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Governing Traveller Identity Analysing the Irish State's Refusal to Recognise Traveller Ethnicity

by
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Abstract

In November 2014, the Minister of State for Equality Aodhán Ó Riordáin said that it was “no longer tenable for this State to deny Traveller ethnicity” and that Traveller ethnicity will be “a reality” in six months (Holland, 2014). This article analyses the rationale on the basis of which the Irish state appears to be coming to acknowledge Traveller ethnicity. It does this by examining the state's hitherto refusal to acknowledge Travellers as an ethnic group, a refusal which has played out in the communications of the state with two of the international human rights bodies to which it reports: the Committee on the Elimination of Racial Discrimination (CERD), and the Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC). Examining the contents of these communications that pertain to Traveller ethnicity, my analysis reveals three distinct rationales upon the basis of which the state has denied Travellers ethnic group status: what I label (a) ‘Ethnic Recognition is Unimportant’, (b) ‘Traveller Ethnicity is Unproven’, and (c) ‘Travellers are Divided on the Issue’. The article concludes by examining indications that Traveller ethnicity will soon be recognised in light of these three rationales. I argue that forthcoming ethnic recognition appears to be founded upon a continuation of the state's practice of flouting Traveller self-determination in favour of recourse to ‘expertise’ and ‘objectivity’ in the governing of Traveller identity.

Keywords

ethnicity denial; self-determination; Irish Travellers; identity; categorisation

For too long Travellers have been unaware of the theories that have been constructed about them and have not been in a position to evaluate or judge these theories. Because of this we have been used to some extent by people who have researched our way of life and in the process become established as “experts”. It is not good enough that Travellers should be the objects of other people’s research¹.

Introduction

In April 2014, an Oireachtas² Joint Committee on Justice, Defence and Equality (‘Joint Committee’) formally endorsed the recognition of Travellers as an ethnic group, encouraging the Irish state to officially recognise Traveller ethnicity³. Following the Joint Committee’s endorsement, in November 2014 Minister of State for Equality Aodhán Ó Riordáin said that it was “no longer tenable for this State to deny Traveller ethnicity” and that Traveller ethnicity will be “a reality” in six months⁴. That ethnicity can only become ‘reality’ when recognised officially by the state illustrates both the instability of ethnicity as an aspect of identity, and the centrality of governance to identity on the whole⁵. It is this observation which broadly informs the trajectory of this article, which sets out to examine the Irish state’s contemporary governing of Traveller identity. Why has the state refused to recognise Travellers as an ethnic group? And if the state is to recognise Traveller ethnicity in the near future, as Aodhán Ó Riordáin’s comments would lead us to believe, what explains this change of disposition?

That Travellers are not recognised as an ethnic group by the state is curious for a number of reasons. Firstly, Travellers appear to satisfy the ‘objective’ criteria that have previously been characterised as legally definitive of

1 Martin Collins, ‘The Sub-Culture of Poverty – A Response to McCarthy’, in *Irish Travellers: Culture & Ethnicity*, ed. May McCann, Séamas Ó Síocháin, and Joseph Ruane (Belfast: The Queen’s University of Belfast, 1995), 130.

2 The Oireachtas is the National Parliament of the Republic of Ireland, consisting of the President, Dáil Éireann (House of Representatives) and Seanad Éireann (the Senate).

3 Joint Committee on Justice, Defence and Equality, *Report on the Recognition of Traveller Ethnicity*, 31/JDAE/013 (Dublin: Stationary Office, 2014).

4 Kitty Holland, ‘Traveller Ethnicity will be a Reality in Six Months, says Ó Riordáin’, *Irish Times*, 19 November, 2014, accessed 21/03/2015, <http://www.irishtimes.com/news/social-affairs/traveller-ethnicity-will-be-reality-in-six-months-says-%C3%B3-riord%C3%A1in-1.2005945>.

5 See for example: Julie Ringleheim, ‘Ethnic categories and European human rights law’, *Ethnic and Racial Studies* 34 (2011), 1685-1686; and Andrew Finlay, ‘Ethnic statistics: Ringelheim, reification and the residuary method’, *Ethnic and Racial Studies*, 37 (2014), 753-756.

ethnicity and the right to ethnic group status⁶. Such criteria are laid out in the *Mandla v Lee*⁷ case which came before the British House of Lords in 1983 to consider the legal definition of an ethnic group for the purpose of Britain's Race Relations Act (1976). Numerous group characteristics ranging from shared history and cultural tradition to common geographical origin, language and literature were cited as that which can be considered legally definitive of ethnic group status⁸. Robbie McVeigh points out that while it is a British case, *Mandla v Lee* has featured consistently in discussions of Traveller ethnicity in Ireland, where he argues "*the overwhelming weight of evidence supports the conclusion that Irish Travellers do constitute a separate ethnic group in the Mandla v Lee interpretation of the term*"⁹.

The result of this situation is not only that the Irish state denies Traveller ethnicity despite the apparent satisfaction of established legal criteria, but that Travellers are left in the anomalous situation in which they officially are not an ethnic group in the Republic of Ireland but are in the UK and Northern Ireland. Consequently, Travellers are automatically afforded the protections of anti-discrimination legislation as an ethnic group in the UK and Northern Ireland, while in the Republic of Ireland they receive no such automatic protection; they are instead included in such legislation under the separate heading of 'Traveller community' at the discretion of the state¹⁰.

The mystery surrounding this denial of Traveller ethnicity is compounded by the fact that the Irish state *does* officially enumerate ethnicity for the purpose of official statistics. As Patrick Simon points out, such practice is not a given in continental Europe, where 19 of 41 states do not collect data on ethnicity¹¹. The Irish state has however explicitly enumerated ethnicity in Census data since 2006, but here membership of the Traveller community is categorised as a 'cultural' rather than 'ethnic' background¹².

6 Equality Authority, *Traveller Ethnicity: An Equality Authority Report* (Dublin: Equality Authority, 2006).

7 [1983] 2 AC 548, accessed 15/02/2015 via <http://www.bailii.org/uk/cases/UKHL/1982/7.html>.

8 Ian McKenna, 'Racial Discrimination', *The Modern Law Review* 46 (1983): 759-770

9 Robbie McVeigh, 'Ethnicity Denial and Racism: The Case of the Government of Ireland Against Irish Travellers', *Translocations* 2 (2007), 95 [original emphasis].

10 McVeigh, 'Ethnicity Denial and Racism', 95.

11 Patrick Simon, 'Collecting Ethnic Statistics in Europe: a Review', *Ethnic and Racial Studies* 35 (2012), 1376.

12 Rebecca Chiyoko King-O'Riain, 'Counting on the Celtic Tiger: Adding Ethnic Census Categories in the Republic of Ireland', *Ethnicities* 7 (2007): 516-542.

This produces what seems to be another anomaly: the state is willing to officially itemise ethnic difference, while at the same time is unwilling to recognise Travellers as an ethnic group. The denial of Traveller ethnicity is not the result of an ideological refusal to recognise ethnic difference, as is the situation in France for example¹³.

Ronit Lentin and Robbie McVeigh make sense of the state's denial of Traveller ethnicity by considering it in context of what they term the state's history of 'Anti-Travellerism'¹⁴. They argue that the state regards Travellers as a 'problem', the 'satisfactory solution' to which is settlement and assimilation into the settled Irish population¹⁵. This desire to quell Traveller nomadism has amounted to policies equating to what they term 'cultural genocide'; for example the Housing (Miscellaneous Provisions) Act (No 2), 2002 made trespass a criminal offence, allowing "local authorities to evict Travellers indiscriminately without having to fulfil their responsibilities to provide alternative accommodation"¹⁶. The desire of the state to assimilate Travellers culminates in the state's refusal to recognise Travellers as ethnically distinct from the settled population. This ethnicity denial encapsulates 'Anti-Travellerism' as the "combination of ideology and practice" that "is about repressing Travellers *not for what they do or do not do but rather for what they are*"¹⁷.

If however Travellers are to be granted ethnic group status, as Aodhán Ó Riordáin and the report of the Oireachtas Joint Committee indicate will happen, the endorsement of Traveller ethnicity will frame Traveller culture as a legitimate, state-sanctioned way of life rather than a 'problem' to which assimilation is the 'solution'. Ethnic recognition would appear at first glance to leave Lentin and McVeigh's theorisation of 'Anti-Travellerism' no longer applicable to the state's governing of Travellers. On the contrary, however, I want to suggest that by considering this apparent forthcoming ethnic recognition in light of the state's hitherto denial of Traveller ethnicity, no such end to the logic of 'Anti-Travellerism' is in sight. To this end, I now turn towards an analysis of the state's denial of Traveller ethnicity,

13 Mathias Möschel, 'Race in Mainland European Legal Analysis: Towards a European Critical Race Theory', *Racial and Ethnic Studies* 34 (2011): 1648-1664.

14 Ronit Lentin and Robbie McVeigh, *After Optimism? Ireland, Racism and Globalisation* (Dublin: Metro Éireann Publications, 2006), 135.

15 Lentin and McVeigh, *After Optimism?*, 128.

16 *Ibid.*, 127.

17 *Ibid.*, 135 [original emphasis].

specifically examining the rationale upon the basis of which the state has vindicated this denial.

Methodology

Michel Foucault advocates a genealogical approach to the study of history, an approach which seeks to account for the constitution of bodies of knowledge without recourse to constructing such knowledge as in some way transcendental or enduring. Genealogy disavows searching for ‘origins’ to instead “cultivate the details and accidents that accompany every beginning”¹⁸. Refuting the notion that history unfolds in a linear manner, it embraces historical ‘truths’ as matters of perspective that are inevitably imbued with substantive partiality. Through a vast accumulation of source material, a genealogical approach can “identify the accidents, the minute deviations - or conversely, the complete reversals - the errors, the false appraisals, and the faulty calculations that gave birth to those things that continue to exist and have value for us”¹⁹.

While an analysis of a vast array of source material is well beyond the scope of this article, I believe that utilising genealogy as an over-arching methodological orientation can help shed light on the state’s governing of Traveller identity²⁰. If Traveller ethnicity is to become a governmentally constituted body of knowledge, we must seek to account for the disparate details and deviations which accompany its beginnings as such. So rather than understand ethnic recognition as the linear unfolding of an historical ‘truth’, I approach the state’s governing of Traveller identity as a *process*, the mechanisms of which are the focal point of this article.

To this end, I examine one site in which this case of ethnicity denial has explicitly played out: the state’s communications with two of the international human rights bodies to which it reports, the Committee on the Elimination of Racial Discrimination (CERD) and the Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC)²¹. These bodies seek to address racism and discrimination against

18 Michel Foucault, ‘Nietzsche, Genealogy, History’, in Paul Rabinow (ed.), *The Foucault Reader* (New York: Pantheon Books, 1984), 80.

19 Foucault, ‘Nietzsche, Genealogy, History’, 81

20 c.f. Andrew Finlay, *Governing Ethnic Conflict: Consociation, Identity and the Price of Peace* (London: Routledge, 2010)

21 The state reports to these bodies because it is party to the treaties they monitor, namely the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)

minority groups within states party to their treaties, and hence issues concerning Travellers have been central to the state's communication with these bodies²². The state's refusal to recognise Travellers as an ethnic group has been a central such issue, as the nature of this refusal has been in direct contradiction to the practice of self-identification endorsed by these bodies (see below). For this reason I use these communications as the data for this study.

Aggregating the state's reports to the CERD and ACFC with the responses of these bodies to each report, I construct a chronological content analysis of the state's governing of Traveller identity in this specific domain²³. Because these reports and the responses to them are wide reaching in scope, my analysis is limited to the sections of these communications explicitly marked under the rubric of Traveller ethnicity, the contents of which I aggregate to piece together the rationale underpinning the state's denial of Traveller ethnicity.

The Principle of Self-Identification

The CERD and the ACFC both endorse what is known as the principle of self-identification as the appropriate method by which states should determine the ethnic status of minority groups. General Recommendation VIII of the CERD, which it put forth after its thirty-eight session in 1990, reads:

The Committee on the Elimination of Racial Discrimination, having considered reports from States parties concerning information about the ways in which individuals are identified as being members of a particular racial or ethnic group or groups, is of the opinion that such identification shall, if no justification exists to the contrary, be based upon self-identification by the individual concerned²⁴.

This recommendation protects an individual's right to choose to identify

and the Framework Convention for the Protection of National Minorities (FCNM).

22 'Communication' here refers to both the state's reports to these bodies, and the responding reports issued by these bodies to the Irish state – I analyse both for the purpose of this study.

23 The state has reported three times to the CERD, in 2005, 2009 and 2014, and three times to the ACFC, in 2001, 2006 and 2011. The 2014 report to the CERD is unavailable for consideration at the time of writing.

24 Committee on the Elimination of Racial Discrimination, *General Recommendation VIII: Identification with a particular racial or ethnic group (Art.1, par.1 & 4)*, contained in document *A/45/18, Thirty-Eight session* (Geneva: Office of the United Nations High Commissioner for Human Rights, 1990).

or not identify with a particular ethnic or racial group, in the absence of justification for a contrary identification being made. Article 3 (1) of the Framework Convention for the Protection of National Minorities – the treaty monitored by the ACFC - endorses the same principle of self-identification. It states:

Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice²⁵.

If members of a national minority do or do not wish to be viewed as such by their state, they should have the right to freely choose to be categorised in this way. In this way both the CERD and the ACFC endorse the rights of individuals to self-identify or not identify as members of an ethnic minority group.

Governing Traveller Identity: Communications between the State, the ACFC and the CERD, 2001-2013

Three distinct rationales can be identified in the state's denial of Traveller ethnicity as it has played out in the state's communications with the ACFC and the CERD. Chronologically, these I refer to as (a) 'Ethnic recognition is unimportant', (b) 'Traveller ethnicity is unproven', and (c) 'Travellers are divided on the issue'.

A. Ethnic Recognition is Unimportant

In its first report to the ACFC in 2001, the government stated:

While Travellers are not a Gypsy or Roma people, their long shared history, cultural values, language (Cant), customs and traditions make them a self-defined group, and one which is recognisable and distinct (...) While Travellers do not constitute a distinct group from the population as a whole in terms of religion, language or race, they are, however, an indigenous minority who have been part of Irish society for centuries. The Government fully accepts the right of Travellers to their cultural identity, regardless of whether they may be described as an ethnic group or national minority²⁶.

25 Council of Europe, *Framework Convention for the Protection of National Minorities* (Strasbourg: Council of Europe, 1995).

26 Advisory Committee on the Framework Convention for the Protection of National Minorities, *Report Submitted By Ireland Pursuant to Article 25, Paragraph 1 of the Framework*

Ethnic group status is denied to Travellers on the grounds that they are, according to the state, indistinct from the settled population in terms of 'religion, language and race'. However, the state sees Travellers as a 'recognisable and distinct' group, accepting 'the right of Travellers to their cultural identity' *regardless* of ethnicity. So here ethnicity is framed as unimportant: the state accepts and acknowledges Traveller's cultural identity irrespective of their status in terms of ethnicity.

In 2004, the state submitted its combined first and second report to the CERD:

[I]t should be noted that some of the bodies representing Travellers claim that members of the Traveller community constitute a distinct ethnic group. The exact basis for this claim is unclear. The Government's view is 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. However, the Government of Ireland accepts the right of Travellers to their cultural identity, regardless of whether the Traveller community may be properly described as an ethnic group²⁷.

Here the state seems to conceptualise ethnicity in terms of race, colour, descent and nation. For this reason the state does not see Travellers as an ethnic group and considers the basis of claims to the contrary 'unclear'. But again, because it is 'regardless' of ethnicity that the state 'accepts the right of Travellers to their cultural identity', the issue is unimportant for the state.

In 2005, the CERD responded to Ireland's 2004 report:

Recalling its general recommendation VIII on the principle of self-identification, the Committee expresses concern at the State party's position with regard to the recognition of Travellers as an ethnic group ... The Committee is of the view that the recognition of Travellers as an ethnic group has important implications under the Convention (arts. 1 and 5) [and] encourages the State party to work more concretely towards recognizing the Traveller community as an ethnic group²⁸.

Convention for the Protection of National Minorities, ACFC/SR(2001)006, Strasbourg, 13 November 2001 (Strasbourg: Council of Europe, 2001).

27 Committee on the Elimination of Racial Discrimination, Reports Submitted by States Parties Under Article 9 of the Convention, Second periodic reports of States parties due in 2004: IRELAND, CERD/C/460/Add.1, 24 June 2004 (Geneva: Office of the United Nations High Commissioner for Human Rights, 2004).

28 Committee on the Elimination of Racial Discrimination, Sixty-sixth session, 21 February-11

Despite the state's efforts to frame ethnicity as an unimportant aspect of cultural identity, the CERD suggests that such recognition has 'important implications' with respect to the Convention and calls for the principal of self-identification to be applied in determining ethnic group status.

B. Traveller Ethnicity is Unproven

In January 2006, the government submitted its second report to the ACFC, in which it stated that it was "not prepared to conclude that Travellers are ethnically different from the majority of Irish people"²⁹. Rather than solely downplaying the importance of the issue, however, the state on this occasion vindicates its position on the basis that "the assertion that Travellers are ethnically different from the majority of the Irish people has not been proven"³⁰. The state does not however provide insight as to how ethnicity may be proven or disproven in the future. This is a point the ACFC picks up on its response:

it is regrettable that the authorities have, instead of reserving their position on the matter, at least pending further examination of the issue and consultations with Travellers and others concerned, expressed a view according to which the Travellers "do not constitute a distinct group from the population as a whole in terms of race, colour, descent or national or ethnic origin". Such a conclusion appears to be, at best, premature, bearing in mind, inter alia, that there are no procedures or criteria in place for the authorities to determine the issue and that several Traveller groups and a number of other stakeholders have presented a range of arguments in favour of an opposite conclusion (...) The Irish authorities should refrain from conclusive statements affirming that the Travellers do not constitute an ethnic minority in so far as such a position is not based on clear criteria and does not result from a dialogue with the minority concerned, taking into account the principle of self-identification stemming from Article 3 of the Framework Convention³¹.

March 2005, *Consideration of Reports Submitted by States Parties Under Article 9 of the Convention, Concluding observations of the Committee on the Elimination of Racial Discrimination: IRELAND, CERD/C/IRL/CO/2* (Geneva: Office of the United Nations High Commissioner for Human Rights, 2005)

29 Advisory Committee on the Framework Convention for the Protection of National Minorities, *Second Report Submitted By Ireland Pursuant to Article 25, Paragraph 1 of the Framework Convention for the Protection of National Minorities, ACFC/SR/II(2006)001, Strasbourg, 3 January 2006* (Strasbourg: Council of Europe, 2006).

30 Advisory Committee, *Second Report Submitted By Ireland*.

31 Advisory Committee on the Framework Convention for the Protection of National Minorities, *Second Opinion on Ireland, adopted on 6 October 2006, ACFC/OP/II(2006)007, Strasbourg, 30 October 2006* (Strasbourg: Council of Europe, 2006).

In pointing out that there are no ‘procedures or criteria’ in place by which to ‘determine the issue’, the ACFC alludes to the state’s continuing obfuscation of ethnic recognition. Why might the state be avoiding the issue? Is it because of the potential implications such recognition might have for the state in terms of its obligations towards Travellers? The Irish Human Rights Council (IHRC) addressed this question thoroughly in a discussion paper prepared for the state in 2004, pointing out that: (a) if Traveller ethnicity remains unrecognised, the government can regard complaints made by Travellers to the CERD on the grounds of racial discrimination as inadmissible, and (b) if ethnic recognition is granted, the state would be bound to the aspects of these treaties which require of it positive action to help Travellers as an ethnic group³². Perhaps these obligations help to explain in part the reluctance of the state to determine the issue of ethnic recognition.

B. Travellers are Divided on the Issue

Ireland next reported to the CERD in 2009, once more reiterating its view that the basis of Traveller claims for ethnic recognition is ‘unclear’ and that in its view “Travellers do not constitute a distinct ethnic group from the population as a whole in terms of race, colour, descent or ethnic origin”³³. More notable a development at this stage, however, was the state’s description of the newly formed National Traveller Monitoring and Advisory Committee (NTMAC) as “an independent forum for dialogue” within which “the principle proponents of a recognition by the State of Traveller identity based on ethnicity are represented”³⁴. The establishment of the NTMAC by the state appeared to be an effort to adhere to the principal of self-identification by establishing a dialogue with Travellers on the matter. The CERD responded in April 2011 by recommending “the State party continue to engage with the Traveller community and work concretely towards recognizing Travellers as an ethnic group”³⁵.

32 Irish Human Rights Council, *Travellers as an ethnic minority under the Convention on the Elimination of Racial Discrimination: A Discussion Paper* (Dublin: Irish Human Rights Council, 2004).

33 Committee on the Elimination of Racial Discrimination, *Reports Submitted by States Parties Under Article 9 of the Convention, Third and fourth periodic reports due in 2008: Ireland, CERD/C/IRL/3-4* (Geneva: Office of the United Nations High Commissioner for Human Rights, 2009).

34 Committee on the Elimination of Racial Discrimination, *Third and Fourth periodic reports due in 2008: Ireland*.

35 Committee on the Elimination of Racial Discrimination, *Seventy-eighth session 14 February – 11 March 2011, Consideration of Reports Submitted by States Parties Under Article 9 of the*

Ireland then submitted its third report to the ACFC in July 2011:

[T]he Traveller Policy Division of the Department of Justice and Equality has had initial discussions with the five National Traveller Groups about ethnicity. These discussions have shown that there is a divergence of opinion among Irish Travellers as to whether they wish to be recognised as a distinct ethnic group. There is a need for discussions to take place in the Traveller community around this issue and full consideration given to the implications and consequences of any such recognition³⁶.

The state refuses to recognise Traveller ethnicity on the grounds of a 'divergence of opinion' it has identified through dialogue with Travellers. Here again the IHRC has questioned the state on its rationalisation of ethnicity denial, raising two concerns with the state's rationale here: (a) there is doubt as to whether any of the national Traveller organisations actually oppose recognition (according to the IRHC, four of the organisations in consultation with the state explicitly endorse ethnic recognition, while the single other organisation has not expressed a view either way), and (b) there is no grounds for the idea that absolute consensus has decisive value with regard to legal recognition in the first place³⁷. Like the other rationale preceding it, the state's assertion that Travellers are divided on the issue seems again highly questionable.

Discussion

From my analysis, it is apparent that the rationale underpinning the Irish state's governing of Traveller identity has been far from cogent. The state has employed varying rationalisations in its denial of Traveller ethnicity: it first downplayed the significance of ethnic recognition; it then asserted that Traveller ethnicity has not been proven, before finally claiming that Travellers are divided on the issue and for this reason cannot be granted ethnic group status. On the basis of these various rationales the state has

Convention, Concluding observations of the Committee on the Elimination of Racial Discrimination: IRELAND, CERD/C/IRL/CO/3-4 (Geneva: Office of the United Nations High Commissioner for Human Rights, 2011).

³⁶ Advisory Committee on the Framework Convention for the Protection of National Minorities, *Third Report Submitted By Ireland Pursuant to Article 25, Paragraph 1 of the Framework Convention for the Protection of National Minorities, ACFC/SR/III(2011)004*, Strasbourg, 18 July 2011 (Strasbourg: Council of Europe, 2011).

³⁷ Irish Human Rights Council, *Submission on the Recognition of the Traveller Community as an Ethnic Minority in the State* (Dublin: Irish Human Rights Council, 2013).

consistently refused to abide by the principle of self-identification and recognise Travellers as an ethnic group.

Across these three rationales, the state's denial of Traveller ethnicity is in each case predicated on the problematization of Travellers: *They* don't understand that ethnicity is unimportant; *they* don't understand that their ethnicity is unproven; *they* don't know if they even want to be recognised as an ethnic group. In each case the logic of Anti-Travellerism identified by Lentin and McVeigh holds true: Travellers are the problem to which the state must find a satisfactory solution. Problematized as such, the Irish state and its failure to abide by the principle of self-identification remains causally absent from the governing of Traveller identity.

Can this refusal to endorse Traveller self-identification be reconciled with the apparent forthcoming recognition of Traveller ethnicity as indicated by both the report of the Oireachtas Joint Committee and the comments of Aodhán Ó Riordáin? Recalling Foucault and his emphasis "the details and accidents that accompany every beginning", I want to suggest that an answer to this question resides in the details of the report of the Joint Committee. In the process of drafting their report, the Committee considered written submissions of, and three public hearings with, stakeholders in the matter of Traveller ethnicity³⁸. One such stakeholder was the IHRC, which in its submission opposed the state's denial of Traveller ethnicity on the basis that 'travellers are divided on the issue'. It stated that the "Committee is clear that the existence of an ethnic minority in a State requires to be established by objective criteria. This is nothing to do with opinion or consensus"³⁹. The IHRC's rejection of opinion and consensus – while espoused in the name of arguing for ethnic recognition – implicitly endorses the state's flouting of self-identification by asserting the primacy of 'objective criteria'.

The point here is not so much to single the IHRC out for criticism, but rather to bring attention once more to the processes of government at work in governing Traveller identity: 'experts' inciting 'objective criteria' as means for the state to 'prove' Traveller ethnicity. It is not an underlying motive or intent which determines the governing of Traveller identity, but rather it is

³⁸ The first of these hearings brought representatives of the Irish Traveller Movement and Pavee Point before the committee. The second and third hearings brought academic and legal experts respectively.

³⁹ Joint Committee, *Report on the Recognition of Traveller Ethnicity*, 14.

the process of government and its recourse to expert knowledge which *by design* disregards Traveller self-determination through self-identification.

Conclusion

In a shadow report issued as a response to the state's 2008 submission to the CERD, national Traveller organisation Pavee Point suggested that Travellers see ethnic recognition as an important symbolic endorsement of the legitimacy of Traveller culture⁴⁰. The importance of ethnic recognition cannot be questioned (especially by a *settled academic*); recognition would be a landmark endorsement by the state of the legitimacy of Traveller culture, and would stand testament to the tireless campaigning of Travellers in this policy domain over the past number of decades. However, the basis upon which it appears ethnic recognition will be bestowed is liable to questioning. By examining this forthcoming recognition in relation to the state's hitherto denial of Traveller ethnicity, I have problematized the idea that ethnic recognition will mark the end of what Lentin and McVeigh call the logic of anti-Travellerism.

This article opened with an epigraph quoting Martin Collins' critique of the relationship between Travellers and those who have studied them as 'objects' of research and in the process become established as 'experts'. While Collins' makes his critique in the academic realm, an extrapolation of his insights into the political realm seems relevant here. On the basis of Aodhán Ó Riordáin's comments, the state seems to be taking the Joint Committee's recommendation to recognise Traveller ethnicity very seriously, which I can only assume is a welcome change for Travellers campaigning for ethnic recognition. The problem is that the Joint Committee's report endorses the IHRC's 'expert' opinion that ethnicity is to be determined objectively, i.e. by methods other than voluntary self-identification. The 'solution' to the Traveller 'problem' may be different – ethnic recognition – but the logic remains the same: *Travellers cannot determine the nature of their identity, but authoritative 'expertise' and its incitement to 'objective criteria' can.* Martin Collins' concern that Travellers be more than merely the objects of settled 'experts' seems as pressing as ever.

40 Pavee Point, *Irish Travellers and Roma Shadow Report: A Response to Third and Fourth Report On the International Convention on the Elimination of All Forms of Racial Discrimination (CERD)* (Dublin: Pavee Point Travellers Centre, 2011), 3.

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