



# Nomad-State Relationships in International Relations Before and After Borders

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## CHAPTER 4

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# Before and After Borders: The Nomadic Challenge to Sovereign Territoriality

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## INTRODUCTION

Nomads have been the target of marginalization, forced sedentarization, and in the most extreme cases, ethnic cleansing by the modern state. In this chapter, we explore the variation in state (mis)treatment of nomads.

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We argue that this disparity in treatment results from two factors: state material capacity and commitment to the idea of modern, exclusive territoriality. A fixed and monopolistic territorial order is important not only to the efficiency of modern states it is also a defining element of their identity. Different states, either because they are materially and institutionally strong or weak, or because they are more or less committed to the idea of the modern international order, will react to nomads in different ways. Strong states, committed to exclusive notions of sovereign territoriality, will tend to coercively control nomads, forcibly settling and assimilating them, or expel them from their territory in order to eliminate the exception they represent to their monopoly on sovereign control over a given territory. States that have not consolidated control over their territory, those often termed weak, tend to ignore or accommodate nomadism.

These efforts serve two purposes: first, they aim to curtail the material effects of transnational nomadism, among them the perceived or real security, economic, and sanitary threats posed by nomadic groups to state control. Second, they aim to relieve the ideational disjunction between nomadic social organization and exclusive territorial sovereignty. That both material and social factors are at work becomes visible when we consider some materially strong states, which have gradually moved away from the strictures of the territorially exclusive model through international integration, relaxing the connection between their borders and identities. These states, despite being materially capable of coercing nomads, have loosened some restraints on nomadic mobility.

### STATES AND PRE-STATE ACTORS

The modern state, characterized by a monopoly over the legitimate use of force over a particular territory and population (Weber, 1958), has supplanted other political forms as predominant political actor in modern international politics.

The nature of this monopoly, however, is often contested. While some scholars see the territorial exclusivity of the modern state as originating in efficiencies over alternatives (Spruyt, 1994), others have argued that the modern state has roots in a perceived moral role (Reus-Smit, 1999), in the geopolitical and cultural vicissitudes of the Reformation (Nexon,

2009), in the generative effects of modern cartography (Branch, 2011), and so on. While the institutional structure of the modern state is agreed upon, the origins of, and reasons for, this structure are contested.<sup>1</sup> As Ruggie (1993) has shown that sovereignty need not be linked to territory; forms of social attachment to territory can vary. Rule need not be territorial (it can be based on kinship), it need not be fixed or contiguous (it can move from territory to territory), and it need not be mutually exclusive (such as the overlapping rights and responsibilities of medieval Europe or the European Union). Nomadism belongs to the second category: a social order for which territoriality is important but not geographically fixed.<sup>2</sup>

Nomads pose two distinct kinds of threat to the modern, territorial state: material and ideational. Materially, states may view nomads as security threats, especially along borders. Nomads may raise health concerns when crossing borders with livestock. More basically, the lack of a fixed address poses an irreducible challenge to one of the most basic functions of statehood: tax collection. Non-settled populations are not readily counted, assessed, and surveilled.<sup>3</sup> However, while nomads have the potential to threaten the material wellbeing and coercive dominance of the state, other non-state groups such as terrorists and criminal networks deliberately challenge state authority, and thus pose greater material threats than nomadic groups.

Nonetheless, the relationship between nomads and states remains tense, as evidenced by continued state coercion toward nomadic groups. We hypothesize that this is because of conflicting historical identities as well as conflicting material interests between the two groups. Shaped by a culture and history distinct from the modern state, nomadism poses a threat to the territorial exclusivity of the modern international order, and its status

<sup>1</sup>For canonical accounts of state formation and expansion, see Olson (1993) and Tilly (1985).

<sup>2</sup>Nomads are thus somewhat different from ethno-national diasporas, which are detached from their traditional territory but are not defined by being traditionally migratory or pastoral (such as the Jewish population of Central and Eastern Europe, which the Zionist movement argued was not so much a religious minority as a nation without a state—we are grateful to the editor for indicating this contrast to us).

<sup>3</sup>Some accounts of state formation take tax collection to be the primary purpose in settling populations that go on to form early states. See Tilly (1985) and Olson (1993).

as a dominant mode of social organization.<sup>4</sup> By positing an alternative structure for social organization, nomadic migration calls into question the legitimacy of the link between territoriality and how societies are ruled. As Jennifer Mitzen (2006) argues in her work on ontological security, states seek not only material security but also stable identities, sometimes even at the expense of their material wellbeing. For that reason, states may go to great lengths to protect themselves against the threats posed by nomadism, even if they appear materially minor.

We emphasize three ideational threats nomads pose to states. First, when nomads cross borders, they challenge the norms constituting and legitimating the modern, territorial order. The act of nomadic migration challenges the monopolistic capacity of states to structure world politics by delineating borders and enforcing authority within them. Second, nomadism complicates the creation and maintenance of consistent national identities. Because their culture of migration resists assimilation into settled societies, and exists as an organized, self-perpetuating rejection of the property rights underlying those societies, their identity is a cultural exception within the nation state. Third, nomadism poses an irreducible challenge to the large projects of social engineering and development to which modern states are often given. Non-settled populations are not readily counted, assessed, surveyed, conscripted, and controlled for state purposes.<sup>5</sup>

We argue states will, as a result of these pressures, pursue one of three strategies in confronting nomadic groups. Their choice of strategy varies both with the material capacity and with their ideational commitment to territorially exclusive sovereignty. The first strategy is forced settlement. Strong modern states persecute or constrain nomads. The second is an ad hoc solution adopted by states to legitimate the practice of nomadism.

<sup>4</sup> Material and ideational/ontological threats overlap, and many of the threats addressed in our cases exhibit aspects of both. A parallel argument is presented by Wendt and Duvall (2008, pp. 620–622), who suggest that the potential existence of extraterrestrial life, in the form of UFOs, threatens the state both materially and ontologically, resulting in a ‘UFO taboo’ in which UFOs are effectively ignored by authorities. The ontological-ideational threat consists of the notion that a world government might be necessary to combat a material extraterrestrial threat, undermining the current sovereignty-anarchy formula.

<sup>5</sup> Scott’s work (2009) on Southeast Asian hill tribes as escapees from the state suggests a related logic, although he covers a different phenomenon—flight from the state as a reaction to it, rather than historical precedence over it. As such, these are not so much pre-state actors as ‘flee-state actors’.

Weak states have little choice but to permit nomadism and adjust their policies to fit. Third, where states have de-emphasized national borders, nomadism is rendered non-threatening by default. In these instances, institutionally strong states will have transformed their commitment to territoriality, such that transborder nomadism is a diminished threat.

Having the material capacity and the ideational motivation to do so, strong states will often force nomads to adopt a sedentary mode of life or, in some extreme cases, attempt to remove nomads from their territory altogether. The former is the course followed by most modern, territorially exclusive states. Efforts at sedentarization often take the form of simple material constraint—the abolition of migration and the stripping away of migratory land—but also the form of ideological projects, chiefly ‘civilizing missions’ targeted at putatively primitive nomads.<sup>6</sup>

One example is the Bedouin of modern-day Israel, who were concentrated and settled during the late Ottoman period. This was accelerated under the British mandate, and was largely completed after the creation of the state of Israel (for a more fulsome discussion, see Meir, in this volume). This process was driven initially by a declining Ottoman Empire looking to secure its borders against ascendant challengers on its periphery (Meir, 1988, p. 255), later accelerating with the creation of a Jewish state, which looked to obtain as much land as possible for the Jewish population (Falah, 1989, pp. 77, 88) and to secure its borders against neighboring states. When the dust settled at the conclusion of the first Arab-Israeli war, 11,000 Bedouin remained out of the original pre-war population of 65,000–70,000 (Falah, 1983, p. 313; Havatzelet, 2006, p. 3).<sup>7</sup> Those remaining were evacuated from border areas due to security concerns and were systematically enclosed in ‘reservations’ and placed under military administration (Falah, 1983, p. 313; 1989, p. 26; Goering, 1979, p. 6; Kliot & Medzini, 1985, p. 431; Meir, 1988, p. 263; Shamir, 1996, p. 248). Though their movement was now restricted geographically, building initially remained unplanned. From the mid-1960s, the state began to take a more active role in planning the process, settling, and concentrating the Bedouin population within select urban centers (Meir,

<sup>6</sup>A more radical variant of this strategy, less often seen, is forced migration off the state’s territory—the ethnic cleansing of the nomadic minority from the state. In the first half of the twentieth century, the Roma were forcibly settled or ethnically cleansed in Europe.

<sup>7</sup>Similar to the debate about Palestinian refugees, Goering (1979, p. 5) points out that there is controversy as to whether Bedouin fled the hostilities or whether a massive exodus was planned by the Zionist leadership.

1986, p. 207) at least in part to achieve economies of scale with regard to the provision of public services and modern infrastructure (Dinero, 2004, p. 262; Goering, 1979, p. 19; Kliot & Medzini, 1985, p. 429; Krakover, 1999, p. 552; Meir, 1988, p. 265; Shmueli, 1980, p. 278; Soffer & Bar-Gal, 1985, p. 426; Yahel, 2006, p. 5).<sup>8</sup> Falah (1989) argues that ad hoc Bedouin settlements challenged state hegemony. Attempts to sedentarize the Bedouin were, therefore, meant to overcome the feeling that the Negev was the ‘wild south’ as much as they were concerned with security concerns or the provision of infrastructure (Falah, 1989, p. 293; Kliot & Medzini, 1985, p. 429; Krakover, 1999, p. 552; Tal, 2008; Yahel, 2006, p. 4). By classifying the Negev as a ‘*vacuum domicilium*—an empty space’ and the Bedouin as ‘rootless’, despite their historic attachment to the land, the state was able to justify land appropriation and modernization without regard to its native inhabitants. Today, only a ‘remnant of pastoral nomadism is left’ in Israel (Dinero, 2004, p. 262; Meir, 1986, p. 207).<sup>9</sup>

Lacking the material capacity to prevent nomadic migration, weak states may opt to legitimate nomadic practices in order to preserve an appearance of authority. This response is most likely observable in parts of the developing world where states’ claims to territorial exclusivity are more aspirational than real.<sup>10</sup> Where borders go unenforced, traditional transnational nomadism continues.<sup>11</sup> By quietly sanctioning nomadic practices, the state appears to eliminate the threat that nomadic practices pose to its exclusive and legitimate control over territory. In sanctioning nomadic behavior, weak states can therefore cling to the idea of territorial sovereignty.

An example here is the treatment of the Maasai in East Africa (for a more fulsome discussion, see Galvin, in this volume). The major early

<sup>8</sup>Falah (1989, p. 87) disputes this evidence noting that ‘there are sizeable deficiencies [in the provision of services and infrastructure to the Bedouin] and services are not provided equally to non Jewish residents’. See also Krakover (1999, p. 558).

<sup>9</sup>However, this is not to say that the Bedouin did not actively resist state efforts to settle them. Many refused to register lands under the Ottomans and the British (Shamir, 1996, p. 241), and, as already noted, numerous ‘spontaneous’ or illicit Bedouin settlements arose despite government plans to the contrary.

<sup>10</sup>These states are, in Robert Jackson’s terms (1990), as much quasi-states as states proper.

<sup>11</sup>This finds parallels in Ruggie’s (1993, pp. 164–165) discussion of extraterritoriality, wherein relations between modern states are made possible by the territorial exception of diplomatic institutions. Extraterritoriality makes modern territorial rule possible much in the same way that weak states can legitimate the practice of nomadism. In each instance, the exception permits the rule.

concern of colonial powers appears to have been clearing pastoralists from territory preferred by white settlers and containing them to prevent ongoing warring and raiding through the formation of reserves—large tracts of land within which pastoralists were largely free to migrate, but which they were discouraged from leaving.<sup>12</sup> With warring and raiding under control, focus later shifted to economic development, alienating the Maasai from pastoral lands with the aim of sedenterizing them and integrating them into the economic structure of the state (Ndagala, 1990, p. 54; Ochieng, 2007, p. 459).<sup>13</sup> The process of sedentarization continued after formal decolonization, through education, villagization programs in Tanzania, and land registration programs in Kenya, for example.<sup>14</sup> Such moves were justified on the grounds that the Maasai were primitive and barbaric because of their raiding in warfare and the meager conditions under which they lived (Ndagala, 1990, p. 52). Despite these efforts, the Maasai continued to engage in the practice of pastoralism, moving their herds across international borders.<sup>15</sup> Unable to stop the flow, East African governments and regional organizations have started to legitimate these practices, sometimes explicitly (Aklilu, 2002; Little, 2006; Pavanello, 2010, p. 3; Zaal, Siloma, Andiema, & Kotomei, 2006).<sup>16</sup> Unable to fully consolidate their borders or exercise control over their nomadic populations, weak

<sup>12</sup>Under German rule, the Maasai of Tanganyika were restricted to the ‘Maasai Reserve’, which appears to have been anywhere south of the Moshi-Arusha-Dodoma road. All areas north of this division line were set aside for settlers. After the First World War, and the British take-over of Tanganyika, a more closely restricted reserve was created in 1924. Any Maasai found grazing outside of the reserve was fined 10 heifers and forcibly returned. In Kenya, huge game reserves were created in the north and south from the early 1900s. Maasai and other pastoralists who had pasturelands in these reserve areas were not initially moved (Enghoff, 1990, pp. 96–97; Ndagala, 1990, pp. 52–53).

<sup>13</sup>The Sywnnerton Plan, for short; this set of policies was formulated in response to the Mau Mau war for independence (Ochieng, 2007, p. 459)

<sup>14</sup>See, for example, Bishop (2007, p. 16) and Narman (1990, pp. 108–121).

<sup>15</sup>According to the Humanitarian Policy group, more than 95% of regional trade in East Africa is conducted through ‘unofficial channels’, and much of this revolves around the trade in food and agriculture products (Pavanello, 2010, p. 2).

<sup>16</sup>For example, the Green Pass System, now in effect, targets such pre-existing practices by harmonizing phytosanitary measures for agricultural products among Common Market for Eastern and Southern African States (COMESA) members. Similarly, common vaccination schemes lessen the threat of disease transmission among cattle and other livestock transported across borders unsanctioned. Finally, the Regional Resilience Enhancement Against Drought program (RREAD) explicitly looks to enlist pastoralist agricultural methods to reduce vulnerability to drought. Ostensibly, regional organizations like COMESA are meant

post-colonial states have instead opted to legitimate nomadic activities that have proved to be beyond their control.

The third outcome is perhaps the most radical, in that it involves the reconception of state territoriality itself. States or regions that have begun to reimagine their territorial arrangements can in principle produce situations on the ground that permit nomadism to continue unabated. States that no longer view themselves as requiring strict border enforcement will more likely take a permissive approach to nomads. Transnational nomadism is less threatening to the idea of the state when state itself has begun to relax its commitment to territorial exclusivity.

An example here are the Roma in Europe (for a more fulsome discussion, see Dalibor Mišina & Neil Cruickshank, in this volume).<sup>17</sup> European states viewed the Roma as threat, both in ideational as well as material terms. Their mobility, and consequent knowledge of languages, not only left them open to accusations of treason (Fraser, 1992, pp. 86, 151, 189) and made them difficult to tax or recruit (Barany, 2002, pp. 84, 138–139; Fraser, 1992, pp. 275–278; Lucassen, 1998, pp. 62–63) but was also viewed as asocial, licentious, and disruptive of sedentary social and moral order (Rae, 2002, p. 259; Shahar, 2007, p. 14). As the modern bureaucratic nation state consolidated across Europe, attempts to control Roma populations through exclusion, on the one hand, (marginalization, expulsion, imprisonment, execution) and assimilation, on the other hand, (including encouraged or forced sedentarization) increased (Bancroft, 2005, pp. 1–2, 7; Guglielmo & Waters, 2005, p. 765; Shahar, 2007, p. 14).<sup>18</sup> In the late nineteenth and early twentieth centuries, a new emphasis on ethnicity gave rise to racist attitudes and persecution against the

to enhance trade, but they also legitimate pre-existing activities that the state cannot and has not been otherwise able to curtail.

<sup>17</sup>While there is no agreed-upon term with which to refer to the ethnic group, scholars and activists alike have tended, in recent years, to adopt the term ‘Roma’, which is a self-appellation. However, this term may exclude Sinti and other groups who do not consider themselves ‘Roma’ but are generally included in the term ‘Gypsy’. Confusing the matter further are many itinerant groups of non-Romani origin, seen to be autochthonous to Europe, such as the English Romanichels, the Welsh Kale, the *Jenische* of Switzerland, the Dutch *Woonwagenebewoner*, and the *Quinqui* of Spain. Bancroft (2005, pp. 5–8) uses the term ‘Gypsy-Traveller’ to refer to these non-Romani groups and ‘Roma’ to refer to continental European, non-autochthonous Gypsies, including Roma and Sinti.

<sup>18</sup>For example, the Habsburg Empire, which engaged more heavily in state-building activities, saw as their civilizing mission the elevation of the Roma to the ranks of ‘useful’ citizens through forced assimilation. In Yugoslavia, home to a more pluralist form of Marxism, Roma

Roma, most notoriously their mass extermination under the Nazi regime.<sup>19</sup> While some Roma continue to live nomadically, most have adopted a sedentary lifestyle (Bancroft, 2005, p. 7).

These policies changed dramatically in 2004, when the EU admitted over one million Roma in a single day as part of the process of European enlargement. The EU's legal environment has limited the legal possibilities of curbing the movement of the Roma. So too have national policies of exclusion and assimilation. Any attempt to prevent internal migration is difficult within the EU, which in theory allows individuals free movement across member states, especially within territory covered by the Schengen Treaty (Bancroft, 2005, pp. 4–5). The Roma must now be addressed as citizens entitled to individual and group rights (Braham & Braham, 2000, pp. 105–110; Guglielmo & Waters, 2005, pp. 776–778). Concerns about the Roma have increasingly taken on the language of human rights, anti-discrimination, and social and political integration. And indeed, Roma have turned to the European Court of Human Rights to secure the justice denied to them by individual states.<sup>20</sup> These changes in actual and prospective treatment of Roma are an after-effect of changes elsewhere—the EU's territorial order was in no sense brought about to reflect the needs or desires of migratory peoples. Nonetheless, through the creation and enlargement of the European Union, the salience of exclusive territorial control has been reduced. Though this is not to suggest tensions concerning EU member states and the Roma have entirely dissipated.<sup>21</sup> It may be

were granted national minority status, along with language and cultural rights, and nomadic Roma were not forced to settle (Fraser, 1992, p. 282).

<sup>19</sup>The Nazi extermination of Gypsies is well documented, though estimates of the number of victims ranges widely from 200,000 to 1.5 million. Shahr (2007, pp. 12–13, 18) attributes the survival of a small minority of the Roma population in Germany and the occupied territories to a certain 'romantic racism' embraced by Himmler and other Germans, who saw certain racially 'pure' Gypsies as ancient Aryans, speaking an Indo-European language.

<sup>20</sup>The ECHR hears cases brought under the European Convention of Human Rights, a treaty signed by all member states of the Council of Europe (Golston, 2002, p. 152).

<sup>21</sup>Policies devised to persuade the Roma to stay in their 'sending' states have been pursued throughout the EU (Guglielmo & Waters, 2005, p. 773). There have also continued to be significant local discrimination against the Roma. For examples in 1999, the city of Ustfnad Labem in the Czech Republic erected a wall to separate Roma families from their Czech neighbors, and a mayor in Ostrava district promised subsidized airfares to those Roma who wished to move to Canada, claiming that Roma and 'whites' could not live together. However, under pressure from the EU and the Council of Europe, the wall was dismantled a month later (Braham & Braham, 2000, p. 99). Golston (2002, pp. 158–159) notes that Italian teachers 'find it "impossible to blend the nomad culture with ours"—despite the fact

that the loosening of EU border restrictions will make nomads an issue to national authorities anew, as it has with other forms of migration. The rise of populism has witnessed numerous states distancing themselves from the European project and a renewed interest in national borders (Mudde, 2005; Müller, 2017). To the extent the Roma have benefited from the reduced salience of borders, they have done so somewhat incidentally to larger historical processes (and if those processes reverse, they'll likely be among the first to be negatively impacted).

## CONCLUSION

Nomads have the potential to pose both material and ideational threats to the state. In particular, nomads pose a threat to the constitutive norms that undergird the legitimacy of the modern state-centric system. Nomads' self-constituted identity independent of the modern state system shows that there is an alternative mode of political organization available. In doing so, nomads offer an alternative to the modern, territorial state system, and by crossing borders, they challenge the states' hegemony over territorial rule. Nomads uncover the myth of homogenous national identities, and they make difficult the projects of social engineering and development to which modern states are often given. This explains why states care about nomads even if they have become insignificant from a security or economic standpoint. The seriousness with which states react to the diffuse threat of nomadism is demonstrated by their attempts to restrict mobility, to forcefully settle, and sometimes even to physically eliminate nomads.

Strong, well-established states, which have much at stake in the current international order, often force nomads to adopt a sedentary mode of life—as Israel did with the Bedouin—or even more radically ethnically cleanse the nomadic minority from their boundaries—as it happened with the Roma in the first half of the twentieth century in Europe. In contrast to the response of strong states, weak, less established states, unable to prevent nomadic migration, might choose to accommodate or legitimate nomadic practices. In the Ottoman period, borders were porous and local

that, as in most places, few of Italy's 100,000 Roma are actually nomadic'. Across Europe, local police forces are complicit in anti-Roma violence, and victimized Roma often experience discriminatory legal proceedings (Golston, 2002, pp. 156, 159). While anti-Roma prejudice is alive and well in today's Europe, the shift away from state-level policies with respect to the Roma toward both local- and regional-level policy is a significant one, reflecting the de-emphasis of state borders in the EU.

authority was weak. Despite modest attempts to the contrary, the Bedouin maintained a largely traditional nomadic lifestyle. Today, this response is most likely in parts of the developing world where the territorial state is, to some extent, as much an aspiration as a reality. Where borders go unenforced, traditional transnational nomadism continues, as we see with the Maasai in East Africa. Unable to fully consolidate their borders or exercise control over their nomadic populations, weak states have instead opted to legitimate nomadic activities that have proved to be beyond their control. Finally, and perhaps the most illustrative of the impact of ideational factors, states have actively ceded some measure of control over their territory resulting in a more permissive attitude toward nomadic populations. The European Union and its approach to nomadic peoples such as the Roma is the chief example. These instances suggest that a state's commitment to exclusive territoriality, not only its material capacity, color their treatment of nomads.

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