

# Nubians in Contemporary Egypt: Mobilizing Return to Ancestral Lands

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*ABSTRACT* Based on original fieldwork, this article examines how Nubians in Egypt have mobilized to demand a return to ancestral lands along the Nile River. It begins with a historically informed analysis explaining how any attempts to make demands from the Egyptian state long have been quashed, effectively constraining any comprehensive mobilization. It thereafter argues that the emergence of several unprecedented legal and political opportunities in the past decade paved the way for substantial Nubian mobilization. This culminated in a Nubian representation in the drafting process of the 2014 Egyptian Constitution, and a subsequent constitutional reference to Nubian return. Finally, this article explores how Nubian activists have deployed competing legal and historical frames in demanding return to ancestral lands. These frames range from the right of return based on international indigenous/minority rights frameworks, to drawing parallels with the Palestinian right of return, to a less confrontational development discourse rooted in the displacement of the Nubians in the 1960s.

*KEY WORDS:* Arab uprisings, Constitutions, Egypt, indigenous peoples, legal mobilization, minority groups, Nubia

How do displaced indigenous peoples and minority groups mobilize for the right to return? What frames and strategies do they employ when faced with authoritarian governments unwilling even to recognize their mere existence? This article aims to offer a nuanced, historically informed analysis of the processes of legal mobilization in an authoritarian society through an exploration of how Nubians in Egypt have demanded a right to return to ancestral lands. Bearing an ethnic identity distinct from Arab peoples, the Nubian people are usually considered the descendants of a specific civilization as old as ancient Egypt itself, having inhabited villages along the banks of the Nile—stretching from Aswan in southern Egypt into northern Sudan—for thousands of years. Here, the various Nubian groups retained their own distinct languages, customs and cultures. After being divided arbitrarily between Sudan and Egypt in 1899, Nubians in Egypt effectively were uprooted during the early twentieth century when a series of dams were constructed and resulted in the flooding of Nubian land.<sup>1</sup> Ever since a peaceful military coup in 1952 paved the way for Gamal Abdel Nasser's ascendance to the presidency (1956–1970), and up until the January 25 Revolution in 2011, Egypt's political sphere was controlled by a single political party tied to the presidency. The

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<sup>1</sup> Minority Rights (2011) *World Directory of Minorities and Indigenous Peoples, Nubians*. Available at <http://www.minorityrights.org/3932/egypt/nubians.html#sthash.AZ0AEZgA.dpuf>, accessed May 27, 2015.

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regime headed by Hosni Mubarak (1981–2011) even has been considered one of the longest lasting authoritarian regimes in the world.<sup>2</sup>

Nubia was flooded when President Nasser, in an effort to modernize Egypt in the 1950s, initiated the Aswan High Dam project. This rendered yet another blow to the Nubian community. With the exception of a thinly populated strip of land along the Nile, today, old Egyptian Nubia lies completely under Lake Nasser. Shortly after the building of the Dam, Egyptian authorities began a program to resettle forcibly approximately 50,000 Nubians to new, purpose-built ‘resettlement’ communities in southern Egypt, primarily around Kom Ombo, about 50 km north of the city of Aswan. Few Nubians were satisfied with the new living conditions, not least because they now were relocated away from the Nile River. The problems facing the individuals who were relocated to Kom Ombo are extensive and well documented, and include not only a lack of adequate housing but also a resettlement process that impeded on family ties and disregarded historical rivalries.<sup>3</sup> Many families temporarily settled elsewhere while waiting for new homes to be constructed, and for many this wait became permanent.<sup>4</sup> The ‘Nubian issue,’ as it has come to be called, moreover has emerged as one of the chronic human rights issues facing the Egyptian government. Ever since their displacement, Nubians systematically have been marginalized politically, socially and economically. Any attempts to mobilize collectively on behalf of their group have been repressed, and the Egyptian government has gone to great lengths to deny even the very existence of any indigenous people or minority groups in the country.

This article aims to explore how since 2005, and despite the obvious risks, Nubians have become more vocal in demanding change, and how through shifting frames and strategies they have mobilized for a return to ancestral lands. Throughout this analysis, one must bear in mind that Egypt’s Nubians distinguish among themselves in a number of aspects: They are dispersed both abroad and across Egypt; they live in larger cities and in more than 50 different Nubian villages, most of which do not remain in their original locations; and importantly, some Nubians may not self-describe as Nubian, but rather as Egyptian, Egyptian-Nubian or any other label of self-identification. Acknowledging the impossibility of fully accounting for this diverse group, this article will focus on those activists who have mobilized on the basis of being a part of a Nubian collective.

Following this introductory section, in which I also will discuss in brief the conceptual tools that I employ in this study, I will pursue a historically informed analysis of why Nubians traditionally have not mobilized. I will explore how Nubian mobilization has taken place in the past decade by considering legal and political opportunities for such mobilization, and particularly how national watersheds such as the 2008 Bread Crisis and the 2011 Revolution sparked the growth of Nubian mobilization. In a final section, I will concentrate on the drafting and implementation of the 2014 Egyptian Constitution, which is the first legal instrument to make explicit mention of Nubia and implicitly to acknowledge a Nubian right of return. In this same section, I explore how various discourses have been employed when demanding return to ancestral lands.

This article is based on fieldwork and archival research in Cairo, Egypt, between March and May 2014, and in February 2015. Archival research was conducted in the collection of

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<sup>2</sup> R. El-Mahdi (2009) Enough! Egypt’s Quest for Democracy, *Comparative Political Studies*, 42(8), pp. 1011–1039.

<sup>3</sup> R. Poeschke (1996) *Nubians in Egypt and Sudan: Constraints and Coping Strategies* (Saarbrücken: Saarbrücken Verlag für Entwicklungspolitik); and H. M. Fahim (1983) *Egyptian Nubians: Resettlement and years of coping* (Salt Lake City: University of Utah Press).

<sup>4</sup> E. Hughes (2011) Displacement and Indigenous Rights: The Nubian Case, in: S. Venkateswar & E. Hughes (eds) *Politics of Indigeneity* (London: Zed Books).

unpublished literature available at the library of the American University in Cairo, as well as in the Rare Books and Social Collections section. Semi-structured interviews were conducted in Cairo and via Skype with a limited number of key Nubian activists. This article also is based on an analysis of published and unpublished legal materials, such as petitions to the UN and draft laws concerning Nubian return, as well as Nubian-related news publications and Nubian groups on social networking sites.

### *Studying Rights Mobilization*

When explaining Nubian mobilization and demands, I use conceptual tools from legal mobilization studies. Legal mobilization seeks social change through legal norms or discourse and extends beyond litigation to include activism.<sup>5</sup> The term as such describes broadly any type of process by which individual or collective actors invoke legal norms, discourse or symbols to influence policy or behavior. The legal mobilization concepts of *legal/political opportunities* and *frames*, borrowed from social movement theory,<sup>6</sup> are particularly potent for understanding Nubian mobilization.

A political opportunity generally is seen as a social movement actor's perception that an organized challenge to the status quo will be successful.<sup>7</sup> A legal opportunity structure, on the other hand, can be seen as a process-based explanation for social activity that involves a combination of access to the courts and judicial receptivity. In the context of the Middle East, however, scholars such as Joel Beinin and Frédéric Vairel have critiqued the structural tradition of such opportunities by arguing that 'social movements in the Middle East operate in the interstices of persisting authoritarianisms that subjects them to varying degrees of coercion and offer them few openings for mobilization. Many of them have very limited resources and weak formal organizations.'<sup>8</sup>

I will draw upon previous studies that demonstrate how in repressive environments where civil-political rights are curtailed, violated, or where there is a lack of cultural resonance, social movements may not be able to mobilize rights in the same way as do their Western liberal counterparts. Collective action subsequently may develop in alternative forms.<sup>9</sup> Beinin and Vairel specifically have claimed that mobilization, often being linked to the concept

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<sup>5</sup> M. Bernstein (2001) Gender, Queer Family Politics, and the Limits of Law, in: M. Bernstein & R. Reimann (eds) *Queer families, Queer Politics: Challenging Culture and the State* (New York: Columbia University Press); K. Bumiller (1988) *The Civil Rights Society: The Social Construction of Victims* (Baltimore: Johns Hopkins University Press); and P. Burstein (1991) Legal Mobilization as a Social Movement Tactic: The Struggle for Equal Employment Opportunity, *American Journal of Sociology*, 96(5), pp. 1201–1225.

<sup>6</sup> D. McAdam, J. D. McCarty & M. N. Zald (eds) (1996) *Comparative Perspectives on Social Movements: Political Opportunities, Mobilizing Structures, and Cultural Framings* (Cambridge: Cambridge University Press).

<sup>7</sup> D. McAdam (1999) *Political Processes and the Development of Black Insurgency, 1930–1970*, 2nd ed. (Chicago: University of Chicago Press); and D. McAdam, S. Tarrow & C. Tilly (2001) *The Dynamics of Contention* (Cambridge, UK: Cambridge University Press).

<sup>8</sup> J. Beinin & F. Vairel (2013) Introduction: The Middle East and North Africa Beyond Classical Social Movement Theory, in: J. Beinin & F. Vairel (eds) *Social Movements, Mobilization, and Contestation in the Middle East and North Africa* (Stanford, CA: Stanford University Press).

<sup>9</sup> L. J. Chua (2012) Pragmatic Resistance, Law and Social Movements in Authoritarian States: The Case of Gay Collective Action in Singapore, *Law & Society Review*, 46(4), pp. 713–748; M. Fathi Massoud (2011) Do Victims of War Need International Law? Human Rights Education Programs in Authoritarian Sudan, *Law & Society Review*, 45(1), pp. 1–31; and C. Davenport (2005) Repression and Mobilization: Insights from Political Science and Sociology, in: C. Davenport, C. Mueller & H. Johnston (eds) *Repression and Mobilization* (Minneapolis: Univ. of Minnesota Press).

of ‘threat’, takes a different form in the Middle East than in other parts of the world. In this region, there appears to be a particular ‘lack of opportunity.’<sup>10</sup> Indeed, it is also true, as Jeff Goodwin and James Jasper have argued, that a large number of processes and events influence mobilization—‘such opportunities ... do not result from some invariant menu of factors, but from situationally specific combinations and sequences of political processes.’<sup>11</sup> Thus, I will attempt to understand Nubian mobilization in a historical context, in which the notions of risk and threat are central.

Furthermore, the process through which movements mobilize ‘symbols, claims and even identities in the pursuit of activism’ is known as framing.<sup>12</sup> Here I will concentrate mainly on what is known as legal framing.<sup>13</sup> This framing need not involve the courts—literature on law and social movements in fact has engaged with the ‘constitutive’ character of law, whereby law in society in general helps to shape meaning and identity in people’s everyday lives.<sup>14</sup> This ‘legal narrative’ approach is important because it can engender a non-instrumental and social constructionist view of law.<sup>15</sup>

### Nubian Inaction Explained

One would imagine that the vast resettlement of Nubians in the 1960s would have triggered large-scale political and social unrest among the Nubian population. However, whereas there surely have been minor and very limited attempts at challenging the marginalization of Egypt’s Nubians since then, no extensive mobilization took place until after the 2000s. Before exploring this mobilization, it is therefore imperative to consider why this is the case. While other writers have focused on explaining the generally very low levels of popular mobilization for democratic reform in Egypt, including the notion of ‘flexible authoritarianism’ which entails the selective use of coercion and co-optation of political dissent as well as pervasive clientelism within state-society relations,<sup>16</sup> I want to discuss factors that appear specific to the Nubian case. As I will argue, some of the main reasons include the role of Egyptian Arab nationalism, Nubian marginalization, Egyptian state repression and the fragmentation of the Nubian community.

#### *Egyptian Arab Nationalism*

While Egypt was one of many Arab states that voted in the United Nations for the 1992 Declaration on Minority Rights, the 2007 Declaration on Indigenous Rights and the 2001 UNESCO Declaration on Cultural Diversity, government actions at home have focused on homogenizing the Egyptian population and on consolidating a single national identity. This position was spelled out explicitly in Article 1 of the 1971 Constitution: ‘Egyptian

<sup>10</sup> Beinin & Vairel, Introduction.

<sup>11</sup> J. Goodwin & J. M. Jasper (2004) *Rethinking Social Movements: Structure, Meaning and Emotion* (Lanham, MD: Rowman & Littlefield).

<sup>12</sup> R. Williams (2004) The Cultural Contexts of Collective Action: Constraints, Opportunities and the Symbolic Life of Social Movements, in: D. A. Snow, S.A. Soule & H. Kriesi (eds) *The Blackwell Companion to Social Movements* (Malden, MA: Blackwell), p. 93.

<sup>13</sup> N. Pedriana (2006) From Protective to Equal Treatment: Legal Framing Processes and Transformation of the Women’s Movement in the 1960s, *American Journal of Sociology*, 111(6), pp. 1718–1761.

<sup>14</sup> P. Ewick & S. Silbey (1998) *The Common Place of Law: Stories from Everyday Life* (Chicago: University of Chicago Press); and M. McCann (1994) *Rights at Work: Pay Equity Reform and the Politics of Legal Mobilization* (Chicago: Chicago University Press).

<sup>15</sup> A-M. Marshall (2005) *The Law and Politics of Everyday Life* (Burlington, VT: Dartmouth Ashgate).

<sup>16</sup> El-Mahdi (2009), Enough!

people are part of the Arab Nation and work for the realisation of its comprehensive unity.’ Egypt’s statements at the UN also poignantly illustrate this stance.<sup>17</sup> In 1994, for example, the Egyptian representative explained how the ‘Egyptian legal system is based on national unity, that Egypt is a homogenous society and that its people only speak one language.’<sup>18</sup> In 2001, the representative explained that in Egypt, there is in fact ‘... full homogeneity among all the groups and communities of which the Egyptian population consists since they all speak the same language, Arabic, which is the country’s official language and Arab culture predominates in all its geographical regions, both desert and coastal.’<sup>19</sup>

Even though the concept of *religious* minority has long been part of Egyptian legal traditions, and certain religious minorities—most notably the Copts—have been tolerated, ethnic, racial immigrant, and mode-of production based minorities and indigenous groups are not recognized officially in Egypt.<sup>20</sup> At the heart of Egyptian nationalism, therefore, lies the absence of formal boundaries between Nubians and other Egyptians. Rights generally have been afforded in terms of *citizenship*. Will Kymlicka and Eva Pfössl have argued that historically this may be explained in part by the Ottoman Empire’s legacy of the *millet* system, under which religious minorities were understood as second class citizens who did not enjoy the same rights as the Muslim majority.<sup>21</sup> Because Egyptian nationalist leaders tended to view minorities as being incompatible with nation-building, census data thus effectively erased indigenous and minority presence, and it is therefore almost impossible to estimate the current number of Nubians in Egypt.<sup>22</sup>

In line with this Egyptian nationalism, many Nubians appear to have supported the construction of the High Dam, feeling that they sacrificed their old homes for the ‘greater Egyptian good.’<sup>23</sup> President Nasser’s framing of the resettlement within the ostensibly neutral context of ‘developing the nation,’ appears to have contained the social and political dissent that otherwise might have been expected. Feeling that demanding specific Nubian rights was, on the one hand, more associated with vulnerability and marginalization than

<sup>17</sup> See, e.g., UN (1990) Report of the Committee on the Elimination of Racial Discrimination, Doc. A/44/18, 15 Feb., para. 155; UN (1994), Report of the Committee on the Elimination of Racial Discrimination, Doc. A/49/18, 19 Sept., para. 368; Representative of Egypt in UN (1993), Summary Record of the 1247th Meeting, Doc. CCPR/C/SR.1247, 29 July, para. 14; Herndl (1994) in UN Summary Record of the 1246th Meeting, Doc. CCPR/C/SR.1246, 8 June, para. 36; and UN (2001) Report of the Committee on the Elimination of Racial Discrimination, Doc. A/56/18, 30 Oct., para. 286.

<sup>18</sup> UN (1990) Doc. A/44/18, 15 Feb., para. 155; and Representative of Egypt in UN (2001) in Doc. CCPR/C/SR.1246, 8 June, para. 28.

<sup>19</sup> UN, Reports submitted by States Parties under Article 9 of the Convention: Egypt (2001) Doc. CERD/C/384/Add.3, 11 April, paras. 334, 362; UN, Summary Record of the First part of the 1485th Meeting in the Committee on the Elimination of Racial Discrimination (2001) Doc. CERD/C/SR.1485, 13 Sept., para. 2.

<sup>20</sup> S. Zuhur (2014) Claiming Space for Minorities in Egypt after the Arab Spring, in: M. Ennaji (ed.) *Multiculturalism and Democracy in North Africa: Aftermath of the Arab Spring* (New York: Routledge).

<sup>21</sup> W. Kymlicka & E. Pfössl (eds) (2014) *Multiculturalism and Minority Rights in the Arab World* (Oxford: Oxford University Press).

<sup>22</sup> Nubian activists vary greatly in their assessments; some put their community’s population at around 300,000, while others go so far as to suggest that the number is approximately three million. See ECHR (2010) *Individual NGO submission to the Office of the High Commissioner for Human Rights on the occasion of the seventh session of the Universal Periodic Review: Egypt*. Available at [http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/EG/ECHR\\_UPR\\_EGY\\_S07\\_2010\\_EgyptianCenterforHousingRights.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/EG/ECHR_UPR_EGY_S07_2010_EgyptianCenterforHousingRights.pdf), accessed May 27, 2015.

<sup>23</sup> S. Allen (2014) Nubians and Development: 1960–2014, MA thesis, Middle East Studies Center, American University in Cairo; and A. Mossallam (2012) *Hikāyāt Sha’b: Stories of Peoplehood, Nasserism, Popular Politics and Songs in Egypt 1956–1973*, PhD thesis, Department of Government, London School of Economics and Political Science.

empowerment, and, on the other hand, could be understood as disloyalty to the nationalist project, it appears as if some Nubians chose to wait patiently for the government to address their situation.<sup>24</sup> Despite their receiving promises that their situation would be resolved by, for example, receiving compensation for lost lands, the number of Nubian families in 2010 who had not been compensated for their confiscated homes nevertheless was estimated to be a staggering 5,221.<sup>25</sup> As I will explain in a later section, Nubian activists strategically have reappropriated this discourse of development to demand a return to ancestral lands.

### *Marginalization*

Much has been written on Arab nationalism, but key in this context is the adoption of Arabization policies in Egypt that privilege the Arabic language and stigmatize other local dialects and cultures as backward and divisive. While Egyptian nationalism long has aimed to be anti-imperialist, anti-racist, and revolutionary, it has been argued that this nationalism rather reinforced historical and racial structures of oppression in which prejudice against Nubians has been a long prevalent trait.<sup>26</sup> Nubian activists explicitly have referred to a ‘Process of de-Nubianization,’ one that includes resettling Arab groups in the lands to which Nubians wish to return; renaming these sites with Arabic place names; ‘pushing Nubians into Arabization through biased educational curricula at the expense of their own languages and culture;’ providing inadequate political representation of Nubians in the Egyptian government; and finally, not upholding the obligation to protect Nubians from discrimination.<sup>27</sup> Indeed, it never has been possible to study the Nubian languages within the Egyptian education system—after resettlement, the language of instruction in the newly built schools was exclusively Arabic, recognized in the 1971 Constitution as the only state language.

According to Tilly, ‘any mobilization at all is more costly to the poor and powerless.’<sup>28</sup> Even though a few Nubians have made it to the very top of Egyptian society,<sup>29</sup> a considerable portion of Nubians are employed in menial work.<sup>30</sup> This also is reflected in Egyptian media and films, which often portray Nubians as doormen, servants or drivers.<sup>31</sup> The marginalization of Nubians in Egypt has led to widespread stereotyping and discrimination, and a 2009 ILO report even found that ‘Nubians are not generally treated as equal members of society.’<sup>32</sup> Nevertheless, Egyptian authorities repeatedly have denied such discrimination.<sup>33</sup> In Egypt, indigenous people are furthermore among the least represented and politically mobilized strata of society. Having ‘virtually no voice,’ these groups have had no institutions to defend their rights directly or to speak on their behalf on matters clearly affecting them.<sup>34</sup>

<sup>24</sup> Author Interview with B, February 2015. All interviews were conducted in Cairo and are on file with author.

<sup>25</sup> ECHR (2010), Individual NGO Submission.

<sup>26</sup> F. Abbas (2014) Egypt, Arab Nationalism, and Nubian Diasporic Identity in Idris Ali’s *Dongola: A Novel of Nubia*, *Research in African Literatures*, 45(3), pp. 147–166.

<sup>27</sup> ECHR (2010), Individual NGO Submission.

<sup>28</sup> C. Tilly (1978) *From Mobilization to Revolution* (Reading, MA: Addison-Wesley).

<sup>29</sup> Notable examples include Egypt’s third president Anwar Sadat who had parents of Nubian origin, and Field Marshal Mohamed Hussein Tantawi. This may be explained by the fact that the army generally has been one of the few means open for the advancement of marginalized groups.

<sup>30</sup> S. Dersso (2009) *Egypt: Constitutional, Legislative and Administrative Provisions Concerning Indigenous Peoples* (Geneva: ILO & African Commission on Human & Peoples’ Rights).

<sup>31</sup> ECHR (2010), Individual NGO Submission.

<sup>32</sup> Dersso, *Egypt*.

<sup>33</sup> Egyptian Representative in Doc. CERD/C/SR.1049, *op cit.* para. 8. See also Doc. CCPR/C/SR.1247, *op cit.*; Doc. CERD/C/384/Add.3 *op cit.*, para. 363.

<sup>34</sup> Dersso, *Egypt*.

*State Repression*

Nubian activists in contemporary Egypt appear only too aware of the risks associated with demanding rights from the state. Some even have argued that, as a group, Nubians have been largely apolitical for the past half-century *precisely* because such political organization has been met with distrust or been repressed outrightly.<sup>35</sup> In Egypt as in other Arab states, minority politics is often subject to harsh forms of control and is highly securitized.<sup>36</sup> While there has been a ‘reluctant and very qualified recognition’ for a promotion of Nubian culture in Egypt—limited to mainly academic and archaeological curiosity—any encouragement of the existence of a separate group with a distinct language and history has been perceived as constituting a threat to the country’s security.<sup>37</sup>

Because any efforts to promote Nubian collective rights have been restricted summarily, most—if not all—Nubian associations have been careful to remain non-controversial and non-political. The so-called Nubian clubs, for instance, never have functioned as a tool for mobilizing Nubian rights. Nevertheless, they have been the most important point of contact for migrants away from their home. The Nubian Club in Cairo, for example, was founded in 1964 to offer families a place to meet, and later turned into a social and cultural forum with branches in Alexandria, Aswan, Ismailiya and Suez. It was more complicated, however, to establish the Egyptian Nubian Association for Lawyers (ENAL). In 2007, Egyptian Nubian lawyer Mounir Bashir attempted to register an association focused specifically on Nubian rights, but governmental authorities sternly rejected his application.<sup>38</sup> Only two years later, after framing the association’s activities more broadly, did ENAL receive permission to register. By 2013, ENAL had emerged as one of the most important mobilizers of Nubian rights.

Although many Nubians appear to see themselves as fully Egyptian, they often have had to refute claims made against them that they are ‘separatists,’ and particularly so when they have reached out internationally to raise awareness of the Nubian plight. It is also for this precise reason that—despite the obvious parallels—none of the Nubian activists interviewed in this study have any notable ties with Sudan’s Nubian community, which is currently experiencing a similar struggle to end marginalization.<sup>39</sup> Egypt’s legacy of colonial rule, for which the ‘protection of minorities’ was one justification, has raised suspicion that minorities collaborating with foreign powers seek to do so in order to weaken state rule.<sup>40</sup> In 2005, for instance, Nubian poet and activist Haggag Oddoul attended the Washington conference ‘Freedom and Democracy in the Middle East’ where he compared the treatment of the Nubians in Egypt to ethnic cleansing and crimes against humanity, and called for the trial of the officials responsible for the displacement of Nubians.<sup>41</sup> Oddoul’s accusations were publicized and criticized widely, including within the Nubian community. One of the most pressing issues appears to have been the simple fact that the question of

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<sup>35</sup> G. Nkrumah (2013) No Benighted Nubia, *Al-Ahram Weekly*, August 15, 2013.

<sup>36</sup> Kymlicka & Pfösl, *Multiculturalism*.

<sup>37</sup> Dersso, *Egypt*; and Hughes, *Displacement*.

<sup>38</sup> Interview D, February 2015.

<sup>39</sup> Y. Akasha (2014) Sudan’s Anti-dam Movement Fights the Flooding of Nubian culture, *The Guardian*, December 12, 2014. Available at <http://www.theguardian.com/world/2014/dec/12/sudans-anti-dam-movement-fights-the-flooding-of-nubian-culture>, accessed October 21, 2015. But see this expression of solidarity with Sudanese Nubian demonstrations: Nubian Democratic Youth Union (2012) Statement of the Nubian Democratic Youth Union concerning the Revolution of our Sudanese Brothers, July 13, 2012. Available at <http://www.y4nubia.blogspot.no/2012/07/blog-post.html>, accessed October 21, 2015.

<sup>40</sup> Kymlicka & Pfösl, *Multiculturalism*.

<sup>41</sup> Interview B, February 2015.

Nubian marginalization and oppression was raised *abroad*. Upon his return, Oddoul faced widespread accusations of being a traitor and working toward separatism that would serve colonial goals.<sup>42</sup>

### *Fragmentation of Nubian Community*

As Nicholas Pedriana and others have demonstrated, social mobilization requires in part that actors perceive a common identity and sense of shared grievances.<sup>43</sup> In Egypt, there long has been disagreement within the Nubian community as to which strategies to employ to achieve change—and which change is to be sought in the first place. It even has been argued that the Egyptian government intentionally has cultivated lines of conflict within the community in order to weaken their ability to mobilize. In the words of one activist, ‘the regime made Nubians isolated islands and talked to all as if they were leaders, now Nubians are fighting over leadership.’<sup>44</sup> Other youth activists similarly have argued that the Nubian clubs attempted to control any claims made on behalf of the community, that is, they requested that all matters concerning the Nubian issue be channeled through the clubs.<sup>45</sup> This fragmentation revolves around the key question of who has the right and authority to speak for and about Egypt’s Nubians. The gap between the generations of older and younger Nubians must be seen as central in this fragmentation—the anger of today’s Nubian youth is not just directed at the state, but also against the older generation of Nubians. An important reason for this criticism is that older-generation Nubians frequently have profiled their concerns as problems common to all Egyptians, for example unemployment and lack of housing, and presenting any concerns as Nubian therefore would be seen as a clear ‘betrayal’ of their Egyptian identity.<sup>46</sup>

### **Crisis and Revolution: A New Dawn for Nubian Mobilization**

The majority of Nubians long regarded mobilization as too risky, and ‘risk’ as such appears to have been an important impediment to mobilization. Since 2005, however, a growing number of Nubians have started to perceive the *status quo* as a more profound threat to their existence and therefore have begun to mobilize for a return to ancestral lands on an unprecedented scale. This section explores some of the most important turn of events for Nubian mobilization, including the emergence of grassroots youth movements following the 2008 Bread Crisis, the strengthening of activism during the January 25 Revolution, and the two constitutional processes that followed this revolution. I will begin by explaining how some of the most important seeds of action were sown in the years before these events, by the work of groups such as ENAL, the Egyptian Center for Housing Rights (ECHR), and the so-called Follow-up Committees.

### *Sowing Seeds of Action*

The attention surrounding Oddoul’s visit to Washington in 2005 surely placed the plight of the Nubians on the public agenda, but it was far from the only initiative of relevance to the embryonic Nubian movement. ENAL, led by Mounir Bashir, was also instrumental in paving

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<sup>42</sup> R. Khallaf (2006) Right of Return, *Al-Ahram Weekly*. Available at <http://weekly.ahram.org.eg/2006/788/eg9.htm>, accessed May 27, 2015; and S. Mahmoud (2013) Nubian Author Seeks Pluralism in Egypt’s New Constitution, *Al-Monitor*, October 6, 2013.

<sup>43</sup> Pedriana, From Protective to Equal Treatment.

<sup>44</sup> Interview F, March 2015.

<sup>45</sup> Interviews F and G, March 2015.

<sup>46</sup> Khallaf, Right of Return.



the way for a broader rights movement. Despite being broadly framed to work with issues other than Nubian rights, ENAL since 2009 has filed several lawsuits concerning return to Nubian lands and/or for fair compensation for their loss and even elaborated several draft laws concerning Nubian return. Egyptian courts have stalled in their handling of the court cases and most remain pending as of early 2016. As I will explain in a later section, however, ENAL's draft laws proved highly significant in the Nubian post-revolutionary rights movement. Also important were the so-called Follow-Up Committees, formed in Alexandria, Aswan and Cairo in 2007, and made up of an older-generation of Nubians who had close ties with the Nubian Clubs. The Follow-Up Committees, since their establishment, informally have taken part in negotiations with the central government, and proved influential in securing funding to build additional houses for Nubians.

More controversial, and established almost simultaneously with Oddoul's Washington visit, is the ECHR, which has become a leading actor in the mobilization of a Nubian return to ancestral lands. Set up to work on the housing rights of all Egyptian nationals, it appears to have been the first civil society organization in Egypt to focus fully on socio-economic rights. Following the increased media focus on Nubian issues, the ECHR soon found itself receiving a large number of complaints concerning the housing rights of Nubians across Egypt.<sup>47</sup> Largely due to ECHR head Manal el-Tibi's background in international human rights law from the American University of Cairo, the ECHR primarily has advocated for the right of return within the international indigenous peoples' framework, an issue to which I will return in a later section.

### *2008 Bread Crisis: Youth Mobilization*

In 2004–2005 Egypt witnessed the rise of a number of protest movements calling for the end of Egypt's one party rule.<sup>48</sup> The rise of these groups signified a drastic change within the Egyptian political society and functioned as a prelude also for Nubian action. One of the most important turn of events nevertheless appears to have been the so-called Bread Crisis, which in April 2008 erupted when a large general strike was called in response to low wages and rising food costs. This crisis differed from previous protests in that it entailed the extensive use of social media, through which activists and workers sought to organize strikes, protests, and demonstrations throughout the country. For a new generation of Nubians, with scarcer resources and fewer connections to the Egyptian state, the Bread Crisis provided political momentum and inspiration to mobilize and demand rights specific to their group.<sup>49</sup> Even though this younger generation might never have visited 'Old Nubia,' it since has become the most vocal and politically engaged. One example is the Nubian Democratic Youth Union (NDYU), which Nubian university students formed in 2009 to 'defend the rights of the Nubian people and minority groups in Egypt.'<sup>50</sup> The NDYU has formulated a specific set of demands from the Egyptian government, and has used social media to mobilize support.<sup>51</sup>

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<sup>47</sup> Interview C, February 2015.

<sup>48</sup> El-Mahdi, *Enough!*

<sup>49</sup> Interview B, February 2015.

<sup>50</sup> Humanity in Action (2012) *Youth for Democracy: Learning from Non-Violent Struggle across the World* (Copenhagen: HiA).

<sup>51</sup> Interview F, March 2015. See also: <http://y4nubia.blogspot.no/>

*2011 Revolution: Street Protests and Internationalization*

‘We were moving step by step,’ Haggag Oddoul remarked, ‘and with the revolution, these steps have become faster.’<sup>52</sup> Indeed, the January 25 Revolution, during which Egyptian activists organized protests against, and eventually toppled, the Mubarak regime, marked an important turning point for Nubian activism as well. Throughout North Africa, minorities actively participated in the pro-democracy protest movements, and, in Egypt, minorities took to the streets for their cause.<sup>53</sup> Before this, Nubians had never taken to the streets politically, but now, many participated in anti-government protests. Interviews with youth activists suggest that Nubians mobilized not because they believed they were necessarily taking less risk than before, but due to the rapidly changing political scene, which prompted many youth activists to consider this situation the best opportunity yet to act.<sup>54</sup> As one youth activist explains, ‘Of course it is dangerous for us to make demands from the government, but now we have political momentum and we must act.’<sup>55</sup> While most who participated in the Revolution did so as Egyptians *and* Nubians, not either/or, the Revolution offered an opportunity for many young Nubians to express ‘organized anger’ against the government for a failure to recognize Nubian rights.<sup>56</sup> Indeed, many Nubian protests concerned more specifically the demands of the Nubian community, even after the Egyptian military took over in 2011. Nubian youth protested en masse in Aswan, even torching a government building in September 2011 after security forces dismantled their protest camp.

Nubian activists were quick to organize in the months immediately following the Revolution. One example is the conference ‘The Problem of Nubian Rights Before and After the January 25 Revolution,’ chaired by Oddoul and organized by the Journalists’ Union. The post-revolutionary political climate in Egypt also fostered the broader internationalization of Nubian youth mobilization. The NDYU attended several international conferences. For example, its members participated in the October 2011 international NGO Humanity in Action’s conference, ‘Youth for Democracy: Learning from Nonviolent Struggle Across the World,’ which was convened in Copenhagen. The following month, NDYU participated in the ‘Citizenship Spring’ workshop in Alexandria. This workshop was co-organized by the Swedish Institute and the Arab Forum for Alternatives. Activists speak of these conferences as key networking opportunities in establishing relations with youth networks in Egypt and across the Middle East.<sup>57</sup>

On another level, however, the internationalization of the Nubian issue brought about difficulties for ECHR and its head, Manal el-Tibi. In an attempt to shame the Egyptian government into strengthening Nubian rights—an unprecedented and bold move, ECHR in 2010 had submitted a petition concerning recognition of Egypt’s Nubians as an indigenous people to the UN Office of the High Commissioner for Human Rights (UN OHCHR) as this body was completing its Universal Periodic Review of the status of human rights in Egypt.<sup>58</sup>

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<sup>52</sup> N. Antoun (2013) The Nubian Issue is of Both National and Revolutionary Importance, *Egypt Independent*, February 5, 2013.

<sup>53</sup> M. Ennaji (2014) Part V: Multiculturalism and Minorities in Egypt, in M. Ennaji (ed.) *Multiculturalism and Democracy in North Africa: Aftermath of the Arab Spring* (New York: Routledge).

<sup>54</sup> Interviews A, C & F, February and March 2015.

<sup>55</sup> Interview C, February 2015.

<sup>56</sup> Interview A, February 2015.

<sup>57</sup> Ibid.

<sup>58</sup> Interview G, March 2015.

After this submission, el-Tibi, herself of Nubian origin, faced harsh accusations that she was calling for Nubian secession. This ‘very risky’ political situation effectively prevented ECHR from submitting a new petition prior to the next Universal Periodic Review on Egypt in 2014.<sup>59</sup> Nevertheless, the ECHR is not the only actor experiencing such threats—ever since they started to articulate their demands publicly, many Nubian activists have been subjected to persistent intimidation and persecution, including obstacles in carrying out legal procedures and even physical assaults.<sup>60</sup> Thus, it is clear that while many of the factors inhibiting any previous mobilization still persisted, Nubian activists sought to make use of the unprecedented opportunities that followed the changes in domestic politics.

### *2012 Constitution: A Nubian Setback*

By early 2012, a new post-revolutionary parliament had been elected, bringing a majority, Islamist-led coalition to power. Nubians as a group still lacked parliamentary representation,<sup>61</sup> and while they continued to mobilize for change, any significant breakthrough was yet to come. After the Revolution, ENAL had elaborated two new draft laws; one guaranteeing the Nubians the right of return to their lands, and one creating a High Committee for Development, which would ensure that government pledges were carried out in the interest of the Nubian community.<sup>62</sup> These drafts were presented to the new parliament, and what has been considered to be ‘high profile’ meetings were held between government officials and representatives of the Nubian community.<sup>63</sup> It soon became clear, however, that these initiatives were futile, and Nubians felt that their demands once again simply had been ‘placed in the drawer.’<sup>64</sup>

Even though Nubian activists brought forward a number of names for the constitutional assembly tasked with drafting the first post-revolutionary constitution, Nubians as a collective effectively were excluded from the process. Islamist political parties dominated the assembly.<sup>65</sup> Manal el-Tibi, who had been elected to the constituent assembly under the category of ‘public figures,’ quit the assembly in protest in September 2012, alleging that ‘the new constitution and system do not carry any sign of fairness.’<sup>66</sup> El-Tibi was only one of many who boycotted the constitutional assembly for being unrepresentative, but she stirred attention when her letter of resignation—in which she accused the constitutional assembly of leading the ‘counter-revolution’—circulated widely in the media.<sup>67</sup> Several attempts were made at

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<sup>59</sup> Interview C, February 2015.

<sup>60</sup> S. Azer (N.d.) Can the New Egyptian Government Deliver on the Promise of the Constitution to the Nubian People?, *Frontline Defenders*. Available at <http://www.frontlinedefenders.org/node/25624#sthash.b1KNsWkM.jFNROgBf.dpuf>, accessed May 27, 2015.

<sup>61</sup> Nkrumah, No Benighted Nubia.

<sup>62</sup> Ibrahim Al-Agamy (2013) An Unrecognized Majority, *Correspondents.org*, January 15, 2013. Available at <http://www.correspondents.org/node/1650>, accessed May 27, 2015.

<sup>63</sup> R. Gehad (2013) Nubians Still Dream of Return to Historical Lands in Upper Egypt, *Ahram*, January 20, 2013. Available at <http://english.ahram.org.eg/NewsContent/1/64/62861/Egypt/Politics-/Nubians-still-dream-of-return-to-historical-lands-.aspx>, accessed May 27, 2015.

<sup>64</sup> Interview D, February 2015.

<sup>65</sup> A. Lang (2013) From Revolutions to Constitutions: The case of Egypt, *International Affairs*, 45(2), pp. 345–363.

<sup>66</sup> C. Molloy (2012) Egyptian Premier meets with Nubians, *Daily News Egypt*, December 12, 2012.

<sup>67</sup> M. El-Tibi (2012) Resignation Letter to Egypt’s Constituent Assembly, *Jadaliyya Reports*, October 12, 2012. Available at <http://www.jadaliyya.com/pages/index/7777/text-of-manal-el-tibis-resignation-letter-to-egypt>, accessed May 27, 2015.

reforming the constitutional assembly, but the constitution that eventually was adopted soon drew wide criticism for falling short on a number of core human rights standards.<sup>68</sup>

Nubian grievances were exacerbated during the presidency of the Muslim Brotherhood's Mohamed Morsi (June 2012–July 2013). For many Nubians, the Revolution came to be seen as a disappointment in that the Mubarak regime's strategic framework for containing Nubians appeared to live on.<sup>69</sup> Already during the run-up to the presidential election, Nubian youth protested at Tahrir Square in front of the Nubian club in response to an 'op-ed' written by a prominent member of Morsi's party and in which he described the Nubians as one of Egypt's colonizers.<sup>70</sup> In January 2013, an astonishing 60 Nubian associations protested outside the Egyptian Parliament to demand an end to Nubians' marginalization and to be allowed to return to their lands.<sup>71</sup>

The numerous actors involved in demanding change for Nubians meant that the community appeared more fragmented than ever. The activists ranged from youth groups mobilizing through social media and/or street protests, to the emergence of an ostensibly armed movement, to the increased involvement of the Nubian diaspora. One example is the April 18, 2012 Blog for Nubia Day organized to commemorate the last forced migration of the Nubians in April 1964 through a day of blogging and tweeting about their cause.<sup>72</sup> Another is the creation in July 2012 of the Nubian Knights group, primarily engaged in social media activism.<sup>73</sup> The group provides online archives of Nubian cultural memory and materials related to Nubian political demands, including the right of return to ancestral lands. It also publishes a series called 'Know your rights, ya Noby' (Know your rights, Nubian).

The Nubian *Katala* (brave warrior) group was formed in November 2012, when a small group of Nubians announced that, if they did not receive political representation as Nubians, they would use violence to restore Nubian rights and to separate Nubia from Egypt completely.<sup>74</sup> Most Nubian activists, however, appear to have not supported such an approach. Indeed, the rise of the *Katala* rather frustrated many activists who constantly had been forced to refute allegations of being secessionists. At the same time, more radical sectors of the Nubian diaspora began putting pressure on the Egyptian government and advocating for a return to ancestral lands. Among these is Europe-based Hamdi Suleiman, who made himself unpopular among many Nubians in Egypt when in 2013 he attempted to launch the Nubian Nile Party. The launching of a Nubian political party explicitly aiming to secure Nubian rights would have been unthinkable during the Mubarak regime. Once such a party in fact was permitted in post-revolutionary Egypt, however, few Nubians actually supported the idea. Some argued that an exclusively Nubian political party would be viewed as highlighting race and ethnicity factors, which would 'alienate' Nubians from the rest of Egypt.<sup>75</sup> But as

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<sup>68</sup> Amnesty International (2012), *Egypt's New Constitution Limits Fundamental Freedoms and Ignores the Rights of Women*. Available at <https://www.amnesty.org/en/latest/news/2012/11/egypt-s-new-constitution-limits-fundamental-freedoms-and-ignores-rights-women/>, accessed October 21, 2015.

<sup>69</sup> Nkrumah, No Benighted Nubia.

<sup>70</sup> F. Emam (2012) The Nubian Challenge, *The Egypt Monocle*, July 17, 2012.

<sup>71</sup> H. Kortam (2013) Nubians Protest Marginalization, *Daily News Egypt*, January 20, 2013.

<sup>72</sup> A. Awadella (2012) Egypt: 'Blog about Nubia' Day, *Global Voices*, April 19, 2012. Available at <http://globalvoicesonline.org/2012/04/19/egypt-blog-about-nubia-day/>, accessed May 27, 2015.

<sup>73</sup> Nubian Knights Community Organization (N.d.) About. Facebook Page. <https://www.facebook.com/nubianknightssteam/info>, accessed May 27, 2015.

<sup>74</sup> Hamed, Nubian Demands; Al-Agamy, An Unrecognized Majority.

<sup>75</sup> Nkrumah, No Benighted Nubia.

one youth activist also explained, ‘No one supported Suleiman, he is seen as too radical. And Nubians also do not want their issue to be dealt with by one single party—Nubians in Suez have different needs than Nubians in Cairo.’<sup>76</sup> Suleiman subsequently failed to raise the mere 1,000 signatures needed to register the party in Egypt.

Nevertheless, by 2013 Nubian activists had mobilized on an unprecedented scale. A series of national crises had sparked political and legal opportunities that appeared to have superseded the factors that previously had inhibited any Nubian mobilization. Yet, what had they actually achieved? No return to ancestral lands was in sight, and most of the ENAL lawsuits concerning Nubian land issues remain pending in early 2016. Additionally, Nubians as a collective were excluded from the drafting of the post-revolutionary constitution, and international bodies such as the UN Human Rights Council did not address their plight, despite pervasive petitioning from groups such as the ECHR. Thus, none of the Nubian demands had been met by summer of 2013. However, as this following section will argue, the incessant mobilization culminated in the 2014 Egyptian Constitution, which finally accommodated the Nubians’ demand for return to ancestral lands.

### *Nubian Return and the 2014 Egyptian Constitution*

In July 2013, after massive protests against President Morsi, the military once again ousted an Egyptian president and suspended the divisive 2012 Constitution. A new constitutional process ensued, leading to the adoption of another constitution through a referendum in January 2014. The processes related to this constitution in many respects appear to have unified previously fragmented sectors of the Nubian community. Two different committees drafted the 2014 Constitution, in two stages, the 10-member committee and the 50-members committee. Although the interim president appointed both committees, it was the first time that Nubians as a collective group were represented. The 50-member committee was appointed from various state institutions, social groups, and religions; in September 2013, Haggag Oddoul was appointed to be part of the assembly. Oddoul, once seen as very radical following his visit to Washington, had by 2013 emerged as an important and unifying link among the fragmented Nubian groups. He brought with him a team of activists, many of whom previously had been engaged in Nubian youth movements such as the NDYU. The team nevertheless struggled to draw the assembly’s attention to the issues that specifically concerned Nubians. For example, only six of the 50 committee members attended the hearing on ‘the Nubian question.’ As one activist commented in disappointment, ‘It was a sad indication of how little the committee really cared.’<sup>77</sup> In the end, however, the 2014 Constitution proved to be greatly successful; as I will explain in the next section, for the first time, ‘Nubia’ was mentioned explicitly and the basis for a Nubian return was set out.

### **Competing Legal and Historical Frames**

One must see contemporary ‘Nubia’ as a dynamic space of land, and the demand of return is therefore not homogenous among Egypt’s Nubians. Many advocate for the right to return to the ‘closest point’ to their original lands around Lake Nasser or to what they call ‘Old Nubia.’<sup>78</sup> Some are more specific in their demands, articulating precise areas that they view as logistically feasible.<sup>79</sup> It is thus no surprise that, while Nubian activists generally agree that

<sup>76</sup> Interview B, February 2015.

<sup>77</sup> F. Emam (2013) Being Nubian in Egypt, and in the Constitution, *MadaMasr*, December 23, 2013.

<sup>78</sup> ECHR (2010), Individual NGO Submission.

<sup>79</sup> Allen, Nubians and Development.

return to ancestral lands is the most important demand, less agreed upon are the strategies and frames used to further this demand. As with social movements elsewhere, they have faced both a competing set of legal frames in relation to such a return but also alternative historical and political frames.<sup>80</sup> I will outline two often employed frames: the human rights frame and the development frame.

### *The Human Rights Frame*

Many of the demands to return to ancestral lands explicitly are articulated through the discourse of human rights. Through the use of this frame, the return to ancestral lands becomes articulated as an inherent right rather than as a favor. The NDYU, for example, has set out a list of ‘special demands’ that the Egyptian state must accept ‘unconditionally,’ and which include ‘recognizing the right of the Nubians to return to their original homeland, and their right to have priority of the reclaimed land around Lake Nasser where there are currently new villages, as well as in the desert areas of Aswan.’<sup>81</sup> Some groups, such as the ECHR, explicitly relate their claims to international indigenous rights, and argue that the recognition of Nubians as an indigenous people would entail that the Egyptian government would have to allow Nubians to return to their traditional lands around the High Dam Lake at the same places of their traditional lands and under the same names of their traditional villages. ECHR expressly draws upon international instruments such as the ICCPR and the ICESCR to ground such claims. Yet other groups tie their demands to the discourse of international minority rights. The Nubian Knights, for instance, regularly cites the 1992 Universal Declaration on the Rights of Persons Belonging to National, Ethnic, Religious and Linguistic Minorities as justification for Nubians’ right to return.<sup>82</sup> This Declaration, the Nubian Knights argue, provides that Nubians in Egypt should be allowed to participate in decisions involving their region, not the least decisions concerning the selling of lands to foreign, private parties.

Some activists also tie the question of a Nubian return to the Palestinian right of return to historic Palestine, and a post on the NDYU’s website is even entitled ‘The Right to Return is Not Only Palestinian.’<sup>83</sup> Suggesting that both Nubians and Palestinians have been displaced similarly from their homelands, one activist expressed that, ‘the Nubian issue is no different than the Palestinian situation.’<sup>84</sup> Because the ‘right of return’ throughout the Arab world intricately is linked to the Palestinian cause, many observers nevertheless have disputed the parallels between the Palestinians and Egyptian Nubians, and have criticized activists’ appropriation of this discourse.<sup>85</sup> These critics primarily have argued that, unlike Palestine, Nubia is not a freestanding, separate nation fighting against an occupying enemy, and further that the ‘right of return’ only should be associated with UN Resolution 194 on *Palestinian*

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<sup>80</sup> Pedriana, *From Protective to Equal Treatment*; and Marshall, *Confronting Sexual Harassment*.

<sup>81</sup> M. M. Megahed (2012) *The Right to Return is Not Only Palestinian*, Nubian Youth Democratic Union Website, April 23, 2012. Available at [http://www.y4nubia.blogspot.com/2012/04/blog-post\\_23.html](http://www.y4nubia.blogspot.com/2012/04/blog-post_23.html), accessed May 27, 2015.

<sup>82</sup> Nubian Knights (2014) ‘Know Your Rights Ya Noby’ Number Three, Nubian Knights Community Organization Facebook Page, June 11, 2014. Available at <https://www.facebook.com/nubianknightsteam/posts/716253208434446>, accessed May 27, 2015.

<sup>83</sup> Megahed, *The Right to Return*.

<sup>84</sup> Interview F, March 2015.

<sup>85</sup> Khallaf, *Right of Return*.

return.<sup>86</sup> Given the symbolism of Palestine in Egypt and in the Middle East in general, the employment of the Palestinian frame when advocating a Nubian return nevertheless can be seen as a highly strategic decision. A similar attempt at cultural framing also has been made by relating Nubian return to the return and resettlement of Suez Canal residents, who were displaced during Anwar Sadat's presidency.<sup>87</sup>

In Egypt, it appears thus that the discourses of human rights have created an important alternative need and source for the legitimation of individual and collective rights other than membership of a nation.<sup>88</sup> However, framing the demand of return within international human rights law has not been unproblematic. Research elsewhere on human rights activism in authoritarian states has demonstrated that speaking openly about the lack of rights can be a hostile or threatening act against a ruling authority seeking self-preservation.<sup>89</sup> Moreover, engaging transnational movements and utilizing international human rights discourse can prompt accusations of abandoning one's indigenous culture and preaching Western influences.<sup>90</sup> As previously mentioned, Nubian activists employing the human rights frame to further their demand of return faced repeated accusations of serving colonial goals and trying to divide the nation. It is not unsurprising, then, that less controversial frames are present.

### The Development Frame

Perhaps the oldest and most widely employed framing is that of development. While often listed among the aims of activist groups in such a broad sense that it essentially includes just about everything, this process of cultural framing links the call for return with a nationalist discourse that could find a broader audience. Indeed, the development frame historically and politically is rooted in the displacement of Nubians during the 1960s. Then President Nasser employed the term 'development' as a 'tool to distract from social and political issues', and the ostensibly neutral language of development explicitly was used to justify the relocation of the Nubians.<sup>91</sup> As a consequence, many Nubians saw development as a right upon relocation—a right that today remains unfulfilled and therefore constitutes the basis of a discourse that is being appropriated to justify return. As Samantha Allen has observed, the 'battle over the "right to return" is also a battle over the "right to develop."<sup>92</sup> However, this discourse not only is employed by the elder generation of Nubians, but also youth activists highlight the direct link between the right of return and the development of remote areas such as Nubia.<sup>93</sup> The 2010 ECHR petition to the UN explicitly mentions a right to development, which includes a demand of 'establishing and assisting Nubians to establish development projects that can benefit them.' The discourse of development is thus the foremost way that Nubians have been able to make their claims in neutral language, which directly speaks to

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<sup>86</sup> M. Seif El-Dawla (2011) The Right to Return is Palestinian and not Nubian, *Journal of Arab Consciousness* website, June 30, 2011. Available at <http://elw3yalarabi.org/modules.php?name=News&file=article&sid=9970>, accessed October 21, 2015.

<sup>87</sup> *Egypt Independent* (2010) Displaced Nubians in Italy petition Mubarak for return to Lake Nasser, September 22, 2010. Available at <http://www.egyptindependent.com/node/158801/devel/token>, accessed May 27, 2015.

<sup>88</sup> Ennaji, Multiculturalism and Minorities.

<sup>89</sup> Massoud, *Victims of War*.

<sup>90</sup> Chua, *Pragmatic Resistance*.

<sup>91</sup> Allen, *Nubians and Development*, p. 109.

<sup>92</sup> *Ibid.*

<sup>93</sup> Emam, *Being Nubian*.

the Government's unwillingness to recognize the role of indigeneity and ethnic minority. Studies elsewhere have demonstrated how mobilization strategies that receive recognition from authorities as valid are more likely to succeed.<sup>94</sup> Nubian activists' use of this frame is thus also an important means by which the Egyptian state has influenced movement strategy and tactics.<sup>95</sup> However, some activists have expressed harsh criticism of this strategy simply because it opens for an understanding of the Nubian issue as solely a land problem, rather than a social, political and economic problem.<sup>96</sup>

#### *Article 236 of the 2014 Egyptian Constitution*

In the process leading up to the adoption of the 2014 Egyptian Constitution, it was precisely through the employment of the development frame that Nubian activists managed to make their demands of return heard. In an unprecedented manner, they demanded the right to return to the land of Nubia (around the lake), and that the population be consulted in the decision-making process for development of their land.<sup>97</sup> The developmental aspect of a Nubian return is clear in Article 236 of the 2014 Constitution, which states that:

The State shall guarantee setting and implementing a plan for the comprehensive economic and urban development of border and underprivileged areas, including Upper Egypt, Sinai, Matrouh, and Nubia. This shall be made with the participation of the residents of these areas in these development projects, and they shall be given a priority in benefiting therefrom, taking into account the cultural and environmental patterns of the local community, within ten years from the date that this constitution comes into effect, as regulated by Law. The State shall work on setting and implementing projects to bring back the residents of Nubia to their original territories and develop such territories within ten years, as regulated by Law.

For many Nubians, Article 236 is an important milestone, not least because it marks the first time constitution drafters included the term 'Nubia.' Others, wishing to emphasize the *right* of return, reject the Article simply for its emphasis on development. ENAL, for example, is critical precisely because the Article links the Nubian right of return to nationwide development goals. As such, ENAL argues, it serves the interests of the state, and not the interests of Nubians, who are granted only the right to return to their lands by way of development projects. As Mounir Bashir has framed it, Nubians should and shall return to this land 'because Nubians are not a "project" and they have rights.'<sup>98</sup> In the following section I will show how Bashir's participation in the new Committee of Rehabilitation and Reconstruction of Nubia represents an opportunity to influence the implementation of this constitutional provision.

#### *The Committee of Rehabilitation and Reconstruction of Nubia*

President Abdel Fattah el-Sisi was elected through a May 2014 referendum, and in September, the Ministry of Transitional Justice formed the Committee on the Rehabilitation

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<sup>94</sup> B. D. Adam, J. W. Duyvendak & A. Krouwel (1999) *Gay and Lesbian Movements beyond Borders? National Imprints of a Worldwide Movement*, in B. D. Adam, J. W. Duyvendak & A. Krouwel (eds) *The Global Emergence of Gay and Lesbian Politics* (Philadelphia: Temple University Press); and Chua, *Pragmatic Resistance*.

<sup>95</sup> Chua, *Pragmatic Resistance*.

<sup>96</sup> Interviews B and D, February 2015.

<sup>97</sup> Emam, *Being Nubian*.

<sup>98</sup> Allen, *Nubians and Development*.



and Reconstruction of Nubia. This Committee is tasked with implementing the constitutional provisions on Nubia by drafting a specific law on return.<sup>99</sup> The 25-member Committee is headed by the Minister of Transitional Justice, and includes eight public figures and lawyers from the Nubian community. Several members are Nubian youth activists, who were previously part of Oddoul's team during the constitutional process, but they are joined by members of the Follow-up committees and ENAL's head Mounir Bashir, who had not been engaged in the constitutional process. Manal el-Tibi is also engaged, not as a Nubian representative but rather in her capacity as a member of the National Council for Human Rights. Until now, the committee has elaborated three draft laws on the 'Rehabilitation and Development of Nubia,' the most recent of which was submitted to the Council of Ministers in February 2015.<sup>100</sup>

The fact that ENAL's two draft laws, developed in the aftermath of the 2011 Revolution, provide the basis for the Committee's work suggests that the question of competing frames does not seem to be resolved with one frame winning through. In the view of one activist closely associated with the drafting process, these laws employ a human rights frame and thus allow for return on different terms than what was laid out in the Constitution's Article 236.<sup>101</sup> The first of these drafts intends to detail an implementation plan for the relocation of Nubians to Lake Nasser, and the second aims to establish a public, independent body to administer Nubian issues, including resettlement around the lake and the reconstruction and development of the lake area. All land belonging to Nubia also would fall under the jurisdiction of this body.

There are pressing concerns that the constitutional changes and the work of the Rehabilitation Committee may not translate into implementation on the ground. The recent gains made by the Nubians are under pressure from the increasing militarization of Egyptian society and the shrinking space for civil society and political action in general. The *entrée* of President el-Sisi not only brought about an unprecedented assault on Egyptian civil society, but also increased the militarization of Egyptian society in general. In light of a new presidential decree that blatantly undermines the work of Nubian activists, committee members interviewed in 2015 were doubtful that the most recent draft law would be approved.<sup>102</sup> Presidential Decree 444, introduced 'without warning' in November 2014, establishes vast areas along the Egyptian border as military zones, including 16 villages to which Nubians demand to return. Members of the committee nevertheless have appealed the Decree on the basis that it is unconstitutional, and this case was pending when this article went to press.

## Conclusion

'Without social movements, we would achieve nothing,' one prominent activist concluded toward the end of our interview.<sup>103</sup> Indeed, in a political climate where the Egyptian government has long attempted to quash any public debate or mobilization to claim Nubian rights, the developments in recent years are striking. In this article, I have attempted not only to explain why Nubians as a collective traditionally have not mobilized, but also how the emergence of several unprecedented legal and political opportunities in the past decade

<sup>99</sup> *Ahram* Online (2014) Egypt Forms Committee to Draft Law for Nubian Resettlement, October 8, 2014. Available at <http://english.ahram.org.eg/NewsContent/1/64/112628/Egypt/Politics-/Egypt-forms-committee-to-draft-law-for-Nubian-rese.aspx>, accessed May 27, 2015.

<sup>100</sup> Interview D, February 2015. All draft laws on file with author.

<sup>101</sup> *Ibid.*

<sup>102</sup> Interviews D and F, February and March 2015.

<sup>103</sup> Interview C, February 2015.

ultimately paved the way for substantial Nubian mobilization. A series of national crises appeared to have superseded the factors that previously inhibited any Nubian mobilization. These opportunities, I argue, nevertheless were impeded by the fragmentation of Nubian activists, who have not been cohesive in their approach to making demands on the Egyptian government. While their protests never escalated into mass movements, Nubians as a collective were included in an unprecedented manner in the 2014 constitutional process. The 2014 Egyptian Constitution is the first legal instrument to explicitly make mention of ‘Nubia’ and to implicitly acknowledge a Nubian right of return. Nubian participation in the drafting of the 2014 Constitution and the subsequent work on implementing the constitutional provisions relevant for Nubian return importantly had a unifying effect on the Nubian community as a whole and arguably strengthened a sense of shared belonging.

When it comes to demanding a return to ancestral lands, I furthermore have shown how Nubians employ competing legal and historical frames: (1) The right of return based on indigenous/minority rights frameworks or the renowned Palestinian right of return; and (2) a less confrontational development frame used by the Egyptian government itself and rooted in the displacement of the Nubians in the 1960s. I have shown also how, for some, these seemingly competing frames actually are intertwined—without development, they argue, there can be no return. Although the law on Nubian return as drafted by the Rehabilitation Committee clearly has adopted a development discourse as a way to ensure legitimacy and validity from the Government, the opposition to this discourse by prominent groups such as ENAL suggests that the question of competing frames does not seem to be resolved finally with one frame eventually winning through.

### Acknowledgements

The author wishes to thank Magnus Dølerud, Camila Gianella and three anonymous reviewers for comments on an earlier version of this article. All remaining errors are the author’s sole responsibility.

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