

BOOK REVIEW

THE NATIONALITY AND STATELESSNESS OF NOMADIC PEOPLES UNDER INTERNATIONAL LAW BY HEATHER JEAN ALEXANDER (OXFORD UNIVERSITY PRESS 2025).
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The book *The Nationality and Statelessness of Nomadic Peoples Under International Law* by Heather Jean Alexander¹ raises an important question: to what extent does nomadism present as a conundrum to nationality law frameworks that are rooted in territorial conceptions of a state. The tension between nomadic groups and nation-states resulting in their marginalisation is highlighted in multiple contributions across different disciplines, including anthropology, political science and more recently in human rights scholarship.² As Gilbert aptly notes on the nomadic–state tension, ‘the failure to take nomadic peoples into consideration stems from the fact that nomadic societies lie at the opposite end of the political spectrum from the ideal form of organisation, namely the state ... since they are seen as lacking an essential element: a defined territory’.³ The devastating consequences of this structural exclusion for nomadic peoples remain largely omitted in the academic literature, despite the well-documented nature of their statelessness or their risk thereof.⁴ Filling this gap, Alexander explores specifically the question of nationality (or lack of thereof) of four nomadic communities under international law: former Bedouin nomadic peoples in Kuwait, Sama Dilaut in Malaysia, Tuareg in Mali, and Fulani in Côte d’Ivoire. On the basis of these case studies, she discusses the causes of nomadic statelessness, including civil registration and the right to be registered at birth, discrimination in nationality laws, nationality for indigenous peoples, and possible solutions under international law. In this regard, the book’s main contribution lies in its approach to nomadic

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¹ Heather Jean Alexander, *The Nationality and Statelessness of Nomadic Peoples under International Law* (Oxford University Press 2025).

² *ibid* 4. For recent human rights scholarship, see Jérémie Gilbert, *Nomadic Peoples and Human Rights* (Routledge 2014).

³ *ibid* 12.

⁴ Caroline Gluck, ‘Ensuring the Rights of Nomadic Seafarers’, *United Nations High Commissioner for Refugees* (online, 25 September 2019) <<https://www.unhcr.org/au/news/stories/ensuring-rights-nomadic-seafarers>>, archived at <perma.cc/EKT2-8HHB>; Alexander (n 1) 4.

statelessness primarily from a legal perspective, which is often overlooked in the literature on nomadic–state tension, and in its critical assessment of whether the general solutions to statelessness adequately address the specific experiences and marginalisation of nomadic groups.

Chapter 2 highlights the pervasive bias against nomadism in the scholarship on statehood and state formation. The bias is particularly evident in the presumed irreconcilability of nomadism with statehood, as well as in portrayals of nomadic peoples as tribal groups lacking land ownership and productive land use due to their constant mobility.⁵ As Alexander explains, this one-sided framing laid the foundation for doctrines such as *terra nullius* and *mare liberum*, reinforcing the tension between nomadism as a form of social organisation and ‘modern life’.⁶ The case studies specifically show how this bias manifests in governments’ narratives, which led to the forced relocation of Bedouin nomadic peoples from desert areas to urban settlements, the settlement of Tuareg in Mali based on claims that their land management practices were environmentally harmful, and the negative portrayal of artisanal fishing by the Sama Dilaut in the Sulu Sea as environmentally destructive.⁷

Chapter 3 reveals the gaps and biases inherent in nomadic registration systems, exposing the fraught relationship between nomadic peoples and civil registration. Alexander traces the historical development of civil registration across the four case studies during colonisation and at decolonisation phases. This historical outline is important as it enables readers to identify the specific historical moments and factors that contributed to the long-lasting issue of intergenerational statelessness for nomadic peoples. In the chapter, Alexander demonstrates that registration and documentation systems do not necessarily address statelessness, rather they may unintentionally produce statelessness for nomadic peoples due to their lack of fixed residence, or effectively end nomadism.⁸

Alexander’s analysis of the four case studies demonstrates that similar mechanisms were imposed on nomadic groups during colonisation to control their movement resulting in their forced settlement. First, anti-nomadic bias framed mobility as a ‘problem’ for colonial bureaucracies, thereby justifying coerced settlement policies.⁹ Second, arbitrary colonial borders were imposed across deserts or oceans deemed ‘remote, economically worthless and ungovernable’,¹⁰ prioritising border securitisation at the expense of nomadic seasonal migration routes and fishing territories. Third, registration systems were used as tools of colonial control. Although they seem to grant rights at the outset, they often create exclusionary consequences.¹¹ Fourth, explicit colonial policies were aimed at settling nomadic peoples through forced relocation.¹² Additionally, specifically in the case of Bedouin in Kuwait, British colonial authorities implemented a ‘centralised power structure’ to dismantle nomadic leadership, whereas the French

⁵ Alexander (n 1) 25–6.

⁶ *ibid* 27.

⁷ *ibid* 28–9.

⁸ *ibid* 86.

⁹ *ibid* 34–5.

¹⁰ *ibid* 37.

¹¹ *ibid* 44.

¹² *ibid* 38.

administration imposed ‘double administration’ for the Tuareg in French West Africa.¹³

Upon decolonisation, the case studies reveal similar issues with civil registration, demonstrating that postcolonial governments failed to accommodate nomadic mobility. First, the postcolonial nationality laws required documentary evidence of eligibility for nationality, such as birth certificates, which many nomadic peoples were unable to produce. This was because their exclusion from civil registration systems left them without legal identity documents at independence. Second, postcolonial nationality laws based on *jus sanguinis* or *jus soli* — concepts rooted in settlement and residence — posed difficulties for nomadic peoples due to their constant mobility. Third, the lack of identity documents were often conflated with nationality security concerns and criminality by governments.¹⁴

Chapter 4 examines the discriminatory aspects of nationality laws against nomadic groups during colonisation and upon decolonisation, followed by an analysis on the way international law prohibits discrimination in the granting of nationality. Alexander identifies three main forms of indirect discrimination in colonial nationality laws which were later maintained in postcolonial nationality laws. First, tiered nationality systems privilege certain groups over others, producing indirect discriminatory effects on nomadic peoples. For instance, the Kuwaiti nationality law favoured individuals with Arab ethnicity, and the adoption of ‘African origin’ in Malian nationality laws contained coded bias against the Tuareg who sometimes identify themselves as ‘white’.¹⁵ Second, nationality laws are often based on the three prevalent modes of nationality attribution — birth, residence and descent — all of which are determined by settlement and residence. This is discriminatory against nomadic groups as nomadic residence is almost impossible to prove. Additionally, specifically in the case of Sama Dilaut in Malaysia, the swift imposition of *jus sanguinis* amid disputed borders and historical migration placed them at risk of exclusion from nationality.¹⁶ The unregistered Sama Dilaut — who were labelled as ‘illegal immigrants’ due to their conflation with irregular migrants from the Philippines — risked being locked out of nationality unless they could establish themselves as stateless rather than ‘foreign’.¹⁷

In this chapter, Alexander also examines whether international law prohibits discrimination based on cross-border mobility or nomadism. While international treaties expressly prohibit discrimination on the grounds of race,¹⁸ gender,¹⁹ and indigenous identity,²⁰ there is no express prohibition on discrimination against nomadic groups. Although mobility as a way of life is not explicitly recognised as

¹³ *ibid* 36, 47.

¹⁴ See, eg, *ibid* 55–7 on the Bedouin in Kuwait.

¹⁵ *ibid* 92, 97.

¹⁶ *ibid* 96.

¹⁷ *ibid*.

¹⁸ Article 5 of *International Convention on the Elimination of All Forms of Racial Discrimination* guarantees a right to a nationality without racial prejudice: opened for signature 21 December 1965, 660 UNTS 195 (entered into force 4 January 1969) art 5.

¹⁹ *Convention on the Elimination of All Forms of Discrimination against Women*, opened for signature 18 December 1979, 1249 UNTS 13 (entered into force 3 September 1981) art 9; Human Rights Council, *Report on Discrimination against Women on Nationality-Related Matters, Including the Impact on Children*, UN Doc A/HRC/23/23 (15 March 2013).

²⁰ Office of the High Commissioner for Human Rights, *United Nations Declaration on the Rights of Indigenous Peoples*, UN Doc A/RES/61/295 (2 October 2007) annex art 2.

a protected ground against discrimination against the granting of nationality, the regional Inter-American Court of Human Rights case of *Yean and Bosico v Dominican Republic* may provide guidance.²¹ This case shows how the denial of birth certificates and nationality to children of Haitian descent due to their parents' 'transient' status amounted to prohibited discrimination under the *American Convention of Human Rights*.²² Several instruments have previously taken positive steps to address this implicit form of nomadic discrimination by granting the right to cross-border movement. These include bilateral agreements such as the *Jay Treaty* between the United States of America ('US') and Canada, which recognised and protected First Nations peoples' right to cross the US–Canada border until its abrogation in 1812.²³ Similarly, the International Labour Organisation Recommendation 104 urges governments to take 'intergovernmental action ... by means of agreements between the governments concerned, to protect semi-nomadic tribal groups whose traditional territories lie across international boundaries'.²⁴

Chapter 5 analyses the right to nationality for nomadic peoples under the indigenous rights framework, and in relation to nomadic self-determination. Across all the case studies, Alexander demonstrates that nomadic groups are framed as either illegal immigrants, foreigners posing a security threat, or stateless rather than as indigenous peoples. For instance, Sama Dilaut are often portrayed as illegal immigrants from the Philippines who pose national security threats in the local media,²⁵ which is then used to justify their deportation. Alexander's analysis demonstrates that such framing of nomadic groups as dangerous enables governments to deny the nationality, self-determination, and land rights of the nomadic groups. This is in line with Macklin's observation that governments are 'investing in mechanisms that enable the conversion or reversion of risky people to the status of foreigner ... to promote what is done in the name of state security as coeval and consonant with advancing citizen security'.²⁶ While Alexander explores the possibility of using an indigenous rights framework, she cautions that such use carries 'the risk that the right to nationality for nomadic peoples gets lost

²¹ *Yean and Bosico v Dominican Republic (Judgment)* (Inter-American Court of Human Rights, Series C No 130, 8 September 2005) [138] ('*Yean and Bosico*'), quoting *Proposed Amendments to the Naturalisation Provision of the Constitution of Costa Rica (Advisory Opinion)* (Inter-American Court of Human Rights, Series A No 4, 19 January 1984) [32]–[33]. The Judgment prohibits discrimination against persons of Haitian descent due to their history of migration.

²² *American Convention on Human Rights*, opened for signature 22 November 1969, 1144 UNTS 144 (entered into force 18 July 1978) art 20. At *Yean and Bosico* (n 21) [156], the Court considers 'the migratory status of a person cannot be a condition for the State to grant nationality, because migratory status can never constitute a justification for depriving a person of the right to nationality or the enjoyment and exercise of his rights ...'.

²³ Standing Senate Committee on Aboriginal Peoples, Senate of Canada, *Border Crossing Issues and the Jay Treaty* (Report No 3 of the 42nd Parliament, 1st Session, June 2016) 8. See also, *Jay Treaty (Treaty of Amity, Commerce and Navigation)*, Great Britain–United States of America, signed 19 November 1794 (entered into force 29 February 1796) art 3, which acknowledges the right to cross international borders.

²⁴ International Labour Organisation, *Recommendation Concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries* (Recommendation No 104, 26 June 1957) para 35(1). The Recommendation suggests cross-border movement for tribal groups, see Alexander (n 1) 110.

²⁵ Alexander (n 1) 130.

²⁶ Audrey Macklin, 'The Securitisation of Dual Citizenship' in Thomas Faist and Peter Kivisto (eds), *Dual Citizenship in Global Perspective: From Unitary to Multiple Citizenship* (Palgrave Macmillan 2007) 42, 42.

in a debate over the status of nomadic peoples as indigenous persons'.²⁷ In this regard, Alexander suggests a progressive interpretation of indigeneity grounded in 'state oppression of mobility as a unique cultural practice'.²⁸

Chapter 6 examines possible international law solutions that are contingent on the identification of nomadic persons as stateless — which may result either in automatic acquisition of nationality or facilitated naturalisation under art 32 of the 1954 *Convention relating to the Status of Stateless Persons*.²⁹ The chapter discusses the safeguards available under international law for children born in a state's territory who would otherwise be stateless, but Alexander is cognisant of the limitations of this solution for nomadic children who lack civil registration. Alexander does not advocate for their identification as stateless due to the negative repercussions demonstrated in the previous case studies. Instead, she proposes identifying de facto nationals for the purpose of nationality campaigns as a path forward.³⁰ However, this requires expanding the concept of de facto nationality to include in situ stateless nomadic groups, who are arguably entitled to an automatic right to nationality upon decolonisation during state succession. Once recognised as de facto nationals, states would then have a duty to facilitate their naturalisation. She also proposes other solutions including: the 'right to choose nationality'; a right to dual, multiple or regional nationality, even though this may conflict with the 'exclusivity [that] has been an essential characteristic of nationality';³¹ and resistance in countries that prohibit dual nationality, such as Kuwait and Malaysia.³² To address the exclusion of nomadic groups with regional attachments and seasonally shifting residence due to governing systems of 'sedentary citizenship',³³ Alexander suggests a more nomadic-friendly definition of residence. Such a definition would allow 'non-documentary forms of proof of residency'³⁴ and alternative forms of proof from pre-colonial records, such as oral testimony, and traditional land use and ownership.³⁵

Overall, Alexander's book is novel in its analysis on nomadic statelessness, a topic that is often sidelined but merits attention considering the devastating impacts of marginalisation upon nomadic groups.³⁶ This book opens space for further discussion on the possibility of alternative forms of legal identity within or

²⁷ Alexander (n 1) 135.

²⁸ *ibid* 138.

²⁹ *Convention Relating to the Status of Stateless Persons*, opened for signature 28 September 1954, 360 UNTS 117 (entered into force 6 June 1960).

³⁰ Alexander (n 1) 151.

³¹ Kim Rubenstein and Niamh Lenagh-Maguire, 'More or Less Secure? Nationality Questions, Deportation and Dual Nationality' in Alice Edwards and Laura van Waas (eds), *Nationality and Statelessness under International Law* (Cambridge University Press 2014) 264, 265–266.

³² Alexander (n 1) 158.

³³ Gilbert (n 2) 13.

³⁴ Alexander (n 1) 84.

³⁵ *ibid*; Jérémie Gilbert and Ben Clench, "'Mapping for Rights": Indigenous Peoples, Litigation and Legal Empowerment' (2018) 11(1) *Erasmus Law Review* 6, 11, citing a case over land ownership brought by the Batwa in Uganda.

³⁶ Benjamin YH Loh, Sarah Ali and Vilashini Somiah, 'Bajau Laut Evictions and Home Demolitions in Sabah, Malaysia: Polarised Streams of Online Opinion', *ISEAS Perspective* (online, 15 October 2024) <<https://www.iseas.edu.sg/articles-commentaries/iseas-perspective/2024-84-bajau-laut-evictions-and-home-demolitions-in-sabah-malaysia-polarised-streams-of-online-opinion-by-benjamin-yh-loh-sarah-ali-and-vilashini-somiah/>>, archived at <perma.cc/QX5L-CEWK>; Sebastián Hurtado Estrada, 'Indigenous Peoples in Cross-Border Mobility. An Unknown Phenomenon that Deserves Attention', *Dejusticia* (online, 27 January 2025) <<https://www.dejusticia.org/en/indigenous-peoples-in-cross-border-mobility/>>, archived at <perma.cc/S96F-QGFW>.

beyond nationality that would better preserve nomadic identity. The book's findings are not only valuable for scholars and students, but also policymakers and practitioners working on nationality, statelessness, and mobile populations. However, the inclusion of four nomadic groups who are stateless or at risk of statelessness tends to limit in-depth analysis, which results in the lack of contextualised engagement with one community — a limitation that is frequently noted by Alexander as 'more research is needed' in these areas.³⁷ The prioritisation of breadth over depth also may lead to limited engagement with historical contexts and risks oversimplifying complex socio-political dynamics. For example, the historical role of the Tuareg in slavery warrants consideration in the analysis,³⁸ particularly in Alexander's suggestion that 'reference to "African origin" in Mali's laws might hypothetically be considered discriminatory in a context where the government labels the Tuareg "white" ... [because] coded, racialised language in its nationality law ... would clearly violate international law as implicit discrimination'.³⁹ Additionally, as Alexander notes in Chapter 2, 'anti-nomadism' did exist in the pre-colonial era — where nomadic peoples were largely independent and exercised political autonomy over internal affairs — although settlement policies also existed during this era.⁴⁰ This section could have been further developed to better understand the difference between pre-colonial and colonial treatments on nomadic groups.

Alexander raises another important point: the book references non-nomadic sources from the colonial era, which may be biased in their understanding of traditional nomadic ways of life. Given that nomadic groups are primarily based on oral or unwritten forms of knowledge, this knowledge should be given due importance in future scholarship on nomadism, as the prioritisation of written texts may lead to a general bias towards certain 'types' of knowledge being produced.⁴¹ Alexander expressly acknowledges this limitation where she also reflects on her positionality as a Western scholar writing about nomadic communities.⁴²

In a recent article on addressing statelessness, Aleksejs Ivashuk highlights that 'stateless people must be treated as purposeful participants whose voices matter rather than as mere objects of discussion'.⁴³ One of the strengths of this book lies in how Alexander attempts to minimise gaps in the legal scholarship, by directly incorporating the voices of Fulani communities. This is crucial as the voices of affected communities — who have faced marginalisation and to a certain extent have been subjected to elimination and genocide due to their nomadic status —⁴⁴

³⁷ See, eg, Alexander (n 1) 37, 56, 77, 106, 118.

³⁸ Gilbert (n 2) 16; Bruce S Hall, *A History of Race in Muslim West Africa, 1600–1960* (Cambridge University Press 2011) 3–4. Hall explicitly argues that 'the language of slavery was central to the racial framework of the conflict and, as we will see, to the larger history of racial ideas in the wider region.': *ibid* 4.

³⁹ Alexander (n 1) 97–8, 106.

⁴⁰ *ibid* 32.

⁴¹ Susan J Rasmussen, 'Reflections on Myth and History: Tuareg Concepts of Truth, "Lies," and "Children's Tales"' (1998) 13(2) *Oral Tradition* 247, 248; Izza Haziqah Abdul Rahman, "'Music Is in My Orang Laut Soul": She Sings Stories Passed Down through Generations to Celebrate Her Heritage', *CNA Lifestyle* (online, 4 November 2025) <<https://cnalifestyle.channelnewsasia.com/women/orang-laut-asnida-daud-music-heritage-history-470696>>, archived at <perma.cc/65BL-TJKB>.

⁴² Alexander (n 1) 23–4.

⁴³ Aleksejs Ivashuk, 'Tackling Statelessness: The Fundamental Importance of Stateless People's Voices' (2022) 70 *Forced Migration Review* 13, 13.

⁴⁴ Gilbert (n 2) 17.

are often omitted in scholarship. Centring these voices is essential in identifying the protection gaps in international law. For example, Alexander includes how the Fulani describe their treatment as immigrants by the Côte d'Ivoire government and by the general population, despite Fulani pastoralism having existed in the region for hundreds of years. For the Fulani, the border is 'an arbitrary, colonial invention based largely on the location of local rivers that has never been formally recognised by either country'.⁴⁵ This shows how the colonial borders were not accepted by the Fulani community because their traditional mobility traversed across these areas.⁴⁶

Additionally, the grouping of both land-based and sea-based nomadic populations under the same category without considering the maritime aspect of sea nomadism poses a risk to the latter group, which may introduce additional barriers or discrimination. This is especially the case as Alexander has highlighted the:

... structure of nationality law, which is predicated on border restrictions and *settlement on land*. The implicit requirement of settlement on land permeates all aspects of nationality law ... [where] *nationality ... with its idea of rootedness in the soil*, also justifies and derives justification from the right of states to exclusively control an area of bounded land.⁴⁷

As Manby argues, 'the entire system of international and most domestic law on citizenship (and other) issues has grown up around the idea that individuals have their "home" in one fixed place and that states have a sovereign right to know where that place is'.⁴⁸ A similar argument is echoed in Alexander's concluding chapter, where she mentions 'there remains something profound that is missing from the pages of this book, something that is perhaps beyond the power of international law, with its framework based in the bounded, territorial nation-states of the Westphalian system, to fix'.⁴⁹ I agree with the author's reflection, especially since statelessness is merely a symptom of a broader problem affecting nomadic peoples. The crux of the issue lies in the existing international law framework itself, which is grounded in Westphalian notion of sovereignty and statehood. Because statehood is contingent upon the requirement of a 'defined territory',⁵⁰ this territorial approach in international law creates tension with the mobile way of life of nomadic peoples, who are perceived as lacking a fixed connection to a defined territory.⁵¹ In effect, it produces exclusionary effects to nomadic peoples that have been ongoing to the present day. Acknowledging this limitation, nomadic statelessness remains an area requiring further analysis and investigation. Moreover, the book reveals that nationality itself is a double-edged sword. While it is a solution for stateless nomadic groups to access basic rights, it simultaneously diminishes their indigenous identity within nationality law frameworks that are

⁴⁵ Alexander (n 1) 126.

⁴⁶ *ibid.*

⁴⁷ *ibid* 113 (emphasis added).

⁴⁸ Bronwen Manby, *Citizenship in Africa: The Law of Belonging* (Hart Publishing 2018) 339.

⁴⁹ Alexander (n 1) 166.

⁵⁰ *Montevideo Convention on the Rights and Duties of States*, opened for signature 26 December 1933, 165 LNTS 19 (entered into force 26 December 1934) art 1: 'The state as a person of international law should possess the following qualifications: (a) a permanent population; (b) a defined territory; (c) government; and (d) capacity to enter into relations with the other states'.

⁵¹ Gilbert (n 2) 65.

fixed on residence and settlement. This ought to make us reflect whether nationality is in fact the solution to address nomadic statelessness.