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Before and after borders: The nomadic challenge to sovereign territoriality

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Abstract Although non-state actors have recently proliferated, many predate the modern state system itself. Among these, traditional nomads uniquely challenge sovereignty. Nomadism undermines states' capacity to tax, conscript and otherwise regulate population. However, nomadism constitutes an ideational as well as material threat to states. By disrupting states' territorial configuration, nomadism undermines the ideational foundations of statehood. States have responded to nomadism in three ways. Many forcibly settle nomads. Weak states, unable to secure borders, allow nomads to migrate relatively freely. Others voluntarily facilitate freer migration by reducing the salience of borders. We offer three examples: Bedouins, often forcibly settled; African pastoralists, permitted to migrate through porous borders; and Roma, permitted to migrate transnationally within the European Union. While the Bedouin and African instances suggest a necessary conflict between the role of state and the culture of nomadism, the European experience suggests border relaxation can permit states and nomads to coexist.

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Introduction

Traditional International Relations (IR) theory – not only classical realism and neorealism, but also some strands of liberalism and Marxism – has tended to ignore or downplay the role of non-state actors in international politics. Where discussion has occurred, it has tended to emphasize either large transnational

actors – international organizations, multinational corporations and so on – or those that pose overt security threats, such as terrorists, guerillas, drug cartels and the like.¹ Thus, relatively little attention has been paid to other types of non-state actors such as nomads. The reason for their absence from IR literature may be their irrelevance to international politics. Economically, nomads likely have little if any impact on states, transnational capital flows and development. From a security perspective, state and scholarly attention has increasingly turned towards other non-state actors, such as terrorists, that, unlike nomads, deliberately threaten the state. Nomads are therefore likely to be viewed in IR as a historical curiosity worthy of little consideration.² The study of nomadism has thus chiefly been left to sociologists, anthropologists and historians.

However, in practice, states, unlike IR theorists, have taken and continue to take nomads seriously. Far from treating them as actors of little consequence, states have often targeted nomads, by marginalizing, mistreating, and perhaps most importantly, through forced sedentarization, states have denied nomads their most basic cultural characteristic, their mobility. Such treatment poses a puzzle to IR scholars: why do states treat nomads, putatively small and marginal social groups, with little impact on their security, economy and welfare, as a threat? Moreover, why does the treatment of nomads vary across cases?

We argue that the variance in the treatment of nomads, from accommodation to ethnic cleansing, is the result of two factors: state material capacity and commitment to Westphalian territoriality. A fixed and monopolistic territorial order is important not only to the efficiency of Westphalian 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 Westphalian order, will react to nomads in different ways. Strong states, committed to Westphalian notions of statehood, 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 their control over territory, those we 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 Westphalian statehood. 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 Westphalian 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.



Below, we begin by defining nomadism. We then set out a theoretical account of the material and ideational challenges that nomads pose to modern Westphalian states. We evaluate these claims against three historical cases: the Bedouin in historic Palestine and Israel, the Maasai in Kenya and Tanzania, and the Roma before and during the European Union (EU). The first allows us to explore how the consolidation of a strong Westphalian state impacts nomadism, the second how weak states treat nomads, and the third case how the treatment of nomads changes when states begin a transition to a post-Westphalian order.³

A focus on nomads can help to shed light on important phenomena sometimes neglected in IR, such as the creation and reproduction of state identities, the role of nationalism, race, language and culture as well as elucidating modes of social organization that stand sharply apart from the dominant Westphalian worldview.

States and Pre-state Actors

The modern Westphalian state is characterized by the monopoly over the legitimate use of force over a particular territory and population (Weber, 2004). It has supplanted other forms of political organization to become the predominant political actor in modern international politics.⁴ However, the nature of this monopoly is often contested. While some scholars see the territorial exclusivity of the modern state as originating in efficiencies over alternative means of social organization (Spruyt, 1994), others have more recently argued variously that the modern state has root in the perceived social role of the modern state as an institution (Reus-Smit, 1999), in the geopolitical and cultural vicissitudes of the Reformation (Nexon, 2009), or in ideational impact of modern cartography (Branch, 2011). Thus, while the institutional structure of the modern state is agreed upon, the origins of and reasons for this structure are contested.⁵

The Westphalian territorial order is not without alternatives. Ruggie (1993) has shown that sovereignty need not be linked to territory; rather, 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 EU). Nomadism belongs to the second category: a social order for which territoriality is important, but is not geographically fixed.⁶

We define nomads according to three criteria that differentiate them from the Westphalian state, but also from refugees, economic migrants, ethnic minorities, diasporas, and other mobile or marginalized groups. First, they must practice or have practiced nomadism: they must be, or traditionally have been, migratory, and thus not traditionally practice landholding agriculture or

hold individual title to land.⁷ They must have, so to speak, no fixed address. Second, nomadism must be central to their self-understanding; they must view themselves as nomadic by identity. Third, these practices must be, or must historically have been, transnational. While there are examples of domestic nomadism, such as the Irish Travellers, our study is concerned with those nomads who cross borders, an activity that makes their relationship with the modern territorial state especially acute.

We term nomads ‘pre-state actors’ because they are distinct from other non-state actors insofar as their identity originates outside state laws, regulations and jurisdiction of the modern Westphalian state.⁸ The prefix ‘pre’ is not intended to denote historical precedence over states – at least not in all cases. Rather, it indicates that they are not conceptually dependent on the Westphalian state system for their identities and practices. In contrast, most non-state actors are constituted and organized in accordance with, or reaction to, national rules and legislations – they are derivative of or parasitic on the extant state system.⁹

Nomads pose two distinct kinds of threat to the territorial Westphalian state: material and ideational. Materially, states may view nomads as security threats, especially along borders, where nomads may be involved in trafficking contraband. Similarly, nomads may raise health concerns when crossing borders with livestock. Moreover, 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.¹⁰ However, while nomads have the potential to threaten the material wellbeing and coercive hegemony of the state, other non-state groups, such as terrorists and criminal networks, deliberately challenging state authority, and thus pose greater material threats than nomadic groups.

Nonetheless, the relationship between nomads and states remains tense, evidenced by continued state coercion towards 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 dissociated from the Westphalian state, nomadism poses a threat to the territorial exclusivity of the Westphalian order, and its status as dominant mode of social organization.¹¹ 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 constitutive norms that legitimate the Westphalian 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 constitutes 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.¹²

As a result of these pressures, we argue that states will pursue one of three strategies in confronting nomadic groups. Their choice of strategy varies both with the material capacity and with their ideational commitment Westphalian 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. Weak states have little choice but to permit nomadism and adjust their policies to fit. The third is to de-emphasize national borders, rendering nomadism non-threatening. Strong post-Westphalian states such as those that constitute the EU have transformed their identities such that transborder nomadism is no longer seen as a 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, Westphalian 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. As our first case illustrates, the Bedouin were forcibly settled in the wake of European involvement in the Middle East post-World War I.¹³

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 the Westphalian state is more aspirational than real.¹⁴ Where borders go unenforced, traditional transnational nomadism continues. Our second case, the Maasai in Kenya and Tanzania, reflects these *ad hoc* arrangements.¹⁵

The third outcome is perhaps the most radical, in that it involves the reconception of Westphalian territoriality itself. States or regions that have begun to reimagine their territorial arrangements – the EU is the chief case – can in principle produce situations on the ground that permit nomadism to continue unabated. States that no longer view themselves as purely Westphalian entities, with borders requiring strict 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 Westphalian territorial norms.

This is not to suggest tensions in our third case, concerning EU member states and the Roma, have entirely dissipated. Specific EU members, particularly those in which the Roma have historically been subjected to persistent and institutionalized discrimination (for example, France, Italy, Romania), are likely to continue policies that target them. However, this behaviour must be adapted to meet the new European environment. It may involve policies at lower levels of authority (sub-state rather than national), and will face constraint from EU laws and institutions.¹⁶

We make the following general predictions. If the state maintains a strong sovereign state structure, treatment of nomads will be of the first kind. If the state is materially unable to maintain its state structure, treatment of nomads will be of the second kind. If the state has substantially relaxed its commitments to Westphalian sovereignty, treatment of nomads will be of the third kind. These expectations are represented in Table 1.

The Bedouin in Israel

According to Shmueli (1980, p. 255), the ‘land of Israel’, or the geographic area that represents historic Palestine, had nomadic populations from the tenth to the nineteenth centuries. The shift of these populations from nomadism to semi-nomadism began to occur during the late Ottoman period, accelerating during the British Mandate, and reached its apex after the founding of the State of Israel.

During the late Ottoman period the first modest attempts were made to settle the Bedouin.¹⁷ The town of Bersheva was established as a regional administrative centre and military headquarters from which the mechanisms of law enforcement were centred, lands could be registered. Some modest public goods, including water, were provided (Meir, 1986, p. 256). However, Falah (1989, p. 76) suggests that no real survey of Negev ownership was made during this period. For the most part, the Bedouin continued their nomadic lifestyle. They did not move to Bersheva in any significant numbers and few registered

Table 1: Expected state responses to nomadism

	<i>Material</i>	
	<i>Strong</i>	<i>Weak</i>
<i>Ideational</i>		
Westphalian	Forced settlement of nomads	De facto legitimation of nomadism
Post-Westphalian	Increased permission of nomadism	No cases expected



their land with the authorities (Meir, 1986, p. 256). According to Goering, the Bedouin remained 'generally unchanged' from 'ancient times':

They were for the most part allowed to live their lives without major interruption from, or interference by, the ruling authorities. The Bedouin were permitted to move freely about, and migrate according to need, in search of water or pasture for their flocks. Their grazing and water rights, as well as their periodic movements, were recognized, accepted and respected by those with whom the Bedouin came into contact. (1979, p. 3)

Though tribal migration was still the 'overwhelming practice' during the Ottoman period, the process of sedentarization had begun (Goering, 1979, p. 4).

Under the British mandate this process was accelerated. Tribal water rights were introduced alongside improved water infrastructure, militating against the need to migrate in search of water during the dry season. Construction of new infrastructure and new British military installations provided opportunities for wage-labour, and Jewish immigration increased demand for agricultural products (Shmueli, 1980, p. 260). Limited amounts of land were officially allocated to Bedouin, a land court was established and efforts to register land were increased. Finally, a small number of schools were built, law enforcement was increased and firearms were prohibited (Meir, 1986, pp. 258–259).

Though many Bedouin had reached a semi-nomadic stage under the British (Soffer and Bar-Gal, 1985, p. 427), the process of sedentarization was 'forcefully accelerated' after the creation of the State of Israel (Goering, 1979, p. 3).¹⁸ 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).¹⁹ Bedouin who left or were forced out of Palestine were not allowed to return (Krakover, 1999, p. 551). Those remaining were 'systematically' enclosed in 'reservations' and placed under military administration (Falah, 1983, p. 313). This area came to be known as the *seig* (Falah, 1989, p. 78; Dinero, 2004, p. 262). Sedentarization was enforced through the restriction of movement of the Bedouin within the *seig* and confiscation of land outside of it.²⁰ As a result, pastoral activities among the nomads went into sharp decline (Meir, 1986, p. 207).

Though restriction to the *seig* was planned, building within it was unplanned and occurred largely without government intervention. State authorities later deemed this activity to be spontaneous and illegal and, from the mid-1960s, took a more active role in planning the process of sedentarization. By the 1970s, the state had begun implementing an 'urbanization process', establishing towns for the Bedouin (Meir, 1986, p. 207). The first of these, Tel Sheva, was largely unsuccessful with few Bedouin taking up residence (Kliot and Medzini, 1985, p. 432). However, more recent urban developments have

attracted greater numbers.²¹ Moreover, the state has recognized (legalized) several spontaneous settlements, giving them an air of permanence.²² As a result of these efforts, only a 'remnant of pastoral nomadism is left' according to Dinero (2004, p. 262).

Falah suggests that the state, particularly the state of Israel, imposed sedentarization on the Bedouin (Falah, 1983, p. 290). On the other hand, Soffer and Bar-Gal (1985), Shmueli (1980), and others suggest that sedentarization was spontaneous in nature. Meir (1988) suggests that both views have merit: the Bedouin, he argues, were both pushed and pulled towards a sedentary lifestyle by different mechanisms at different times.

On the one hand, the increasing provision of modern services alongside new opportunities for employment and compensation for crop losses induced settlement by making it more attractive (Goering, 1979, p. 9; Meir, 1988, p. 258). On the other hand, the reduction of grazing land (by farming and demographic growth), numerous droughts and modern transportation (which made caravans obsolete) made nomadism less viable (Shmueli, 1980, pp. 260–262; Meir, 1988, p. 258). More directly, the creation of international borders and the limitation of Bedouin to the *seig* curtailed nomadic practices.²³ Later, land confiscation and denial of modern services to unplanned communities by Israeli authorities induced sedentarization to areas deemed appropriate by the state alone (Falah, 1983, p. 315).²⁴

The first attempts at sedentarization, initiated by the Ottomans, were, according to Meir (1988, p. 255), a response to the changing geo-political reality. The Ottomans, in clear decline, were particularly eager to reduce possibilities of conflict with their neighbours. This meant ending the Bedouin practice of cross-border raids on sedentary villages. Later, under the British mandate, improvements to infrastructure, the provision of social services, new markets, labour opportunities and land rights provided incentives for sedentarization while increased law enforcement limited nomadic practices.

In the wake of the 1948 Arab-Israeli war, Bedouin were evacuated from border areas by the new Israeli government 'due to security concerns about tribal interaction across borders' (Goering, 1979, p. 6; Kliot and Medzini, 1985, p. 431; Meir, 1988, p. 263; Falah, 1989, p. 26; Shamir, 1996, p. 248). As recently as the Israeli-Egyptian peace agreement, which necessitated relocating Negev Bedouin to make room for an air force base in the south of the country, security was viewed as a reason for relocating Bedouin (Kliot and Medzini, 1985, p. 433).

Falah (1989, pp. 77, 88) argues that the concentration of Bedouin populations was a matter of securing as much land as possible for the Jewish population of the State of Israel; Zionist ideology aimed to 'place all the land in Palestine under Jewish control'.²⁵ After 1948, the government of Israel was empowered to confiscate private lands outside of the *seig*, on which the Bedouin used to reside, for 'urgent needs' that included Jewish economic



development and settlement (Falah, 1983, p. 322; 1989, p. 79; 1991, p. 293). Tal reconciles two prevailing positions noting, ‘settlements became a way of solidifying the borders of a nascent state’ (Tal, 2008, p. 120). According to Tal (2008, pp. 123, 143), the post-1948 distribution of population was determined by ‘national and security standpoints’ and demographics. This involved establishing a Jewish presence ‘along the periphery and key borders’ as well as spreading the Jewish population ‘secure land holdings against a perceived threat of Arab citizens of the state’.

By classifying the Negev as a ‘*vacuum domicilium* – an empty space’ the state was able to justify land appropriation (‘redemption of the land’) and modernization without regard to its Bedouin inhabitants. By classifying the Bedouin as ‘rootless’, despite their historic attachment to the land, the state was able to justify the civilizing mission that undergirds settling the Bedouin in modern sedentary communities.

There is also considerable evidence in the literature that Bedouin populations were concentrated in order to provide public services and modern infrastructure such as water, electricity, roads, health and education (Goering, 1979, p. 19; Shmueli, 1980, p. 278; Kliot and Medzini, 1985, p. 429; Soffer and Bar-Gal, 1985, p. 426; Meir, 1988, p. 265; Krakover, 1999, p. 552; Dinero, 2004, p. 262; Yahel, 2006, p. 5). These services would have been impossible to provide effectively to geographically dispersed populations inhabiting a harsh desert climate. Concentration of populations was intended to permit economies of scale.²⁶

However, Falah (1989, p. 313) also notes that *ad hoc* Bedouin settlements challenged state hegemony. Accordingly, the state aimed to curtail them by deeming them illegal and by offering alternatives in the form of designated townships (Falah, 1989, p. 81). By attempting to end the practice of illegal settlements through the creation of permanent sedentary villages for the Bedouin, the state not only aimed to control the planning and development process, ‘civilize’ the Bedouin and preserve ‘open spaces’ for environmental reasons, but also impose law and order (Kliot and Medzini, 1985, p. 429; Falah, 1989, p. 293; Krakover, 1999, p. 552; Tal, 2008). Attempts to sedentarize the Bedouin were 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 (Krakover, 1999, p. 552; Havatzelet, 2006, p. 4). Regulated settlement made the Bedouin dependent on the state, which was then better able to exert control over them (Yiftachel, 1992, p. 60; Dinero, 2004, p. 264).

To summarize: In the Ottoman period, borders were porous and local authority was weak. During this period, despite modest attempts to the contrary, the Bedouin maintained a largely traditional nomadic lifestyle. Under the British Mandate, modern political boundaries were formed, and Bedouin transitioned from a nomadic to semi-nomadic lifestyle. However, it



was only upon the formation of the State of Israel that the Bedouin were forcibly excluded or completely sedentarized. After the conclusion of the 1948 war, Israel attempted to permanently settle this population for two reasons: first, to ensure that they did not pose a material threat to the state (that is, ending the practice of smuggling and other crimes, cross-border security threats and so on); and, second, to make them docile law-abiding citizens. These findings suggest that both increased state strength and increased dedication to Westphalian territoriality, as against the less territorially exclusive structure of the preceding empires, led to Bedouin settlement.

The Maasai

Early German and British colonialists in East Africa characterized the Maasai and other pastoral groups as both barbaric, because of their raiding in warfare, and primitive, due to the meagre conditions under which they lived (Ndagala, 1990, p. 52). Elspeth Huxley (1948, p. 89) noted 'these obstinately conservative nomads, wandering with their enormous herds from pasture to pasture, some like dinosaurs or pterodactyls, survivors from a past age with a dying set of values'. Such misconceptions influenced policy. The major early colonial concern regarding the Maasai and other pastoralists appears to have been clearing them from territory preferred by white settlers, and containing them to prevent ongoing warring and raiding. German and British colonialists formed 'reserves' in Tanganyika and Kenya, large tracts of land within which pastoralists were largely free to migrate, but which they were discouraged from leaving.²⁷

Nevertheless, the Maasai 'crossed the boundaries into other Districts, broke into settler farms for water and pastures, and voiced their grievances to the administrators at every opportunity' (Ndagala, 1990, p. 53). Such behaviour reinforced the view that the Maasai were 'the most intractable of the native populations ... [and] had to be contained rather than be relied upon in the new order' (Azarya, 1996, p. 59). Missionaries, who were equally unsuccessful, shared the frustration of early colonial administrators (Rigby, 1985, p. 117).

However, after the early years of colonial influence, and the transfer of Tanganyika to Britain in 1920, perceptions and policies towards pastoralists began to change. With warring and raiding under control, the British shifted focus to economic development. This often targeted the Maasai directly by first alienating them from pastoral lands and then integrating them into the economic structure of the state. For example, beginning in the 1930s, at Lake Manyara in Tanganyika, the British gradually ordered the Maasai out of vast areas set aside as national parks and wildlife reserves (Enghoff, 1990, p. 98). Later, the 1954 'Plan to Intensify the Development of African Agriculture in Kenya' aimed to create a class of prosperous small holding agriculturalists and



incorporate ‘potentially rebellious or radical landless Africans as wage labourers’ (Ochieng, 2007, p. 459).²⁸ The plan ‘extended the politico-economic structures of agrarian institutions and organizations that had served white settler agriculture into African commodity production’ for example by establishing cattle markets for pastoralists (ibid.). Through such policies colonial administrators in Tanganyika ‘hoped that in the course of time the “*Maasai will become a settled tribe and become cultivators ...*”’ (Ndagala, 1990, p. 54 – emphasis in original).²⁹

Sedentarization further intensified under the nation-building policies of post-colonial Tanzania and Kenya. In Tanzania, this materialized in the form of a ‘villagization’ campaign that, despite eventually being dropped, did succeed in encouraging agriculturalists to encroach further upon pastoral lands. Similarly, the Kenyan free-holding system encouraged Maasai to register their land as either individual or group ranches. While these theoretically allowed traditional pastoral activities to continue, intensified wildlife conservation and tourism increased pressure on land. This, coupled with a general distrust of the government, led many pastoral land-holders to either sell or subdivide their ranches and, inevitably, settle down. Finally, education programmes in both countries continue to encourage sedentarization. Although state education programmes had often neglected pastoralists, when pastoral children have been formally educated by the Tanzanian and Kenyan states their curricula have involved the active encouragement of farming.³⁰

Nevertheless, despite active state efforts to curtail such behaviour, pastoralists continue to engage in the practice of moving their herds across international borders throughout East Africa.³¹ And, despite the risks of disease associated with livestock, as well as lost tax revenue, East African governments as well as regional organizations have begun to legitimate these practices, sometimes explicitly (Pavanello, 2010, p. 3).³² 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 programme explicitly looks to enlist pastoralist agricultural methods to reduce vulnerability to drought.

In the early years of colonial rule, Kenya and Tanzania were relatively weak and their ambitions limited. The Maasai flowed into the vast peripheries in which the state exercised little control, and persisted in their nomadic practices. However, as state penetration into pastoral space intensified, from the 1930s onwards, the threat posed by nomadic intransigence intensified. Post-colonial states attempting to assert their hegemony over newly independent territories went to great lengths to encourage settlement.

Nevertheless, the Maasai continue to persist in their nomadic activities despite the efforts of states. 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. Ostensibly, regional organizations like COMESA are meant to enhance trade, but they also legitimate pre-existing activities that the state cannot and has not been otherwise able to curtail. 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 behaviour, weak states can, therefore, cling to the idea of Westphalian sovereignty.

The Roma

Roma and other travelling groups can be found living in every European state, and have been a permanent part of the European landscape for at least seven centuries (Braham and Braham, 2000, p. 101; Bancroft, 2005, p. 1). Some Roma ('Gypsies')³³ continue to live nomadically, but many have adopted a sedentary lifestyle, either owing to forced settlement policies or, in some regions, voluntarily settling (Bancroft, 2005, p. 7).

Early official discourses saw Roma migration as a lifestyle, rather than identity, and laws targeted their supposedly itinerant behaviour (Shahar, 2007, p. 5).³⁴ However, even sedentary, landowning Roma were often referred to as nomads, and excluded as 'migratory outsiders' (Guglielmo and Waters, 2005, p. 765; Drakakis-Smith, 2007, p. 466). In the late nineteenth and early twentieth centuries, a new emphasis on the ethnic traits of Gypsies gave rise to racist attitudes and persecution, most notoriously their mass extermination under the Nazi regime, but also a romanticized vindication of their nomadic existence as a genetically predetermined trait.³⁵ Official attitudes towards Roma in the twentieth century ranged from recognition as an ethnic or national minority to definition as people pursuing an unwholesome way of life in need of correction (Shahar, 2007, p. 14).

Early European states viewed the Roma as posing a material security threat, hinging primarily on their mobility and their knowledge of various languages and geography. Such knowledge left them vulnerable to accusations of spying and other treasonous behaviour.³⁶ Moreover, states aimed to collect taxes and recruit for the military. In the Ottoman Empire, local officials made frequent attempts to settle itinerant Roma, making them reliable taxpayers (Barany, 2002, p. 84). In the late seventeenth century, many German states satisfied their need for recruits by hunting down vagrants, and demand for rowers in the galleys of Venice and Marseilles was fed by captured Roma.³⁷



The Roma have long been seen as asocial, licentious and disruptive of social and moral order (Rae, 2002, p. 259). Wild (unfounded) accusations against them, such as child stealing and cannibalism (Fraser, 1992, pp. 162, 196), reflect the notion that Roma were capable of breaking society's ultimate taboos. European states, therefore, attempted to control Gypsy populations through exclusion, on the one hand, (marginalization, expulsion, imprisonment, execution) and assimilation on the other (including encouraged or forced sedentarization) (Guglielmo and Waters, 2005, p. 765).

Bancroft suggests that the periods in which Roma have been explicitly targeted as outsiders have coincided with developments in the consolidation of modern, bureaucratic, centralized nation-states. He links these developments with the rejection of groups that seem to devalue and transgress space and place.³⁸ Likewise, Shahar (2007, p. 9) attributes assimilationist policies to the more general pattern of increasing state intervention into the lives of their subjects. Evidence of this can be found in the different treatment of the Roma under the Ottomans, who exercised diffuse control over their empire, and others. The Ottomans saw their non-Muslim subjects as sources of tax revenue and largely left them to their own devices.³⁹ The Habsburg Empire, which engaged more heavily in state building activities, targeted Roma with more discriminatory and intrusive policies. Emperors Maria Theresa (1740–1780) and Joseph II (1780–1790) saw as their civilizing mission the elevation of the Roma to the ranks of 'useful' citizens through forced assimilation.⁴⁰

During the Second World War, the nomadic lifestyle was again interpreted as a security threat, as was stressed in a 1940 decree forcing the internment of all French nomads (2 months *before* the French surrender to Germany).⁴¹ In addition, most Eastern European communist regimes saw Roma as disrupting the socioeconomic goal of full employment and central planning. They used strategies such as mandatory employment policies, forced sedentarization, criminalization of traditional Roma trades (that is tinsmithing), and seizure of horses and wagons, to curb nomadism, and were relatively successful in incorporating their Roma populations into the mainstream economy (Fraser, 1992, pp. 275–278; Barany, 2002, pp. 138–139).⁴²

Through its 2004 eastward expansion, the EU admitted over 1 million Roma in a single day. Naturally, 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). Nevertheless, policies devised to persuade the Roma to stay in their 'sending' states have been pursued throughout the EU (Guglielmo and Waters, 2005, p. 773). There have also continued to be significant local discrimination against the Roma. For examples in 1999 the city of Ustf nad Labem in the Czech republic erected a wall to separate Roma families from their Czech neighbours, 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.⁴³ In spite of low levels of actual nomadism, and new EU-level discourse portraying them as minorities rather than migrants, the Roma continue to suffer discrimination.⁴⁴ Across Europe, local police forces are complicit in anti-Roma violence, and victimized Roma often experience discriminatory legal proceedings (Golston, 2002, pp. 156, 159).

Nevertheless, EU accession turned previously international issues into internal ones. Whether nomadic or sedentary, the exclusion and impoverishment of Roma challenge the EU, which must now address them as citizens and minorities entitled to group rights (Braham and Braham, 2000, pp. 105–110; Guglielmo and Waters, 2005, pp. 776–778). And indeed, Roma within and outside the EU have turned to the European Court of Human Rights to secure the justice denied to them by individual states.⁴⁵ Concerns about the Roma have increasingly taken on the language of human rights, anti-discrimination, and social and political integration.⁴⁶ And, perhaps most importantly, the EU’s legal environment has limited the legal possibilities of curbing the movement of the Roma.

The consolidation of European nation states saw the extensive use of policies of exclusion and assimilation towards the Roma. Through the creation and enlargement of the EU the salience of the Westphalian state, with its exclusive territorial control, has been reduced. So too have national policies of exclusion and assimilation. While anti-Roma prejudice is alive and well in today’s Europe, the shift away from state-level policies with respect to the Roma towards both local- and regional-level policy is a significant one, reflecting the de-emphasis of state borders in the EU.⁴⁷

Conclusion: No Fixed Address

In view of the evidence collected in our three case studies, it is clear that states attach to nomads far more importance than IR scholars usually do. The seriousness with which states react to the diffuse threat of nomadism is demonstrated by their attempts to restrict the mobility, to forcefully settle, and sometimes even to physically eliminate nomads. Such strong reactions to groups that are generally small and materially weak compared to the apparatus of the state are puzzling. So too is the variation in the treatment of nomads across cases, which are summarized in Table 2.

Nomads have the potential to pose both material as well as 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 Westphalian state system shows that there is an alternative mode of political organization available. In so doing,

Table 2: Actual state responses to nomadism

	<i>Material</i>	
	<i>Strong</i>	<i>Weak</i>
<i>Ideational</i>		
Westphalian	<ul style="list-style-type: none"> ● Bedouin in Israel ● Roma in pre-integration Europe 	<ul style="list-style-type: none"> ● Bedouin in the Ottoman Empire ● Maasai under the British (less so post-independence)
Post-Westphalian	<ul style="list-style-type: none"> ● Roma in EU 	<ul style="list-style-type: none"> ● No cases

nomads offer an alternative to the Westphalian 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.

Strong, well established states, which have much at stake in the current Westphalian order, will often force nomads to adopt a sedentary mode of life – as first Great Britain and later Israel did with the Bedouin – or even more radically will ethnically cleanse the nomadic minority from its 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. This response is most likely in parts of the developing world where the Westphalian state is as much an aspiration as a reality. Where borders go unenforced, traditional transnational nomadism continues, as suggested by the Ottoman treatment of the Bedouin and demonstrated by the Maasai case today. Finally, and perhaps most illustrative of the impact of ideational factors, so called post-Westphalian states that are actively ceding their hegemonic control over territory have begun to take more permissive attitudes towards nomadic populations. The EU and its approach to nomadic peoples such as the Roma is the chief example. Empires – entities with ambiguously Westphalian territorial commitments – react to settle nomads, but less stridently than do states. This may be for two reasons. First, empires may have less coercive capacity in their hinterlands than do states on their sovereign territory. Second, they may be less committed to territorial exclusivity, being composed of multiple territories and multiple cultures.

Our discussion of nomadism is a preliminary effort in a research programme that we hope may lead to important and counterintuitive results in IR.



The discipline must take nomads seriously, as states do – and not only as security threats, but also as important actors in their own right.

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About the Authors

All the authors are graduate students at the University of Toronto. Their research interests include asymmetric conflict, conflict settlement negotiations, the political economy of sovereign default, and the politics of diasporas.

Notes

- 1 For critical – and also not very critical – reviews of the literature on international organizations, institutions, and other 'big' transnational actors, cf. Kratochwil and Ruggie (1986); Keohane (1995); Martin and Simmons (1998); Smith (2000); Simmons and Martin (2001); Keohane and Nye (2001); and Milner (1997). For the debates about the impact of non-state actors in security studies, cf. Walt (1991); Kolodziej (1992); Tucker (1998); Lacqueur (1998); Singer (2001); Booth and Dunne (2002); and Duyvesteyn (2004).
- 2 Exceptions include Buzan and Little (2000), Van der Peel (1995), Neumann and Wigen (2012).
- 3 While the characterization of the EU's member states as post-Westphalian is contested, the European integration project has frequently been described as post-Westphalian by IR scholars. See for example Linklater (1996, p. 79), who builds on Bull's (1977) depiction of a 'neo-medieval' order potentially emerging in Europe. For our purposes, we suggest that there are emergent post-Westphalian aspects of EU states (especially the reduced salience of territorial borders) that stand in contrast to states more thoroughly wedded to the Westphalian nation-state form.
- 4 Terming such states 'Westphalian' is historically controversial. See Osiander (2001). We use the term in the conventional sense, to refer to a territorially exclusive, administratively hierarchical sovereign state.
- 5 For canonical accounts of state formation and expansion, see Olson (1993) and Tilly (1985).
- 6 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).
- 7 This is not to overlook historical instances of nomads settling voluntarily, or previously nomadic peoples now settled in territorial states (for example, Fulbe, Mongol). See Azarya (1996), who emphasizes increased wealth and political resources, along with related forces of



political stratification, as primary factors related to voluntary state formation among African nomadic groups. Interestingly, voluntary nomadic settlement in Africa appears to have been conditional on continued pastoral production. An exception might be relations between nomads and the Soviet Union, where a focus on economic development may have been more pressing than Westphalian security concerns.

- 8 Jordan and Saudi Arabia are interesting exceptions, having nomadic roots themselves.
- 9 Even 'illegal' or illegitimate non-state actors, such as terrorist and criminal organizations, take advantage of and depend on the legitimate structures of states, even as they may be violently set against them. In some extreme cases, these groups oppose existing states to carve one of their own.
- 10 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).
- 11 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 extra-terrestrial 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 in the notion that a world government might be necessary to combat a material extra-terrestrial threat, undermining the current sovereignty-anarchy formula.
- 12 Scott's more recent 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'.
- 13 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.
- 14 These states are, in Robert Jackson's terms (1990), as much quasi-states as states proper.
- 15 This finds parallels in Ruggie's (1993, pp. 164–165) discussion of extra-territoriality, wherein relations between modern states are made possible by the territorial exception of diplomatic institutions. Extra-territorially 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.
- 16 It may be that the loosening of EU border restrictions has made nomads an issue to national authorities anew. In the case of the recent expulsion of Roma people from France and Italy, those deported were citizens of other EU members, such as Romania and Hungary, no longer 'contained' in their own countries because of EU mobility. If so, reduced border salience undermines the institution of the state. We discuss this in the penultimate section.
- 17 Following Shmueli's (1980, p. 257) definition, we consider Bedouins to be 'a population which regards itself as Bedouin, although it has [largely] ceased wandering'. Shmueli's definition, while at first seeming tautological, is instructive as it recognizes several groups and class distinctions among Bedouin society that appear to be acting – and acted upon – in concert by governmental authorities. Shmueli's definition not only relies on self-identification by group members as well as other-identification by the authorities but also suggests a common political and social trajectory of several groups that have become aligned over time. Within modern-day Israel these Bedouin populations appear in both the geographic north (Galilee) and the south (Negev), following roughly similar patterns of sedentarization albeit with a slight temporal lag between the two. Sedentarization occurred sooner in the northern Galilee region, according to Kliot and Medzini (1985, p. 433) for several reasons. First, a more favourable climate in the Galilee attracted Jewish immigrants in numbers during the British Mandate. Their newly enclosed agricultural land reduced grazing lands on which Bedouin had traditionally relied. Second, higher wages in urban



- centres, also associated with Jewish immigration, offered higher incomes than traditional lifestyles. Finally, Kliot and Medzini claim that northern Bedouin were politically weaker than their southern counterparts and were less able to resist state attempts to settle them. However, for our purposes we will treat both the southern and northern Bedouin together as one case study.
- 18 Falah (1989) is perhaps alone in the literature to claim that the Bedouin population was already semi or fully sedentary by the time Israel was founded.
 - 19 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.
 - 20 According to Goering (1979, p. 7), 'Lands in the Western Negev, from which the Bedouin had been removed, were declared "abandoned" and subsequently expropriated by Israel under the "land acquisition law"'.
 - 21 The numbers of Bedouin settling in these planned townships increased over time, according to Kliot and Medzini (1985, p. 532), Dinero (2004, p. 262), Meir (1986), and others, as government planners learned lessons from previous mistakes integrating these lessons into newer communities (for example increasing the size of plots for privacy purposes, grouping tribes together to avoid intertribal conflict, reducing density and so on). On the other hand, Falah (1989) claims that Bedouin have resisted planned sedentarization through continued spontaneous building.
 - 22 Kliot and Medzini (1985, p. 438) assert that Bedouin deliberately continue with so-called spontaneous construction despite government planning not as a form of resistance but in an attempt that this construction will be recognized post-hoc. They have found that the practice of 'illegal construction' actually ramps up during election cycles when political candidates will be less likely to enforce demolition orders for fear of alienating voters.
 - 23 'Any Bedouin wanting to leave, enter or merely pass from one zone to the other was first obliged to secure permission from the military administration With movements sharply curtailed, the Bedouin's wandering capacity was severely restricted' (Goering, 1979, p. 7).
 - 24 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.
 - 25 However, the process of claiming lands began with the British. Because of the growing competition over land, successive governments, starting with the British, sought to place greater control over land resources for development (Meir, 1988, p. 259). Under the British mandate for Palestine, the growing sedentary population and the expansion of agriculture put increasing pressure on the nomadic lifestyle (Falah, 1991, p. 293). Falah (1991, p. 291) cites the first British High commissioner for Palestine, 'The habitual mode of life ... with its wasteful system of nomadic grazing, can hardly be held to justify the perpetuation of private methods of cultivation. The whole questing demands careful consideration. It may be that pastoral economy and intensive culture cannot exist side by side, in which case the Bedouin's needs must be met in other ways'.
 - 26 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).
 - 27 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).
- 28 The Swynnerton Plan, for short; this set of policies was formulated in response to the Mau Mau war for independence (Ochieng, 2007, p. 459).
- 29 Interestingly, the Maasai typically suffered higher taxes than other groups, pastoral or otherwise. For example, ‘In 1930 ... the Maasai paid 15 shillings, whereas other communities in [Tanganyika] paid rates of between 6 and 12 shillings. The agricultural Sonjo living in Maasai District paid 6 shillings while “natives of other tribes owning cattle” in the District paid 12 shillings’ (Ndagala, 1990, p. 55). This may have been due to the fact that the Maasai were relatively wealthy, but it may also have been due to the fact that they were more difficult to administer because of their large numbers and greater degree of concentration. For example, in 1926 the number of administrators in Maasai District had to be increased because ‘The Maasai Tribe require all the administrative control we can give them and an increase in the Hut and Poll Tax ... to meet the additional expenditure incurred (ibid, p. 55). Conversely, groups that were ‘relatively smaller and widely scattered over several administrative Districts in which they were dominated by agricultural communities ... [were governed] through the respective “Native Authorities” in which they were either underrepresented or not represented at all’ (ibid, p. 56).
- 30 See for example Bishop (2007, p. 16) and Narman (1990, pp. 108–121).
- 31 According to the Humanitarian Policy group, more than 95 per cent 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).
- 32 See also Aklilu (2002), Peter Little (2006) and Zaal *et al* (2006).
- 33 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 *Woonwagenbewoner* 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.
- 34 In Portugal, a 1538 law banishing *Ciganos* also applied to ‘all other persons of whatever nation who live like Gypsies, even if they are not’ (Fraser, 1992, p. 101). Likewise, in eighteenth century Spain, distinctions were made between sedentary ‘good Gypsies’ and itinerant ones subject to detention (Lucassen, 1998, p. 56; Shahar, 2007, p. 8).
- 35 The Nazi extermination of Gypsies is well documented, though estimates of the number of victims range widely from 200 000 to 1.5 million. Shahar (2007, pp. 12–3, 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.
- 36 Fraser notes that Gypsies were repeatedly accused of espionage by various princes and dukes throughout the Holy Roman Empire, in the late 1490s, and thus targeted for expulsion. Early scholarly treatises, such as that of Dutch theologian Voetius, produced soon after the Thirty Years War, held that Gypsies were spying for the Turks (Fraser, 1992, pp. 86, 151, 189).
- 37 A French royal decree in 1682 called for the capture of all ‘bohemians’ (Gypsies) for service in the galleys, and established Western Europe’s first fully centralized police force, the *marechaussé*, to enforce it (Lucassen, 1998, pp. 62–63).
- 38 Bancroft (2005, pp. 1–2, 7) identifies ‘place’ with identity and ‘space’ with the institutions of modernity, which include the nation-state and bureaucracies.

- 39 However, the Ottomans did attempt to settle itinerant Roma in order to facilitate tax collection (Barany, 2002, pp. 84, 91).
- 40 These came in the form of a series of edicts, ordering the Roma to settle and pay taxes, forbade them from owning wagons or horses, banned their traditional dress and language, and forcibly removed Roma children from their parents to be raised in state schools and foster homes (Barany, 2002, p. 93).
- 41 Many of the interned Roma were not released immediately after the end of the war, in the belief that they continued to pose a security threat (European Roma Rights Centre, 2005, pp. 51, 55).
- 42 However, the goal appears to have been social and cultural, as well as economic assimilation, because in Yugoslavia, home to a more pluralist form of Marxism, Roma were granted national minority status, along with language and cultural rights, and nomadic Roma were not forced to settle (Fraser, 1992, p. 282).
- 43 Under pressure from the EU and the Council of Europe, the wall was dismantled a month later (Braham and Braham, 2000, p. 99). Heather Rae provides an interesting account of the fate of the Roma people in the modern Czech Republic after the partition. For this case study and a more general discussion about what she calls a 'pathological' promotion of the homogenization of domestic populations, please see Rae (2002).
- 44 Golston (2002, pp. 158–159) notes that Italian teachers 'find it "impossible to blend the nomad culture with ours" – despite the fact that, as in most places, few of Italy's 100 000 Roma are actually nomadic'.
- 45 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).
- 46 The second High Commissioner on National Minorities (HCNM) report, issued in 2000, shifted its focus almost entirely from migration to human rights (Guglielmo and Waters, 2005, p. 767).
- 47 A somewhat different European case is that of the Sami people of Europe's Nordic countries, whose access to migratory rights is mixed. Sami circumstances differ both in that they traditionally migrate with livestock (reindeer) and that their traditional territory is on Europe's territorial periphery. See for example Joona (2005). We thank the editor for raising the matter.

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