-working, normal, straightforward people ... want to get on with their lives in peace, but they want protection under the law when they are invaded by this scum. They are scum, and I use the word advisedly.*

Andrew Mackay MP, British House of Commons, January 2002.

**A**s we have seen, Irish Travellers have experienced widespread racism. Some of this racism is, no doubt, unconnected to the fact that they are nomads or the fact that they have nomadic origins. Much of this racism is, however, very directly situated in terms of nomadism. Irish Travellers also experience discrimination which occurs because they are nomads, not because they belong to a specific ethnic group. In other words, racism and anti-nomadism are distinct phenomena both experienced by Irish Travellers. In reality, this discrimination manifests usually in combination – both phenomena are often experienced simultaneously. (For example, a 'No Travellers' sign on a pub may mean 'No nomads' or 'No Irish Travellers' but it usually means both.) This may seem a technical issue but unpicking the intersection of racism and anti-nomadism is crucial to understanding Travellers' specific experience of inequality and discrimination.

It is also the case, however, that anti-nomadism is a cultural universal. We cannot understand anti-nomadism directed at Irish Travellers by looking *only* at anti-nomadism directed at Irish Travellers. The key point of this is that anti-nomadism in Ireland is not something to do with some quality of Irish Travellers that causes anti-nomadism but rather it is part of a much wider phenomenon which can only be understood if it is extracted from its ethnic specificity. As Ellwood (1995) argues, anti-nomadism is a phenomenon around the world:

The desire to control nomads politically and to incorporate them into national (i.e. non-nomadic) culture has always been strong. By their very nature nomads rub nation states up the wrong way. They don't fit neatly into national boundaries and they tend to look and behave differently from majority populations. In post-colonial states run by bureaucrats wedded to the modernist vision of national progress, nomads are seen as distinctly 'unmodern' – an embarrassment, rather than productive members of society.

Whether we're talking about small bands of nomadic hunters in the Amazon Basin, Inuit hunters in the Canadian Arctic or nomadic pastoralists in East Africa, there is strong pressure from governments everywhere to make nomads stay put. The reasons are varied, sometimes benevolent, usually patronizing. They need to be brought together for their own good, government officials claim – so they can be educated, taxed and given proper health care, electricity and roads.

'We want, as a democratic government, to give all citizens the modern services that a state should give its citizens,' the Israeli advisor on Arab affairs said in 1978 in an effort to justify settlement of Bedouin nomads. The same rationale was widely shared by African countries like the Sudan, home to nearly three million nomadic herders from various tribal groups. Efforts began to 'modernize' the livestock sector 30 years ago. One of the first goals of the (mainly Arab) Government in Khartoum was to settle the (mainly Black) nomads in the south. In the soothing words of a Government report of the time: 'sedenterization... is a means of improving the economic and social conditions of those communities... to integrate them into the life of the nation and to enable them to contribute fully to national progress.' If not for their own good, then nomads must be

settled for the good of the nation. State planners claim that wandering pastoralists are inefficient and that they are ignorant of modern animal husbandry. Their irrational tendency to increase herd numbers threatens to turn delicate rangeland into unproductive wasteland.

As with racism, early explanations of nomadism were often explicitly eugenicist. In other words, it was argued seriously by scientists that genetics could explain why nomads were the way they were. For example, Davenport, the leading eugenicist expert on nomadism could argue:

If we regard the Fuegians, Australians, Bushmen and Hottentots as the most primitive men, then we may say that primitive man is nomadic. . . . It is frequently assumed that they are nomadic because they hunt, but it is more probable that their nomadic instincts force them to hunting rather than agriculture for a livelihood. (cited in Gould 1998)

Davenport also argued that nomadism is the product of a single gene. Gould (1998) provides a powerful critique of Davenport:

In a feeble attempt to put false labels on segments of complex continua, Davenport identified the "bad" form [of wanderlust, the German term for the urge to roam] as "nomadism," defined as an inability to inhibit the urge we all occasionally feel to flee from our duties, but that decent folks suppress. Nomads are society's tramps, bums, hoboes, and gypsies - "those who, while capable of steady and effective work, at more or less regular periods run away from the place where their duties lie and travel considerable distances.".... His arguments for a genetic basis must be judged as astonishingly weak, even by the standards of his generation. He simply argued, based on four dubious analogies, that features akin to nomadism emerge whenever situations veer toward "raw" nature (where genetics must rule) and away from environmental refinements of modern human society. Nomadism must be genetic because analogous features appear as "the wandering instinct in great apes," among "primitive peoples," in children (then regarded as akin to primitives under the false view that ontogeny recapitulates phylogeny), and in adolescents (in whom raw instinct temporarily overwhelms social inhibition in the Sturm und Drang of growing up). (Gould 1998)

It is striking how many of these general stereotypes sound familiar to anyone familiar with popular ideas about Travellers in Ireland. It is clear, therefore, that anti-nomadism is something more than anti-Traveller racism or even anti-Gypsism. It is a worldwide human phenomenon.

## **Anti-nomadism – a worldwide phenomenon**

Almost every surviving nomadic people find themselves in an ongoing struggle with sedentary society. This struggle is defined by an anti-nomadism which cuts across cultures and continents (New Internationalist 1995). For example, the Bedouin in Israel have experienced inequality as much because they are nomads as because they are Arabs<sup>19</sup>. As ACCHRI records:

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<sup>19</sup> Some 135,000 Bedouin Arabs currently reside in Israel of which 85-90,000 live in the Negev. The Israeli authorities have arbitrarily used Ottoman and British law, as well as new discriminatory law, to expropriate Bedouin land. The Ottoman land law recognised the category of 'dead land' or 'mawat land' - land unsuitable for cultivation. The Israeli authorities use this definition to assert that this land is state property and have stolen it from its nomadic owners. There have been two key phases of 'forced sedentarization' since 1948 (ACCHRI 1996: 43). The first when the 13,000 Bedouin remaining in Israel were rounded up by Israeli soldiers and put on a 'reservation' at Be'ersheba. The Negev remained a closed military zone until 1967. The second phase of forced sedentarization began after the lifting of military rule with the transfer of Bedouin into new townships in an attempt to transform them into wage-labourers. Most Bedouin resisted this process and continue to live in 'unrecognized villages' with aspirations to work in their traditional areas of agriculture and pastoral nomadism.



Israeli governmental policies of land expropriation, forced sedentarization and centralization, house demolitions, and the denial of basic services characterize the ways in which the State has separated the Bedouin from their lands and destroyed their traditional patterns of life. The dispute over land is continuous, an unresolved conflict between the Bedouin and the State of Israel. (1996: 42)

Bedouin now exist on the margins of Israeli society. They have also been marginalized by sedentary Israeli Arabs because of anti-nomadism and perceptions that they were prepared to work with the Israelis. Bedouin rights have been violated in many different ways and restitution will be equally multifarious. It is clear, however, that one of the most basic denials of rights has been that of the right to nomadism. In response, many have argued for a specific right to travel that would protect the identity of a large number of Bedouin people in Israel (Arabic News 1997).

We find tensions like these almost anywhere we look in the world where there is an interaction between nomads and sedentary peoples (Ellwood 1995; Khazanov 1982; Puxon 1987; UNESCO 1989). These tensions typify nomad/sedentary relations across Europe (Puxon 1987), Asia (Hay Eadie 1995; Sanders 1995), Australasia (Chatwin 1998), Africa (Sadr 1991; Schoonmaker Freudenberg 1995) and the Americas (Reid 1994). These tensions also typify these relations around the world whether the nomadism involved is hunter/gatherer or pastoral or commercial in character. They also characterize the experience of 'new age nomads' – people who have become nomadic in recent generations (Lowe and Shaw 1993). In almost every case, these tensions occur across an asymmetrical power relationship. In the contemporary world, nomads are almost inevitably disempowered in terms of sheer numbers as well as other sources of social power.<sup>20</sup>

## **Commercial nomadism and anti-nomadism**

If there is a general nomadism which looks like anti-Traveller discourse in Ireland, there is an even more specific anti-commercial nomad discourse. This discourse is not an abstract intellectual concept; it is grounded in specific forms of subordination and repression that were visited specifically on Travellers in Europe – these included slavery and genocide. Thomas Acton put this powerfully when he argued that:

When the Rom of Eastern Europe face Travellers of Western Europe, it is the survivors of slavery facing the survivors of genocide. This is not to say that all Rom were slaves, any more than all Romanichals or Sinte were commercial nomads; but slavery and genocide were the differing keys to the catastrophe wrought among Gypsies in East and West in 16<sup>th</sup> century Europe. As from the 19<sup>th</sup> century there was renewed international migration of gypsies, the survivors of slavery and the survivors of genocide faced a common fate in the renewed anti-Gypsy and anti-Traveller persecutions and genocides to the 20<sup>th</sup> century. (1994: 49)

This type of anti-Traveller discourse has, of course, primarily attached to Romani people or 'Gypsies' but it also attaches to other commercial nomadic groups. For example, there were decades of genocidal policies towards the Tattare in Sweden under the cloak of medical well-being:

One group of people was specially picked out for sterilisation. The 'Tattare' or travellers move around the country rather like Gypsies. But while the Gypsies were left alone because the Swedish Government saw them as a genuine ethnic group, the Tattare was not. The results of a research programme conducted by Uppsala University's Institute of Racial Hygiene in

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<sup>20</sup> It is also, of course, important to remember that disempowerment of nomads is a relatively new phenomenon. We need only look to the Great Wall of China – built to defend sedentary China from nomadic Mongol invaders – to find evidence of a very different power relationship in the past.

the early 40s suggested that they were underclass Swedes. The full story of what then happened has never come to light. But these days, in Sweden, there are hardly any Tattare left. It seems that those who weren't sterilised were mostly scared into living like 'normal' Swedes. (Equinox 2000)

Despite this brutal history, Tattare continue to experience active persecution.<sup>21</sup> So within the wider set of anti-nomadic ideas and practices around the world, there is a specific subset of ideas and practices associated with commercial nomads like Irish Travellers. These have assumed specific forms in Britain and Ireland.

## Anti-nomadism in Britain

There is a centuries old tradition of problematizing and repressing nomads and other Travellers in Britain (McVeigh 1997). This process was first codified in law in the *Vagrancy Act 1824* which was, 'An Act for the Punishment of idle and disorderly Persons, and Rogues and Vagabonds' by which 'Persons committing certain offences shall be deemed rogues and vagabonds and may be imprisoned for three months'. The British Government subsequently introduced a specific piece of legislation for Ireland in the middle of *An Gorta Mór*, the *Vagrancy (Ireland) Act 1847*. This was, 'An Act to make Provision for the Punishment of Vagrants and Persons offending against the Laws in force for the Relief of the destitute Poor in Ireland'. It sought to control and punish people 'wandering abroad':

Every person wandering abroad and begging, or placing himself in any public place, street, highway, court, or passage to beg or gather alms, ... shall on conviction thereof before any justice of the peace, if such justice shall think fit, be committed to [prison] ... for any time not exceeding one calendar month.

The legacy of this British state policy vis-à-vis nomadism continues to be a defining feature of the experience of nomadism in Ireland. In the south of Ireland, many of the features of anti-vagrancy legislation which first pathologised nomadism, remain statutes in force. In the north, obviously, British legislation continues to structure the experience of nomadism directly.

While there has been a long history of anti-Traveller prejudice and discrimination in Britain, centuries of sedentarism reached new levels in the *Criminal Justice and Public Order Act 1994*. In sections 77 – 80 the 'powers to remove unauthorized campers' formed the core of its sedentarist attack on the rights of nomads. Section 80 repealed some of the more positive aspects of the Caravan Sites Act 1968 with a specific ethnic focus on the 'repeal of certain provisions relating to gipsy sites'. It did, however, retain a definition of 'Gypsy' that was defined by nomadism rather than ethnic identity:

"gipsies" means persons of nomadic habit of life, whatever their race or origin, but does not include members of an organised group of travelling showmen, or persons engaged in travelling circuses, travelling together as such.

One of the unintended consequences of this legislation was, however, to galvanize opposition to sedentarist practice. It showed different nomads - Romanichals, Irish Travellers and New Travellers alike - that whatever the ethnic differences between them there was a straightforward commonality in terms of their experience of anti-nomadism.

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<sup>21</sup> For example, Wright notes how the Tattare replace Jews as the pariah in Swedish films after the 2<sup>nd</sup> World War (1998).

The Act's revision of the Caravan Sites Act 1962 in Section 80 2 (b) made this clear since the different ethnic identities of nomads in Britain were collapsed into the category, 'persons of nomadic habit'. Whatever the anti-New Traveller rhetoric in the run up to the Act, its consequences were deliberately comprehensively negative for all 'persons of nomadic habit'.

The climate encouraged by the Criminal Justice Act continues to inform Government policy as well as public discuss of Traveller issues. For example, as Labour Home Secretary, Jack Straw could comfortably say:

Many of these so-called travellers seem to think that it is perfectly OK for them to cause mayhem in an area, to go burgling, thieving, breaking into vehicles, causing all kinds of trouble, including defecating in the doorways of firms and so on, and getting away with it... Travellers have traded on the sentiment, they've masqueraded as law-abiding gypsies, when many of them are not. (BBC 1999)

In January, 2002, Andrew Mackay, sometime Tory 'modernizer', made a particularly sustained attack on Travellers in the British House of Commons. The context was what he termed an 'invasion' of Traveller 'scum' in his Bracknell constituency:

Ordinary, innocent people--hard-working, normal, straightforward people who live around Bracknell--want to get on with their lives in peace, but they want protection under the law when they are invaded by this scum. They are scum, and I use the 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. Either the police are not doing a proper job, in which case I hope that the Minister and the Home Secretary will issue directives to police constables to take appropriate action, or Parliament in general and the Government in particular have inadequate legislation. (Hansard, 15 January 2002 : Column 62WH)

Thus anti-Traveller ideas continue to be openly expressed in the upper echelons of British political power. Alongside this, the British Government has also continued with policies based on these kind of ideas. As recently as July 2002, they were promoting, 'A new approach to tackling unauthorised traveller camps' involving a return to 'designation' (Office of the Deputy Prime Minister 2002). Rachel Morris, of the Traveller Law Review Unit, took a different view of this proposal:

The policies were tried 30 years ago and didn't work. The policy of blanket evictions from an area following minimum site provision is a form of quota formerly known, under the 1968 Caravan Sites Act as 'designation' (or, in South Africa, as 'apartheid'). This is illegal and racist, which is precisely why the Northern Ireland government rescinded designation there in 1997. The Government are, to be charitable, disingenuous if they seek to convince the settled population, including those who have genuinely had negative experiences with the minority of Travelling People who do cause problems, that their 'policy' will end them. The best way to reduce encampments is to ensure that there are sufficient, lawful and appropriate stopping places. The only way to get sites built is to create a political climate in which settled people won't react in a negative, knee-jerk fashion at the mere suggestion of a site being within 15 miles of them, but who will be made to realise that - whether they like it or not - they must respect diversity and the legality and legitimacy of the nomadic way of life. The government has defeated its own proposed 'policy' before it has even begun by (as other governments before it for 500 years) sending a message to settled society that it's okay to be horrible to and about Travelling People, regardless of what they're like as individuals, purely because of their membership of a group.

British policies like this one obviously continue to inform policy making directly in the north of Ireland but they also inform and influence policy making in the south of Ireland.

## Anti-nomadism in Ireland

As we have already seen, the independent Irish state inherited a legacy of anti-nomadic legislation. It did nothing to repeal this legislation. For example, the 1824 Vagrancy Act remained a statute in force.<sup>22</sup> Its definition of vagrants included a category which effectively precluded legal nomadism:

4. Every person ... wandering abroad and lodging in any barn or outhouse, or in any deserted or unoccupied building, or in the open air, or under a tent, or in any cart or wagon, not having any visible means of subsistence, and not giving a good account of himself....

This section was only removed from *Irish* legislation by the Housing Act of 1988. Moreover, the new Irish state soon began to construct an anti-nomadic project of its own (McLaughlin 1995).<sup>23</sup> In Ireland, examples of incitement to hatred are perhaps the most obvious manifestations of anti-nomadism. The failure to do anything about them is one of the most obvious examples of violations of nomads' human rights. There have been notorious examples of anti-nomadic incitement to hatred in Ireland, north and south. For example, in the 1980s a former deputy Lord Mayor of Belfast called for the incineration of Travellers. This was only the most notorious example of a series of anti-Traveller outbursts in the north of Ireland (McVeigh 1992: 360-364). Waterford Councillor, Paddy Kenneally advocated a similar strategy in the south:

The sooner the shotguns are at the ready and these travelling people are put out of our county the better.... They are not our people. (cited in Sunday Independent 14/4/1996)

The most notorious of all of these attacks, however, was an article by Mary Ellen Synon describing Traveller 'lifestyle' under the banner headline, 'Time to get tough on tinker terror 'culture'':

It is a life of appetite ungoverned by intellect. It is a life which marauds over private property and disregards public laws. It is a life of money without production, land without cost, damage without compensation, assault without arrest, theft without prosecution, and murder

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<sup>22</sup> The 1824 Act defined itself as 'An Act for the Punishment of idle and disorderly Persons, and Rogues and Vagabonds.... Persons committing certain offences shall be deemed rogues and vagabonds and may be imprisoned for three months.

<sup>23</sup> Concerns about Travellers were being expressed in the Dáil as early as 1925. Witness Deputy Wolff: 'There is a class of children very difficult to deal with, but under this Bill they might be looked after. I refer to the children of travelling gypsies. I alluded to this matter when the Local Government Bill was before the Dáil. Since that the number of caravans that are going through the country have very much increased. I have seen as many as 30 children with two such encampments. I took the trouble to count them and out of two vans came 30 children. I do not know how many grown up people were there. I am perfectly certain that these children do not attend school; they grow up wild, and if not looked after they become apaches. It seems to me that something should be done for children like these and that their position should be brought to the attention of the police. They are growing up without education and will be a danger if something is not done for them.' Dáil Éireann, Volume 13, 03 December, 1925, SCHOOL ATTENDANCE BILL. This issue was also raised in the Seanad by Senator Costello: I should like to ask the Minister does this Bill apply to the children of itinerants such as tinkers. Nobody seems to take any heed of these people. They are wandering all over the country and the children are running at large. No effort is made to turn them into good citizens. Other countries have had this problem of dealing with practically what are nomadic peoples. In America they have the gypsies and Indians. The Indians roam around. At the age of eleven or twelve they are bound to be sent to school for a certain number of years. I think it is time we should consider this class. Someone said to me, leave those alone, they are so picturesque. Anyone who sees the conditions under which they live, will not agree with that. Nurses have to go on the roadside to attend them in child-birth. The children that remain, and whom we see, are only the more robust; the others die.' Seanad Éireann, Volume 6, 24 March, 1926, SCHOOL ATTENDANCE BILL.

without remorse. It is a life worse than the life of beasts, for beasts at least are guided by wholesome instinct. Traveller life is without the ennobling intellect of man or the steadying instinct of animals. This tinker "culture" is without achievement, discipline, reason or intellectual ambition. (Sunday Independent 28/1/1996)

Traveller culture and, more particularly, Traveller *nomadism* is deemed so inferior by commentators like this, that there can be no question that it should be accorded the dignity of being recognized as an ethnicity. In truth, attitudes like this are more likely to lead to the kind of practice supported by the advocates of genocide.

These kind of ideas continue to inform political debate in Ireland. For example, Councillor Richard Greene manifests a whole range of stereotypes about Travellers and Traveller nomadism in a letter to the *Irish Times*:

This policy [of providing halting sites] is fundamentally flawed. It fails to recognise that the original lifestyle has died out, and has been replaced by a culture that has little to offer. The policy confers few benefits on the travellers and is unfair on the settled community. Where travellers are concerned, the policy helps to perpetuate a lifestyle that ensures that they remain an underclass. In such a situation, there is little incentive to self-advancement. It also helps to maintain a patriarchy, to the dis-benefit of women, and particularly of children. Readers will appreciate the difficulties of educating children in a settled environment. Where moving around is involved, children stand greatly disadvantaged in terms of progress in education, or in subsequent career advancement. The State, through the actions of local authorities, is participating in denying these children their rights to equal opportunity under the Constitution. Where women are concerned, the majority are believed to prefer settled housing. The settled community, for their part, are entitled to live in peace, and to expect that their neighbours should comply with the same laws as govern their own conduct. It is an undue imposition on the settled community to have to accept nomadic structures in close proximity....(12<sup>th</sup> June 1998)

Neither is this debate lost on the north of Ireland. On Monday 29 April 2002 in the Northern Ireland Assembly, UUP MLA Derek Hussey asked the Office of the First Minister and the Deputy First Minister whether it was consulted on recent legislation passed in the Republic of Ireland allowing local councils to move Travellers on after 24 hours. After being informed that the Office had not been consulted, Hussey went on to argue:

I am disappointed, but not surprised, by that response. The Office of the First Minister and the Deputy First Minister should be aware of the fear, especially among councils in Northern Ireland's border areas, that there may be a resultant influx of non-indigenous travellers, especially traveller traders. Does the Office of the First Minister and the Deputy First Minister agree that it is unacceptable that the Republic should export its problem in such a way? Will it ensure that representations on the matter are followed up at meetings of either the North/South Ministerial Council or the British-Irish Council?

It bears emphasis, however, that anti-nomadism in Ireland is not restricted to incitement to hatred. It is also institutionalized in a whole range of ways. 'Designation' was perhaps the most abhorrent of all and deserves special mention as such. (It also makes it all the more shocking that this is presented as a 'new' policy by the current British Government.) Designation was a legal process under the Local Government (Miscellaneous Provisions) (NI) Order 1985.<sup>24</sup> The Minister with responsibility for the Department of the Environment for Northern Ireland could choose to 'designate' certain councils as qualified to operate additional powers of eviction to control the growth of long-term residence by Travellers on

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<sup>24</sup> This idea remains live in the north of Ireland. A new form of designation was dropped from the Local Government Order (1997) only after intensive lobbying from the Traveller Support Movement.

unapproved sites in their area. In practice it worked on a similar basis to apartheid setting quotas on the numbers of Travellers with access to particular areas and excluding others. In principle the notion of designation carries an even more sinister promise - if all councils were to be given designation then any additional Travellers above this notional 'acceptable' figure would have nowhere to go legally. Traveller identity would be criminalized *whatever* Travellers might choose to do. This is also a neat summation of the nature of anti-nomadism. At its core this combination of ideology and practice is about repressing nomads not for what they do or do not do but rather for what they are. In other words, from this perspective the only possible way to escape anti-nomadism is to stop being nomadic.

As we have already seen, this tradition of anti-nomadism in Ireland continues in recent interventions by government, north and south. The criminalization of trespass and the winding up of the Citizen Traveller campaign in the south and the recent consultation paper on unauthorized encampments in the north, all suggest that continued anti-nomadic practice is more than an echo of old prejudices. If manifestations of sedentarism like this are to be resisted, discrimination against Irish Travellers has to be seen in the wider context of the universal phenomenon of anti-nomadism.

## **The universality of anti-nomadism**

Our overview has indicated the deep-seated nature of sedentarist ideology and practice around the world. This perspective confirms the existence of widespread institutionalized anti-nomadism and it supports the notion that there is a need for specific protection for nomadic rights. The point is that there is a commonality to anti-nomadism across states and cultures and that this anti-nomadism needs to be addressed in its specific form. As we have seen, existing international mechanisms offer some prospects for protection but they are clearly inadequate. Some nomadic peoples are minorities - Romani people fall into this category in most countries - and they may seek protection as minorities; some nomadic peoples are indigenous - Irish Travellers may fall into this category in Ireland - and they may seek protection as minority peoples. All nomadic peoples, however, suffer disadvantage as nomads and they should have recourse to nomad-specific protection. This would apply to nomadic New Travellers just as much as nomadic Romà; to nomadic Aboriginal Australians just as much as nomadic Irish Travellers. Existing provision fails to recognize the integrity of nomadic identity across national, ethnic and economic boundaries. Effective legislation is needed which protects the nomadism of New Travellers just as effectively as that of pastoral nomads and the commercial nomadism of Irish Travellers just as effectively as the rights of hunter/gatherers.

This argument is that sedentarism is just as pernicious a system of subordination as, say, racism or sexism. On this basis there is every case for creating a similar specific anti-sedentarist human rights law in the manner of CERD or CEDAW. Both of these conventions recognized that alongside general human rights principles there has to be specific protection in particular areas of concern. We have seen the need for nomadic-specific protection; we need to turn now to the question of what this protection might look like. There are two defining premises, however, to this approach to protecting and cherishing nomadism - nomadism must be protected *independent of its economic specificity* and protected *independent of its ethnic specificity*. In other words, nomads should be protected whether they are hunter gatherers or pastoralists or commercial nomads and they should be protected whether they are Roma or Irish Travellers or Bedouin or belong to any other ethnic group.

## Chapter Six:

### Nomad's rights as human rights

*There was a high wall there, that tried to stop me  
A sign was painted, said: Private Property,  
But on the back side, it didn't say nothing --  
That side was made for you and me....*  
Woody Guthrie, This Land is your Land

**W**e now address the question of protecting the rights of nomadic peoples within the broader framework of international human rights mechanisms. We argue that nomadism should be protected as a right regardless of its ethnic specificity – in other words anybody has a right to be nomadic (and also sedentary, of course) whatever his or her ethnic identity. Although positive support for nomads and nomadism is unusual, it is by no means nonexistent. For example, the Catholic Church has a long history of nomad-specific work. Pope Paul VI founded the *International Secretariat for the Direction of the Pastoral Care of Nomadic Peoples* in 1965 and *The Pontifical Council for the Pastoral care of Migrants and Itinerant People* was established in 1988. The church has its own journal *People on the Move* for nomadic and other mobile people:

Those to whom this type of pastoral care is directed are individuals, families or groups living a nomadic or itinerant life, either for ethnic reasons (nomadic peoples and gypsies) or for socio-economic reasons (fair and circus people) and also all those who have no fixed abode or work in circuses or other seasonal jobs (fairs) and do not receive parish pastoral care. (Chirayath 1999)

So, our discussion of nomad's rights is developed in the context of wider recognition of the specific needs and qualities of nomadic peoples.

Our discussion also takes place in the context of a growing tendency of states and other transnational actors to provide formal apologies for past human rights abuses. The South African Truth and Reconciliation Commission is probably the most high-profile and the most detailed attempt to address the legacy of such conflicts but there are many other international examples. Part of this process has seen an increasing tendency for formal apologies to be made by states or on behalf of states.<sup>25</sup> This is still a live issue in terms of the *poraimos* or 'Gypsy holocaust' – many European Travellers feel that they have never received the formal recognition or apology that the Jewish holocaust did from either the German state or other actors in the genocides of the 2<sup>nd</sup> World War. But this silence is also characteristic of other states involved in less explicitly genocidal settlement policies against different nomadic groups across Europe. Clearly the Irish state and Irish Travellers figure in this wider picture. It seems that such a formal acknowledgement and apology for all nomads would set the international context for full recognition of the specific rights of nomads. Equally, a national apology for anti-nomadism – an act of national reconciliation with Irish Travellers - would be a tremendously important positive contribution in Ireland

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<sup>25</sup> For example, in 1995 the New Zealand government apologized to the Maori Nation for past injustices; in 1997 Portugal apologized for the expulsion of Portugese Jews in 1497; in the same year Tony Blair apologized for the British State's role in An Gorta Mór; and in 1998 the Canadian Government apologized for its racist school system and its impact on indigenous Canadians. There are a host of other expressions of apology and regret that might also offer a model for the acknowledgement of the historical mistreatment of nomads (Peace News 2000)

itself. At both national and international levels this kind of symbolic act of reconciliation prepares the ground for the more formal delivery of human rights protections.

We begin our analysis of these human rights protections by assessing the usefulness of existing instruments and agencies in counteracting sedentarism - focusing on the United Nations, the European Union and the Council of Europe. We conclude that there are no effective mechanisms protecting nomadic rights in an appropriately specific way. It suggests that, while ethnic nomads like Romanichals and Irish Travellers can and should be protected by anti-racist instruments, these do not provide adequate protection for their nomadism. We also highlight some of the key human rights issues for nomadic peoples. We conclude by opening and encouraging a debate about the form and content of nomad-specific human rights legislation.

## Human Rights Framework

In Britain and Ireland, individuals have recourse to four key international mechanisms - the United Nations and its constituent organizations and treaties; the Council of Europe; the OSCE (formerly the Conference on Security and Cooperation in Europe) and the European Union. (In other parts of the world people have recourse to similar regional mechanisms – the Inter-American Court and the African Court of Justice.) As citizens Travellers have recourse to each of these mechanisms in just the same way as anyone else. It is also clear, however, that general protection for human rights is inadequate - witness the profusion of more specific covenants and conventions on racism and sexism and so on. These may offer more direct protection to nomadic groups. For example, the Council of Europe Framework Convention on the Rights of National Minorities obliges state parties (including Britain and Ireland) to 'promote the conditions necessary' for minorities to maintain and develop their culture, and to preserve their cultural identity'. It also specifies that state parties should ensure that minorities are not assimilated 'against their will'. Both of these provisions challenge current treatment of groups like Irish Travellers. Often, therefore, the existence of general protection has not been a reason against the development of more specific protections. The need for nomadic-specific protection should be seen precisely in this context. It is positive that there is protection for minorities and ethnic groups but neither of these protections precludes specific protection for nomadic groups.

The 2001 United Nations World Conference on Racism and its associated report - *Report of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance Durban, 31 August - 8 September 2001* - made significant advances in recognizing Traveller issues (United Nations 2002). While the document mentions neither nomads nor nomadism, Travellers were foregrounded in international discussion for the first time. The Declaration itself states:

68. We recognize with deep concern the ongoing manifestations of racism, racial discrimination, xenophobia and related intolerance, including violence, against Roma/Gypsies/Sinti/Travellers and recognize the need to develop effective policies and implementation mechanisms for their full achievement of equality;

The related Programme of Action has even more specific detail on Travellers. The Programme:

41. Recommends that the intergovernmental organizations address, as appropriate, in their projects of cooperation with and assistance to various States, the situation of the Roma/Gypsies/Sinti/Travellers and promote their economic, social and cultural advancement;

42. Calls upon States and encourages non-governmental organizations to raise awareness about the racism, racial discrimination, xenophobia and related intolerance



experienced by the Roma/Gypsies/Sinti/Travellers, and to promote knowledge and respect for their culture and history;

43. Encourages the media to promote equal access to and participation in the media for the Roma/Gypsies/Sinti/Travellers, as well as to protect them from racist, stereotypical and discriminatory media reporting, and calls upon States to facilitate the media's efforts in this regard;

44. Invites States to design policies aimed at combating racism, racial discrimination, xenophobia and related intolerance that are based on reliable statistical data recognizing the concerns identified in consultation with the Roma/Gypsies/Sinti/Travellers themselves reflecting as accurately as possible their status in society. All such information shall be collected in accordance with provisions on human rights and fundamental freedoms, such as data protection regulations and privacy guarantees, and in consultation with the persons concerned;

Thus significant advances have been made recently in terms of the broader issue of Travellers and racism at international level. It remains necessary, however, to search long and hard to find any specific reference to nomadism or nomadic peoples in human rights legislation. The one tangible example is contained in Article 14 of the *ILO Convention (No. 169) Concerning Indigenous and Tribal Peoples in Independent Countries*. This convention was adopted on 27 June 1989 by the General Conference of the International Labour Organisation at its seventy-sixth session. It entered into force 5 September 1991. Article 14 states:

1. The rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognised. In addition, measures shall be taken in appropriate cases to safeguard the right of the peoples concerned to use lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities. Particular attention shall be paid to the situation of nomadic peoples and shifting cultivators in this respect.

The Convention has yet to be ratified by either the Irish or British governments. (It has only been ratified by 14 governments in total.) So a campaign for ratification is a key part of any broader process of protection for nomadic rights.

This convention is interesting for a number of other reasons. It revised the provision of a previous Convention (No. 107) which had been identified as 'assimilationist'. This was undeniable its very title was *Convention Concerning the Protection and Integration of Indigenous and other Tribal and Semi-Tribal Populations in Independent Countries*. The objectives contained in its recommendations (104) included the explicitly sedentarist 2 (2):

Pending the attainment of the objectives of a settlement policy for semi-nomadic groups, zones should be established within which the livestock of such groups can graze without hindrance.

Thus, Convention 169 is an improvement at least in so far as it moves away from a normative endorsement of 'settlement policy'. It also makes very clear in *Article 1* who it is supposed to protect:

1. This Convention applies to:

(a) tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs of traditions or by special laws or regulations;

(b) peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present

state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.

2. Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provision of this Convention apply.

So there may be some promise in this Convention - if it is ratified by particular Governments - especially as the self-identification element in the definition allows for some flexibility although this can also be a cause of division if other indigenous or tribal peoples feel that you are not authentically indigenous or tribal. The protection is fairly limited, however, and its application to most nomads ambiguous. It might be effective for indigenous and tribal nomads but it is unlikely to prove much use to groups like Romani people or New Travellers. It could, however, prove more useful to Irish Travellers who - in Ireland at least - might usefully choose to define themselves as an 'indigenous people'.

Despite Convention 169, it is clear that there is an almost total silence around the issue of specific rights for nomadic peoples. While anti-racist measures may offer indirect protection to many nomads, this is inadequate. We should start from the premise that the right to be nomadic is just a basic human right as any of the other fundamental human rights and freedoms.

The ECHR also raises serious concerns about the anti-nomadic logic of aspects of Article Five:

Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:...

(e) the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts, or *vagrants*; (our emphasis)

The dangers implicit in allowing 'vagrancy' to qualify as an exception to the fundamental right of liberty and security of the person are obvious. Gypsies and other Travellers have been consistently defined as 'vagrants'. Indeed, this was one of the key justifications for the *Poraimos*. This issue has been discussed by the Council of Europe but it is far from being resolved (Council of Europe 1999).

## Human Rights in Practice

In reality the plethora of possible avenues for redress have proved of little use to nomadic peoples. This provides further support for the need for nomad-specific protection. Some Romà tried to use the working group on indigenous peoples and found it inappropriate; others have attended the working group on minorities. The European mechanisms have been more effective in practice. The Council of Europe and the Organization for Security and Cooperation in Europe have drawn particular attention to the situation of Romà. For example, the CSCE specifically addressed the situation of the Romà:

There are a number of additional issues related to migration and the Romà that may require further study, analysis, and policy response, particularly in the context of recent developments. These issues include the legal status of certain groups of international migrants, or presumed international migrants; the implementation of controls on international migration; and the problems of re-integration for involuntarily returned migrants. Not considered here is international migration by Romà for seasonal agricultural work in some areas, although there may be certain problems associated with this reportedly growing phenomenon.... It should also be pointed out that an extremely small minority of Romà still engage in traditional forms of "travelling" as full or semi-nomads, generally in connection with certain itinerant trades and occupations, without wanting to settle in one place on a permanent or even long-term basis. Numerous legal, administrative, and popular obstacles

to full freedom of movement and encampment have been noted over the years. On the one hand, a few governments have attempted to provide designated camping-grounds with modern amenities, as well as educational facilities for children of travelling Romà, but on the other hand, popular sensibilities often remain opposed to their itinerant lifestyle. In accordance with local laws, these travelling Romà are nonetheless entitled to the enjoyment of their lifestyle, and governments should be encouraged to protect and promote it (1993).

Peter Leuprecht, Deputy Secretary General of the Council of Europe, raised similar concerns in his keynote speech at the Human Dimension Seminar of Romà in the CSCE Region in 1994:

[They are] victims of intolerance of their distinctive way of life, particularly where this is expressed in a nomadic lifestyle. I have often said in other fora that in many countries of today's Europe the Romà are the main target of intolerance and discrimination (1994).

In 1969 the Parliamentary Assembly of the Council of Europe adopted Resolution 563 on the situation of Gypsies and other nomads in Europe which had an important positive effect in recognising the specific issue of nomad's rights and, in 1993, Recommendation 1203 on Gypsies in Europe lent further support to this process:

10. In the past the Council of Europe has also adopted several resolutions and recommendations specifically concerning Gypsies : Assembly Recommendation 563 (1969) on the situation of Gypsies and other travellers in Europe ; Committee of Ministers Resolution (75) 13 containing recommendations on the social situation of nomads in Europe and Recommendation No. R (83) 1 on stateless nomads and nomads of undetermined nationality ; Standing Conference of Local and Regional Authorities of Europe Resolution 125 (1981) on the role and responsibility of local and regional authorities in regard to the cultural and social problems of populations of nomadic origin. The implementation of these resolutions and recommendations, and particularly in the new member states, is extremely important for the position of Gypsies.

These important steps forward have begun to move some nomadic peoples in from the margins of human rights discourse in Europe. It has to be said, however, that they are limited in terms of their application towards nomads. It is clear that most states do not like protecting Romà at all but they prefer protecting their rights as a sedentary minority ethnic group rather than as nomads.

This is a key point. Perhaps sensibly, Romà and other Traveller groups have increasingly argued for protection of their rights abstracted from nomadism. If these groups are sedentary and happy to remain so, then this makes perfect sense. It is problematic, however, for those who are nomadic and want to remain nomadic because this can increase the pressure towards sedentarization. Certainly ignoring the specific issues attached to nomadism, does nothing to address the deep-seated nature of anti-nomadic prejudice and practice. The more vigorously the specificity of the nomadism is addressed, the clearer the necessity for nomad-specific protection becomes.

## What might nomad's rights might look like?

At this point we need to emphasize that nomad's have the same general rights as anybody else. What we are looking at here is the putative additional rights that might be accorded specifically to nomadic peoples given the particular assault on their rights and liberties as nomads. At this point particular regard should be paid towards the proposals for improving and harmonising the legal conditions governing the movement of Travellers in the Council of Europe commissioned report *The Movement of Travellers in Council of Europe Member States* by Steinberger and Keller (2002). The proposals by the authors are aimed at the setting up of a co-ordinated and coherent system of legal guarantees of Travellers' freedom

of movement and 'freedom to halt for a reasonable period' across the Council of Europe area.

In terms of freedom of movement, the Council of Europe report recommends that the member states of the Council of Europe should:

1. remove all obstacles to Travellers' freedom of movement, *inter alia* by abolishing special movement documents which may be required of itinerants and which amount to internal passports;
2. refrain from requiring Travellers to produce identification other than the ordinary-law documents of member states where such documents are in force;
3. state the home base, where this is obligatory, on ordinary law identity documents by means of a special mention, in order to prevent confusion;
4. allow Travellers to choose a natural person or an association as their address;
5. in the technologically most advanced states, encourage Travellers to have an internet address on an official Travellers' website;
6. collect on that website a range of public services facilitating contacts between Travellers and the authorities, such as tax returns, notification of legal decisions, declarations of marital status, applications for social-security benefits etc;
7. never use the above information on the home base as a means of drawing up files allowing the person concerned to be identified as a Traveller, for the sake of succeeding generations;
8. permit a free choice of address, where choosing is obligatory. (2002: 26)

In terms of 'freedom of encampment', the Council of Europe report recommends that the member states of the Council of Europe should:

*1. grant Travellers a special right to encamp by:*

- a) creating reception sites at which Travellers can stop and stay in order to enable the to establish durable encampment;
- b) making these sites attractive by
  - \_ providing them with a minimum of facilities, especially sanitary
  - \_ providing a sufficient number of them under an appropriate zoning plan
  - \_ signposting their presence using a European hologram
- c) associating Travellers and/or their representatives with all the decision-making processes leading to the creation of reception sites;
- d) requesting international organisations to supply financial assistance with the financing of these facilities, in particular the EBRD and the Council of Europe Development Bank;
- e) granting to Travellers' mobile homes the legal status of a permanent address;
- f) granting to Travellers' mobile homes the social-security status of a permanent address;

*2. guaranteeing Travellers' special right to encamp by*

- a) incorporating it into their domestic law in accordance with rules having at least a legislative or even a constitutional value and putting it on the same footing as the right to decent housing when such a right is accorded to underprivileged groups
- b) negotiating an international treaty under the auspices of the Council of Europe aimed at the establishment of a programme for providing states with stopping places designed to take account of Travellers' pan-European transfrontier movements
- c) making all evictions of Travellers subject to the prior authorisation of a court, unless there is a serious and imminent danger to law and order, after three cumulative conditions have been found to be present:
  - the encampment must be illegal;
  - there must be sufficient room at reception sites in the area concerned;
  - these sites must have adequate facilities and be well maintained;
- d) authorising Travellers' associations to exercise the individual rights of Travellers before the competent courts in dealing with evictions, both as defendants and as plaintiffs, and at any stage of the proceedings;

- e) limiting the duration of encampment on sites in order to prevent them from becoming ghettos through the on-site sedentation of the users;
- f) refraining from fixing an authorised encampment duration shorter than the longest period of schooling between two holiday periods, especially if the sites do not have educational facilities. (2002: 26)

These proposals provide a useful basis for a broader assessment of nomad's rights. We can make a number of points about these putative rights. Firstly, they should be decided upon by nomads - while sedentary theorists and activists may offer some help if it is desired, in the final analysis nomad's rights can only be nomad's rights if they are so defined by nomadic peoples. So we need to begin to imagine a structure and process that might allow this to happen. Secondly, the process of defining and struggling for rights is itself emancipatory. While it is important to recognize the limitations of existing human rights mechanisms and realistic to assume that any protection for nomadic rights would be equally limited, the project of deciding rights is still an important one. Thirdly, bearing in mind both of these points, we want to emphasize that our list is tentative and intended to open a discussion rather than close it:

1. Right to travel
2. Right to accommodation/site provision
3. Right to practice in nomadic economy
4. Right to equality of treatment with a commitment to separate nomad-specific treatment where appropriate
5. Right to freedom from incitement to hatred against nomads
6. Right to change sedentary/nomadic identity

While the implication of most of these rights is fairly straightforward, the right to stop being nomadic may appear more problematic. There is a strain of Gypsology/ commonsense thinking from arguments about the 'nomadic' gene onwards which insist on the *inevitability* of some ethnic groups being nomadic. This can be used to deny equal treatment to people of a nomadic background and to argue in terms of the impossibility of their ever becoming sedentary. This is completely unacceptable. If someone from a nomadic background wishes to become sedentary they have a right to do so. Equally, however, the right to become nomadic is just as absolute. Just as it is wrong to suggest that people must be nomadic because of their ethnic identity, so it is wrong to suggest that people cannot be nomadic because of their ethnic identity. This is particularly pertinent in the case of New Travellers where the right to nomadism must be separated from ethnic identity. It is equally unjust to insist that only certain ethnic groups - for example Romani people or Irish Travellers - have the right to be nomadic. The right to nomadism must be established independent of ethnic identity just as the right to be sedentary must be established independent of ethnic identity.

#### *Defining nomadism in human rights discourse*

A final point that deserves consideration is the issue of defining nomadism and sedentarism - not least because definitions have exercised much of the debate in other international human rights mechanisms like those for minorities or indigenous people. Sedentarism has been defined elsewhere as *that system of ideas and practices which serves to normalise and reproduce sedentary modes of existence and pathologise and repress nomadic modes of existence*. This notion of sedentarism obviously includes the active and intentional incitement of fear and hatred of nomads witnessed in campaigns against Travellers. However it also includes a host of other less tangible ideas and actions and structures that construct being sedentary as the only possible mode of existence within contemporary society.

In the context of our definition, 'nomadic' peoples should also be used in the widest sense - it includes all those groups of people who lead a mobile way of life, independent of its economic specificity. This is not to suggest that a way of life is ever autonomous of its economic specificity, simply that nomadism is problematized within sedentary society *whatever* the dominant mode of production of the nomads involved. Thus nomads may be primarily involved in food-extracting, food-producing, the provision of services or reliant on welfare benefits. This definition therefore includes as nomads: hunters and gatherers, pastoral nomads and commercial nomads. For each of these groups of people, having 'no fixed abode' is of itself something that profoundly problematizes them in the eyes of sedentary society.<sup>26</sup> The term sedentarism characterizes contemporary power relations at the interface between sedentary and nomadic ways of life, people from any ethnic background and involved in any economic activity can be nomads and can have rights as such.

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<sup>26</sup> This is also true, of course, of people defined as 'tramps' or 'vagrants' but these negative categories describe *individuals* of 'no fixed abode' rather than 'peoples'.

## Chapter Seven:

### Servicing Nomadism in Ireland

*Everyone has the right to be nomadic or sedentary and a right to change from one mode of living to the other.*

Draft Northern Ireland Bill of Rights, 2001.

*If we want to promote a tolerant attitude to travellers, they themselves must recognise that elements of their way of life contribute to their non-acceptance within society. One of the defining aspects of traveller culture is nomadism. In years gone by there was an economic rationale for the nomadic lifestyle favoured by travellers. In order to ply their trade as tinkers they needed to move around the country. Today the economic justification for this lifestyle has all but vanished, it is this lifestyle which is responsible for a great deal of the hostility towards the travelling community and for many of the problems it endures. By adhering to this lifestyle, travellers disadvantage themselves to a large degree. Nomadism cuts them off to a significant extent from health services and education opportunities and it rules out any possibility of travellers moving into stable employment in the formal economy. There is evidence that travellers may be moving away from this lifestyle. The question arises whether we should encourage this trend or seek to facilitate travellers who want to continue to pursue this nomadic existence.*

Deputy Keogh, 1995.

It bears emphasis that the struggle for the recognition of the rights of nomads as nomads in Ireland is far from over. As we have already seen, the Task Force Report contained a minority report on nomadism that continued to pathologize travelling:

Such a lifestyle will always place those who participate in it at a disadvantage in terms of accessibility to health and education services, jobs opportunities and general services like insurances, loans, mortgages etc. and these facts must be acknowledged by those who espouse it for themselves and for their children. A permanent base for young families would give the children opportunities in life very similar to those enjoyed by most settled children. The caravan has long been recognized as totally unsuitable for all year round habitation in the Irish climate and makes personal privacy in the home impossible particularly for large families.... The traditional economic reasons for constant traveling have largely disappeared and there is significant evidence of less mobility by the traveller community. It is clear that as education and health facilities are improved and better accommodation is provided, this trend will increase. (1995: 289)

It bears emphasis that this was a minority report – the dominant theme in the Task Force was one of accepting the importance and legitimacy of nomadism within Traveller culture. Nevertheless, this minority report serves as a reminder that some individuals continue to very explicitly advocate the ending of nomadism as a precursor to Travellers achieving equal access to services. It is probable that this view is shared more implicitly and covertly by other influential actors across Ireland. We argue very strongly that this residue of sedentary prejudice should be directly repudiated by Government.

Government should accept that nomadism carries with it a right to equality and accept that assimilationism or forced sedentarization is not an appropriate policy towards nomads.

Once we accept the principle of nomads' rights as human rights, however, we must also accept that being nomadic should carry no necessary disadvantage with it. Governments have a duty to ensure that nomads receive equal access to the full range of government services. This is a simple starting point but a whole series of practical challenges follow from this position. In particular, this begs the question of what governments should be doing proactively to support nomadic groups and nomadism.

It bears emphasis that there is already a baseline in terms of existing research and policy – in the south the Task Force and its progress reports provide the key context for servicing nomadism; in the north the PSI Working Group Report fulfills a similar function. Neither of these policy contexts is flawless and both contain policy that is relevant to Travellers without necessarily having any relevance to Traveller nomadism. Nevertheless, they provide the context in which service provision to nomads will be delivered.

The British Traveller Law Reform Bill - drafted by the Traveller Law Reform Unit – also provides a useful starting point in terms of further possible legislation. It has been written so that it could be used by the British Government in new legislation but it could prove equally useful to the Irish Government or to the Stormont Assembly. The Bill proposes the establishment of a Gypsy and Traveller Accommodation Commission, reinforces the right to a nomadic lifestyle and identifies how to excise prejudice and discrimination from existing legislation. Advocates suggest that if the Traveller Law Reform Bill is not taken up as a Private Members Bill, at least some of the less contentious clauses could be used by Government as it drafts its own new legislation.

There also needs to be a general increase in sensitivity to the needs of nomads across all areas of service provision. The question is not so much, 'what is needed/' but 'how is it to be delivered?' There are undoubtedly particular challenges in terms of service provision to nomadic people. Here the guiding principle should be one of *equal but different*. In other words, provision to nomadic people should be equal in terms of the quality of provision. In order to achieve this, however, it is accepted that the form of provision may sometimes have to be different. Take the example here of the basic right to vote in a democracy. Many nomads are immediately disenfranchised by the requirement of a fixed address for voter registration. In this example, nomads cannot be enfranchised in the same way as sedentary people. Either nomads remain disenfranchised or the state provides some different means of allowing them to express their democratic preferences.<sup>27</sup> Equal and, where necessary, different should become the watchword of servicing nomadism. This principle should inform the full gamut of service provision by Government. There are, however, specific challenges in the areas of *accommodation, economy, health and education* and these deserve particular attention, not least because there are already examples of good practice vis-à-vis nomadism and service provision in each of these areas. It is also clear that many of the models of good practice in terms of service provision are interdependent - for example improving Traveller education and healthcare is premised upon the provision of safe and secure halting sites.

## Accommodation

Traditionally Traveller nomadism was accommodated on sites located on common land or land that was generally recognised as *de facto* transient site. While there were sometimes disputes over the access to land, this was generally successful and acceptable to both Traveller and settled communities. This changed with the urbanization of Travellers and the encroachment of settled housing and other land use onto traditional camp sites. In all the furore around Traveller 'illegal' encampments, sight is often lost of the reality that over the past fifty years, settled culture has been colonizing urban and rural space traditionally belonging to (if not 'owned' by in a formal sense) Travellers. There is therefore a need to review the position of existing traditional camping areas and ensuring that Travellers access to these sites is protected. There is also a need to review the use of roadside locations like

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<sup>27</sup> For example, a Traveller-specific electoral college for the Irish Senate would be one significant and relatively easy way of beginning this process in the south of Ireland.



parking areas and hard shoulders, which remain far from perfect but offer *de facto* accommodation space for many nomadic families. Here obviously the issue of the safety of Travellers and other users is paramount. Beyond these, however, there can be no getting away from the need for an integrated system of site provision across the whole of Ireland that was first recognized formally in the Task Force Report as a 'national network of transient sites' (1995: 97, 106). The model is not particularly difficult to envisage or, indeed, expensive:

Transient sites/stopping places [would facilitate nomadism]. Concrete pitch with hook-up for electricity (card system), standpipes, toilets, lighting, skip collection for rubbish, fire hose and payphone. Room for 10 families. A play area in the middle of the site to create space between extended family groups and enable parents to watch children while they are playing. Hedge around perimeter of site for privacy. The problem is that these transient sites would be used as permanent sites unless sufficient permanent sites/group housing etc are first built. (Belfast Travellers Education and Development Group)

In theory at least this provision has moved forward significantly over the past ten years. The Housing (Traveller Accommodation) Act 1998 was particularly positive in that government in the south of Ireland made a formal commitment on provision for nomadism for the first time. Section 10 (c) of the Act states:

(3) A relevant housing authority, in preparing an accommodation programme shall have regard to.... (c) 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...

The Act has generated an policy infrastructure to begin to address Traveller accommodation needs, including, for the first time, some acknowledgment of the specific need to address the needs of nomadic Travellers. For example, the DOE produced the overall *Accommodation Options for Travellers* as well as the specific *Guidelines for Accommodating Transient Traveller Families*. The Accommodation Options on transient sites are fairly terse:

Local authorities will develop a national network of transient or short stay halting sites. Temporary sites may also be necessary pending the provision of more permanent accommodation. (2001: 24)

The Guidelines offer more substance and put the issue in a positive context vis-à-vis nomadism:

The Guidelines respect the validity of the distinct culture and nomadic identity of the Traveller community and seek to have this aspect of the lives of Travellers properly respected and resourced. (2001: 2)

All this activity at the level of law and policy, however, has not had the impact that it might have had in the terms of the provision of the 'national network of transient sites' envisaged by the Task Force. There is a specific need here to ensure that service delivery begins to match the admirable advances in terms of more theoretical commitments to accommodating nomadism.

There has also been recent significant movement on accommodation at a policy level in the north of Ireland. In August 1999, the former Department of the Environment for Northern Ireland published its *New Policy on Accommodation for Travellers* which recognised the need for one strategic agency to deal with Traveller accommodation and suggested that the Northern Ireland Housing Executive (NIHE), as the comprehensive regional housing authority, was best suited for this role. In a contradictory rider to this,

however, District councils were to maintain responsibility for the provision of transient sites. There were 'strong but opposing views' within the Working Group on the responsibility for the provision of transient sites, between those who endorsed the current position and those who considered that this responsibility should be placed with the NIHE. In this context the Working Group recommended that the Northern Ireland Housing Executive (NIHE) should undertake a comprehensive strategic needs assessment of current and projected accommodation requirements of all Travellers in consultation with Traveller organisations, members of the Traveller communities and District Councils. More specifically in terms of Traveller nomadism, it recommended:

Government should, through the consultation exercise on this Report, review the New Policy on Accommodation for Travellers in relation to responsibility for provision of transit sites to determine if this should remain with District Councils or be transferred to the NIHE. The views of Travellers themselves should be particularly sought. The legislation should if necessary incorporate a mandatory requirement on the responsible agency to meet transit site needs identified by the needs assessment.

It is self-evident that the process of accommodating nomadism cannot be met on an *ad hoc* basis within particular district councils. There needs to be a strategic and integrated approach to transient site provision at regional level in both the north and south of Ireland but also across the whole island of Ireland since this is the context in which Traveller nomadism takes place.

In general, therefore, there has been welcome movement within Government, north and south, in terms of the recognition of a need to service accommodation for nomadism. In reality, however, the outcomes have been disappointing. The ITM report *A Lost Opportunity? A critique of local authority Traveller Accommodation Programmes* (2001) documents a general failure to meet Traveller accommodation needs as well as a specific failure to address the issue of nomadism and the provision of transient sites. The provision of transient sites is the area of accommodation which has most markedly failed to meet targets in the Task Force Report and the First Progress Report. As the ITM has recently argued, however, in its *Charting a Future Strategy for the Delivery of Traveller Accommodation* (2002) this is a particularly opportune time to put this right:

A unique opportunity to address the current crisis in Traveller accommodation exists given that the review of the Housing (Traveller Accommodation) Act, 1998 is due to take place and a new National Agreement is to be put in place. (2002: 45)

This publication makes it clear that there is a need for specific provision for Traveller nomadism within this wider context:

A number of issues need to be considered in relation to the provision of transient areas/sites for short-term stay to accommodate nomadism. The present 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 Environment and Local Government, to be implemented. The Housing (Traveller Accommodation) Act, 1998 specifies that provision should be made for the annual patterns of movement of Travellers yet there have been few developments in this area of provision. (ITM 2002: 20)

It bears emphasis therefore that the Traveller accommodation strategy laid out in the Task Force had to be taken as a whole. In other words, more and better group housing only made sense if provided alongside more and better transient accommodation. This is just as true for the north of Ireland. If Government and local authorities in Ireland are serious about servicing nomadism, they have to move ahead with a comprehensive programme of transient site provision with the utmost haste. Alongside this provision, there needs to be creative use of opportunities to protect and develop other stopping places. This includes recognition of and protection for traditional camping places and innovative integration of new stopping places within the new road building programmes.<sup>28</sup> Without this kind of flexibility, transient sites will be morally repugnant – taking on the character of reservations. Moreover, they will not work – Travellers will refuse to be ghettoized in this way.

The accommodation issue is critical to wider Traveller equality issues - successfully addressing accommodation needs is the key to properly servicing nomadism in Ireland. Moreover, it is almost impossible to address most of the other service provision issues for nomadic Travellers – like health and education – without a resolution of the accommodation issue.

## **Traveller Economy**

Traditionally the Traveller economy was defined by nomadism. The kinds of work that Travellers were involved in, like tinsmithing and horse-trading, were only possible because Travellers were nomadic. This Traveller economy did not receive any recognition from government, let alone any active support for economic development. In recent years the reality and importance of the Traveller economy has begun to be appreciated. The Task Force (1995: 234-270) made a significant contribution to understanding the unique nature of the Traveller economy and the range of activities involved within in:

The phrase 'Traveller Economy' refers not only to the range of activities pursued by some Travellers but also to the particular and distinct manner in which these activities are organized. It is an economy that is often invisible to the external observer. Indeed, there is a perception that Travellers are not engaged in economic activities. This perception is mistaken as economic activities continue to play a major role in the life of Travellers. (1995: 234)

As we have seen, most contemporary Irish Traveller nomadism is predicated upon work. In other words, Travellers travel, mostly, because it is a way of finding work and making money. Travellers continue to travel because that is part of their work and that way of working is a key part of their way of life. The resource implications of supporting this kind of economic activity are, however, fairly minimal. The network of transient sites promised in the Task Force needs to have facilities to support economic activity but these facilities are both fairly basic and potentially self-financing:

I think when they are travelling the lads wouldn't need very much – they need somewhere to stop and somewhere to keep their gear but they would be willing to pay for that if they could get it anywhere. (Younger Traveller woman: Rathkeale)

There is, however, a key distinction here between transient sites for Travellers and the provision of facilities for caravanning holiday makers. It is definitive of nomadism that

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<sup>28</sup> For example, motorways and other main roads in construction might be required to provide safe, off-road camping areas with basic facilities every twenty miles.

places of work and living are not separated. Accommodation which meets all the other needs of Travellers but which fails to meet the needs of the Traveller economy is inadequate. Moreover, providing sites while attempting to prevent economic activity on those sites is a recipe for failure. Provision for economic activity must be integrated into any network of transient sites.

If both governments are serious about servicing nomadism, therefore, they must find ways of supporting the Traveller economy. It bears emphasis that this is something that is as much a benefit for settled people as it is for Travellers. The Traveller economy functions because it meets demand overwhelmingly in the settled community – this is a defining feature of commercial nomadism:

You should see the difference when they come back at Christmas and times like that – the amount of money being lodged in the bank here. All the shops and pubs that need Travellers to keep going. People don't ever recognise that when they are criticizing Travellers – the amount of money that we put into this town. (Younger Traveller woman: Rathkeale)

Rathkeale in County Limerick stands out as a town which appears increasingly dependent on the Traveller economy for its economic prosperity, but there are many other examples of economic activity that are dependent, at least in part, on the Traveller economy. The scrap/recycling industry is one obvious example, the importance of fairs for towns like Balinasloe and Kilorglin is another.

Sustaining and developing the Traveller economy is important for Travellers but it is equally important as a part of encouraging economic activity in general. Facilitating the Traveller economy by facilitating nomadism is a simple but important way of encouraging economic growth for the community as a whole. With this in mind, government should formally recognize the Traveller economy as a specific form of economic production. The Traveller economy should be accorded the same respect as other forms of production and economic development within the Traveller economy supported as any other productive economic activity.

## Health

Traditionally Traveller health was defined by nomadism. Traditional nomadism usually afforded a tough but healthy lifestyle. Traveller engagement with health services was limited to emergencies and child-birth and provided for in hospitals. Preventative healthcare was almost unheard of. Once again urbanization created new problems as health deteriorated in unsuitable and unserved urban sites with inappropriate or non-existent hygiene facilities. As the First Progress Report puts it:

The Task Force observed that the nomadic way of life of Travellers made it difficult for them to avail of some service provision such as ante-natal and maternity care, child health services and protective immunization. Two health issues were of particular concern ... the low rate of life expectancy and the high infant mortality rates among the Traveller community. (CMCIRTFTC 2000: 45)

The Department of Health and Children put in place the new structures recommended by the Task Force – a Traveller Health Advisory Committee in the Department and a Traveller Health Unit in each health board. The Task Force Report of 1995 also recommended that the Government implement a National Traveller Health Strategy in response to the unacceptably low health status of Irish Travellers and this strategy was published in February 2002. The *National Traveller Health Strategy* (NTHS) 2002 offers

great potential in terms of an appropriate infrastructure for supporting health provision that is sensitive to the specific needs of nomads. The key principles of this strategy are that Travellers are acknowledged as minority ethnic group and Traveller culture and identity are recognised. The Strategy is explicit in support of the need for nomadic-specific provision: *'We must be prepared to ensure health services are responsive to Travellers, especially in terms of their nomadic lifestyle'*. The strategy also sets minimum standards that have to be met by health agencies in terms of Traveller health. There are already examples of good practice in action. The provision of a triage clinic in Rathkeale at times when most nomadic Travellers are back in the town is a simple but important example of what can be done:

I think the clinic is a very good idea. It is far better than trying to see other doctors – they mightn't want to see you if you are just staying in a town for a few days - or going to hospital. The [triage] doctor is very nice, very helpful. We all know him know. I don't think anyone has had problems with medical cards. (Young woman Traveller: Rathkeale)

The National Traveller Health Advisory Committee in the Department of Health and Children will monitor the implementation of the Strategy. The Traveller Health Units-Regional Partnerships will implement the Strategy at regional level. There is also support for Traveller Primary Health Care Projects. These projects facilitate Travellers to become Community Health Care Workers within their own community. Within these projects Travellers engage in health promotion and health education, liaison work with local health service providers, representational work and in-service training for health professionals. The Strategy states there should be Traveller Primary Health Care Projects in all Health Board areas by 2005.

In principle the NTHS provides the much needed infrastructure to support the specific health needs of nomadic Travellers. In practice it is impossible to evaluate the Strategy since it is so recent. Certainly there are important elements to it which should address the specific challenges of servicing the health care needs of nomads. Travellers continue to be designated as a Special Needs Group; Special family clinics to be promoted; there is to be an Annual report by Health Boards on Traveller access to GPs; the GMS limit circumstances in which GPs can refuse to register Travellers; and there are special arrangements for medical cards for Travellers; there are designated Public Health Nurses for Travellers and support for Peer led services. There are also specific recommendations on Patient held records which should facilitate nomadism. A Working Group within the Department of Health and Children to be established to draft content and agree design of a durable and user friendly patient and family held record to be used by all Health Boards.

The funding for implementation appears generous – certainly in comparison to former levels of support. The Programme for Prosperity and Fairness has a specific budget for Traveller health and there is further funding for implementation of NTHS from Department of Health and Children. Within this work, up to 10% of Traveller Health Unit budgets to go to health work carried out by Traveller organisations. It remains to be seen, of course, how close the reality of implementation comes to the aspirations of the NTHS. Nevertheless, as a government intervention which recognises the importance and specificity of nomadism, and aspires to service the challenge that this presents, it is potentially a powerful model for change in other areas of service provision.

The policy infrastructure is rather less well-developed in the north. While the PSI Working Group recognised the particularly poor health experienced by the Traveller community and made a series of recommendations addressing health provision, there was little evidence of a sensitivity towards the provision of healthcare to nomadic Travellers.

## Education

Traditionally education was integrated into broader Traveller culture. With nomadism young Travellers were educated in a whole range of ways appropriate to surviving in the Traveller economy. There was, however, no formal education and little demand for such education. The key reason for most Traveller involvement in settled education provision was the provision of key religious services like first communion and confirmation.

Traveller attitudes towards education have, however, changed significantly. While the religious pressures remain, these have been supplemented by a growing demand for more formal education among Travellers:

Some families have children going to school and they might only get the six weeks or two months in the summer and that might suit them. If that suits their lifestyle and suits their culture, that should be provided for. But there is some families that want to travel all year round. And I think that freedom should be there if they want it. (Young Traveller Woman: Tullamore)

Commitment to education has been a significant factor in the sedentarizing of some Travellers:

Wanting children to attend school is one of the main factors inhibiting traveling. Families would like to travel during the summer if there were legal sites to go to, but need a base to come back to. (Belfast Travellers Education and Development Group)

The fact that nearly half of the Task Force recommendations were related to Traveller education gives some indication of the importance of this subject. The Task Force saw Traveller nomadism as being a key issue in terms of the broader question of Traveller education:

Nomadism continues to be a significant feature of the Traveller way of life. There is a clash between this aspect of the Traveller way of life and the way in which the present education system is organized. The education system was designed with 'settled' people in mind. However, with some alteration it could begin to cater more adequately for those who are mobile. (1997: 157)

The Task Force went on to make a series of recommendations in connection with nomadism and education. These included sensitivity on the use of different books in different schools, flexibility in terms of strict enrollment cut-off dates, the need for visiting teaching support and the need for consideration of distance learning projects (1997: 157-8)

While it recognised some positive developments, the Monitoring Committee was, 'concerned about the lack of progress generally on the recommendations of the Task Force in the area of education. Of particular concern is the failure of the Department of Education and Science to establish the Traveller Education Service [recommended in the Task Force]'. A Departmental Co-ordinating Committee on Traveller Education and an Advisory Committee on Traveller Education were established. In general, however, there is little evidence of implementation of the Task Force aspiration for 'catering adequately for those who are mobile'.

In the north, the PSI Working Group devotes some attention to the question of nomadism:

As regards compulsory educational provision, services need to be adapted and developed to cater for those children of Traveller families who continue with a nomadic way of life. More specifically, provision needs to be made to ensure that the education

they receive is co-ordinated and contains clear progression and that they are educated in all subject areas in line with the requirements of the Northern Ireland Curriculum.

The Working Group then makes two recommendations that are directly relevant:

Recommendation 15: The Department of Education, in association with Education and Library Boards, should establish comprehensive pupil transfer records for Traveller children to facilitate a smooth transition between schools within Northern Ireland. In addition, the Department of Education should also invite educational representatives from Britain and Ireland to work together to co-ordinate school transitions for Traveller children moving between Northern Ireland and Britain and/or Ireland.

Recommendation 16: The Department of Education should establish a pilot programme aimed at investigating and developing educational strategies and support materials for children of nomadic Traveller families. This should include detailed investigation of distance learning using ICT, 'smartcards' and outreach teaching support.

Traveller children in general are not served well by the education system in either part of Ireland and this is particularly true for the most nomadic Traveller children. In its major European-wide research report *Denied a Future Save the Children* details how Traveller children miss out on formal education, largely due to the inability of education structures and practices to take account of nomadic culture, and respond flexibly and imaginatively to the needs of mobile families. The report argues that the impact of this will be more young people disenfranchised, socially excluded, dependent on the state and disenfranchised because of the loss of their heritage and culture.

In terms of provision to nomadic Travellers, both education systems can look towards positive models like the West Midlands Consortium Education Service for Travelling Children (WMCESFTC 2002). WMCESFTC consists of, 'a Pupil Education Record Transfer System; a Resource Center and Training Base for use by schools, teachers, students and children; Advisory/Support Teachers; Field Welfare Officers; and Transport support':

The Service offers assistance, advice and support to schools by providing information on Traveller cultures and lifestyles and assisting class and subject teachers to develop curriculum and teaching strategies to meet pupil's needs. It offers collaborative/partnership teaching support particularly to short stay pupils and where needed with pupils who have been settled in a house of on a permanent site for under two years. This is in order to assist schools in compensating for the interrupted or late starting in education which some Traveller children have experienced.

It is also clear to WMCESFTC that the need for a distinction between planned and forced movement is significant in the context of nomadism and education:

Movement which is planned by the family can, when shared with service deliverers in education and health, be accommodated successfully with arrangement made of continuity of provision as they travel. However enforced movement i.e. eviction, is disruptive and undermining of family security and service planning.

There are also more radical proposals which offer more fundamental changes in the provision of education to Travellers and other nomadic peoples. One example is the *Trapeze Project*. The objective of this project:

is to build a satellite tele-education service showcase for travelling people like those in bargee, circus or fairground communities. Due to their mobility, these communities do not have access to fixed communication lines. The satellite tele-education service showcase is intended to convince organisations in the E.U. involved in the education of travelling

communities of the value of integrating such services into their existing teaching practices.

The claim made for the Trapeze project was huge: 'If successful, the Trapeze project will completely change the educational landscape of travelling communities. The contact between teachers and children on the move will be significantly improved, resulting in a better follow-up of the learning process and ultimately in better learning results.'

Difficulties are acknowledged:

The Trapeze project faces 2 substantial challenges. First of all, the implementation of an innovative 2-way satellite system with highly mobile users. Apart from technology issues, regulatory issues need to be solved to meet this challenge. The second challenge lies in assembling a Learning Environment, based on existing tools, that is sufficiently attractive for institutions involved with Traveller education to integrate that Environment permanently in their teaching practices.

Unfortunately, Trapeze is, 'rather quiet at the moment ... still trying to convince a number of Departments of Education about the value of such a service'. It does, however, illustrate the possibility of servicing nomadic education if the commitment and resources are there. We can therefore envisage a combination of immediate low level provision – like that of the WMCESFTC alongside more ambitious and more radical models for provision to nomads.

## **Servicing 'anti-nomadism' - the cost of inhibiting travel**

We have argued that Government can and should provide for Traveller nomadism as a rights and equality issue. Government also, however, has a more immediate and less principled interest in addressing these issues. This follows from the issue of the cost of anti-nomadism. This issue is analyzed in some depth in the English context in the Traveller Law Research Unit publication *At What Cost? The Economics of Gypsy and Traveller encampments* (2002). This groundbreaking analysis turns traditional approaches to this issue on their heads and asks, what is the cost of *not* providing sites for Travellers? It identifies the huge financial and social costs associated with 'unauthorised encampments' for councils, private landowners, the police and, of course, Travellers themselves.

It is often argued that providing for nomadism is inappropriate simply because it is too expensive. However, the infrastructure of anti-nomadism - from boulder policy to the cost of evictions and the new feature of the cost of prosecutions under the Housing (Miscellaneous Provisions) Bill (No 2), 2001 - is itself prohibitively costly as well as running against the human rights principles outlined above. When this is measured alongside the cost of the spiritual and physical harm incurred by the Traveller community in consequence of forced movement and forced sedentarization, anti-nomadism rather than nomadism begins to look problematic in terms of its cost implications.

## **Conclusion – servicing nomadism in Ireland**

At a policy level at least, the situation in terms of servicing nomadism has been transformed over recent years. In theory at least, Government in Ireland, north and south, has recognised the validity of nomadism as a way of life and is committed to servicing that nomadism. The real issue now is one of actually implementing these policy commitments in a practical way. There is an immediate need to turn welcome paper commitments into tangible service delivery. Thus we are moving away from the question of 'what is needed?' and towards the question of 'how is it to be delivered?'.



The question of what is needed has been asked and, mostly, answered in a series of Government interventions since the Task Force Report. There remains a very immediate need for both Government and NGOs to address the question of how services are to be delivered to nomadic Travellers. There remains a need for creative and innovative thought on the specific challenge of delivering services to nomads across Ireland.

Related to this, there is a specific need to coordinate provision across the island of Ireland. There can be few more obvious examples of the need for cooperation and coordination between Government in the north and south of Ireland than the challenge of servicing nomadism on the island.<sup>29</sup> The north/south bodies should address this issue as a priority. Servicing Travellers should be vigorously promoted through the North/South Ministerial Council and other mechanisms for North/South cooperation. Consideration should be given to creating a new North/South Implementation Body to integrate service provision for Travellers, especially nomadic Travellers, across the island of Ireland.

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<sup>29</sup> The North/South Ministerial Council (NSMC) was established on 2 December 1999, under the terms of the Good Friday Agreement. It brings together Ministers from the Northern Ireland Assembly and the Irish Government, on a regular basis, to develop consultation, co-operation and action within the island of Ireland on matters of mutual interest within the competence of both administrations. The work of the North/South Ministerial Council covers 12 sectors, six have North/South bodies and the other 6 operate through existing agencies in each jurisdiction. Six North/South Implementation Bodies, established by international agreement between the British and Irish Governments, came into being on 2 December 1999. These bodies implement the policies agreed by the Ministers in the NSMC. The Implementation Bodies are: Waterways Ireland; The Food Safety Promotion Board; The Trade and Business Development Board; The Special EU Programmes Body; The North/South Language Body and The Foyle, Carlingford and Irish Lights Commission. The six matters identified as "Areas of Co-operation" through the mechanism of existing bodies in each separate jurisdiction are: Transport, Agriculture, Education, Health, Environment and Tourism.

## Chapter Eight:

### Conclusion

Irish Travellers are an ethnic group whose identity has been, and continues to be, defined by their nomadism. As we have seen, ITM estimates that at any given time around a quarter of Travellers are travelling. Travellers retain a specific disposition towards travel and nomadism that continues to distinguish them from sedentary people. Many of them also retain an aspiration to travel – if and when conditions for nomadism are made less difficult. Despite this, however, it is clear that most Irish Travellers travel less than they used to. For the Irish Travellers who remain nomadic and who travel routinely, however, there are very specific issues in terms of the way in which nomadism is specifically pathologised and discouraged across Ireland, north and south. Their relationship to nomadism is much more tangible and direct and their need for provision for nomadism much more immediate. Government in both parts of Ireland can and should pay due regard to this key difference within the Traveller community as it addresses the challenge of servicing nomadism across the island. Likewise it is proper for the community and voluntary sector in general and the Traveller Support Movement in particular to draw a distinction between a majority of Travellers who have a strong sense of nomadism as a tradition and who may wish to travel more in the future should nomadism be facilitated and a minority of Travellers who continue to travel as nomads in Ireland and beyond.

Despite the generality and virulence of anti-nomadic sentiment across Ireland, nomadism remains an important economic, cultural and social tradition. Nomadism remains an important part of cultural identity to all Irish Travellers – whether they themselves are nomadic or not. The Traveller economy is also a successful economic niche for many Travellers and it could work for many more if it were supported rather than undermined. Government in Ireland, north and south, has a duty to create a context in which the tradition of nomadism is recognized and cherished alongside a duty to ensure that nomads have equal citizenship with sedentary people. For this to happen, there is a need to symbolically lay to rest the years of failed and racist settlement policy. The commitment to equality for nomads should be predicated by a formal apology by the Irish and Northern Irish states to the Irish Traveller community for their promotion of this settlement policy. It also needs to be recognised that the commitment to equality for nomads sometimes involves treating them exactly the same way as settled people and sometimes involves treating them very differently.

The progress made over recent years by Government in Ireland, north and south, towards meeting the challenge of servicing nomadism should be recognised. The contemporary policy landscape is almost unrecognizable from the situation twenty years ago when there was almost no mention of Travellers or nomadism in any aspect of service provision. This said, however, there remains a pressing requirement for a full needs assessment of Irish Travellers and nomadism across Ireland. In this report we have indicated some of the challenges and possibilities in terms of a changed approach to Traveller nomadism. Responsibility, however, for a structured assessment of what this means rests with government. Government has to assess the needs of Traveller nomadism - what is needed and what can be delivered in accommodation and education and health and economic development in particular. In other words, national and local government needs to move quickly to acquire accurate baseline data on Traveller mobility and associated needs. It bears emphasis that *this is a very different project from a needs assessment of Irish Travellers as an ethnic group*. What we are referring to here is a specific assessment of needs associated with Traveller movement, if and when this occurs.

Beyond this, there is a need to immediately implement existing policies, to turn from policy formulation to policy delivery. This entails a need to adequately monitor and

resource the implementation of policies on nomadism. Saying the right thing about nomadism and accommodation or health or education is one thing, getting on with the tangible delivery of services in these areas in quite another. In this regard, equality of outcome across the range of social indices – from mortality and morbidity rates to educational achievement and income – is the only true meter of appropriate equality and human rights protections. In other words, human rights and equality interventions in support of nomadism will not have succeeded until nomadic Travellers can expect to live as long, become as well-educated and well-qualified and earn as much as their settled comparators.

We have argued that the rights of nomads should be protected as nomads regardless of the economic or ethnic specificity of their group (as they are in the draft Bill of Rights for Northern Ireland). Crucially, in both the Irish and European contexts, this means that other Traveller groups should have equal protection from anti-nomadism. We have also argued that, as Romani advocacy in Eastern Europe sometimes seeks to distant itself from nomadism, there is an increasing need to separate broad protection for all Romà and Travellers from specific protection for Romà and Travellers who remain or become nomadic. This suggests that - vis-à-vis nomadism at least - Romanichals share important common interests with Irish Travellers and New Travellers. Moreover, it suggests that the nomad-specific element in these agendas have become peripheral to many Romà rights organizations. In the case of the UK, the *Criminal Justice Act* provided evidence of the state's continued commitment to criminalize nomads regardless of their ethnic identity. More recent interventions on trespass in the south and north of Ireland have continued this trend. This supports the notion that equally nomads must be protected from discrimination regardless of ethnicity.

Finally, it is clear that being nomadic is at least as complex and varied as being sedentary. There are specific dangers in reducing nomadism in Ireland to a question of tradition. It is as ridiculous to define Irish nomadism in terms of living in a tent or a barrel top or a trailer as it would be to define being sedentary in Ireland in terms of living in a thatched cottage. Nomadism is a vibrant, dynamic *process* not a fixed and outmoded state. We hope that we can begin a debate here about the form and content of Irish Traveller nomadism based not on some vague respect for the 'freeborn Travelling People' or Gypsy Lore or the exoticism of the nomad but rather on a basic commitment to human rights. This commitment recognizes both the parity and the connectedness of the twin human rights of equality and difference.

## Recommendations

### ***Parity of esteem for Traveller nomadism***

There is a requirement for a formal repudiation of the assimilationist and sedendarist policy of anti-nomadism that explicitly informed Irish Government policy from the Commission on Itinerancy to the Task Force and which implicitly continues to inform political attitudes and service provision to Travellers across Ireland, north and south. A formal statement by the President and the Taoiseach apologizing for the Irish Government's settlement policy and recognizing the equality and parity of esteem of Irish Traveller nomadism would symbolically mark the end of 'itinerant settlement' ideology and begin to lay to rest the profoundly negative consequences of over forty years of sedentarist policies.

### ***Creating a framework for nomad's rights***

The Irish and British governments should sign and ratify ILO Convention 169.

The Irish and British governments should actively support the development of a charter of nomads rights. (see Appendix One).

The final Bill of Rights in Northern Ireland should include specific protection for the rights of nomadic peoples. The Irish Government committed itself in the Good Friday Agreement to introduce human rights protection that were at least as strong as those introduced in the north. By implication of this, the right to nomadism recognised in the draft northern Bill of Rights should be similarly institutionalized in the south of Ireland. Similar protection for the rights of nomads should also be included in the Joint Charter on Rights for the island of Ireland.

### ***Right to travel***

Freedom of movement, as guaranteed by the European Charter, should expressly protect the right to travel of nomadic groups. The British and Irish governments should adopt the Council of Europe proposals for guaranteeing freedom of movement and freedom of encampment for Travellers.

### ***Right to freedom from incitement to hatred against nomads***

The Irish and British Governments should address hate speech and other forms of incitement to hatred directed against nomads. Travellers, Gypsies and Roma should be explicitly named in any new race and sectarian hate crime legislation.

### ***Right to change sedentary/nomadic identity***

People should not be forced to sedentarize nor be forced to become nomadic nor be forced to continue to be nomadic or to continue to be sedentary if they wish to change their mode of living.

### ***Political Rights***

There needs to be radical reform of voter registration to reflect the specific needs of nomadic voters. Creating an electoral college for nomads in the Senate might be one way to represent a constituency which, at present, is largely denied the franchise.

### ***Right to equality of outcome***

Equality of outcome across the range of social indices – from mortality and morbidity rates to educational achievement and income – is the only appropriate meter of the success or otherwise of equality and human rights protections.

### ***Servicing Nomadism***

The Irish and Northern Irish governments should conduct a needs assessment of Irish Travellers and nomadism immediately on an integrated north/south basis. This will provide the baseline data for improvements in servicing nomadism and mobility across the island.

#### *North/South Implementation Body*

The challenge of servicing Travellers and Traveller nomadism should be vigorously addressed through the North/South Ministerial Council and other mechanisms for North/South cooperation. A new North/South Implementation Body should be created in the context of the Good Friday Agreement to integrate service provision for Travellers, especially nomadic Travellers, across the island of Ireland. The wider aspects of servicing nomadism across Britain and Ireland should also be addressed through the British-Irish Council and the British-Irish Inter-Governmental Conference.

#### *Accommodation/site provision*

The 'national network of transient sites' envisaged by the Task Force must be provided across Ireland, north and south, forthwith. Transient sites, however, remain only part of the solution in supporting nomadism. Governments should recognize traditional camping places and address creatively the use of other stopping places such as the use of lay bys. All new road building schemes should include provision for safe Traveller stopping places with basic amenity provision.

The Irish Government should review Section 10 of the Housing Act 1988 as amended by section 32 of the Housing (Traveller Accommodation) Act 1998 and Section 21 of the Housing (Miscellaneous Provisions) Act 2002 and place a moratorium on use of this section until appropriate accommodation for Travellers has been provided.

The Irish Government should repeal Section 24 of the Housing (Miscellaneous Provision) Act, 2002.

The British Government should renounce the proposed anti-nomadic legislation contained in the DSD consultation paper on unauthorized encampments.

The Irish and Northern Irish governments should implement an urgent review of those aspects of planning legislation which act as impediments to the provision of Traveller Accommodation, particularly accommodation that facilitates nomadism.

#### *Traveller economy*

Government should formally recognize the Traveller economy as a specific form of economic production. Traveller trading is based on nomadism and this reality needs to be integrated into any interventions to support the Traveller economy. The Traveller economy should be accorded the same respect as other forms of production and economic development within the Traveller economy supported as any other productive economic activity. Space for economic activity is an absolute essential in all developments on Traveller accommodation. Traveller accommodation without space for economic activity is inadequate, however excellent its other qualities. The Irish and Northern Irish governments should conduct a review of the provision of support for the Traveller economy. This review should be conducted by the Department of Enterprise, Trade and Employment in the south and the Department of Enterprise, Trade and Investment in the north.

#### *Education*

Education for nomads, particularly nomadic children, should not be predicated on settlement. Government should learn from best practice in terms of peripatetic teaching, the use of transferable work books and so on. Recent advances in information technology provide exciting new models for delivering education to nomadic children. There should be a commitment to pilot a education project in relation to nomadism under the disadvantaged children schemes. The Irish and Northern Irish governments should conduct a review of the provision of education to nomadic children. This review should be conducted by the Department of Education and Science in the south and the Department of Education in the north.

#### *Healthcare*

Healthcare for nomads should not be predicated on settlement. Government should learn from best practice in terms of peripatetic healthcare support. Triage clinics at times and places appropriate to Traveller nomadic travel patterns provide a useful basic model. Mobile health clinics offer a more comprehensive level of support. The Irish and northern Irish governments should conduct a review of the provision of healthcare to nomadic Travellers. This review should be conducted by the Department of Health and Children in the south and the Department of Health, Social Services and Public Safety in the north.

#### **Traveller Support Movement**

The Traveller Support Movement should continue to integrate its support work across the island of Ireland and beyond. In particular, the key representative organisations, Irish Traveller Movement and Traveller Movement (Northern Ireland) should integrate their work to support Travellers in general and Traveller nomadism in particular.

Nomadism remains a key element in Irish Traveller identity and an emphasis of the cultural importance of nomadism for all Travellers should be maintained. The Traveller Support Movement should, however, also take cognizance of the full range of contemporary patterns of movement among Irish Travellers in its advocacy and support work.

The Traveller Support Movement should campaign vigorously to end the criminalization of nomadism in the south of Ireland through the Housing Act and resist the criminalization of nomadism through the DSD consultation on unauthorized encampments in the north of Ireland. Anti-nomadic legislation should have no place in an Ireland, which, post-Good Friday Agreement, is supposed to place human rights and equality at the heart of government.

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## **Appendix One:**

### **Draft declaration on the rights of nomadic persons**

*Reaffirming* that one of the basic aims of the United Nations, as proclaimed in its Charter, is to promote and encourage respect for human rights and for fundamental freedoms for all, without distinction as to race, sex, language or religion,

*Reaffirming* faith in fundamental human rights, in the dignity and worth of the human person, in the equal right of men and women and of nations large and small,

*Desiring* to promote the realization of principles contained in the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention of the Prevention Punishment of the Crime of Genocide, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant of Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and the Convention on the Rights of the Child, as well as other relevant international instruments that have been adopted at the universal or regional level and those concluded between individual States Members of the United Nations,

*Inspired* by the provision of article 27 of the International Covenant on Civil and Political Rights concerning the rights of persons belong to ethnic, religious or linguistic minorities,

*Considering* that the promotion and protection of the rights of nomadic persons contributes to the political social stability of states in which they live,

*Emphasizing* that the constant promotion and realization of the rights of nomadic persons as an integral part of the development of society as a whole and with a democratic framework base on the rule of law, would contribute to the strengthening of friendship and cooperation among peoples and States,

*Considering* that the United Nations has an important role to play regarding the protection of nomadic peoples,

*Bearing in mind* the work done so far within the United Nations system, in particular the International Labour Organization and the Commission on Human rights, the Sub-Commission on Prevention of Discrimination and the Protection of Minorities as well as the bodies established pursuant to the International Covenants on Human Rights and other relevant international human rights instruments on promoting and protecting the rights of nomadic persons,

*Taking into account* the important work which is carried out by intergovernmental and non-governmental organizations in protecting nomadic peoples and in promoting and protecting their rights,

*Recognizing* the need to ensure even more effective implementation of international instruments with regard to the rights of nomadic persons,

*Proclaims* this Declaration on the Rights of Nomadic Persons

- 1) *Right to be a nomadic person*
- 2) *Right to travel*
- 3) *Right to accommodation/site provision*
- 4) *Right to practice in nomadic economy*
- 5) *Right to equality of treatment with a commitment to separate nomad-specific treatment where appropriate*
- 6) *Right to freedom from incitement to hatred against nomads*
- 7) *Right to change sedentary/nomadic identity*