

Roma in Europe From Social Exclusion to Active Participation

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to Active Participation

Editor
Peter Thelen

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Foreword

This book focuses on a new policy framework and is being published with the intention of encouraging a greater understanding for the right of the Roma to participate to a greater extent than in the past in the decision-making processes affecting them as well as in realizing the programs based on these decisions and controlling them. In other words, the book addresses a policy for the Roma, meaning one that is legitimated with and by the Roma, one that is formulated and put into practice by them, one that is devised in light of the political actors involved and rooted in those who represent them. It addresses both non-Roma, who usually have little knowledge of the Roma and whose opinion is blurred by prejudice, and the Roma, who despite the tough living conditions most of them have to master nevertheless find the energy to stand up for the interests of their group at the local, regional, state or even European level.

For centuries now, i.e., since their arrival in Europe, the Roma are the subject of political decisions that have as a rule been leveled against them. In their "gypsy policies", the political decision makers tended to be in line with the opinion of the majority of the population, among whom nurtured by prejudice fears prevailed. While the intensity of the persecution of the Roma everywhere and at all times has differed, it certainly culminated sadly in the Nazi genocide, to which hundreds of thousands of Sinti and Roma fell victim.

Despite this historical background, the Roma disappeared for decades from the public eye and the political domain, although their disadvantaging continued. Not until the divisions in Europe started to be overcome did political attention start to be directed toward the Roma. European integration and the greater interest European policy makers have shown in the Roma has for the first time created an opportunity to break the vicious circle of prejudices and social marginalization. Many Roma believe this trend offers a basis for politicizing the debate on the Roma and for demanding political participation. In the first essay in this volume the editor endeavors to shed light on this debate, the background, and the stimuli it has triggered and render these accessible to the general public. – *Günter Grass*, the Nobel Prize laureate for literature, was probably the first prominent non-Roma to publicly champion Roma participation in policy-making at the European level. The relevant extract from his speech in Strasbourg is reprinted here.

The debate on political participation by the Roma likewise hinges on a discussion of how the Roma are seen and how they see themselves. This relates to the question of identity as a community-building factor. For ethnic minorities or nations, a shared language is not only a means of communication but also of finding an identity. The Roma language, and it has survived a millennium of migration, is an endangered cultural heritage in Europe worthy of protection. In their essays, *Rajko Djuric* and *Marcel Courthiade* address the political and linguistic aspects of the use of the Roma language.

Andrzej Mirga, himself one of the initiators of the debate on political participation for the Roma and still an active commentator and shaper of a Roma policy in the above sense, describes a highly informative discussion between representatives of the Roma and those of the European Parliament and the European Commission. In so doing he takes stock of the progress made in participation for Roma in various new EU member states as has been necessitated by the EU's policy on this issue.

The main reason for the untenable situation in which the majority of the Roma find themselves is anti-ciganism, which has repeatedly led to discrimination against the Roma. In his essay, *Claude Cahn* discusses the current state of things in this regard and outlines the legislation aimed to prevent discrimination.

An interesting model for minority participation (if one that can in part be criticized) was that introduced in Hungary in the early 1990s. *Jenő Kaltenbach* was involved in devising the model and since being put in place as the ombudsman has accompanied its implementation ever since. Together with *László Fórika* he describes the impact the Hungarian legislation on minorities has had on the Roma. *Sevdija Demirova-Abdulova* describes another example for the Roma assuming political responsibility, and probably the most important instance at the local level, namely the Macedonian community of Shuto Orizari. *Osman Balic* by contrast outlines the difficulties of rendering participation by the Roma more effective in the Roma parties in Serbia and Montenegro.

The editor has tried to make certain that in this volume the majority, but not all the contributions were authored by Roma. Some of them, for good reason, choose the spelling "Rrom", others stick with the version "Rom".

Peter Thelen
Budapest, Nov. 2005

Peter Thelen

Roma Policy: The Long Walk Towards Political Participation

1. Roma in Europe

On 1 May 2004, the European Union was joined by ten new members. As a result of this greatest ever enlargement, the total population of the "Europe of 25" has increased by 74 million to a total of 453 million. Other countries are seeking membership and are likely to join the EU in the foreseeable future. The decision to divide Europe, taken at the Yalta conference almost 60 years ago, has been thoroughly overcome.

The debate about a constitution for an enlarged European Union has demonstrated how difficult it is to create a workable decision-making mechanism for an entity this large. After all, the constitution process is about each member's power, where 'members' means countries.

The size or the 'weight' of a member state can be determined in several ways, such as its territory or its GDP. One obvious criterion is the size of a country's population, a figure of great importance in the debate on how the votes in the EU's decision-making bodies are to be counted. By this standard, the size of EU member states varies considerably, with Germany having a population of 82 million while three other countries have less than one million (Cyprus, 0.8m, Luxembourg and Malta 0.4m each). Countries with less than 3m people are Estonia, Lithuania and Slovenia.¹¹ of the 25 member states have a population of less than 6m.

The completion of the recent enlargement process has included into the EU a people¹ that does not have a state of its own. In fact, the enlargement has brought on a doubling of the EU's Roma population to its current 3 million citizens. The European

¹ Here and in the following the word "people"(Volk) is used as an unspecific expression in order to avoid the term "community" which, since F. Tönnies – i.e. since the late 19th century - has been used across the German literature in conjunction with "community-building factors". "People" is a term also used by Romani representatives. Cp. inter alia, Djuric, R., *Ohne Heim – ohne Grab. Die Geschichte der Roma und Sinti*, Berlin 2002, p. 17f

Parliament's Resolution on the Situation of Roma in the European Union of 28 April 2005 speaks of 7 to 9 million Roma living within the EU. The countries that are currently seeking membership, with good prospects, have a significant percentage of Roma in their population, too. In Romania alone, their number is estimated to be between 1.5 and 3 million. Hence, the next enlargement wave is likely to result in another considerable increase in the EU's Roma population. The South East European countries for which the EU has adopted special responsibility and which are also considering EU membership have an estimated one million strong Romani population, too.

So even now the number of Roma people in the enlarged EU outnumbers the populations of some of its smaller member states. Assuming there are 3 million Roma in Europe, which is a conservative estimate, there are now 6 EU countries with less people than there are Roma in Europe. At the next enlargement this will clearly apply to more than a third of all states that are then likely to be EU members.

An additional factor is the high population growth among the Roma people. Some authors estimate that the number of Roma in Europe has quintupled since the Second World War. It ought to be mentioned, though, that census data and current estimates come with a statistical uncertainty factor. In any case, it can be assumed that the Roma's birth rate is significantly higher than that of the mainstream population. Studies in Bulgaria, the Czech Republic, Slovakia and Hungary have shown the number of children in Roma families to be two to three times higher than the national average. The number of children in Roma families is even higher than that of the poor families in the mainstream population. These data suggest, for one, a correlation between birth rate and social situation, as well as being an indication of the extreme deprivation of the Roma. It can be assumed that an improvement of the Roma's social situation would bring their birth rate closer to that of the mainstream population.

A vast majority of the Roma population is extremely underprivileged in their country of residence. They are exposed to prejudice, discrimination and social exclusion. This lack of status exists not only in new or would-be member states but also in the established EU countries. The Roma differ from other national minorities in that they have double minority status. They are an ethnic minority as well as constituting the most underprivileged class across European society as a whole.

The mere volume of this part of the European population as well as its dynamism and its specific problems raise the question how the European Union and its member states intend to respond to the new situation, and what the Roma themselves want and are willing and capable of doing. A community that refers to itself as democratic cannot in the long run tolerate the exclusion of such a massive group of its citizens. Conversely, a large excluded part of the population will not stay passive forever, but will, if no other option becomes visible, try to defend its interests both within and outside the established political process. "The social unrests in the Romani 'mahala' (neighbourhood) of Plovdiv, Bulgaria in 2002 and the riots in eastern Slovakia in February 2004 are warnings of the consequences of indecision and inaction."²

In the light of the European understanding of democracy and social equality, the question is what role this important part of the population is to play in the EU, in other European organisations and in the member states. The last EU enlargement process has moved the Roma into the light of political attention. Their situation in the accession states was a regular part of the annual progress reports submitted to the Commission by each country. In these reports the governments of accession states were required to outline proactive policies to improve the situation of this minority. A specific EU programme to assist the Roma has been in existence since the year 2000. This package of measures to improve the situation of this minority leaves the Roma a mere object of politics. The question is, does a Roma policy that deserves its name not require the Roma to take an active part in relevant decisions, and become actors, not objects, of this policy, and if so, how? This question produces further questions, such as the one concerning the democratic legitimisation of their official representatives. Who are and who should be the Roma who speak on the Roma's behalf? In order to answer this question, we first need to take a look at who the Roma are, how they are perceived by others, and who they consider themselves to be.

² Plaks, L., Mirga, A., in: Project on Ethnic Relations, Roma and EU Accession: Elected and appointed Roma representatives in an enlarged Europe, Princeton, New Jersey, 2004, p. 2

2. Europeans for Six Centuries

Roma live in all European countries. Frequently they are called, or call themselves, by different names. The autonyms, i.e. names they give themselves, include

- the *Sinti*, who live mainly in Germany, Austria, northern Italy, Slovenia and eastern France,
- the *Manouch* who live in France,
- the *Kale* from Spain, and
- the *Romanichals* in the UK.

Many other names are used to denote sub-groups, frequently derived from their occupations or from the countries in which a group has or is thought to have stayed in the past. These include the Calderas (coppersmiths) and the Lovara (horse dealers), who, again, form part of the Vlach-Roma (a regionym suggesting that the group is originally from Walachia).³

The best known designations by which others refer to the Roma are *Zigeuner*, *Tsigane*, *Zingari*, *Cigany* as well as *Gypsy* and *Gitano*, where the last two names are misnomers based on the assumption that the Roma people came from Egypt. As opposed to these exonyms, *Roma*⁴ is the autonym used by a large group of people living mainly in central Europe. This name is also used as a generic term to denote all sub-groups and is used by the academic and political communities and at an international level.⁵

The Roma share in the total population of the old EU member states was between 0.1 and 2 %. In most of the central European countries that joined the EU on 1 May 2004, and in the other countries such as Romania, Bulgaria and the other countries of the Balkan peninsula that are currently seeking membership, the percentage, as mentioned above, is significantly higher.

³ Only a few names are listed here. The number of autonyms and exonyms is much greater. Without claiming to be complete, Hübschmannova in her glossary lists 51 names. Cp. Hübschmannova, M., Rombase, in: www.uni-graz.at/rombase

⁴ Roma is the plural of Rom (man, husband). The female form is Romni. Romani is the adjective.

⁵ We have decided to do the same, especially as the generic exonyms, such as *Zigeuner* in particular, are perceived as discriminatory by most Roma. We did, however, use the terms *Zigeuner* and *Gypsies* where they are part of quoted literature, or where they are used in conjunction with literature quoted, are part of a historic context, or if we wished to point out anti-gypsy content (as in "Zigeunerpolitik").

There are no accurate, verifiable data on the total number of Roma or their exact percentage of the total population. Official census or survey data differ widely from the estimates offered by experts and NGOs. There is a reason for this. Owing to their experience of discrimination and persecution over several centuries, which has often included persecution by state authorities, people are finding it wiser not to declare their membership of this minority. This means that census data are heavily marred by the negative prejudice of the mainstream population vis-à-vis the Roma minority, and by the Roma's fear of negative consequences. This explains why the results of two subsequent surveys can differ to an extent that cannot possibly be explained by mere demographic factors.

An especially unrealistic account of the size of the Roma population and other minorities was given in the communist era. Today's estimates are up to ten times as high as the official statistics of that time. But even in the period following the political system change, census data are not much more accurate. In the 2001 census only 89,000 citizens in the Republic of Slovakia indicated that they were Roma, whereas most estimates propose a number between 480,000 and 520,000. According to a census held in the same year in the Czech Republic there were only about 12,000 Roma, whereas estimates refer to 2 to 3% of the total population, which would be closer to 300,000 Roma people. But even these estimates cannot be considered objective. Wherever a person is classified as being a member of an ethnic group by another person, this attribution may also be influenced by that other person's bias and interests.⁶

To sum up, in most countries the estimates published by experts and Romani organisations regarding the size of the Roma population are considerably higher than official census data, often by a multiple. The estimates also vary among themselves but in each case, expert estimates are higher than the figures based on self-identification. We can therefore offer the proposition that if there

⁶ For details about the problem of determining the number of Roma in the total population, see Ladanyi, J., Szelenyi, I., Die "gesellschaftliche Konstruktion" der Roma-Ethnizität in Bulgarien, Ungarn und Rumänien in der Periode des Übergangs zur Marktwirtschaft, in: Zeitgeschichte, 30th year., p. 64ff, or Ladanyi, J., Szelenyi, I., The social construction of Roma ethnicity ..., in: Review of Sociology, Vol. 7, 2001, p. 79ff - Babusik, F., Legitimacy, Statistics and Research Methodology – Who Is Romani in Hungary Today and What Are We (Not) Allowed to Know About Roma, in: Roma Rights, 2004, No. 2

were less legal and physical discrimination against the Roma, census data and estimates would converge. The same would happen if the efforts to build the Roma's self esteem and community spirit, which this paper will discuss in one of its later chapters, were successful.

Despite their large number the Roma form a minority in every single country. Their situation differs in three ways from that of most other national minorities: *they are present in all European states; in all countries they constitute the most disadvantaged group; and they have no territory or home country of their own that might support their interests.*

Despite the size of this people most Europeans know little about these fellow citizens. Certainly, part of the reason is the role as outsiders that the Roma have had to play throughout their history and that they are still playing at present. The current situation of most Roma can hardly be understood without taking a closer look at their history. For this reason and in order to back up the argumentation in the latter part of this paper, some historical facts and theories will be presented in the following.

Since the Roma have no written history, their origin has remained in the dark for a long time. Towards the late 18th century, linguistic studies provided the evidence that the Romanes, the Roma people's language, is akin to the Sanskrit which was once spoken in the north western part of India. Although, based on this linguistic evidence, the Roma can be classified as Indo-Europeans, the question as to when and why they left their home region has not been finally answered to this date. The literature offers a wide choice of explanations, ranging

- from the 4th century B.C. when Alexander the Great invaded parts of northern India with his army,
- via the 5th century A.D. when Bahram Gur, the then shah of Persia, recruited 10,000 musicians, dancers and acrobats from India,
- via the period of the conquests of Mahmud of Ghazni at the beginning of the 11th century
- to the war campaigns of Genghis Khan in the 13th century.

Certain dateable changes in the Sanskrit language suggest that the Roma have separated from the Sanskrit-speaking community between the 9th and 14th centuries. This is the time span during which the Roma are likely to have left their home region. It can be assumed that there were several emigration waves over an

extended period of time. Several possible explanations for this migration have been offered, including military aggression and invasion, the recruiting of craftsmen, traders and artists, people being deported or recruited by foreign armies, or famines. The biggest emigration wave would have been the one caused by the 17 conquests of Mahmud of Ghazni between 1000 and 1027 A.D.⁷

A further point of uncertainty is the social class and the occupational groups the travelling Roma would have belonged to. It could be a false conclusion to think that the Roma belonged to the lowest class, an idea that the marginalised situation of the majority of Roma today might easily suggest. The documents and theories presented in recent studies propose a different answer. The Roma's former home region had a caste system. Within this structure, "most of the Romani community belonged to the third caste..."⁸ This caste mainly consisted of traders and craftsmen and did not bear weapons. However, this theory is not shared by all historians who deal with the early history of the Romani people. One of them is the Indian author W. R. Rishi who offers the theory that in addition to the Romani craftsmen, the group who left India is likely to have included some warriors, too.⁹

There are several theories as to the migrating Roma people's itinerary. Reliable linguistic analyses have shown that at least the majority of emigrated Roma or their descendants spent a long time living in Persia and later in Armenia. Although there is some evidence suggesting that Roma have existed in the Byzantine Empire since the year 1000, the first indication of Roma presence in Europe dates back to the period around 1300 (1290 – Mount Athos in Greece, 1322 – Crete). For the period to follow, the existence of Roma in Europe is documented more and more frequently (1348 – Prizren in Serbia, 1362 Dubrovnik in Croatia). First reports of the presence of Roma in the German region (Hildesheim) date back to the year 1407. For the years to follow, many other documents have been found in other parts of Germany as well as in today's Romania, Hungary, the Czech Republic, Switzerland, Belgium, the Netherlands, as well as France, Italy and

⁷ See Djuric, R., *Zigeuner des Lexikons – Die Roma in Nachschlagewerken: Ein Vorschlag zur Korrektur*, in: www.minderheiten.org/roma/textarchiv/texte/djuric_lexikon.htm - See also Djuric, R., *Ohne Heim – ohne Grab*, loc.cit., p. 57f – Hübschmannova, M., *Herkunft der Roma*, www.romani.uni-graz.at/rombase

⁸ Djuric, R., *Ohne Heim – ohne Grab*, loc.cit., p. 35

⁹ Cp. Martins-Heuß, K., *Zur mythischen Figur des Zigeuners in der deutschen Zigeunerforschung*, Frankfurt a. M. 1983, p. 44f

Spain. The presence of Roma on the British Isles, in the Scandinavian and Baltic countries and in Russia is documented from the early 16th century onwards.¹⁰

A remarkable fact is that unlike other migrating peoples the Roma never made an attempt to conquer a territory for themselves by force. The reason may be that they did not emigrate simultaneously as a whole people but travelled in small groups and over an extended period. The other reason may be that following Djuric's theory they did not belong to a weapon bearing caste and that warlike violence was against the rules of their original culture.

On arriving in Europe they continued to travel long distances in small groupings, presumably in an effort to explore Europe. As time went by, their trips became noticeably shorter. As early as in the 15th century some groups gave up travelling altogether, settled down as farm workers, traders or artisans. In the Ottoman Empire, a number of Roma travelled along with the army, working as sword smiths or rendering other services. A major number of them settled down, others held on to their nomadic or semi-nomadic lifestyle.

There are several possible reasons why people decide to change from permanent migration to temporary or seasonal travelling, to a life in permanent housing, or, in fact, to continue a fully nomadic lifestyle. One is personal choice. Some Roma's decision to continue life on the move may have been caused by their search of independence, their (not entirely unfounded) fear of being taken as slaves, or simply their pleasure in a change of scenery. The most frequent reason, however, would have been an economic one. In densely populated areas where a craftsman was likely to find many potential customers, it may have made sense to settle down permanently, provided that this was accepted by the local leaders and the population. In a sparsely populated region customers would have been scattered over a wide area, so that it appeared wiser to travel around to where the customers lived. This form of economic activity is called service nomadism. Whether a person practised it or not was determined by their economic and social environment, and has therefore been subject to change. – In addition to this "structural" reason, there may have been "circumstantial" reasons based on decisions taken by non-Roma (Gadje) people.¹¹ These

¹⁰ See Liégeois, J.-P., *Roma, Sinti*, Fahrende, Berlin 2002, p. 28ff – Mayerhofer, C., *Roma in Mittel- und Osteuropa*, in: *Der Donauraum*, 40. Jg., 2001, Nr. 1 – 2, p. 11

¹¹ Liégeois, J.-P., loc.cit., p. 39

would have been expulsion, or its opposite, forced settlement, or enslavement.

A person's decision to settle down or not is usually determined by a combination of several reasons. This paper, however, intends to focus on some examples of externally- induced mobility and forced sedentarism as these have played a particularly relevant part in Roma history. The degree of heteronomy has probably been greater in a people that has split up into many small groups and travelled to foreign countries, presumably without the use of weapons, than it would have been in another.

During the Ottoman Empire the Roma were treated with reasonable tolerance and enjoyed rights similar to those of other parts of the population.¹² In western and central Europe they were initially protected and tolerated, too. Although when they arrived they enjoyed the protection of supreme secular and spiritual authorities and were greeted by the local population with curiosity and active charity, the attitude of the population and the powers that be changed fairly fast. They were indicted by the church of practising witchcraft and written off as unchristian. To the secular authorities they were an obstacle, hampering their control over their subjects. The local trades, which were organised in guilds, fought them as competitors. Only a few years after they were first documented in the German region, they were "forcefully expelled from Frankfurt in 1449, and towards the end of the century their rejection has become generalised..."¹³ They were no longer tolerated on the German Empire's territory as from 1501, and could be murdered with impunity. Suspicions that they were working as spies for the Turks led to a first systematic persecution of the Roma in the German region. This policy had repercussions in the rest of Europe, too, as neighbouring countries wanted to prevent Roma from taking refuge on their territories. "Finally, with some delay all countries of central and western Europe promulgated 'anti-Gypsy' legislation."¹⁴ "During the 17th century, Sinti and Roma were hanged along national borders to illustrate the punishment that was to be expected by those who were caught crossing the borders."¹⁵ The Roma were banned from settling down as well as from travelling. Hence, the Roma's nomadism can also be understood as a

¹² On the history of the Roma in the Ottoman Empire: Marushiakova, E., Popov, V., *The Gypsies in the Osman Empire*, Hatfield, 2001

¹³ Liégeois, J.-P., loc.cit., p. 159

¹⁴ Samer, H., 16.-18 Jahrhundert, in: Rombase, www.romani-uni.at/rombase

¹⁵ Liégeois, J.-P., loc.cit., p. 159

permanent escape from varying intensities of persecution in the various regions.

The phenomenon of induced mobility also includes the migration waves triggered off by the political decisions in recent history. During the Second World War, Roma were expelled from Italy, Croatia and Slovenia.¹⁶ The last big migration wave of this kind was caused by the breakup of Yugoslavia in which Roma were suffering attacks from all sides by the hostile nationalist warring parties.

This development reached another sad climax in 1999 in Kosovo, right under the eyes of KFOR troops that had set out to end "ethnic cleansing". Kosovar Roma, most of whom had been residents for generations, were murdered, raped, and driven from their homes after the end of the NATO military campaign and after the Yugoslav troops had left.¹⁷ KFOR soldiers were unable to protect them from the hatred of both Albanians and Serbs, "be it because they were unable to cope, be it because, once again, members of the Roma people were denied protection".¹⁸ Four-fifths of the 120,000 or so Roma living in Kosovo at the time left the region or became internal refugees within Kosovo.¹⁹ About half of the refugees are now staying in Serbia and Montenegro and other countries in the Balkans. The other half are in Western Europe. Only a minority have official refugee status. Most of them are under a continuous threat of being deported back to Kosovo. Little has been done so far to allow the displaced Roma a safe return to their home region. Despite many years under UN administration there have been repeated violent clashes and acts of violence against Roma in Kosovo. Returning Roma were murdered, others were threatened. Paul Polanski, who visited Kosovo with a study team from 1 March until 30 September 2003, comments that during the period of his study, more Roma had left Kosovo than had returned.²⁰ The victims

¹⁶ Ibid., p. 36

¹⁷ See European Roma Right Center, *Roma in the Kosovo Conflict*, Budapest 1999 – Report of the Society for Threatened Peoples, Kosovo – Unter den Augen der KFOR: Massenvertreibung der Roma, Aschkali und Kosovo-Ägypter, 7th ed., 2001

¹⁸ Grass, G., *Ohne Stimme – Reden zugunsten des Volkes der Roma und Sinti*, Göttingen, 2000, p. 37 – G. Grass, referring to this issue, adds: "In Holland, Serbian and Croat war criminals are tried and sentenced, which is right. But where is the place where European governments are taken to court and face their judge for their failure to render assistance in Kosovo?", *ibid.*, p. 76f

¹⁹ For the figures, cp. European Commission (ed.), *The situation of Roma in the Enlarged European Union*, Luxembourg 2004, p. 11

²⁰ Cp. Society for Threatened Peoples, *Roma, Aschkali und "Ägypter" – Ohne Zukunft im Kosovo*, Göttingen 2003

of the March 2004 riots included not only Serbs and Orthodox churches and monasteries but also several Roma, Ashkali und Egyptians whose houses were set on fire by Albanian Kosovars. Violence against Roma was hardly covered in the media. There is reason to fear that once Kosovo has become independent, there will be a further escalation of violence against the Roma. As a result of the perceived and expected threat, many Roma, both among those who have fled the region and among those who have stayed, fail to see a future for themselves in their home country.

Not only the decision by the Roma to flee but also the decision to stay in a place can either be a personal decision, or induced by force. In either case there is usually an underlying economic reason, either on the part of the Roma, or on the part of the mainstream population, or their government. What makes a government allow the Roma to stay can be the insight that it requires too much effort, or is simply too expensive to persecute the Roma continuously and to drive them out of the country. Another possible motivation is that the Roma can be seen as a reservoir of cheap labour that is worth exploiting. This is how Spain has over a long period of time pursued a policy of "in rapid succession and with utter consistency, either extinguishing the Roma or enforcing their complete assimilation". From 1539 the "Gitanos" were either executed or put to work on royal galleys. King Philipp III ordered them to be driven out of the country, and threatened to have them killed if they returned. They were, however, permitted to stay if they agreed to settle down and become assimilated. In 1633 Philipp put a ban on Roma communities living together as a group, speaking their language and dressing differently from the Spaniards. His successor continued this policy. At the beginning of the 18th century, the resettlement of the "Gitanos" into permanent housing had to a large extent been concluded. However, the intended assimilation had not happened. On 20 July 1749, Philipp V ordered to round up all Roma that could be found and sent them into forced labour. On this "Black Wednesday", between 9,000 and 10,000 Roma were murdered.²¹

A further example from history for a forced relocation and assimilation policy was that of the Austrian Empress Maria Theresa and her successor after 1758. The Roma were used as farm hands in agriculture and forced to settle down. In order to make this project succeed in the long term it was also decided to destroy Roma culture by imposing sanctions: their leaders (Hungarian:

²¹ Cp. Samer, H, loc.cit.

Vajda) were banned, the term Gypsy (Hungarian Cigany) was replaced by terms like “new farmer”, marriages between Roma were prohibited, and mixed marriages were encouraged by offering public grants. Children were taken away from their parents. The use of the Romanes language was made a punishable offence. The policy of physical expulsion and extermination was replaced by one of eradicating the Roma culture. Despite these decades of oppression, permanent resettlement only succeeded in the region of today's Burgenland. The destruction of the Roma identity worked only partially. – Another wave of forced resettlement occurred under communist rule. Once again it was mainly economically motivated. The Roma could be used as a cheap pool of unskilled workers in the labour-intensive industries and in agriculture.

One example of forced resettlement followed by a migration wave is the history of the Roma in today's Romania. The very first Roma to have been documented in this region were slaves. They were sold to a monastery in 1382.²² The final *abolition of slavery* in Walachia and Moldavia took place in 1856. It, too, contained an element of forced resettlement, or partial resettlement, and it triggered off a major migration wave. A large percentage of the several hundred thousand Vlach Roma left the territory of today's Romania and moved both to East Europe as well as Austria-Hungary and Germany, but also to North and South America and Australia.

This sequence of circumstance-induced phases of settlement and migration has continued until the present time. In the communist era, 100,000 Roma were moved from the Slovak part of the CSSR to the Bohemian lignite mining region. After the Czech Republic and the Slovak Republic had separated, these Roma were denied Czech nationality which, reinforced by daily discrimination, resulted in the building-up of pressure to emigrate.

Despite the different degrees of mobility of the different Roma groups which can be anything between permanent nomadism, seasonal or regionally limited travelling and a fully sedentary lifestyle, the stereotype still prevails with a large part of the European population that all Gypsies are permanently on the move. What the original lifestyle of the Roma was in their Indian home region, whether their ancestors were nomads, or sedentary people, is impossible to tell with any degree of certainty today. What we do know is that in the various dialects of the Roma language, the words referring to a sedentary life and farming mainly came from an

²² Cp. Erich, R. M., Roma, in: Der Donauraum, loc.cit., p. 107

Indian origin, while most terms referring to a nomadic lifestyle are borrowed from European languages, especially from the Romanian.²³ This can be seen as an indication that the Roma were sedentary in their original home land. – Whatever reasons may have led to either permanent residence or permanent migration in the past, we find today that a vast *majority of European Roma are sedentary*.²⁴

The history of the Roma in Europe is a history of rejection and exclusion by the mainstream populations, and by other minorities. It is a history of persecution, displacement and extermination both by the population and by the state. On the other hand, there is also a record of "Roma policies", or rather anti-Roma policies, which aimed at forcing people into permanent housing with the objective of complete assimilation. This policy was founded on the idea that the "Gypsies", as a result of their culture, were of inferior value, as well as being destructive for society. By making them settle down and by making this a condition for education and assimilation it was intended to eliminate these apparent shortcomings at least partially, so that the labour of this fast growing population group could be used. In Germany, too, this policy was pursued at the beginning of the 20th century. At the same time, especially at a local level, people pursued the opposite intention, i.e., getting rid of the "Gypsies". This contradiction was once and for all resolved by Nazi politics. The concept of Roma being "inferior" that was largely shared by the advocates of assimilation, too, was re-dubbed as "irrevocably inferior" in the jargon of Nazi racist ideology. The "Gypsy question" could only be resolved by extermination. The National-Socialist synthesis was death. Death was the only place where migration and sedentarism could become one."²⁵

²³ Cp. Marushiakova, E., Popov, V., Zigeuner – auf beiden Seiten der Grenze, in: SFB materials "Differences and Integration ". Working group reports: Borders and Transitions. Centre for Oriental Studies, Halle-Wittenberg University, 2002

²⁴ As mentioned before, the size of the Roma population is difficult to quantify. Hemetek indicates that 95% of Roma in Europe are sedentary. Cp. Hemetek, U., Zwischen Hass, Ausgrenzung und Romantisierung, in: Der Donauraum, loc. Cit., p. 21 - Liegeois refers to about 20 % "nomads" and the same number of "semi-nomads" among all Sinti, Roma and Travellers in Europe. Cp. Liegeois, J.-P., loc.cit., p. 47. The fact that the percentage is higher than Hemetek's estimate may be explained by the fact that the Travellers, ethnically speaking, are not members of the Roma people, and that they travel more extensively.

²⁵ M. Zimmermann, in a speech held at the DFG conference "Zwischen Erziehung und Vernichtung. Zigeunerforschung und Zigeunerpolitik im Europa des 20. Jahrhunderts", Bonn, 29 Sept. -1 Oct. 2004 (adapted from Hilbrenner, A., Süddeutsche Zeitung, 5 Oct. 2004, Publication planned for 2006)

In Nazi Germany, persecution reached its sad climax, a fact that cannot and must not be erased from the Roma people's collective and individual memories. As early as 1933, that is the year of the Nazis' "assumption of power", the discrimination against Roma increased and was underpinned with racist argumentation. The boxer Trollmann was stripped of his title as German champion for racist reasons. The laws to legalise compulsory sterilisation were extended to include the Roma, too. Deportation to camps where compulsory sterilisation and castration was performed on Roma people began in 1934. The "final solution" of the "Gypsy question" announced by Himmler in 1938 was the murder of Roma from Germany and other European territories under German occupation.

In Germany, scientists who denied the genocidal character of the killing of a large part of Europe's Roma population existed until the Eighties.²⁶ Then, the genocide was officially recognised, albeit at a late stage, under Helmut Schmidt, Germany's Social-Democratic Federal Chancellor. "The Sinti and Roma have suffered severe injustice by the Nazi dictatorship. They were persecuted on the grounds of their race. These crimes must be regarded as an act of genocide".²⁷ This political recognition can be regarded as a first success of the Roma movement in Germany whose members had brought the issue to public attention by their demonstrations in the former concentration camps, Bergen Belsen and Dachau. Likewise, the Third World Congress of the International Romani Union (IRU), held in 1981 in the German city of Göttingen, focused on the genocide against the Roma: according to data provided by the Documentation and Cultural Centre of German Sinti and Roma, the victims of this crime add up to 500,000 Roma.²⁸

²⁶ Streck, for example, refers to the "so-called second genocide" (after the genocide perpetrated against the Jews), as not being based upon "anti-Gypsyism". Cp. Streck, B., Die nationalsozialistische Methode zur „Lösung des Zigeunerproblems“, in: Tribüne, Zeitschrift zum Verständnis des Judentums, vol. 20, 1981, 78th issue, p. 53ff – For reactions to these propositions, see Rose, R., Die neue Generation und die alte Ideologie, in: Tribüne, vol. 21, 1982, 81st issue, p. 88ff - The term "Holocaust" has meanwhile been widely adopted, as is demonstrated by its frequent use in official EU documents. An example would be the Resolution of the European Parliament on the Situation of Roma in the European Union of 28 April 2005, or the report "The Situation of Roma in the Enlarged European Union", issued by the European Commission in 2004.

²⁷ Helmut Schmidt, adapted from Strauß, D., "da muss man wahrhaft alle Humanität ausschalten..." – referring to the post-war history of Sinti and Roma in Germany, in: www.minderheiten.org/roma/textarchiv

²⁸ Cp. inter alia Rose, R. (ed.), Der nationalsozialistische Völkermord an den Sinti und Roma, Heidelberg 1995 and other publications of the Documentation and Cultural Centre of German Sinti and Roma. However, the figures differ. Some authors assume a figure of "only" 250,000 victims among Roma. The United States Holocaust

The Roma were less successful than others in determining the conditions of their own lives. How they lived and if they were to live at all was dictated, and is to a large extent still today, by a hostile environment. Even when it comes to improving their living conditions, decisions today are mostly taken by local, national or European authorities in which the Roma are not represented. Given this situation, many Roma have great hope in a united Europe, a Europe which, for the first time in history, could give them at least some influence on the decisions affecting them.

3. Exclusion as a Result of Anti-Gypsyism

Despite many differences there are a number of analogies between the fate of the Jews and that of the Roma. One analogy is their dispersion. Both the Jews and the Roma have been a part of the European population for centuries. In all countries, they make up a percentage of the population that is visible, although different in size.

The second phenomenon that the Roma and the Jews have in common is that part of the population is prejudiced against them. The motivation of this prejudice has changed in the course of history, and has been intermingled with racist ideology from the second half of the 18th century onwards.²⁹ However, the resulting hostile attitude has remained the same to this date. If directed against Jews, this attitude has come to be condemned by a majority, and its manifestations have diminished since the Second World War. The rejection or even hostile attitude towards the Roma, by contrast, is rooted within the European mainstream population and tends to increase rather than decrease.

The prejudice-based hostile attitudes towards Jews and Roma are called anti-Semitism and *anti-Gypsyism*, respectively. The underlying motivation can conceivably range from religion to superstition to economic interests. In their most radical form, these attitudes are based on race. Persecution reached its worst extreme in the "Nuremberg Laws" and pertinent decrees which explicitly related to the Jews *and* the "zigeuner", and which set the genocide

Memorial Research Institute indicates a bandwidth of between half a million and a million and a half.

²⁹ See: Wippermann's remarks on Heinz Moritz Grellmann in: Wippermann, W., *Wie die Zigeuner – Antisemitismus und Antiziganismus im Vergleich*, Berlin 1997, p. 97 ff

machine against both groups of the European population in motion.³⁰

Although both modern anti-Semitism and present day anti-Gypsyism are forms of racist thinking, and although both Jews and Roma became victims of the extermination machine of the Holocaust, the differences between the two groups are not altogether insignificant.³¹ While the term anti-Semitism, which was coined by the anti-semitic author Wilhelm Marr in 1879, soon became a part of the established academic and political terminology to describe racially-motivated hostility to Jews,³² the term anti-Gypsyism was not created until the 80s of the last century.³³ The reason why the term anti-Gypsyism³⁴ was introduced at such a late stage is that being prejudiced against the Roma has been accepted as normal by a large majority of the population, so that the lack of a term to cover the phenomenon went unnoticed.³⁵ While anti-semitic thought and behaviour was politically condemned after the Holocaust, anti-Gypsyism was not. It has prevailed in the thoughts and feelings of a majority of the European population. The awareness of the existence of anti-Gypsyism has emerged only recently – mainly thanks to the efforts undertaken by Roma organisations at a national and international level.

At the same time, it should be noted that prejudice against "Gypsies" has recently increased. Wippermann, speaking of Germany, reports a 51 % increase in the year 1987 on 68 % in the year 1994.³⁶ One reason for this development may be that the

³⁰ The genocide of Sinti und Roma which took place in Germany and on German occupied territories is impressively documented at the Documentation and Cultural Centre of German Sinti and Roma in Heidelberg.

³¹ For further reference on the differences not dealt with in depth in this paper, see Zimmermann, M., *Die nationalsozialistische Verfolgung der Zigeuner. Ein Überblick*, in: Matras, Y., et al., *Sinti, Roma, Gypsies. Sprache – Geschichte – Gegenwart*, Berlin, 2003, p. 142 ff

³² Wippermann, W., loc.cit., p. 10, 86ff

³³ The term was first used in France and then entered the German literature. Cp. Wippermann, W., loc.cit., p. 11, 17. – In Germany, the term is also used by Sinti and Roma representatives, such as Romani Rose, the Chairman of the Central Council of German Sinti and Roma. Rose, R., loc.cit., p. 8

³⁴ In the English-speaking literature, anti-Gypsyism has emerged as the accepted term that is also used by Roma representatives, see, inter alia, Hancock, I., *The Pariah Syndrome. An account of Gypsy slavery and persecution*, Ann Arbor, Michigan 1987, p. 115ff

³⁵ Wippermann, W., loc.cit., p. 11

³⁶ Ibid, p. 243. Figures are probably based on EMNID survey data. Cp. Bastian, T., *Sinti und Roma im Dritten Reich*, Munich 2001, p. 87

political events of the past 15 years have caused many Roma to leave their home countries. Many of them were under threat, a large number became victims of ethnic confrontation in which many Roma were killed or driven out of the country. In the receiving countries they were hardly met with sympathy but, paradoxically, with increasing rejection.³⁷

A similar increase in hostile feelings against the Roma has also been recorded in the other countries that changed their system in the 1990s. In the communist era, the Roma issue had at least partly been under taboo. Official census data recorded only a fraction of the Roma population. After 1989, the general majority became more aware of the Roma as a group. With this increased perception came an increasingly negative prejudice, which is to no little extent owed to biased media coverage.³⁸

Over the past few years, many countries have experienced a surge in violence against Roma. The police did little to prevent or investigate these actions. The violence came, in particular, from the system change losers giving vent to their frustration by attacking the Roma who were losers themselves. In the Czech Republic alone, over 30 murders of Roma were recorded between 1989 and 2000.³⁹

Public opinion has it that the life circumstances of the majority of Roma are often caused by the specific nature of the Roma and their typical "Gypsy lifestyle". This opinion is not a new one. It is shared by a number of writers who study the Roma people. This theory of a specific ethnic identity, the otherness of the Roma, must be rejected even where it is meant in a friendly, pro-Gypsy way. Even if used with favourable intentions, it may lead either to an overall acceptance of the Roma people's situation and the concern that any change could destroy the uniqueness of this population group, or it can lead to segregation (particularly in the education system) in an effort to honour these alleged specificities.⁴⁰ Where the specificities

³⁷ The malignant force of anti-gypsyist prejudice in Germany is also dealt with by Äneke Winkel. Cp. Winkel, Ä., Antiziganismus – Rassismus gegen Roma und Sinti im vereinigten Deutschland, Münster, 2002

³⁸ Referring to Romania, Roth quotes the studies by Baican and Pervain, see. Roth, A., Die Roma in Rumänien: eine marginalisierte Minderheit, in: Friedrich-Ebert-Stiftung (ed.), Verdammt zur Marginalität. Die Roma in Rumänien, Bukarest, n.d., p. 57f

³⁹ Thurner, E., Eine Zeitbombe tickt – EU-Osterweiterung zur Entschärfung des europäischen Roma-Problems, in: Der Donauraum, loc.cit., p. 89

⁴⁰ This statement is not intended to speak against special measures to assist the Roma which are needed until their specific disadvantages have been removed. For

are perceived as negative, the argumentation of the Roma people's 'otherness' leads to discrimination and persecution and, in the most extreme case, physical destruction.

Although Roma people have been living in some European countries on a permanent basis for a long time and have every right to consider themselves a part of their home country's society – which has not protected them from being persecuted and killed during the Holocaust - it can be stated that the overwhelming majority is not or only insufficiently integrated in the economies and societies of their home countries. To simply explain this situation by their character, cultural or otherwise, is unconvincing. This one-sided approach obscures the view of the other causes that lie beyond the Roma people's influence, i.e. the behaviour of the mainstream population, and politics. These external factors have prevented Roma integration ever since the Middle Ages. The fact that the Roma have developed certain defence mechanisms as a result of these experiences is not surprising. What it does teach us is that if a group has assumed typical behaviours as part of its culture, these behaviours can change as a result of the behaviours of other groups, and that culture is not static but must be understood as a process.

Many of the views that can be heard frequently do not, or at least not sufficiently, analyse the causal implications. Have the Roma led a nomadic life over so many centuries as a result of an urge for freedom and independence, or is this way of life a consequence of being prevented from settling down, and of not having used weapons to claim land like others did? Is the frequency of property offences attributable to an undeveloped awareness of the institution of ownership in capitalist society, or is the reason rather that the Roma are in an extremely poor social situation, so that a comparison with other parts of the population, who are living in similarly deprived social circumstances, in terms of poor training and extremely high unemployment, would lead to very similar results? How much is attributable to prejudice, and to what extent were political errors in past and present the root cause of poor integration in the employment market? How much of the problem

example, the town of Pecs in South Hungary has a grammar school for Roma students, which aims at increasing the extremely low number of Roma students in the country's general universities. About 80 % of students who have attended Gandhi Grammar School move on to college or university. This experience has inspired the creation of a grammar school for Roma children in Zvolen in Slovakia which was opened in autumn 2004.

was caused by the rejection of the Roma by the mainstream population?

W.D. Hund points out how, in the history of thought, certain character traits have traditionally been associated with the Romani people. "The gypsy category, where it is made the subject of scientific ethnification based on the term 'race', has distinct social implications, carrying the denial of subservience and industriousness, two virtues increasingly found desirable in the formation of the bourgeois society and in the wake of the triumphant advance of protestant ethics. The history of the meaning of the term has drawn on the gypsy stereotype in two ways, in that it combines the diagnosed idleness of gypsies with the concept of a nomadic life and freedom."⁴¹

The underlying problem is that where stereotypical images are used, alleged group characteristics are transferred to individual members of that group. This implies that neither the possibility of behaviour modification over time nor the fact that a group consists of individuals are taken into account. Stereotypes therefore never do justice to reality. It is irrelevant whether the attributed characteristics are perceived as negative or positive. Romantification and discrimination are two sides of the same coin and are both an outgrowth of anti-Gypsyism.⁴²

The absence of the aspects of individuality and time in existing definitions of the Roma may stem from two sources. One is the biologicistic approach that considers the Roma to be a genetically-determined group of people. The other is based on lifestyle and the thought that the Romani way of life deviates from that of the mainstream population. "Both the culturalistic and the biologicistic construction carry the risk of producing a racist Gypsy image".⁴³ Based on current knowledge in the field of genetics, the biologicistic construction has become untenable, yet the culturalistic theory seems to prevail. This approach tends to juxtapose cultures "declaring cultural differences as irreconcilable, and the culture of

⁴¹ Hund, W. D., *Romantischer Rassismus. Zur Funktion des Zigeunerstereotyps*, in: Hund, W. D., *Zigeunerbilder. Schnittmuster rassistischer Ideologie*, Duisburg, 2000, p. 15f

⁴² S. a. Winckel, Ä., *Antiziganismus – Rassismus gegen Roma und Sinti im vereinigten Deutschland*, Münster, 2002, p. 11

⁴³ Zimmermann, M., loc.cit., p. 117. Inferiority that is said to be „in the blood“ needs not be referred to in depth in this context. Moreover, a substantial body of literature has been published, albeit late, about the madness of "research in racial hygiene".

the Gypsies as unbearable ".⁴⁴ Ultimately, this line of reasoning leads to the belief that it is the Roma's own fault if they are underprivileged and discriminated against, for after all they have refused to adapt to the mainstream population.

The culturalistic theory emphasises cultural differences between a country's mainstream population and the Roma, reducing the cause for these differences exclusively to ethnic identity. Any interdependence between what different groups think and how they act is completely neglected. The fact that cultures can change remains entirely unconsidered, and so does the great heterogeneity between and within different Roma groups, as well as the individuality of their members.

These views deserve to be challenged even if the behaviours and characteristics they attribute to the Roma are positive. This is the case in the writings of gypsyologists who regard the "culture of freedom" to be the essential feature of a "Gypsy-like lifestyle"⁴⁵, refusing to be controlled both by the capitalist and the socialist system's claim to power. According to them, Gypsy culture was "basically to be understood as an independent tribal culture in its own right", which, in the dichotomy between national organisation and tribal organisation, chose to position itself on the "human side".⁴⁶ These "gypsyologist" thoughts have received severe criticism by other authors and by the Roma themselves. Wippermann says: "No, the Sinti and Roma are part of a people and represent an ethnic minority in the Federal Republic of Germany. They do not constitute a social formation, and cannot be categorised as 'the fringes of society'..." The ethnification of behaviours is to be rejected even where these behaviours are glorified as a sign of an 'oppositional lifestyle'.⁴⁷

Hund, in his essay on romantic racism, refers to a racist element that can be inherent in romantic stereotypes despite their positive

⁴⁴ Ibid., p. 117

⁴⁵ S. Gronemeyer, R., Unaufgeräumte Hinterzimmer. Ordnungsabsichten sozialistischer Zigeunerpolitik am Beispiel Ungarn, in: Münzel, M., Streck, B.(ed.), Kumpania und Kontrolle. Moderne Behinderungen zigeunerischen Lebens, Giessen 1981, p. 196

⁴⁶ Cp. Münzel, M., Zigeuner und Nation, Formen der Verweigerung einer segmentären Gesellschaft, in: Münzel, M., Streck, B., loc.cit., p. 21

⁴⁷ Wippermann, W., loc.cit., p. 201 – Cp. also Rose, R., Die neue Generation und die alte Ideologie, loc.cit., - Hund, W.D., loc.cit., p. 17 – Teichmann in this context speaks of a cultural racism which increasingly displaced genetic racism of the 70s and 80s. Cp. Rassismus und Menschenrechte, in: www.romani.uni-graz.at.rombase

content: "The ambivalence of the Gypsy stereotype permits any variation of the romantic element from cynicism to complete identification. But even the most romantic form of identification, in the field of gravity of an overall Gypsy stereotype, can only present itself as racism."⁴⁸

The persistence of anti-Gypsyism leads to a perpetuation of the problems that the Roma are confronted with. The behaviour of the mainstream society along with that of other minorities continues to impede the integration process. This, in no insignificant way, also applies to the employment market. Even if two people have identical qualification, a vacant job is more likely to be given to the non-Roma applicant, rather than the person who, by his very outer appearance, signals that he is a Rom.

Anti-Gypsyism also leads to discrimination in other important fields that play a crucial role with regard to the life circumstances and development opportunities of any population group, including the Roma. One of these key areas is education. The Lisbon Strategy, too, puts a strong emphasis on the importance of education and training for the development of Europe. However, here lies yet another field where the Roma are at a specific disadvantage. This disadvantage is likely to perpetuate their present situation. There are statistics - although incomplete - and academic studies that offer compelling evidence for the exclusion of Roma by many countries' education systems; resolutions adopted by the European Council in Lisbon attribute great value to education systems; and yet, "given the type of educational priorities set by the EU in Lisbon, combined with the failure to recognise, to this very date, that racial segregation and other forms of exclusion on ethnic grounds are, in fact, a threat to the Lisbon targets, there is a real danger that this might give rise to actions that cause harm to the situation of the Roma and other marginal groups in European education systems."⁴⁹ Any strategy to improve the educational opportunities of the Romani people begins with a clear understanding of the causes of the present situation. And one cause is racially-motivated discrimination against Roma.

Another essential ingredient for overcoming the exclusion of the Roma is housing. This area, which has quite obviously been determined by anti-gypsyist behaviour, is one of great importance for integration. "Where the residential situation is improved beyond

⁴⁸ Hund, W.D., loc.cit., p. 30

⁴⁹ European Commission (ed.), loc.cit., p. 21

a certain level there invariably comes a point when integration becomes an irreversible process.”⁵⁰

Persistent prejudice makes it difficult to get political programmes adopted to improve the situation of the Romani people. As such programmes are so unpopular, politicians often fear for their chances in the elections and for their votes from the mainstream population. Even where national programmes have been adopted, these often remain without the desired success because their implementation is prevented by local or regional authorities who either hold a bias against the Roma themselves or fear the reaction of the anti-gypsyist majority.

Europe's Romani populations differ from other national or ethnic minorities by the fact that

- they live in all parts of Europe although in varying concentrations,
- they are confronted with negative prejudice everywhere, and
- they constitute the most deprived part of the population, i.e. the part that is the least included in the economic and social systems of their home countries.

The status of the Roma as opposed to other groups is one of a *twofold minority*. They are an ethnic minority, as well as being the group that, given the strong and even growing anti-Gypsyism, faces the highest level of deprivation.

Given that anti-Gypsyism has its roots not in the Roma themselves but is in essence a problem generated by the non-Roma, it can only be addressed by a policy that starts out by working with the non-Roma. Awareness needs to be created for the historical causes of anti-Gypsyism. Academic studies of Roma-related subjects and their inclusion in school and university programmes must be encouraged, as should the building of greater sensitivity for anti-gypsy prejudice in the media. This must also include dealing with the Roma genocide which still has not become part of the general historic consciousness as the Jewish Holocaust has. The fact that it is possible to defeat racism is demonstrated by the decline, at least partial, of anti-Semitism after 1945.

⁵⁰ Ibid., p. 30

4. The Roma - a Social Problem or a People with a Social Problem?

It has been firmly established by academic studies and reports published by international organisations such as the OSCE and a number of NGOs, but it is also plain to see for anyone who visits a Roma dwelling, that most people of this group are especially underprivileged.

Most European Roma are resident in former communist countries. No matter if the Roma were travelling or had settled down as craftsmen (blacksmiths, potters, artisans) with a permanent residence, their work which, by tradition, they carried out independently and informally, was no longer in demand in these countries and even regarded as undesirable. They were misfits in a centrally-controlled, planned economy. At the same time, extensive industrialisation brought about a major need for unskilled labour. Consequently, many Roma were moved to industrial areas and employed in the construction of industrial sites, civil engineering work as well as in production itself, especially in heavy industry. This is how large, ghetto-like housing estates emerged in industrial population centres. The Roma were transferred from the informal sector to the government controlled-economy, and proletarianised. This is how they began to depend on jobs, or, alternatively, social benefits. – The process had another desirable effect. It meant that the traditional extended families which handed down Roma language and culture from one generation to the next, and which gave their members a certain sense of security in a hostile environment, were broken up by sending family members to different locations. A workers' collective was easier to control than a clan that spoke a foreign language and had a strong sense of coherence.

This policy of assimilation which was practiced by most communist governments with little success worked on the assumption that the Roma were to be regarded exclusively as a social problem group. To think in ethnic categories was to think in the wrong categories, as it obscured class attributions. Seeing the Roma as part of a class "was in stark contradiction to the culturalistic categorization that viewed the Roma and Sinti as a mere cultural minority and was commonly practised in Western Europe. On one side, social factors were overrated at the cost of cultural factors, while on the other side

cultural ones at the cost of social ones. Both these views are a racist construction."⁵¹

At the time of transition to a market economy, it was heavy industry that entered into a crisis, i.e. the sector where most Roma were making their living. As the lack of a formal qualification prevented the Roma from being integrated into new working environments, social circumstances worsened dramatically for the Roma in the Nineties. What is more, as a result of the former regime's settlement policy, the social problems occurred in heavy local or regional concentration.

Even in the communist era, a small part of the Roma population had been living in rural areas, mainly in special Roma housing estates on the village outskirts. They were mainly employed as farm hands in rural cooperatives and state farms, or were moved on trucks to harvest assignments as seasonal workers. Following the restructuring of agriculture after system change, the Roma lost their jobs in the rural regions, too. For them, too, finding new employment proved to be an almost insurmountable problem. Moreover, unlike other rural citizens they were not in a position to reclaim arable land as their former private property when the cooperatives were dissolved, and therefore had no chance to make a living as independent farmers.

In some regions an additional problem cropped up. Under the former resettlement policy, housing estates or land on which to build houses had been assigned to the Roma, albeit without a legal ownership title. Now that this land was restored to its former owners, they no longer had a right to stay in the dwellings which they had naively thought were their own.⁵² The combined effect of this and the massive loss of jobs and housing in the industrial centres was that a large number of Roma became homeless or lived in illegal dwellings.

Life without an officially-registered place of residence, in turn, leads to more difficulty in finding access to the employment market. It also

⁵¹ Teichmann, M., loc.cit.

⁵² This is not an isolated case, nor is it limited to communist regimes. "Wherever Roma settle down, the bureaucracy takes painstaking care that this does not result in legal claims, be it of ownership or of usufruct. When the few Burgenland Roma who had survived the concentration camps returned to their villages in 1945 they found their houses destroyed, or put to a different use by the local authorities. Not a single one of the Austrian Roma managed to reclaim ownership of what once was their property." Gauß, K.-M., *Die Hundeesser von Svina*, Vienna 2004, p. 100f

becomes more difficult to claim social benefits, and children are denied admission to schools. The fact that many individuals have no identification documents has very often been the fault of the authorities. This arbitrary practice on the part of the authorities took on a particularly blatant form at the time of the separation of the Czech and Slovak Republics. One-third of the Roma living in the new Czech Republic, as mentioned above, were originally from Slovakia and had been resettled into the Czech industrial areas under the communist regime. The 1993 citizenship law left many Roma as stateless persons, since residents, whose parents had been born in the Slovak part of the former state, were not entitled to citizenship. These Roma became foreigners in their own home country, and lost relevant rights such as access to the education system for their children.

Under the communist system, many Roma had a job in industry or in agriculture, even if most of them were on the lowest levels of the hierarchy. At least one first step to social integration had been completed.⁵³ It meant that, despite extensive segregation and a lack of equal opportunities in the education system, more children attended school and a number, small as it may have been, of *Roma intellectuals* began to emerge, an aspect which will be covered in more detail below. The change in the political system largely destroyed this modest progress.

The Roma in every respect were the first, and worst, losers of system change. The structural change caused by the system change, the Roma's poor prospects on the employment market as a result of their low level of qualification, along with increasing anti-Gypsyism, led too extremely high unemployment among the Roma. According to official Slovak statistics, the 2003 unemployment rate among Roma was 87.5 % against 14.2 % of the total population. In other countries – including those of the “old” EU – the figures are similar.⁵⁴ In some Roma housing estates unemployment is close to 100 %.

The course of events after 1989 exacerbated the Roma people's social marginalisation. Their integration into the economy of the transformation countries which had to and are still having to battle with the problems of structural change is extremely difficult, the obvious reason being their deficient general and vocational education. Their position on the tight employment market suffered

⁵³ For details on Romania, cp. Roth, loc.cit., p. 35

⁵⁴ European Commission (ed.), loc.cit., 28

additionally from the prejudice of the providers of the few jobs available. Moreover, system change had made the former social security structures obsolete, and new ones had not been set up yet. Instead, mechanisms had been created that actually hampered or completely⁵⁵ barred Roma from the social system and school education.

Ladany and Szelenyi tell the story of a north Hungarian village and describe impressively the development of the social position of the Roma over a period of 150 years.⁵⁶ They identify cyclical movements which are largely determined by government policies. For the first decades of the communist system their diagnosis is that the Roma – at least in this village – fell into the *lower class* category. Most of the men and many women were in full-time employment – most of them as unskilled workers in heavy industry – and thus also had contacts with non-Roma. From the mid-Eighties the situation got worse. Jobs disappeared and social exclusion became total. The village that once also had non-Roma citizens became a full-blown Roma ghetto that even the more ambitious Roma wished to leave. The Roma people who had once been *lower class* now became the *underclass* of the post-communist era as a result of their separation from the mainstream population. As opposed to the poor in mainstream society, the members of the underclass are perceived by the mainstream as worthless, as something that does not contribute any benefit to the overall community, and a mere burden to the country's social welfare system. This new underclass is characterised by its hopelessness – a hopelessness that embraces the next generation.

The disastrous situation in which the Roma people ended up after the system change did not make the majority of the population want to understand the causes of this development but instead reinforced its anti-gypsy prejudice: a vicious circle that will be difficult to break.

Of course, the Roma were not the only ones to be negatively affected by the system change. There were many losers among the mainstream population, too. In the time to follow, it was these losers among whom radical slogans became particularly popular. This gave a boost to the growth of extremist parties which, as a rule, have a decidedly anti-gypsyist (as well as anti-semitic) attitude.

⁵⁵ See also Mihok, B., Soziale Ausgrenzung und Bildungssegregation – Roma in Rumänien, Ungarn, Tschechien und der Slowakei, in: Osteuropa, vol. 54, 2004, No. 1

⁵⁶ Ladany, J., Szelenyi, I., Historical variations in inter-ethnic relations: Toward a social history of Roma in Csenyete, 1859 – 2000, in: Romani Studies, vol. No. 1, 2003

Racial violence against Roma surged, there were attacks against the dwellings of Romani families by their neighbours who did not want any Roma in their area. There was police violence against Roma, too. The former classification of the Roma as a marginal group was now increasingly displaced by a partly cultural, partly biologicistic form of racism.⁵⁷

The combination of the poor social situation and the lack of opportunities on the employment markets on the one hand, and the massive rejection by a large part of the mainstream population to the extent of actual life-threatening violence on the other hand, have made more and more Roma want to migrate.⁵⁸

As it is plain to see that the Roma population for the most part has to endure major social hardship, and constitutes the least privileged group among the underprivileged, some scholars and politicians, and also some Roma representatives are of the opinion that the Roma question is a purely *social* question. This approach to the problem would make a specific Roma policy unnecessary. According to this view, problems are solved to the extent that the social situation of the entire population can be improved.

What is correct about this view is that people who live in absolute poverty and who cannot satisfy even their most basic needs such as food, shelter or sanitary services, are hardly strong enough to fight for the implementation of other basic rights. A mother who cannot provide adequate food and medical care for her children can at best have a secondary interest in their education. One can hardly expect her to participate in the democratic process at a political level, either.

And yet, to think that the Roma people's situation as a mere social problem is not sufficient. This view fails to look at the special circumstances that are at least partly contributing to the situation of the Roma, i.e. the specific discrimination based on anti-gypsyist prejudice. The social marginality of the Roma "is a type of marginality that is founded on a long historical process. Their social

⁵⁷ Cp. Teichmann, M., loc.cit.

⁵⁸ This paper does not intend to deal with the reaction of the receiving countries in depth. For more details, see Pluim, M., Current Roma Migration from the EU Candidate States: The Scope and Features of Recent Roma Movements, the Effects on the EU Candidate States and the Reaction of the Host Countries, in: Der Donauraum, loc.cit., p. 60ff

marginalisation is intentional and has its roots in nationalist (predominantly racial) prejudice."⁵⁹

The discourse on the meaning of a policy geared towards the Roma reflects the discussion mentioned above, i.e. that of the definition of the Roma and what they represent in history. The one benefit of the concept that any Roma policy is a component of overall social policy, which is an obvious conclusion given the social problems of the Roma people, is that it has aroused the interest of "left-wing" academics and politicians who believe in social compensation as one of their primary motivations, and encouraged them to devote their attention to these problems. This is, in fact, happening.

But there is another dimension of the discourse that is likely to be affected by the definition of Roma policy. Some especially liberal theorists and politicians avoid attributing a problem to a specific group of people, especially where this group is defined along ethnic or national lines. They fear that this would mean granting that group additional collective rights beyond the individual rights of its members. Collective rights would be special rights that do not fit in with a democratic system. These liberal sources also say that there is a risk of negative repercussions once people exercise these collective rights, as existing negative feelings against the group could be reinforced in a dangerous way. This thought conjures up memories of the opinions typically stated in anti-semitic circles which usually culminated in the judgment that the victims were the actual perpetrators.

Those who view the problems of the Roma as mere social problems also tend to define the Roma as a social group (and a marginal one at that). In the scientific literature, particularly that of the post-communist era, the term typically used to describe the Roma's position is *underclass*. This term coined by Gunnar Myrdal can potentially turn into a problem when it is used to describe an ethnic group, in which case it can be criticised "for blaming the victims and being part of the neo-conservative attack on the welfare state".⁶⁰ – Stewart additionally points out the vagueness and the negative connotations of the term *underclass* when used in everyday

⁵⁹ Roth, A., loc.cit., p. 9

⁶⁰ Ladany, J., Szelenyi, I., Historical variations in inter-ethnic relations, loc.cit., p.9 – The two authors who use this term for their historical comparison, do not feel affected by this criticism. "Hence, we use the term 'underclass' not to label Gypsies as such. The notion of underclass describes the Roma condition under very specific historical conditions and it does not characterize all Roma, but captures only the experiences of Roma ghetto poor.", p. 12

language. The term overemphasises the differences between members of this group and the rest of the population, while the possibilities of change within a societal system are neglected. He mentions the danger of political misuse where the term *underclass* is used in conjunction with value judgements such as asocial, not adaptable, alien, or subversive.⁶¹

Because of the risk of misunderstandings and political misuse, the term *underclass* should be avoided altogether when referring to the Roma, at least in the political discourse. To describe the position of the Roma in society, a much better expression to use is *social exclusion* as it conveys the idea that the process has *also* been influenced by the behaviour of non-Roma people, as well as by political decision-making. Many Roma reject being classified as the *underclass* or as a *marginal group*. Most intellectual spokespersons of the Roma reject these concepts as discriminatory. They also fear that in view of the quality and quantity of the problems on the one hand and the structural crisis and the concomitant scarcity of financial resources on the other, only very little is being done to remedy the situation.⁶² These Roma representatives demand a *political* approach, one that is based on a recognised status for the Roma and that opens up their full participation in the decision-making processes.

5. The Issue of Status

Until the very recent past, Roma in Europe were being excluded from recognition as an ethnic minority in almost all countries, irrespective of the political system. Even where they were recognised as an ethnic group, they were at a greater disadvantage than other minorities.⁶³

It was only as a result of the system change in the Central European countries and the emerging option of EU Eastern enlargement that political actors in Western Europe became aware of the quantity and quality of the problems confronting Roma. The

⁶¹ Stewart, M., 'Underclass' oder soziale Ausgrenzung? Der Fall der Roma, in: Hann, C. (ed.), *Postsozialismus – Transformationsprozesse in Europa und Asien aus ethnologischer Perspektive*, Frankfurt, New York, 2002, p. 210f

⁶² From Mirga, A., Gheorghe, N., *The Roma in the twenty-first century: a policy*, in: *Project on Ethnic Relations*, Princeton, New Jersey, 1997, p. 12f

⁶³ S. on this Thurner, E., loc.cit., p. 85ff

fear of immigration on a continuous or large scale may have been one - and perhaps the most important - reason for this new attention. At the same time, a new Roma elite began to raise its voice at the national and European levels and sought to change existing perceptions of the Roma and policies affecting them with a view to attaining a recognised and binding status.

The protection of minority interests needs to begin at the level of individual states. Mention must again be made of the aforementioned special situation of the Roma in this context. National minorities often emerge as a result of shifting borders in the wake of war. This is the reason why autochthonous minorities are frequently concentrated in border areas. Another cause of the emergence of national minorities has been mass migration, mostly due to economic motives - a typical case is that of the German minorities in Central and Eastern Europe. Minorities may also be formed as a result of labour migration of the kind experienced in the second half of the last century in Western industrialised countries, which resulted in the appearance of new national minorities, often not recognised as such. The creation of nation states in the Balkans following the fall of the Ottoman Empire gave rise to minorities, of which at least a major part believed to belong to the population (and religion) of a neighbouring country.

Thus, most minorities have a "motherland" that feels more or less responsible for them. Unlike in the past, governments have no underlying motivation of using these minorities for power-political ends, or the pursuit of irredentist goals. At least within the EU, where borders are becoming increasingly unimportant, such a suggestion would not be seriously upheld by anyone. Barring the situation in the Balkans and cases of extreme nationalism, the sole intention of this kind of support is to protect the minority's language and culture. To this end, bilateral agreements have been concluded in many instances between motherlands and the countries of residence which grant people the right to use their language and practice their culture and to obtain support from their motherland in these matters; this was the case with the German-Hungarian cultural agreement, for example, which was concluded even prior to the political changes.

This option is not available to the Roma minority. It has no native country which feels responsible for it, except for some tentative steps in that direction by India under Indira Gandhi. This is why a distinction is often made between national and ethnic minorities - as in the Hungarian minority legislation of 1993, for example;

terminologically, national minorities have some links to a native country which are absent in ethnic minorities. However, this distinction does not entail different rights. For example, the aforementioned Hungarian legislation grants the same rights to Roma as to any other minority. Yet, *de facto*, Roma have no state to defend their interests in the event that their rights are infringed upon.

In the absence of a state to protect Roma rights bilaterally, the European and international level has come to be particularly important for them. It is not surprising that European politicians, with few exceptions, were not aware of the role played by Roma until the prospect of EU Eastern enlargement came into view. This is when the difficult situation faced by the large majority of Roma in the countries of transition became politically visible. It was recognised to be a threat to social cohesion in these countries. To import this instability into the EU as a result of the accession of these countries needed to be prevented.

The first steps towards a European Roma policy can be dated back to 1993. In that year, the Parliamentary Assembly of the *Council of Europe* adopted Recommendation 1203 concerning Roma in Europe, based on *Josephine Verspaget's* report. Under the Recommendation, the Roma were recognised as a "true European minority". It stipulated that they were entitled to all rights enjoyed by minorities and that as a "non-territorial minority in Europe Gypsies need special protection". Following another Verspaget Report in 1995, the Council of Europe set up a Specialist Group on Roma/Gypsies. This group, chaired by the Polish Roma *Andrzej Mirga*, which is nowadays called the *Group of Specialists on Roma, Gypsies and Travellers*, is intended to function as a catalyst and coordinating body in all matters related to the Roma. In studies, recommendations, conferences and seminars it deals with the issue of the legal status of Roma, among other things, and has inspired a series of recommendations by the Council of Ministers.

Equally in 1993, the OSCE High Commissioner on National Minorities van der Stoep presented his first report on Roma in the OSCE countries, which focussed largely on the situation in countries in transition. Again, this report was followed up by organisational changes. Under the roof of the Office of Democratic Institutions and Human Rights, the *Contact Point for Roma and Sinti Issues (ODIHR/CPRSI)* was set up in Warsaw. Its remit is "to promote full integration of Roma and Sinti communities into the

societies they live in, while preserving their identity".⁶⁴ *Nicolae Gheorghe*, a Roma of Romanian descent, is its director.

Since their inception, the organisations mentioned have achieved a great deal by means of reports, consultancy and project activities. In the report on the legal situation of Roma in Europe issued by the Council of Europe, *Csaba Tabajdi* noted in 2002: "From a legal point of view, Roma were not treated as an ethnic or national minority in most of the European countries in 1993. By now, this problem has been solved in many of the member states. Despite the positive trend, there are still hesitating countries which makes it necessary to underline again that the Roma must be recognised legally as an ethnic or national minority all over Europe."⁶⁵ The Tabajdi Report calls for further improvements in the situation of Roma, notably by granting them full recognition as an ethnic and national minority endowed with "individual and community rights". However, three years on in 2005, some EU member states and acceding countries still have not recognised the Roma as an ethnic or national minority.

When recognised as a national minority, Roma are covered by the Framework Convention for the Protection of National Minorities adopted by the Council of Europe in 1995, which is the first legally binding international instrument for the protection of minorities. Yet owing to the absence of a native country, among other things, recognition has been a controversial issue and remains unresolved because no agreement could be reached about the definition of the term "national minority".

The lack of a definition and the declarations made by states that have ratified the Framework Convention do not, however, exclude Roma from its application.⁶⁶ The Federal Republic of Germany, for example, recognises exclusively autochthonous minorities. According to the statement of 11-5-1995, issued on the occasion of the adoption of the Convention, the Framework Convention for the Protection of National Minorities is only applicable to the national minorities of the Danes and Sorbs, and the ethnic groups of Friesians and Sinti and Roma living traditionally in Germany, and under the proviso that they hold a German passport. Roma who are not German nationals therefore do not enjoy minority protection in

⁶⁴ OSCE Ministerial Decision, Oslo, 1998 (s.ODIHR/CPRSI website)

⁶⁵ Report: Legal situation of the Roma in Europe, as of 19-4-2002, Rapporteur: Csaba Tabajdi

⁶⁶ Klopčič, V., The Legal Status of the Roma, in: *Der Donauraum*, loc. cit., p. 73

Germany. However, the problem of recognising Roma as a minority has not been resolved in other countries either. This applies to France, which does not recognise any minority on its territory, Greece, the Netherlands, Slovakia and Ireland.⁶⁷

But the Roma enjoy *de facto* recognition as a minority at the international level, as evidenced, in particular, by the existence and activities of the Council of Europe's Group of Roma, Gypsies and Travellers and the OSCE's Contact Point. Through these bodies, the collective rights of the Roma are, in fact, given recognition. Recommendation 1203 of the Council of Europe also makes reference to "respect for the rights of Gypsies, individual, fundamental and human rights and their rights as a minority".

6. Minority or Nation

Recognition as a national minority pursuant to the Framework Convention for the Protection of National Minorities is particularly important for Roma at the level of nation states. Principles and obligations under the Convention are to be implemented through national legislation and government policies.

Among the Roma themselves, the discussion about their recognition, or rather about the question of what constitutes the Roma community and the implications of this, has meanwhile made reasonable progress, at least amongst Roma representatives and intellectuals. In the 1990s, the search for a self-definition of the Roma coincided with efforts to ensure minority protection at the European level. In other words, the internal discussion amongst the Roma has not been induced from outside. It dates back to a much earlier period, its content has evolved over time, although the majority of the Roma community did not take part in this process.

The struggle for a self-definition of the Roma has frequently been either the cause or result of attempts to organise the Roma community. First attempts to establish Roma organisations were undertaken in the Balkans at the beginning of the last century. Even these early endeavours were an attempt to claim political rights. The reason why this began in the Balkans is that Roma enjoyed some civil rights under the Ottoman Empire which they were denied in other regions. When new nation states were created in the Balkans, Roma did not wish to lose their existing status. They began to organise themselves to assert their rights, as they did for

⁶⁷ European Commission (ed.), loc. cit., p. 44

example at the Sofia Congress in 1905, which was followed by protests against the denial of the right to vote.⁶⁸

In the 1920s and 30s, the number of organisations in the Balkans increased visibly, especially in Bulgaria and Romania. Organising efforts went on in other countries as well, for example in Poland. World War II and the National-Socialists' campaign to exterminate the Roma brought this development to a halt.

After the war, efforts to organise the Roma could be resumed. One crucial objective was to fight racism and to attain recognition of and compensation for those Roma who had been persecuted and killed by the National-Socialists. With this in mind, the Rose family, itself mourning the loss of a large number of family members, started an important initiative in Germany. *Oskar* and *Vinzenz Rose* founded the Association of Persecuted Persons of Non-Jewish Faith in 1956, which later developed into the Association of German Sinti and was restructured with its regional organisations in 1982 to form the Central Council of German Sinti and Roma. After the change of system in the former communist countries, the number of Roma organisations again rose considerably. In some countries (such as Macedonia) Roma political parties evolved, and managed to win one seat in parliament.

Efforts to establish Roma organisations progressed at the international level as well. The two most important organisations, which have held a number of international congresses, are the *International Romani Union (IRU)*, headed by a President from Poland and a Secretary General from Macedonia since October 2004, and the *Roma National Congress (RNC)* based in Hamburg.⁶⁹

Roma organisations are often not taken seriously by outsiders because they are rather numerous in some countries, each representing contradictory positions and interests and competing

⁶⁸ S. Marushiakova, E., Popov, V., *The Roma – a Nation Without a State? Historical Backgrounds and Contemporary Tendencies*, in: *Mitteilungen des SFB "Differenz und Integration"*, Orientwissenschaftliche Hefte, No. 14, 2004

⁶⁹ On the development of Roma organizations at the international level cp. Liegeois, J.-P., loc.cit., p. 312ff, - Djuric, R., loc.cit., p. 25ff – Hancock, I., *We are the Romani people*, Hatfield, 2003, p. 120ff - On the history of the IRU s.also Marushiakova, E., Popov, V., *The Roma – a Nation Without a State?*, loc.cit., - On structure, political orientation and activities of the IRU at UN level see Klimova-Alexander, I., *The Romani Voice in World Politics – The United Nations and Non-State Actors*, Hants, Burlington, 2005

with each other. This is not really surprising. At least in tradition-oriented Roma communities – as in many other traditional societies – loyalty is primarily owed to the (extended) family. This fact, plus the geographical dispersion of the Roma and ensuing formation of a large number of sub-groups in the course of history, prevented the establishment of advocacy organisations for a long time and indeed still complicate the development of large-scale associations in which decisions are taken by majority vote. Moreover, there was a need to catch up and use the new freedoms of speech and association at least in the former communist countries, where freedom of expression and independent organisations had been almost non-existent. This was not any different for the majority societies of these countries. After the change of system, for example, the number of political parties exploded following decades of one-party rule in many of these countries. Their decline in numbers over time may be repeated in the case of the Roma, leaving the most effective ones amongst them to survive.

For many non-Roma it would be easier if there was just one Roma organisation, i.e. if Roma were to speak with one voice. However, such a notion would be both unrealistic and a cause of concern. Various associations and political parties exist in the mainstream society as well, depending on different interests and ideological orientation. It is, after all, this diversity that makes up the nature of democracy.

The most important existing Roma organisations at least have one thing in common, i.e. their aspiration to represent Roma interests vis-à-vis the mainstream population, which has almost no knowledge of their cultural background, their structures and problems. In the process of organisational development and policy formulation, a question has arisen concerning representation of interests: what exactly is the Roma community whose interests are to be represented? There have been and still are several possible answers to this: *the Roma are an ethnic or national minority in each country and a transnational minority in Europe, and/or a nation.*

The definition is important because it has political implications. The Central Council of German Sinti and Roma, for example, had reservations about the national approach and transnationality. Such definitions might call into question the status attained in the individual states. Others are afraid that the propagation of Roma nationhood might lead to radical nationalism amongst the Roma on the one hand, and more intensive anti-Gypsyism on the other, thus contributing to lasting violent conflicts. Mention will again be made

of these reservations in what follows. – Moreover, there is still a lack of clarity about defining the Roma as a nation. Yet, at the end of the debate, the majority of intellectual Roma representatives supported the definition of the Roma as a nation.

It is not intended to speculate at this point about why the new Roma elite has chosen to propagate “nation” concept more persistently in the last few years. But mention has already been made of the fact that they seek to overcome the definition of the Roma as a social (marginalised) group, and to focus on a Roma policy based on political participation instead. It may therefore have been their obvious and legitimate intention to increase their own political effectiveness in the pursuit of this objective. Irrespective of whether one accepts the term “nation” in this context or not, mention of it might enhance the political effect both internally and externally. Many politicians use national feelings for their own ends. This happens in developed democracies as well, irrespective of their underlying ideological orientation, albeit with varying intensity. It therefore goes without saying that an appeal to national feelings is legitimate and effective. In fact, one may or may not agree with the liberal theoretician Isaiah Berlin who noted that “no political movement today has any prospect of success unless it evokes the national feeling”.⁷⁰

Even the two competing international Roma organisations are in agreement on this point at least. The Roma National Congress (RNC) declares its support of Roma nationhood in its title, as it were. The International Romani Union (IRU) gave new impetus to the debate when it adopted the declaration “We, the Roma Nation” at its Prague Congress in 2000. That same year, the declaration was presented to Kofi Annan, Secretary General of the UN, at which the IRU has enjoyed roster status since 1979 and full consultative status at its Economic and Social Council (ECOSOC) since 1993.

The declaration states: “We ask for being recognized as a Nation, for the sake of Roma and of non-Roma individuals, who share the need to deal with the new challenges nowadays.” The question is what it means to be a nation. There is just as little of a generally-accepted definition of the term “nation” as there is of the alternative term “national minority”.

⁷⁰ Berlin, I., *Der Nationalismus*, Frankfurt, 1990, p. 72

The term “nation” has changed its meaning many times in the course of its long history, and has created in its wake some major terminological confusion. In the Middle Ages, the term was primarily used to describe the regional origin of an individual irrespective of his or her language or other characteristics. Today, it is often used as a synonym for the state, in particular in English and French usage. The United Nations, for example, are a community of states and “international relations” describe the relationship between states.

In contrast, in the German and some other languages, a state may have citizens of different nations. If citizens show greater loyalty to their nation than to the state in which they are living, as in the Balkans, instability may ensue and eventually lead to the disintegration of the state.

There is no academically objective definition of the term “nation”. The term defines itself through the self-perception of a large group of people. Such self-perception may evolve in two different ways:⁷¹ according to the concept which developed after the French Revolution, a nation comprises all individuals who have chosen by their own free will to take part in the decision-making of an existing state, or a state to be created. This definition related to statehood is hardly applicable to the Roma. The other concept of a nation is more in line with the intentions of those who perceive the Roma as a nation, i.e. a self-perception based on the political awareness of belonging to a group which has a number of things in common.

In other words, the ultimate criterion is self-perception. There is no definition based on objective criteria such as specific features of individuals. So, whatever evidence can be produced by anthropologists from genetic analyses does not matter. More often it is the emotions, convictions and values which are used to explain what the term “nation” embodies. The existence of a nation basically depends on a national feeling or the firm determination to be a nation. This implies that what really matters is how one defines oneself rather than what third parties believe. Once this basis has been established, claims can be presented to the outside world, the most important one being recognition by states and international organisations. The fact that the IRU turned first of all to the Secretary General of the UN was the logical conclusion of this reasoning.

⁷¹ On the definition of “nation” cp. Drechsel, H., et al (ed.), *Gesellschaft und Staat. Lexikon der Politik*, 10. edition, Munich 2003, p. 663

Roma are very much aware of the fact that their usage of the term "nation" is based on subjective criteria. "Nothing but the consciousness of being a nation defines a nation – this is our conviction!"⁷² Moreover, the usage of the term in this context is voluntarist in nature. To make dispersed Roma communities aware of the fact that they are a nation is the real challenge, and ultimately an organisational one as well. The aim is to create a "nation of intent", i.e. to attain a form of unity "which in itself is the goal of the movement".⁷³

Although the discussion of the last twenty years about the "imagined nation", i.e. the rejection of nationhood as an objectively-established fact, has mostly been conducted in connection with the nation state, the term "nation" as "imagined community" may also be applied to the Roma. Nationhood may be regarded as a societal construct: "What perceives itself as a nation is a nation: this very pointed description is the radical definition of a nation resulting from an act of self-creation, as an imagination of itself."⁷⁴

In conclusion, a straightforward definition which is applicable to Roma will be used for this purpose: a nation consists of a large group of people, a community based on the awareness of sharing a common language, culture, religion or history with the intention of being a nation in order to articulate its political will. Territory which is often, but not always mentioned in this context is not a *conditio sine qua non*.

The fact that the Roma are a *large group* of people and that there are more Roma in Europe than a number of states have inhabitants has already been mentioned in another context. – The fact that the Roma have been living in Europe for many centuries has also been commented on. And yet, the overwhelming majority of them still define themselves as Roma or are considered to be members of the Roma community by outsiders. The fact that they were not accepted by the majority societies with their deeply engrained anti-Gypsyism probably contributed to this specific self-identity and

⁷² Djuric, R., Mein Volk, Roma & Sinti, wir brauchen die Solidarität, interview with R. Jaroschek, in: Der Donauraum, loc. cit., p. 96

⁷³ *ibid.*, p. 96

⁷⁴ Langewiesche, D., Was heißt "Erfindung der Nation?", in: Beer, M., Auf dem Weg zum ethnisch reinen Nationalstaat?, Tübingen, 2004, p. 21 (quotation is part of the translation)

extrinsic identity as a group. However, *self-identification* is the only factor which matters in connection with the nation.

Factors supporting a group's self-perception as a nation are often regarded as objective criteria. But even if one agrees with this view, the mind remains the ultimate constituent element of a nation. A common language, culture, religion and history can merely be supporting elements in a group's self-perception.

Out of these supporting elements, religion probably plays hardly any role at all for Roma who have mostly abandoned their original religion which they brought with them from their northern Indian native lands, having adopted the religion of the majority population in their surroundings instead. Culture may have a part to play in the strongly traditional Roma communities. However, language and history appear to be more important factors.

It is true that in some countries such as in Hungary, many Roma have completely lost their original language. In addition, the *Romani language* has developed in different ways owing to geographical dispersion and the influence of mainstream languages in present or former countries of residence. And yet the majority of Roma can communicate with each other in their own language whatever part of the world they come from.⁷⁵

Equally, *common history* is an important identity building factor for Roma. It is based on both the knowledge of a common origin and the shared experience of anti-Gypsyism including the denial of fundamental rights, persecution, displacement and ultimately the Holocaust, perpetrated by Germans and their allies in major parts of Europe. Persecution reinforces awareness of one's own identity, as well as producing a common defensive mechanism against the culture of the persecutors. "Being a minority everywhere, they share a similarly imposed identity characterized by political and social marginalization and stigmatization."⁷⁶

In other words, a group's existing consciousness and determination to be a nation are key defining elements of a nation. As early as in Max Weber's writings, a nation is not identical with the people living in a state. According to Weber, the term is based on a shared consciousness of a cultural mission originating from a common heritage. Intellectuals usually have the best access to such cultural

⁷⁵ on this cp. contribution by Marcel Courthiade in this publication.

⁷⁶ Mirga, A., Gheorghe, N., loc. cit., p. 6

values and therefore appear to be predestined to propagate the idea of nationhood. This still holds true until the present day. In many countries, intellectuals were the first after the change of system to place national values on the political agenda, some saying it more strongly and referring to their nation's superiority. Unfortunately, in the Balkans and elsewhere this led to a discussion of territorial implications, and groups of people began to claim a nation state of their own. Ensuing tensions, which in some parts erupted in acts of violence and wars, persist until the present.

The underlying definition also highlights the *political* quality of the term "nation". National self-perception ultimately implies the goal of having a nation state of one's own. This goal is the source of nationalism. The Roma, at least the majority of them at present, do not want to take that road. The IRU Declaration explicitly speaks of the Roma as a nation "which does not want to become a State". – While the power of states is declining in the process of globalization even against the expressed will of governments and while powers of individual states are deliberately transferred to the European level as part of the process of European integration, the Roma have already moved one step further, at least as far as it concerns their concept of a *nation without a state*. In this respect, they may be considered the most European people of all. The IRU Declaration states accordingly: "We have never looked for creating a Roma State. And we do not want a State today, when the new society and the new economy are concretely and progressively crossing-over the importance and the adequacy of the State as the way how individuals organize themselves." – In other words, Roma are striving for recognition as a nation, although their political motive is not Roma statehood but a greater say in how their own problems are solved. In fact, their aim is greater political participation.

Usually, nationhood is associated with the determination to exercise power in a sovereign nation state; this has repeatedly been the cause of wars and other violent forms of confrontation in European history until the present day. There had been proposals to de-territorialise the concept of nationhood in order to reduce this danger in the past. The two great theoreticians of the Austrian Social-Democracy, *Otto Bauer* and *Karl Renner*, did research on the subject. As early as 1918 Renner proposed "to define a nation as an association of persons rather than domination over territory."⁷⁷ The intention was to dissociate national feelings and the

⁷⁷ Renner, K., *Das Selbstbestimmungsrecht der Nationen*, 1.part: *Nation und Staat*, Leipzig, Vienna, 1918, p. 75

existence of territory. It was left to the individual to decide whether to become a member of a nation or not. Its national interests were to be represented by autonomous organisations.⁷⁸ The concepts of Bauer and Renner have resurfaced in the debate about the Roma as a nation without a state.⁷⁹

However, the definition of the *Roma as a nation without a state* is also linked to developments triggered by *globalisation* – as illustrated in the aforementioned quotation from the IRU Declaration. As many problems fail to be solved within existing borders, government power is declining at the level of individual states. New actors are moving onto the political stage. They include supranational intergovernmental organisations and non-governmental organisations (NGOs) which are increasingly being organised across national borders and campaigning worldwide. “A creative act of self-destruction is currently taking place in connection with the ‘legitimate’ world order dominated by nation states.”⁸⁰ This order used to be an *internationally*-based form of legitimacy derived from the legitimacy of nation states. “This methodological nationalism presupposes the existence of the nation state as something constant and absolute to function as a legitimising source of supranational norms and organisations.”⁸¹ In contrast, many argue in favour of a change of paradigm in the issue of legitimacy, i.e. to justify the use of power, including against individual states, on the basis of universal human rights.

Given that real power of individual states has been declining as problems need to be resolved in disregard of national borders, and that there might be doubts about whether action by individual states is the only legitimate form of action, *politics without borders* may be the solution. The states relinquish some autonomy in their own self-interest in order to regain sovereignty for the resolution of their problems at a different level. This would imply a shift of power to

⁷⁸ Cp. Renner, K., loc. cit., p. 111 – Renner’s ideas have to be seen against the background of the multi-ethnic Habsburg monarchy. His institutional proposals thus relate primarily to an internal order within a state, but may in parts be applied to the European level as well. On Renner’s “personality principle” see also Hanf, T., *Konfliktminderung durch Kulturautonomie. Karl Renners Beitrag zur Frage der Konfliktregelung in multi-ethnischen Staaten*, in: Fröschl, E., et al (ed.), *Staat und Nation in multi-ethnischen Gesellschaften*, Vienna, 1991, 64ff

⁷⁹ See on this Klimanova-Alexander, I., loc. cit., p. 24

⁸⁰ Beck, U., *Gegenmacht im globalen Zeitalter*, Frankfurt a. M., 2002, p. 14 (quotation is part of the translation)

⁸¹ *ibid.*, p. 41

intergovernmental levels and involvement of transnational networks, including the major NGOs.

In an era of politics without borders and of the *cosmopolitisation of states*⁸², those arguing in favour of the concept of the *Roma as a nation without a state* might find that they are very much following the current trend. In addition, the cosmopolitan state is founded "on the principle of national indifference". By dissociating the state and the nation it ensures "the parallel existence of national identities in line with the principle of constitutional tolerance".⁸³ A state capable to come to terms with the challenges of globalisation may also be perceived as a *state without a nation*, i.e. without a specific nation to lend it legitimacy. This would then be the opposite of the *nation without a state*. The two concepts assume a nation's inherent responsibility for, or at least the necessity of being involved in, its own affairs – a concern which certainly inspired and inspires those in favour of the concept of the *Roma as a nation*.

According to the aforementioned definition of the term "nation", Roma have every right to call themselves a nation. Having said that, the use of this right should be regarded as a process. As early as 120 years ago, Renan spoke of a dynamic definition of nationhood, linking the past to the present and the future. Accordingly, nationhood is not a *fait accompli* but the result of a process of solidarity-building. "L'existence d'une nation est un plébiscite de tous les jours." According to Renan, each nation shares "a common fount of a rich heritage of memories" and the desire to accept this heritage.⁸⁴ To complete this process which has been initiated is the mission of the new Roma politicians. In a democratic Europe, the legitimacy of those representing the Roma is crucial. It is, in particular, as a result of the discussion about the Roma as a nation and ensuing Roma representation in international institutions that we might expect new or faster developments towards democratically-structured organisations.

Mention has already been made of the fact that in the absence of a native country to represent their interests, the international, and especially the European, level is particularly important for the

⁸² *ibid.*, p. 322

⁸³ *ibid.*, 152f – According to I. Klimova-Alexander, one of the authors of the IRU Declaration, Paolo Pietrosanti, explicitly refers to U. Beck. Cp. Klimova-Alexander, I., *loc.cit.*, p. 26

⁸⁴ Renan's speech "Qu'est-ce qu'une Nation?" was published in Paris in 1882. Quote according to Langewiesche, D., *loc. cit.*, p. 27

Roma. The claim to nationhood is therefore primarily focussed on recognition and ensuing representation in international and European institutions. This includes a seat in the UN, elected members in the European Parliament and in the Parliamentary Assembly of the Council of Europe. This might help the Roma to become active policy-makers instead of being merely the target, or object of policies.

It is an approach which has been criticised by some who argue that internationalisation, and especially Europeanisation, of Roma policies holds the danger – some say deliberately – of individual governments shifting national responsibility for improvements in the situation of the Roma on to the next higher level.⁸⁵ This may certainly be the motivation of some non-Roma. It would even be understandable given the gap between the amount of problems to be solved and existing funds in countries which are still struggling with the after-effects of the change of system. Yet they stand little chance of shirking their responsibility. This holds particularly true in view of EU membership of those states in which the majority of Roma are living. Conditions for accession laid down by the EU in 1993 in the "Copenhagen criteria" explicitly spell out the extent to which individual states are responsible for minorities. Based on these criteria, the EU Commission prepared an annual progress report for acceding countries which also addressed the situation of the Roma and government efforts to improve it. - The opposite may in fact be true as regards the Europeanisation of Roma policies and the argument that it reduces responsibility of individual states: their very presence at the European and international levels would enable Roma to draw attention to national shortcomings more forcefully and to exert pressure on those responsible, if required.

There is no clear-cut answer either way to the question of which level is responsible for ensuring Roma rights. The answer may be that responsibility rests with both national (and local) governments and the European (and international) levels.

Another critical point mentioned above which has been raised about the concept has to do with the danger of an emerging radical form of nationalism. This criticism is also shared by some Roma. It was voiced in a very pointed manner by the Hungarian Roma *Aladar*

⁸⁵ It is a suspicion expressed explicitly in connection with the Czech Republic which supported the internationalisation of the Roma issue and at the same time introduced legislation on nationality which made thousands of Roma stateless. On this see Project on Ethnic Relations, Leadership, Representation and Status of the Roma, Princeton, New Jersey, 2001, p. 36

Horvath during the discussion about the Halonen Initiative, of which more later: "By defining European Gypsies on racial grounds, the Council of Europe is clearly evoking *nationalism*. Yet disadvantages are not due to lack of nationalism but to the fact that there is no equality of opportunity and that in addition, Roma communities together with their millions of members have no means of influencing the powerful political and economic interests with which they are competing for social and material goods. At best, nationalism thus created may prevent solidarity with non-Gypsies, but it might also result in serious social isolation and instability as well as *aggressive political conflicts*."⁸⁶

Mention has already been made of the fact that nationhood develops out of a sense of community, or what might be called a sense of national identity. These feelings already exist among parts of the Roma community and as regards the others, the supporters of this concept still seek to create a sense of the Roma's political importance. In other words, a process has been initiated which for other nations started in the 19th century. Experience has shown that the sense of belonging to a nation may easily convert into a feeling of this nation's superiority to all others whose interests need to be enforced by all means, including the use of force.

The sense of being treated unfairly is an important cause of radical nationalism. A good case in point is the development of the Palestinians and the Intifada. Another example would be German history in the first half of the last century. This form of nationalism is so dangerous because it might be instrumentalised in order to mobilise and radicalise the masses. According to Isaiah Berlin, it is the result of a wound inflicted on the pride of a nation. Will the propagation of the Roma nation therefore evoke dangerous nationalism as well?

While it might be possible to define nationhood without reference to territory, this is hardly possible in the case of *nationalism*. "Any form of nationalism strives for a nation state on a specific territory. Competing claims for the same territory have seldom been settled peacefully."⁸⁷ Of course, there are also Roma who call for a nation

⁸⁶ Cp. Thelen, P., Schritte zu einer europäischen Roma-Politik, www.fes.de/indexinfoonline.html (quote is part of the translation)

⁸⁷ Langewiesche, D., Nationalismus im 19. und 20. Jahrhundert: zwischen Partizipation und Aggression, p. 16 (Electr. ed.: Bonn: FES Library, 1999)

state of their own (Romanistan⁸⁸). Inspired by the example of Zionism, this idea played a role in the 20s and 30s of the last century, in particular, and it again resurfaced in the 60s in France. However, supporters of a Roma state are just a very small minority nowadays, and this will not change provided the development described in this paper will be successful.

Initiators of nationalist ideologies have often come from an intellectual background, the last time in the Balkans. There have been very few intellectuals amongst the Roma to date. However, as almost everyone appears to agree that equality of educational opportunities at all levels, from pre-school to university, is required if discrimination against the Roma is to be stopped, it is imperative to put in place an effective Roma education policy. If this policy has the desired success, the number of Roma intellectuals will also go up considerably. If the majority of Roma continue to be marginalised, these intellectuals might at that point be in danger of becoming more radical and find support amongst the extremely disadvantaged Roma communities.

Such a process might be reinforced by the propagation of the Roma nation. And yet recognition of the Roma as a nation in Europe and ensuing representation at all levels of political decision-making, including democratic legitimacy of their representatives, may also create the conditions which prevent radical nationalism from developing in the first place. In addition to the poor living conditions of the Roma majority, the very feeling of not being adequately recognised is a factor which might cause, and possibly reinforce, nationalism. It might therefore become less likely for the Roma to walk down the slippery slope into nationalism provided their situation improves and they are given the feeling of being accepted as a group in Europe. In the event, positive developments would also depend on whether Roma are given a significantly greater say in decision-making and whether tangible progress is made by the majority of them. Everything considered, the process initiated compels us to recognise the Roma as a nation, or at least to ensure their effective and legitimate participation in decision-making processes which will affect them.

The question of what the Roma are – a minority or a nation – may be answered in a similar manner as the one concerning individual

⁸⁸ On this see proposals and initiatives by the Kwiek family in: Hancock, I., loc.cit., p. 116ff -Marushiakova, E., Popov, V., *The Roma – a Nation Without a State?*, loc.cit.

state or international responsibility for Roma policies. Again, the answers should not be seen as mutually exclusive. The Roma may

- be defined as a national or ethnic minority at the level of individual states, while
- being recognised as a nation at the European or international level.

They do not forego any of the rights granted at the national level. Even nations with their own nation state may have minorities living in various states. As regards the Roma, a distinction of status depending on the level in question will not be problematic by itself since irredentist claims - unfounded even where a clearcut distinction can be made between nationhood and statehood – would be impossible in the absence of a native country.

Such level-dependent definitions are by no means unusual. In fact, they fit in well with the existence of multiple identities in the contemporary world. The construction of identity, without which it would be inconceivable to distinguish between the self and the other in some way, depends on the issue in question: for example, a member of a national minority may easily identify him/herself linguistically and culturally with a native country and still be a patriot in his present home country. Horizontally, he or she has a twofold identity. A citizen may also define himself vertically in different ways: he may feel patriotic about his local community and his region, feel strongly about his nation and be a dedicated European and cosmopolite. The definition applicable depends on the level of responsibilities and scope of action. They may be related to the local, regional, state, European and the global level, depending on what is at stake. The world of politics is increasingly developing into a "multi-level community" with "growing differentiation of political identity".⁸⁹

It is often said that Roma are the first true Europeans. They are living in all European countries, albeit in varying numbers, and with some exceptions communicate in their own language. With this in mind, representatives of the Roma proposed a direct European citizenship within the framework of advancing European integration, which might also be applied to the Roma: "While a French individual is French by nationality and citizenship, a Romani individual living anywhere in Europe is Romani by nationality and Spanish, Hungarian, Italian or whatever else, by citizenship. The citizenship

⁸⁹ On this see Meyer, T., *Die Identität Europas*, Frankfurt, 2004, p. 72

that would better fit a Roma is the European one."⁹⁰ The current draft constitution for Europe also provides for the option of European citizenship." Whoever is a national of one of the member states is a citizen of the European Union. EU citizenship complements national citizenship, but does not replace it." However, the aforementioned proposal by Pietrosanti und Scuka goes beyond the provisions of the draft constitution because what they have in mind is direct European citizenship.

7. Political Participation

From what has been said about Roma history it follows that Roma in Europe were less able to determine the general conditions of their lives than other peoples. They have been the object of policies, and usually objects to be removed. This could be achieved physically by removing them by means of displacement, sterilisation or assassination. But even the policy of assimilation was aimed at eliminating the Roma as a group for good.

Roma have been objects of such conduct throughout, either as victims of concrete actions of this kind or by inaction or inadequate counter-measures on the part of those with political responsibility. Politicians, whatever their actions and omissions, could be certain of the tacit approval by the majority of their subjects, or later their voters. They could also rely on whatever academic support they needed to be delivered by scientists and so-called experts. In National-Socialist Germany, for example, the "Research Unit for Racial Hygiene and Forensic Biology" cooperated with Himmler's "National Centre for the Fight against Unwanted Gypsies" (Reichszentrale zur Bekämpfung des Zigeunerunwesens) and furnished the ideological arguments for the genocide amongst European Roma. Even later, reference could be made to preparatory research in support of policies against Roma. Gronemeyer, for example, notes that in several communist countries academic papers in post-war literature sometimes "bring back memories of race-biological Gypsy research". The overall impression is: "Unanimously – with few exceptions – Gypsies are regarded as addressees of a policy of assimilation."⁹¹

⁹⁰ Pietrosanti, P., The Romani Nation or: "Ich Bin Ein Zigeuner", in: Roma Rights, 2003, No. 4, p. 51

⁹¹ Gronemeyer, R., Zigeuner in Osteuropa. Eine Bibliographie zu den Ländern Polen, Tschechoslowakei und Ungarn, Munich 1983, p. 7

Since the end of the 1970s, academics in Germany have been trying to come to terms with the still lingering effects of Gypsyology which had furnished arguments from forensic biology and racial hygiene to justify the genocide perpetrated by National-Socialists against Roma.⁹² The "Gypsy-style of life", formerly used to justify persecution, displacement and assassination, was now re-interpreted as a culture of freedom outside the constraints of the industrialised society. "In Gypsyological terms, the effects of exclusion are interpreted as ethnic qualities and lose their societal implications in the process. What was formerly characterised as the absence of work, is now embellished as an alternative to the dominating economic way of life."⁹³ The conclusion from this alternative and emancipatory potential which the "Gypsyologists" attributed to the Gypsy way of life is that policies neither should nor could change this way of life, of which extreme unemployment and poverty, poor healthcare provisions and societal exclusion are a part.

Attributing qualities with positive connotations to members of the Roma community may also be politically backfiring to the Roma's struggle to end discrimination. If, for example, even "illiteracy" is considered to be "a typical feature of their specific culture" and "doing without a written language is seen as part of their ethnic identity",⁹⁴ and if state education is defined as an instrument of "forced teaching of non-Gypsy literacy techniques"⁹⁵, illiteracy may ultimately be considered to be worth preserving. The State would no longer be obliged to ensure equal treatment of all its citizens.

Even the representation of their own interests becomes at least problematic for Roma as a result of such an approach. It is argued that the segmented and flexible Gypsy society is not accustomed to the building-up of organisations, but that it is simply "the Gypsy way of adjusting to the non-Gypsy world of vested-interest groups,

⁹² Reference has already been made to criticism directed at the "Gypsyologists" approach.

⁹³ Niemann, S., *Eine nomadische Kultur der Freiheit. Vom Traum der Tsiganologen*, in: Hund, W. D., loc.cit., p. 42 (quotation is part of the translation)

⁹⁴ Cp. Rakelmann, G. A., *Zigeuner in der Schule – Regulierung durch Pädagogik*, in: Münzel, M., Streck, B., loc. cit., p. 173 – Rakelmann concedes that there are some Gypsies who can read and write but they are denied the status of being a Gypsy by other Gypsies. Rose calls this approach "of whitewashing illiteracy with all its negative consequences" simply grotesque and points out that the National-Socialists did not allow his people to go to school and learn how to read and write. Cp. Rose, R., Preface, in: Martins-Heuß, K., loc. cit., p. 9

⁹⁵ Münzel, M., Streck, B., loc. cit., p. 9

panels, conferences and honours."⁹⁶ In other words, the attribution of almost unchangeable qualities because a person is a member of the Roma community, and the positive assessment of this, ultimately results in inaction as regards Roma policies and their non-participation in the democratic process.

It is understandable that such an attitude has met with strong criticism from at least the new generation of Romani representatives and that it has left no mark on the discussion within the Romani community and their efforts to have a greater say in the improvement of the situation of their people.

All this notwithstanding, it is probably right to assume that although post-1990 policies were primarily intended to improve the economic and social situation of the Roma, Roma have continued to be objects of policy-making for the time being. Most attempts to improve the situation of Roma are somewhat akin to traditional development policy, i.e. the policies pursued by industrialised countries for developing countries. Just as much as the problems of developing countries have at least in parts been caused by past colonial policies, and currently by the existing power and economic structures, "Gypsy policies" of the past and present policy-making are to some extent to blame for the situation of the Roma. Just as much as development policy instruments have been used since the 1970s in an attempt to improve the situation of peoples in Asia, Africa and Latin America, programmes have been designed to improve the situation of Roma, not least under pressure by the EU in new member states or accession countries.

With no intention to comment on the causes, one can simply state as a fact that the net result of 30 years of development policy does not give us much reason to be satisfied with what has been achieved. Irrespective of this, the question is whether such an approach is appropriate for a Roma policy or not - a question which is raised by the new Roma elite as well: "Should the elite insist on implementing Third World development strategies for their communities, despite the fact that most of the Romani people live among some of the most advanced and developed societies in the world?"⁹⁷

Although we tend to use the term development cooperation nowadays, it is still in the discretion of governments of donor

⁹⁶ Münzel, M., Streck, B., p. 8

⁹⁷ Mirgha, A., Gheorghe, N., loc. cit., p. 41

countries to determine the level of financial resources made available by individual states as part of this policy, and also to formulate programmes, despite the commitments they have made internationally. Development policy is part of international cooperation in which the role of the donor countries' interests is not negligible. Theoretically it would be possible to proceed likewise with the Roma, but this would hardly tally with European notions of democracy. It is true that there are Roma living outside Europe, but first and foremost, The Roma have been members of the European population for many centuries.

Nevertheless, they have mostly been perceived as an object of policy-making. "It is as if they were without a voice. By which I mean that where the socio-political decisions get taken there is no perception of them. When the talk is about their culture, there are no lack of enthusiastic references to Gypsy music and its influences on Spanish, Hungarian and German composers. On the one hand, many act as though the Roma people consisted of violin virtuosos, and yet on the other hand many are not prepared to go any further than mere proclamations when it comes to granting this minority, with its large number of members, a democratic say in things."⁹⁸

To perceive Roma largely as objects of policy-making is not only inconsistent with democratic principles but contributes to the limited *effectiveness*, often deplored, of programmes for the improvement of their situation. It is mostly Romani representatives who draw attention to this aspect, but the European Commission probably had the same impression. It commissioned a study "because of a failure of existing policies within both the EU-15 (the "old" Member States) and the new Member States to address adequately discrimination against those communities and to promote their social inclusion."⁹⁹ The study which was published in 2004 deplores that "there also appear universally to be significant deficiencies in terms of targets", which impede assessment of existing programmes, to say the least, and notes: "Consultation with Roma and Roma participation in the design and implementation of policies intended to benefit them is currently very modest, where existing at all, and generally hesitant. This status quo is in noticeable contrast with well-established procedures with respect to other minority cultural and ethnic groups in a number of European Union Member States."¹⁰⁰ The report therefore recommends, "to actively promote the participation of

⁹⁸ Grass, G., loc. cit., p. 35

⁹⁹ European Commission (ed.), loc. cit., p. 1

¹⁰⁰ *ibid.*, p. 40

Roma in policy-making, implementation and assessment“.¹⁰¹ The report goes on to say that this form of participation of Roma “at all stages is key to the real impact and sustainability of initiatives“.¹⁰²

Roma participation has also been the subject of a recent debate in connection with an important initiative for the improvement of the situation of Roma in Europe. Heads of governments and other top-level government officials from Hungary, the Czech Republic, Slovakia, Bulgaria, Romania, Macedonia, Croatia and from Serbia and Montenegro, as well as representatives of the European Commission, the Council of Europe, the UNDP and the OSCE took part in the conference “Roma in an Enlarged Europe“ initiated by the World Bank and the Open Society Institute and held in Budapest in June 2003. They proclaimed the period 2005 to 2015 to be the *Decade of Roma Inclusion*. The Roma Decade, on which many have pinned their hopes since then, is intended to speed up the process of social inclusion and improve the economic and social situation of Roma. Each participating country is encouraged to develop an action plan in order to improve the situation in education, employment, healthcare and housing for the Roma. Roma involvement is to be key to the entire process. They are invited to participate in the preparation of national action plans as well as in monitoring the implementation: “Full Roma participation is envisaged in the planned course of action..”¹⁰³

This is a good and promising approach. Nevertheless, from the onset criticism has been voiced about the procedure. Even Roma participation at the initial Budapest Conference was criticised for not being adequately representative: “The organisers invited 70 so-called ‘young Roma leaders’ as Roma representatives, but the selection process had in a number of cases been controversial. A number of important older traditional leaders were excluded...”¹⁰⁴ The procedure turned out to be of limited use as regards the declared Roma participation. A number of important Roma representatives were left with the impression that external parties sought to determine who was to represent the Roma. “Because of

¹⁰¹ *ibid.*, p. 46

¹⁰² *ibid.*, p. 47

¹⁰³ World Bank, *Decade of Roma Inclusion*, in: www.worldbank.org/roma - S.a. Minority Rights Center, *Decade of Roma*, Belgrade, 2005, p. 7

¹⁰⁴ Nicolae, V., *The Decade of Roma Inclusion – Between Hopes, Glitches and Failures*, in: www.eumap.org – Valeriu Nicolae is Deputy Director of the European Roma Information Office (ERIO) in Brussels. The criticism was also shared by others, for example by Zoran Dimov, Secretary General of the International Romani Union (IRU), in an open letter.

the controversial choice of Roma representatives at the conference, there was little mediation to prevent them from escalating, which complicated the entire partnership process envisioned by the decade.¹⁰⁵

The situation which arose as a result of the initial Budapest Conference did not improve with the second conference in Sofia in February 2005, at which the *Declaration of Roma Inclusion* was signed. Again, the question of the representative nature of Roma representation was at the centre. This time, the organisers chose a young unknown Romni from Slovakia to join the panel of heads of governments, the President of the World Bank and George Soros, while the founding President of the European Roma and Travellers Forum (ERTF), *Rudko Kawczynski*, and other representatives of important Roma organisations were expected to join the audience. This may again have left the impression that non-Roma determined who was to represent the Roma.

The inadequate and not really representative role of the Roma at the two conferences, which laid the foundation for the Roma Decade, may possibly have contributed to the criticism that Roma involvement in the preparation of *Decade Action Plans* at the national level had been inadequate. This criticism was voiced *inter alia* at conferences organised at the national level in order to discuss the action plans and their conceptualisation.¹⁰⁶ The IRU Secretary General voiced his criticism in a text published on the Internet: "As for the preparations of these draft action plans, very few of the benefiteres of these action plans were included in the making, the ones who would have the main role in the Roma Decade, i.e. the Roma".

"To conclude, the most important issue here revolves around the fact that the *Decade* has been advertised as a real partnership between national governments and Roma communities. The lack of such partnership until now has arguably been the main cause of its failure to establish noticeable improvement in the situation of the Roma so far. It has also made it more difficult to attract substantial new European funding for Roma communities"¹⁰⁷ It remains to be seen whether the structural deficiencies of the initial phase can be

¹⁰⁵ Nicolae, V., loc. cit.

¹⁰⁶ The author took part in one such conference initiated by PER in Skopje at the end of 2004. It became clear in the discussion that the criticism, articulated in connection with Roma participation in Macedonia, could also be applied to other countries.

¹⁰⁷ Nicolae, V., loc.cit.

amended to some extent at least by greater Roma involvement in future in order to make better use of the considerable potential for development during the Decade.

The discussion revolving around the Roma as a European minority and as a nation has added emphasis to the new Roma elite's claim to political participation. These demands are addressed to all levels of political decision-making, be it local, regional, state or international and, in particular, the European level.

At the *national level*, it is possible to represent Roma interests either individually or collectively. In Hungary, for example, both options are being used. Since the change of system, Roma have always been and are members of the national parliament, elected on the socialist, liberal or conservative parties' ticket (MSZP, SZDSZ, FIDESZ). Under the system of minority self-government, all recognised national and ethnic minorities are entitled to set up self-government systems at both the local and national levels.¹⁰⁸ Since 2002, Hungary has had a state secretary responsible for Roma affairs. Similarly, a Roma is minister without portfolio in the government of the Republic of Serbia. These appointments to the rank of minister or state secretary have, of course, been made by the respective head of government and therefore cannot be considered as an act of direct Roma participation. All the same, these are politicians who are Roma themselves and thus have probably a better understanding of the problems of Roma than their colleagues who do not have that background.

In the countries of former Yugoslavia, and also in Romania and Bulgaria, i.e. countries with a large number of Roma, Roma started to become politically active at a relatively early stage. Some of them have joined the existing non-Roma parties.¹⁰⁹

In addition, Roma parties have been set up in a number of countries, especially in the Balkans. Again, the phenomenon of fragmentation which has already been mentioned can be observed.

¹⁰⁸ Although well-founded criticism has been voiced about this system, for example in respect of the electoral system, inadequate financial resources and the inability to resolve the social problems of the Roma, it appears to be a step in the right direction. More on this in the contribution by J. Kaltenbach and L. Főrika in this volume. – In the meantime, there has been an initiative in favour of amending the Minority Act in Hungary.

¹⁰⁹ In Serbia, for example, Roma are represented in all major political parties. It is ironic that the nationalist Serbian Radical Party has the largest number of Roma in their ranks, according to Osman Balic, a Rom and mayor of Nis, in his paper presented at the conference of the Friedrich-Ebert-Stiftung on "Political Participation of the Roma" in Skopje in Nov. 2004.

In Serbia, for example, after the first Roma party was founded as the Roma Social-Democratic Party in 1990 by *Sait Balic* and *Rajko Djuric*, 12 Roma parties have emerged, of which 4 call themselves social-democratic. The situation in other countries is quite similar. Despite the fragmentation, some Roma parties are represented in the national parliaments, for example in Macedonia, Romania and Bulgaria. They usually support the parliamentary activities of social-democratic forces.¹¹⁰ – Some municipalities with an overwhelming Roma population, such as Shuto Orizari, a district of the Macedonian capital Skopje, have a mayor who is a Rom and a local council consisting largely of Romani councillors.¹¹¹

Generally, it has to be noted that the Roma are greatly under-represented in the parliaments (and governments) in proportion to their share of the total population. “Because many parliaments contain none or, at most, a few Romani Members of Parliament, they fail to reflect the diversity of the population at large.” This is in disregard of an important function of democratic parliaments, notably “to represent the entire electorate of a country, without excluding certain demographic groups”.¹¹²

Although the share of Roma who are entitled to vote is smaller than their share of the total population – owing to lack of personal identity documents or the large proportion of young Roma not yet entitled to vote, for example – they are representing an attractive voters’ potential for political parties in many countries. Roma votes might be won in return for addressing their needs in election platforms and during elections campaigns. The fact that this does not happen, or to an inadequate extent only, is the result of widespread anti-Gypsyism: the gains made by way of Roma votes might result in a major loss of votes from the majority population and other minorities. For this reason, even politicians whose programmatic and cultural background rules out the possibility of anti-Gypsyist motives at times shy away from too strong a commitment for Roma concerns, as the author knows from personal experience. “Therefore, increased Romani participation can only be achieved if mainstream political discourse produces more nuanced, differentiated and positive perceptions of Roma.”¹¹³

¹¹⁰ There are some exceptions to this rule, for example in Macedonia between 1998 and 2002.

¹¹¹ On this see contribution by Sevdija Demirova-Abdulova in this volume.

¹¹² Vermeersch, P., Roma in domestic and international politics: an emerging voice?, in: Roma Rights, 2001, No. 4, p. 5

¹¹³ Vermeersch, P., loc. cit., p. 6

However, even ethnically-based political parties find it difficult to attract a sufficient number of votes to ensure a numerically representative Roma force in parliament. Owing to this weakness, the few elected Romani representatives can achieve very little, in fact too little for their voters to build up trust on a sustainable basis.¹¹⁴ – Moreover, Nicolae Gheorghe draws attention to the competition faced by political parties as a result of the fast-growing NGO sector. Many young and talented Roma are active in well-funded NGOs.¹¹⁵ In consequence, political parties have to do without the energetic zest of the dedicated Roma youth.

At the *European level*, the discussion about Roma political participation has gained new momentum following an initiative by a Social-Democratic woman politician. During the Finnish EU Presidency, Finland's State President *Tarja Halonen* proposed in January 2001 the establishment of a "European Roma Consultative Forum" (ERF) with consultative status at the Council of Europe, which should also leave its mark on other European institutions such as the EU in order "to give a voice to the Roma"¹¹⁶, as she noted in her speech at the Council of Europe's Parliamentary Assembly.

This proposal met with a great deal of interest. At a seminar in Helsinki in October 2001 it was welcomed, for example, by Roma working at the international level. That same month, the Specialist Group on Roma/Gypsies of the Council of Europe endorsed the proposal. Recommendation 1557, adopted by the Parliamentary Assembly of the Council of Europe following the aforementioned Tabajdi report, also approved the establishment of a European Roma Forum. The Committee of Ministers of the Council of Europe welcomed the proposal in November 2002 and decided to keep the issue on its agenda.

However, while this statement by the Committee of Ministers reflected a positive, albeit a rather vague stand in principle, it also

¹¹⁴ As regards the problems related to the formation of successful Roma parties in Yugoslavia, i.e. the country in which relatively early and intensive efforts were made to organise Roma parties, see the contribution by Osman Balic in this volume.

¹¹⁵ In search of a new deal for Roma, interview with Nicolae Gheorghe, in: Roma Rights, 2001, No. 4, p. 14

¹¹⁶ As early as in his speech of 11 Oct. 2000 at the Council of Europe, Nobel laureate for literature Günter Grass used the title "Without a voice", reminding the audience of the need for a change of the situation. See Grass, G., loc. cit., p. 25ff – See also extract in this volume.

indicated that there were some reservations about the realisation of the proposal. Some member state governments were afraid that the Roma might be granted a status with special rights. This would infringe upon the constitutional principle of equal treatment in some countries and the principle of non-discrimination pursuant to Article 14 of the European Convention on Human Rights. A solution of the problem began to emerge in June 2003 following a joint proposal by the Finnish and the French Presidents.¹¹⁷ With the aim of integrating Roma into European society without infringement upon the principle of equal treatment, it was proposed to set up an association according to the French legal system. This independent NGO, now called the *European Roma and Travellers Forum (ERTF)*, is to be given a contractually guaranteed right to appoint representatives to those bodies of the Council of Europe which deal with Roma issues. This construction is meant to prevent conflicts with minority rights.

The solution met with criticism by some Roma representatives: „Regardless of the fact that this NGO will probably have Consultative Status at the Council of Europe, I strongly believe that such an NGO is by no means a substitute for the representative Roma assembly that I and so many other Roma leaders had supported, and for which so many are now still hoping“¹¹⁸ Another point of criticism had to do with the fact that the ERTF was mandated to represent travellers as well. In consequence, it would not meet the objective of having a representative body of the Roma people. Yet this critique is understandable only if ethnic and national interests are prioritised in comparison to interests shared with other ethnicities. In addition, the term „travellers“ is assumed to include non-Roma (as well).¹¹⁹

Despite the criticism, the majority of Roma representatives held the view that the setting-up of the Forum was necessary for Roma and that linkage to the Council of Europe enhanced its effect. This being so, the Franco-Finnish proposal re-invigorated a discussion which had previously been at an impasse. In July 2004, Roma involved in

¹¹⁷ See on this Vuolasranta, M., European Forum for Roma and Travellers: From the Finnish initiative to the Franco-Finnish proposal, in: Roma Rights, 2003, No. 4, p. 46ff

¹¹⁸ Ivan Vesely, Chairman of Dzeno Association, www.dzeno.cz - Aladar Hovath's criticism has been referred to under Section 6.

¹¹⁹ The term "travellers" is applied to groups which are not part of the Roma on ethnic grounds, but are similar to Roma groups in their way of life. Cp. Machiels, T., Distanz wahren oder Teilnahme wagen – Roma und Fahrende in Westeuropa, Brussels, 2002, p. 4, and Liegeois, J.-P., loc. cit., p. 51 – In Ireland and Great Britain, the term "travellers" is attributed to various Roma groups irrespective of whether they are nomadic or have settled down.

the discussion applied for registration of the international association of the *European Roma and Travellers Forum (ERTF)* in a Strassbourg court. In November, the Committee of Ministers of the Council of Europe approved of the close and privileged relationship with the ERTF. On 15 December 2004 the agreement between the ERTF and the Council of Europe was signed in the presence of the initiator Tarja Halonen.

Four years of intermittently difficult discussions passed between the initial presentation of the proposal and the signing of the agreement. Some aspects of the discussion have already been highlighted. The most difficult issue has been and continues to be the representative nature or the legitimization of the new Forum. Even the first working group, formed after the Halonen proposal in 2002 and composed of representatives of the OSCE, the European Commission, the European Parliament and the Council of Europe, as well as for the first time representatives of the two international Roma organisations, i.e. the Roma National Congress (RNC) and the International Romani Union (IRU), had submitted a draft for the foundation of a European Roma Forum (ERF) in October 2001 in order to give the Roma an audible voice for the first time in their 600 years of European history. According to this draft, the ERF was planned to be set up under the roof of the Council of Europe, yet at the same time to cooperate with the EU and the OSCE, and to consist **of** Roma, elected **by** Roma and acting **for** Roma. The objective was "to participate and influence governance in Europe at all levels – European, national, regional and local".

It became clear during the discussion that the realisation of the Halonen proposal might be the first step down the road towards institutional participation of Roma. Although the initiative was welcomed by the political community, critical voices were heard as well.¹²⁰ Even at this early stage in the discussion, many were afraid of a lack of democratic legitimization of members in the new institution which they considered to be a serious flaw. The working group who drafted the first proposal was certainly aware of the problem. It notes in its report: "Certain members of the group stressed that while representation in Europe for the Roma through elections by individual balloting was not a realistic option at this stage, it would in their own view be desirable to promote such an aim at a later stage. The group's recommendation entails the establishment of the European Roma Forum according to

¹²⁰ Aladar Hovath's criticism has been referred to under Section 6.

democratic principles based on a composition *as representative as possible*."

The most strongly voiced criticism of the ERTF founding procedure in its present form came from the then Commissioner for Foreign Affairs of the IRU. He holds the view that the only legitimate way to establish Roma and non-Roma bodies alike is by means of a clearcut democratic process. For a forum mandated to speak for Roma in Europe, this calls for genuine elections across Europe, according to him. He is aware of the obstacles ahead as well, but regards them to be surmountable.¹²¹ Most of the experts involved in the discussion are more sceptical about whether it is possible to come to terms with these difficulties. In other words, the proposal of the working group was a pragmatic one: if the ideal solution is currently out of reach, one might at least go for second best, which is better than the present situation. In so doing, pressure was to be built up in favour of correcting the deficiencies at a later stage, i.e. improving democratic legitimisation. Bearing in mind the policy formulated in the context of Kosovo, their attitude may be summed up as follows: *standard follows institution, standard through institution*.

The nomination process for delegates to the ERTF¹²² offers both opportunities and risks. In addition to delegates from the international Roma organisations, delegates may come from countries in which Roma umbrella organisations exist which represent more than 75% of all representative Roma structures in that country; these delegates may be posted to the plenary assembly and the executive committee of the ERTF. The number of delegates eligible to vote depends on the number of Roma in the country concerned. The figure varies from 1 to 4, but men and women and youth need to be adequately represented. – Many countries are currently unable to meet the condition of having an umbrella Roma organisation in place. In such a contingency, Roma NGOs which are active nation-wide, Roma political parties represented in parliament and the advisory and self-government bodies of Roma are called upon to elect their national delegation.¹²³ Roma organisations are thus forced to communicate with each other and to share in the decision-making at national levels. Such a procedure may either promote cooperation between the

¹²¹ Cp. Pietrosanti, P., loc. cit., p. 52ff

¹²² Statute of the ERTF, Art. 5 and 6

¹²³ Statute of the ERTF, transitional clauses, No. 2

organisations involved or create greater tensions in the event that the legitimisation of national delegations is called into question.

In the absence of a representative umbrella organisation, the alternative selection procedure for delegates is only permitted during the first term of office, which will be four years. This is intended to increase motivation for the development of such umbrella organisations. They are also expected to ensure that the elected delegates "should be representative of their community, and enjoy the confidence and trust of the population they represent".¹²⁴ This solution is a response to the discussion about the democratic standard of a Roma forum which has already been mentioned. By institutionalising the ERTF its democratic legitimisation is to be improved. Such a process has, in turn, a specific – intentional – effect on Roma organisations in the individual countries. If the process is successfully completed, this voice can no longer be ignored and it will strengthen Roma influence at both the European and the national level.

Even prior to its realisation, the Halonen proposal had had some positive effects. A discussion ensued for several years and involved both the Roma elite and non-Roma, especially those from European institutions and international organisations. On the one hand, the gadje involved came to be better informed about Roma concerns. On the other, the determination to speak with one voice which was audible at the European level made the rival international Roma organisations, notably the RNC and the IRU, more inclined to cooperate. In the founding process of the ERTF, for example, the two organisations agreed on a common spokesperson, *Nezdet Mustafa*, member of the Macedonian parliament. A sign of the atmospheric improvements between the organisations was the invitation which the IRU extended to *Rudko Kawczynski* from the RNC to its 6th World Congress in Lanciano, Italy, in October 2004. Kawczynski, who had assumed the position of founding president of the ERTF in the meantime, used the opportunity to speak to and with the representatives of the rival organisation.

The foundation of the ERTF is an important milestone since for the first time a representative organisation can develop which has the power to articulate Roma interests beyond the boundaries of nations and competing organisations and which will make their voice heard. Formally, the Forum will act within the framework of

¹²⁴ Council of Europe, The European Roma and Travellers Forum (ERTF), www.coe.int/T/E/social_cohesion/Roma_Travellers/ERTF

the Council of Europe. Yet it can also reach out beyond to other international institutions, specifically European ones such as the EU, and raise its voice there. "To encourage the development and implementation of policies, programmes and activities ... it shall deliver opinions and make proposals to decision-making bodies in Europe at the European, international and national level and, where appropriate, at the regional or local level in order to influence decision-making processes likely to affect, directly or indirectly, the populations (of Roma, Sinti, Kalé, Travellers and related groups in Europe)..."¹²⁵ With this, the state of voicelessness described by Günter Grass may finally come to an end for Roma.

Almost immediately following the conclusion of the ERTF agreement with the Council of Europe, the Forum contacted other European institutions and attracted their attention. For example on 7 April 2005, on the eve of the annual International Roma Day¹²⁶, a delegation of the ERTF presented the President of the European Parliament, *J. Borrell*, with the Roma flag and invited the EP to cooperate. "This is the beginning of speaking with – and not just about – Roma", commented the founding president of the Forum, *R. Kawczynski*.

On 28 April 2005, the European Parliament adopted a *Resolution on the Situation of Roma in the European Union*. This resolution is clearly marked by the fact that the discussion about the foundation of a European Roma Forum and, following that, the establishment of the ERTF has contributed to greater acceptance of Romani political participation. It notes with regret that Roma are still underrepresented in government structures and public authorities in countries where they are making up a considerable part of the population, and that it is imperative to ensure their effective participation in the political life, especially where decisions impact on their community. The resolution explicitly welcomes the foundation of the ERTF and acknowledges the importance of cooperation with this forum.

To date, Roma have usually been the objects of programmes at the European, national and local levels. The forum is expected to put an end to this procedure which is criticised by the Roma. "It is only natural that the Roma themselves, as the best experts, should take part in planning and monitoring activities. Up to now the Roma have

¹²⁵ Statute of the ERTF, Art. 3.1

¹²⁶ Both the International Roma Day and the flag and anthem of the Roma were introduced in 1971 at the London Roma World Congress.

been mainly the focus of activities, but from now on they will have their own opportunity to participate. The forum offers a way to convey the Roma's views and expertise to decision-makers. This is beneficial for the Roma as well as governments and international organizations."¹²⁷

The foundation of the ERTF may bring about a change of roles for Roma, enabling them to shape policies rather than be the object of policies. Despite existing problems in practice, they have a chance to achieve this. In the longer term, however, their success will depend on greater democratic legitimation of the forum. Its activities may perhaps help to lay the organisational foundations for clear and unambiguous Roma representation. Such a process might in the longer term transform the forum into a parliament for the Roma.

¹²⁷ Tarja Halonen in her speech for the opening of the ERTF in Strassbourg on 15 Dec 2004.

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Günter Grass

Without a Voice*

... Yet, overall we can say that the European Union, including future countries acceding to it, is increasingly becoming a fortress. Europe wants to batten down the hatches in order to be able to resist penetration by the wretched who come, wish to come or are already en route from Africa, Asia and Russia. And that is not simple. The long coastal strip of Spain and Italy, the hard-nosed human traffickers, the permeable nature of the East European borders, all this speaks against the fortress-builders being successful. The authorities are still relying on the crutch of deportation practice. And they still believe that canceling the debts of the poor countries, if only hesitantly and to an insufficient degree, will grant sufficient help. However, within Fortress Europe, the fortress mentality is fast spreading. New laws are constantly being passed that narrow democratic scope. And now, as mentioned, the powers-that-be wish to get a handle on right-wing extremism, which often enough simply implements in the most brutal manner possible the official government policy, by banning the NPD. The mental horizon narrows. Fears arise, sourced from latent xenophobia, often enough nurtured by political strategy. Yet since the effort to totally shore up Europe's borders against the outside world does not succeed, the security mania once unleashed is directed in Europe as a whole against minorities that have for millennia been part of the population of the Continent.

It is they whom I wish to speak about here. They are constantly under suspicion. Everywhere, they are at best tolerated. Their existence is rendered difficult by consistently rigid prejudices. They have been discriminated against, persecuted and over the course of 12 years, when the law was laid down in keeping with German Racial Acts, they were deported and murdered in concentration camps. Even when this guilt is conceded, they are forgotten or at best mentioned only in passing. I am talking about the Sinti and

* Excerpt from a speech to the Council of Europe in Strasbourg, Oct. 11, 2000 and published in Günter Grass: "Ohne Stimme – Reden zugunsten des Volkes der Roma und Sinti," © (Steidl Verlag, Göttingen, 2000).

Roma people. According to rough estimates there are 20 million members of this people, making it the largest and yet insufficiently recognized minority in Europe. It is as if they were without a voice. By which I mean that where the socio-political decisions get taken there is no perception of them. When the talk is about their culture, there are no lack of enthusiastic references to Gypsy music and its influences on Spanish, Hungarian and German composers. On the one hand, many act as though the Roma people consisted of violin virtuosos, and yet on the other hand many are not prepared to go any further than mere proclamations when it comes to granting this minority, with its large number of members, a democratic say in things.

Let me correct myself: There are signs of such a say. In the young republic of Macedonia, hitherto spared the bloody confusion of the Balkans, members of four Roma parties are represented in parliament. In some districts of the capital city, Romanes, the language of the Roma, is actually the official language. Yet in the Czech Republic, where even during the Communist era there were 11 members of parliament who represented the Roma, since the fall of the Wall the minority has no longer had any say. At the recent Congress of the International Romani Union in Prague, which brought together 400 representatives of this widely scattered minority, all the proven injustices perpetrated against the Roman people down through the centuries in Europe were given voice in their common language: discrimination, marginalization, expulsion, persecution, murder. For example, of the 150,000 Romani who once lived in Kosovo, only 15-20,000 have remained, trying to survive in the cramped confines of ghettos. The majority had to flee in order to escape the hatred and violence of the Serbs and Albanians. The Kfor soldiers currently stationed in Kosovo were not in a position to protect the Romani against this twofold hatred, be it because the troops were undermanned, or because once again members of the Roma people were refused protection. Nevertheless, at the congress in Prague there was daring talk of a nation for the Roma, fueled by injured self-confidence. A resolution was passed to open a Brussels office for the international organization in the near future. Because in Brussels, where the respective lobbies of the worlds of business and industry ensure their interests have a say and influence decision-making, again, the Roma have no voice.

That is not and cannot be sufficient. A minority that is so large, and while their number may be smaller in Germany, it is much higher in Spain and Portugal, in Hungary, the Czech Republic, Slovakia,

Romania and Bulgaria, is for very understandable reasons demanding its right to a democratic say in things. And where else should such a right be better anchored than here in Strasbourg in the European Parliament? It does not suffice to pass on occasion solemn and well-meaning resolutions that confirm the existence of the Roma people, something that is quite manifest any way. Instead, it is time to do justice to the high standards that the ever larger European Union has set itself. Europe must be more than only an expanded market and a bureaucracy geared toward obliging economic interests. Europe has a shared, if contradictory history, one that has all too frequently passed into war and violence. The Gitanes, Gypsies and Zigeuner have been part of this history since the 15th century, often as the sufferers and persecuted. In its diversity, Europe draws on a mutually inspiring culture; who would deny that in particular our music has been influenced by the musicality of the Roma people? And Europe has a common responsibility. After a century in which totalitarian ideologies and racist madness, world wars and genocide, acts of blind destruction and mass expulsion repeatedly took our continent to the brink of the abyss, a century in which finally a democratic understanding of ourselves was tested and established, it should be possible to give the largest minority in Europe, the Roma people and nation, a seat and a voice in the European Parliament in Strasbourg.

At the next European elections representatives of the Roma nation could put up a joint list of candidates to run for parliament. I know that the path to a democratic election is fraught with obstacles. Not only will the received prejudices toward gypsies be brought to bear against this being possible, but it will also not be easy to prompt the members of the Roma people, and many among them are stateless, to register for the coming elections. The very notion of registration kindles memories of hundreds of thousands of family members who were registered, i.e., recorded in carefully compiled written lists that were then used to arrest them, deport them, and murder them in German concentration camps. In other words, many are understandably shy of registration even when it is the precondition for a democratic election, and we need to overcome their shyness. Moreover, Romanes, the language of the Roma people, is only rudimentarily available in a written version. Although in all European countries it is used by the Roma and Sinti alongside the respective national language and spoken in the particular dialect of that country, this domestic usage does not extend to the outside world. It seals itself off from the outside. It is the arcane language of the discriminated and persecuted. Yet this resistance must also be gradually overcome. Calls to this effect were to be heard at the

Prague conference of the International Romani Union. One task, for example, for the European authorities and the European Investment Bank would be to support a long-term program to develop the Romanes language to the point where it can be taught in schools. Only in this way will Roma and Sinti children gain access to secondary and tertiary education, and only in this way will a sufficient number emerge as spokespersons for their people, not least in the European Parliament in Strasbourg, as called for here.

It may puzzle you somewhat that I am making a proposal here that seems to guarantee seemingly insurmountable hurdles. Furthermore, I come from a country where the state of affairs in this regard and the scandals are truly deplorable, but have to date not had any real consequences other than a few people turning up their noses. Moreover, in Germany, in other words in a country that still bears the responsibility for crimes committed during Nazi times, a large number of industrial concerns refuse to pay compensation for those slave laborers during the Third Reich who have survived. Not to forget that I come from a country in which extreme right-wing terror on the streets is fostered additionally by xenophobic policies. Those are three good reasons why I should dedicate myself to Germany cleaning up its own act. That said, the topic addressed here in Strasbourg today is of cross-border importance. And because things must not stop at well-formulated declarations against racism, as the focus must be on courageously setting a political example, in other words actively overcoming racism, I repeat my proposal as a demand. It would be to the benefit of the European Parliament in Strasbourg if freely elected representatives of the Roma people had a seat and a voice in it. They are Europe's most mobile citizens. They cross borders. They are more than all others proven European, for they have endured suffering and yet remained Europeans.

Rajko Djuric

A Standard Rromany Language - A pre-condition and basis for a national and cultural identity for the Roma.¹

The history, the culture and the language of the Roma have been for centuries a subject for study by the non Roma. Because the latter maintained that the Roma were wanderers, completely illiterate and a race without any history of scholarship, the Rromany people found themselves unable to retrace and study the facts of their historical and cultural past, let alone cast light on it by theoretical thinking. So, when Rromany intellectuals emerged towards the end of the 1960s, and when the first movement towards a national and cultural identity for the Roma began, the Rromany language became a subject and a matter no longer to be considered merely as an object of study. Rromani began to be treated as an essential element for national and cultural identity. So since then, the existence of the Rromany language has ceased to be looked upon as a mere linguistic and cultural fact, having now taken on major political significance.

As an element of live thought (knowledge), the Rromany language has become the place where, at whose heart, you can find and get to know the past, the present and the future. In other words, we were no longer talking about Rromani from the point of view of etymology, comparative philology and dialectology - as had often been the case up till then. Now, we were beginning to look upon Rromani as the central pillar at the heart of lines, families, clans and tribes, especially of those groups living in Europe. This key moment in time showed that the Roma, the Sinti (in Germany) and the Kalé (in Spain) – having lived apart for 800 years, without any permanent contact and in very diverse economic, political and cultural conditions – had now acquired a greater degree of cultural, national and social integration.

This awareness and the strong desire to have their own language manifested themselves at the First Roma World Congress in

¹ The French version of this article has been published in *Etudes Tsiganes*, August 2005.

London in 1971, at which time the "Commission for Rromani Language and Education" was formed. But for this idea to become a practical reality, it was necessary, as we have seen, to gather together a number of pre-conditions and redirect many false paths, from an objective as well as a subjective point of view. One of the most crucial pre-conditions for the Rroma is the need to have their own political and juridical Statutes. To date, the Rroma, Sinti and Kalé had had no Statute Book, they were neither ethnic group nor national minority group. In no country were they looked upon as a recognised community.

The former Yugoslavia was the very first country to include the Romany statute book within its constitution (Ustav). The Rroma, as an ethnic group, were granted the possibility, through the Yugoslav constitution, to set up their own organisations and cultural clubs, to speak their language, to promote Romany spelling and culture, to learn Rromani in school and to have press and broadcasts in Rromani. In the areas with the greatest concentration of Romany people, like, for example, Skopje, Priština, Niš, Belgrade etc., schools were opened for young children from 5-6 years on, in which Romany teachers taught them in both Rromani and Serbian. The Romany children attending Primary school in those areas had a small amount of Romany language and history included in their curriculum. And again, a teachers' Training Academy was opened, to allow prospective teachers of Romany language, history and culture to pursue their studies.

In Skopje, the "Phralipen" Theatre was formed, performing 4 or 5 plays in Rromani, and this theatre went on to gain an international reputation, working in Germany at the theatre in Mülheim an der Ruhr. At the same time and in parallel with the above activities, in several Yugoslav towns and cities (Skopje, Tetovo, Priština, Mitrovica, Belgrade, Novi Sad, Sarajevo, Maribor, Murska Sobota) radio and television broadcasts in the Romany language were launched, as well as newspapers. After the collapse of the RSFY, much of what had been achieved with these broadcasts was lost and no longer exists.

Among the newly constituted States, the law pertaining to the national minority of the Rroma ("selorri") was granted and included in the Macedonian and Slovenian Constitutions, albeit without actually defining in juridical terms what actually constitutes a "national minority". In Skopje, the capital of Macedonia, radio and television broadcasts in the Romany language are featured and

there is also a Romany newspaper. And again there are similar television broadcasts in Serbia, and in Niš and Novi Sad.

It was this short-lived experience in the former Yugoslavia that was the origin of the idea for a common Romany language.

Teachers of the Romany children from 5-6 years of age have noted that, when it comes to speaking Rromani as well as Serbian, the children learn much better and quicker when the teaching is carried out in both languages – one hour in Rromani followed by an hour in Serbian. The Romany children, for the first time, had the chance to learn their basic lessons on an equal footing with the other children. Thus they were no longer handicapped when they started school as had formerly been the case.

Put another way, the Romany children in the past had not possessed a good knowledge of the Serb language, and consequently, they were not on a level playing field with the spoilt children from well-off families when it came to taking in and learning the school curriculum. It is in fact true to say that non Rroma children who come from the same background; i.e. from poor families, are also not able to speak Serbian well. Their vocabulary and grammar are very poor and mixed up, but it is said by the teachers that the reason for the Romany children not being able to speak Serbian well is that they are Rroma and speak another language in the home. They look differently upon non Rroma children with social handicaps than they do upon Romany children – with the Rroma, they pin the blame on their nation, their family language etc. For this reason, our children lag well behind in their studies compared to non Romany children, who learn at school in their mother tongue.

And yet again, the Romany children were treated as “less intelligent” than the non Rroma and were shipped off to special schools, schools for the retarded and deranged. When the psychologists and educationalists in Belgrade, Novi Sad and Maribor carried out tests on the Romany children placed in these special schools, it was apparent that they were much more intelligent than the other children. These tests, however, were not based on vocabulary (verbal or word tests) but rather on mathematics and logic, and in these fields the Rroma children showed themselves to be more intelligent.

Experience gained so far demonstrates that Romany children who learn in Rromani with Rroma teachers have more confidence and

ambition in themselves, and they aspire to a greater and more fulfilling future. This was particularly apparent with the Romany children who had lessons at school on the language, history and culture of the Roma. Previously, Romany children attended school to the end of the fourth year, with many of them subsequently giving up school altogether.

When they started to study their own history and their mother tongue, this caused many of them not only to complete eight years of elementary schooling but also to go on to High School, and even in some cases to continue on to University. Rromani has emerged as an important factor in developing the personality and the intelligence of young people, a fact acknowledged by linguistic and psycho-linguistic studies. Language is not only a means of speaking and communicating; it is, as has been recognised, attached like flesh to bone to conscience and understanding, to human values and emotions etc. In short, language plays a major role in the process of self-realisation and affirmation of the personality.

This experience was also observed at the Roma Summer Schools held from 1989 to 1993 in Belgrade, Vienna, Karia, Rome and Montpellier. For the children attending the School, this confrontation with the Romany language proved to be a meeting with their own inner selves. Having become acquainted with the etymology, vocabulary, grammar and syntax of Rromani, it appeared to them as if their national and cultural identity had been opened up before them as well as the road leading to their inner selves, to their heart and soul.

Many of them realised for the first time that the Roma, living as they do in countries very distant from one another, are in fact very close in the language they speak. This fact increased their motivation to learn Rromani to the best of their ability, because they see that this will be the golden path towards the unity of the Roma, the Sinti and the Kalé.

The idea of formulating one standard Romany language has been the major topic of several Conferences attended by educated Roma. In 1976 at the Belgrade Academy of Arts and Science, a symposium was held, entitled "Life and the Rromanipen". On this occasion, several papers were presented on the subject of Language. Then in Chandigarh, India, a symposium was held in 1983, within the framework of the 1st International Festival of Culture. Following this in 1986 came the major symposium on gypsy studies held in Beaubourg (Paris) entitled "Etudes Tsiganes".

The most important symposium, held also in 1986, took place in Sarajevo under the heading "The Language and Culture of the Roma". Following this came the Warsaw conference in 1990, and two days later the "4th International Roma Congress". At this gathering, a series of most fruitful discussions took place with more than half of the 30-35 speakers being professional linguists. It was here that the foundation stone for the standardisation of the Romany language was laid, and, for the first time, people became aware that language was to play a major political role in establishing a national identity for the Rroma. As was underlined at this Conference, standardisation is a complex process involving difficult joint co-operation, and for it to come about, many conditions have to be satisfied involving scholarly expertise and reaching into schools, universities, the media etc.

Put in a theoretical way, standardisation involves ten phases: (1) Selection of norms, in other words the choice of the organic idioms which will form the basis for the standard language, (2) An analysis of the internal articulation of this basis, (3) Choice of a standard model (monolectal or polylectal) with an acceptable level and degree of tolerance, (4) Codification of the handwriting, (5) Normalisation of comprehension problems, (6) Elaboration of the various terminologies, (7) Experimentation, (8) Acceptance, (9) A description of the norm, which will involve bringing in scientists (10) Cultivation and spread of the language through literature, popular writings and journalism.

So far, we can say that the process of standardising Romani has not gone past stages 5, 6 and 7, because the basic conditions have not yet been assembled to permit wide experimentation in the whole world.

Marcel Courthiade² is working on this major and difficult task along with the other Roma members of the Language Commission. This Commission was elected at the time of the 4th Congress, and, in his role as Co-ordinator, he has already achieved significant results which have been put before the Commission and been approved. Based on what he has accomplished so far, Marcel Courthiade's name can take its place in history, as will be ensured, I believe, by

² appointed Commissioner for Language and Linguistic right at the Prague Congress in 2000 and re-appointed at the Pietraterrazana Congress in 2004

those who one day will be entrusted to write the history of our language and our culture.

This standardisation work requires research into the dialects of numerous countries. For example, Milena Húbschmanová, Professor of Indian studies at Prague University, has compiled a Rromani-Czech dictionary; Georghe Sarău from Bucharest a "Compact Rromani-Rumanian Dictionary"; Ian Hancock, a professor from Austin (Texas) is the author of a publication entitled "Notes on Rromani Grammar"; in Moscow, there is available a "Tsigane-Russian and Russian-Tsigane" Dictionary"; in Paris, much important work has been carried out by Dr René Gsell, an eminent linguist and phonetician; mention can also be made of Kenrick, Bakker, Pobožniak etc...

At the same time as the above activity, in a number of European countries new books appeared - literary and scientific - as well as translations from other languages into Rromani. Trifun Dimić in Yugoslavia translated passages from the Bible into Rromani, as did József Daroczi Choli in Budapest and several others. We see numerous magazines in Rromani, radio, television, as in Yugoslavia, Hungary and the Czech Republic etc... Finally, and for us an historic event, at the University of Paris a Department of Romology is established where the young can study not only the Romany language but also its history, ethnology, traditions, sociolinguistics, and the literature of the Roma. Similarly, the history and ethnology of India can be studied with six or seven Indian languages to choose from. This point alone merits a substantial article to itself.

I should like here to mention and analyse certain reactions to the work of the Commission working on a standard Romany language. These reactions have two sides to them: there are some folk who are convinced it is not possible to standardise Rromani, hinting on the quiet and never to your face that it is a "very poor language". On the other hand, it is claimed by some people that Rromani does not need to be standardised, because if this were to happen, its dialects would grow further and further apart.

Generally speaking, it is prejudice against the Roma which gives birth to these theories; like certain ethnologists who claimed that "the Roma comprise a number of marginal groups mixed with all sorts of dust"! and not a nation. Similarly, there are linguists and philologists who, knowingly or not, put forward certain racist theories on the Roma. As an example, I quote Rade Uhlik in his

article "Remarks on the speech sounds of Rromani"; "A loose articulation of the consonants and a criminal carelessness in pronunciation, this is what is responsible for all the deformations and corrupted forms in the vocabulary of this primitive world. The way this linguistic tool has degenerated is indicated by the receding of the teeth, along with a number of other bad signs. In the same way, for example, that certain ethnic groupings suffer degeneration through over-production of children leading to poor health, so the vocabulary of certain Roma groups is characterised by an inordinately large choice of similar words and nuances, which are, in spite of everything, often morbid and filthy."

Rade Uhlik was acquainted with a number of Rromani dialects, and in every article or book, he is referred to as "the greatest philologist and linguist". It may be true that he was well acquainted with the language and was a learned philologist, but what he wrote has its origin in basic racism, and to this day, no-one has pointed this out.

What he wrote about the phonemes found in the Romany language is an example of paradigm, showing just how many major prejudices and racist arguments against the Roma are raised even by those people like Uhlik, who all their lives have been writing about the Romany language and people. He also went so far as to declare that Rromani could not be "raised to the level of a standard language" nor was it capable of developing. We have also seen young people who, without being acquainted with the language, caused quite a stir by putting it about that Rromani is "very impoverished" and its attraction lies in its poverty. An American woman by the name of Fonceka asked a non Roma, educated but not well versed in Rromani, to translate a passage from Shakespeare into the language, after which she asked a different person to reverse the operation back into English. She could see that the two English texts were not identical, and concluded from this that the Romany language was very deficient, that it had little vocabulary and this was the reason for it being rather "spicy", like a wild language spoken by savages. It is a fact that she broadcast this insult in a book.

Others possessing a better education in general linguistics and social sciences avoid speaking as explicitly about Rromani as Uhlik and the American woman. In order to conceal their racism, they have sought different ways. One method consists of saying: "it would not be good to carry out standardisation of Rromani, as the language could find itself depleted as a result".(!) Another uses the

fact that “there are numerous dialects, and, because of this, it is impossible to arrive at one standard language”.

It is a fact that that there are many dialects in the Romany language, but we know equally well that there is no living language without its dialects. So why is this well known fact forgotten, as is the fact that there are language reformers to be found in every country? Moreover, it can be clearly seen today that in many Asian and African countries, and also in our own continent of Europe, the standardisation of language is an accepted fact. Given the above, if Rromani is a language and if the Rroma are a nation like any other in Europe, Asia or Africa, you have to ask yourself: why is the “*a priori*” standardisation of Rromani looked upon in exactly the opposite way as “a bad course of action”?

Now, it is not the Romany language and its dialects which are here a matter for dispute; rather it concerns issues from other areas, above all prejudice, even if in our times such prejudice against the Roma cannot be openly and officially given free expression, being confined to “more neutral ground” as provided by the language and its dialects. Certain philologists and Roma “padre padroni” bring forward as evidence the various Romany clans to lend weight to their argument. They argue that these tribal groups have claimed that “their language” as spoken is the best! This “argument” is not a new one! Many anthropologists in the United States and in other countries have brought up this example. Each tribal group in Africa, in Latin America etc. maintains: “Our language is the best and the richest”. And why? Because, as anthropologists have explained, the question as to “Which group among you has the best language?” is understood and perceived as an ethnic enquiry and not as a philological or linguistic one. People who know nothing of linguistics and philology feel that the dialect they speak.

“The Tsigane language must be regarded as one, homogeneous and possessing the same rights as others in the same family. It is the duty of science to get to know this language in a standard form of its own, to extract from the various dialects the essential tsigane basis which they have in common, to clean up the pure metal by removing any alloys which have been deposited on it with the passage of time or as a result of various circumstances.”
Antoine Kalina “Language of the Slovak Tsiganes”(Poznan 1882)

gives them value and tradition, and at times even that it is their possession, their concern and their very flesh. They state their belief: "I have to say that my dialect is the best, for the reason that our group is also the best." Nowadays, when this type of enquiry is conducted among the Roma, it indicates above all the degree of knowledge (or ignorance) of the very people who are conducting the research. Frankly, they have no knowledge of the rudiments of linguistics and anthropology, but this does not stop them claiming to be "the tribunal" for everything. This is why the arguments they come out with are so untrue, and why it is useless to take them into consideration in any serious debate on standardisation. Sadly, there are also certain people who, whilst being fully aware of all this, nevertheless go ahead and carry out such enquiries, because they have destructive designs towards the Roma. This is nothing less than hidden racism.

These people completely forget the "third dimension" of language, which is closely linked to the future and the prosperity of the Romany people. The Roma cannot alter their political and social status if they do not receive political recognition as a national minority. Likewise, nor can they emancipate their culture and develop their language without such recognition. It is impossible for the Roma to achieve a new political status unless there is a set policy and a firm plan for their language. This is how it has worked with the history of other nations.: all language reformers have had to pay due regard not only to spoken linguistics and the knowledge available – they must also have in mind the actual current situation of their nation, its politics and cultural trends.

Without a standard Romany language, the Roma, Sinti and Kalé cannot achieve their national and cultural identity, nor will they be socially integrated. Often, they are not even granted their human Rights, even though these are recognised in numerous legal documents and international treaties. Here are two examples taken from Germany. A Roma had to go to the State court having committed a crime. He told the Court that he wished to speak Romani and maintained this was his right, recognised throughout Europe and beyond. The Court in Hamburg replied: "You may speak in Romani, but your evidence cannot be taken as official, as Romani is not a recognised official language." In other words, Romani as a language cannot be used for official matters. When I was summoned to Hamburg to do the translation into German, I became aware the Romany language was the only one he really knew. His knowledge of other languages was superficial. So what happened to him? If you were to go by what the opponents of

standardisation maintain, he should only have spoken Rromani when under cover of his tent or when he was on the highway! These “purveyors of theory” believe that this is all there is to the true liberty of the Tsigane – the Bohemian, and that only those travellers who live by the wayside count as the real Rroma!!

Another story – this time from Berlin: a young Rroma whose only fluent language was Rromani was summoned to Court. He also asked if he could give evidence in Rromani, and this was granted to him by the Court. This young man was innocent and he is now free! But what would have been the case if the Court in Berlin had not accepted the Romany language as official?³

These two examples illustrate to what extent recognition of Rromani is a current problem in daily life and how important it is for people to understand and stand up for their elementary human rights. For all the Roma who have been forced to flee from Yugoslavia or Rumania, standardisation is a vital question, it is their very existence. There is in effect a close link between the fact that Rromani is not yet recognised as an official language and the fact that the Roma are not recognised as a national minority; under these conditions, they have no chance of receiving information in their mother tongue, nor of enjoying any effective legal protection etc.

For the Romany language to gain recognition is not enough, however, for it must be able to express every nuance, and it must contain juridical terminology. Furthermore, the Roma themselves must learn not only the vocabulary but also the concepts to be found in the Law, in the Human Rights Bills which are quoted in Court. What must be avoided is what happened in Hungary 50 years ago – then, the authorities ensured that the Roma were not allowed to study Law, for fear they would steal more and then be able to present a better defence in Court. There again you have pure racism.

Opponents of standardisation want to see the Roma still living in social and cultural ghettos, being denied recognition either as

³ It has to be noted that in France, the Commission for Help to Refugees calls in Rromani interpreters whenever the applicant requests such help. In this way, they are much more able to find the right words to express problems and grievances linked to their past., whereas very often, a statement in the predominant language is stereotype, seen as having to be couched in “officialese”, even if the speaker has a good grasp of this predominant language in another connection.

individual beings or collectively as a nation; and whether they want to state this openly or not, this constitutes normal racism. Alas, there are also certain Roma and Sinti who are quite willing to accept these racist arguments propagated by non Roma. To begin with, these people have no knowledge whatever of linguistics or philology, they regard language as a fact of life, natural and tribal *sub specie aeternitatis*. It is quite normal that among the Roma and the Sinti, there may be found some people who are not educated, as in all other countries. But if the uneducated man is allowed to instruct the graduate on how things should be, and lecture him on scientific truths, then any reasonable man may well give up the quest for truth. This does not happen in any other nation and this is also racism rejected.

Yet another group of racists view Romani as "a marvellous secret". They seek arguments from the past, from the fact that Nazi philologists sent numerous Roma and Sinti to concentration camps. But this delving into the past by racist philologists had at its roots a quite different aim and motive. Here there emerged confusion between the search for real truth and a search aimed at achieving certain anti-human objectives. This is definitely not an argument against standardisation, it merely shows that all research can be motivated by perverted aims, and it can be led astray. In no way is the Romany language a taboo, it is a philological and cultural phenomenon as are all other languages. He who claims to see a taboo there is either ignorant of the meaning of the word "taboo", or he is hoping to get some other result out of it, masked in the "wafers" of the language; namely that the Roma should remain unrecognised as a nation, and continue to be looked upon as an asocial (even "antisocial"), folkloric group, with whom you can do anything you like.

Finally, there are those who do everything they are told to do by those outside the Roma circles - sometimes for money, sometimes for illusory advantages, or again for the sake of kudos. They are not the slightest bit interested in the future prospects and the emancipation of the Roma, but only in the money coming to them in the name of the Roma and the Sinti, or even in a brief moment of glory at their low level offered them by the racists.

Alas, there are certain so-called Romany foundations who are categorically opposed to standardisation. Within these foundations, uncultured and uneducated Roma have been appointed to top, decision-making positions, because the way they speak is exactly what the privileged want to hear them say. And these very people,

with their two or three years of schooling are ruling upon the fate of projects which have been worked out by Rroma experts with University doctorates. In reality, these people are playing a truly shameful game! They form a protective screen behind which the privileged can conceal their racial feelings towards the Rroma and the Sinti.

From what has been said, the following conclusions may be drawn.

1. The Rroma, Sinti and Kalé who have been persecuted for 1000 years and who went through genocide (the Holocaust) without their language dying out have now reached the stage of asserting their human and national Rights, and, in the process, of raising the issue of the standardisation of their language – which numerous individuals are attempting to block.
2. This procedure for standardisation rests more with those in political, cultural and educational power (the authorities) than it does with the Rroma and the intellectuals among them. Whilst it is true that a number of very good documents have been approved, these measures must also be put into practice, and it is only then that the Rroma can seize their opportunity to become a national and linguistic minority in Europe.

“Nothing gives the right to maintain that languages are merely simple means of communication. As they function in real life, they exercise a power within the heart of society, which, far from being neutral, points in a very specific direction”.

Kasuya Keisuke “Linguistic Hegemony”.

3. The London “Minority Rights Group” at the Zürich conference on 17-05-1976 declared that to discriminate against a language is to discriminate against all those who speak it. Through his native language, man does not merely utter words, for it is by means of this language that he gives voice to his thoughts, his aspirations, his loves, his feelings, his vision of the world, his life, his morality etc....If his language is not recognised and accepted, then he himself is discriminated against as a human being. Today, at a time when national chauvinism and fascism are re-emerging in many countries, each one of us should realise

that catastrophe can ensue from this, and we should campaign to make it possible for the Rroma to be recognised, and not to be forgotten, as a linguistic minority within Europe.

4. The current situation in many countries is alarming. This is why the UNO and European Institutions must recognise the Rroma as "a national minority without their own territory". They must find the measures and powerful enough means to offer better protection to Rroma, given their status as a nation without a country.
5. A European Fund must be put in place for the integration of the Rroma, to finance, amongst other things, the process of standardising Rromani.
6. The right to possess a mother language is a basic element to be found in numerous documents. It is underlined notably in the "Convention against Discrimination in Education" (UNESCO, Doc.11C. 14.12.1960). It is a fact that in education and culture, the Rroma are the most discriminated against people in Europe, and this should stop. To begin with, it is necessary to bring about a situation in which the Rroma are allowed to express themselves freely in their language in everyday social life.
7. The Romany language is a vital element of national and cultural identity. Therefore, just as UNESCO has recognised the cultural heritage of other countries and nations, by the same token, it should acknowledge Rromani and seek, within its programme, means and concrete measures to develop and enrich the language of the Rroma.
8. What is imperative today is for the Department of Romany Studies in the University of Paris (Inalco) to become better known. More students should be able to matriculate there, to study Rromology seriously and proceed to its development to the same high level as all other cultural and scientific subjects. Gradually, similar Departments must be opened in other countries and in their work must co-operate closely together at a European level.

Marcel Courthiade

Who is afraid of the Rromani language?

National languages have seldom been a restful issue in History. In this respect, the Rromani language is by no means an exception and one can observe a very complicated system of polemics about the various aspects of its affirmation: as a language and as a national one, as a mean of in-group and trans-frontier communication, as a written vehicle, etc... The main subjects of dispute are the following:

- Is Rromani a language or not?
- How many Rromani language(s) exist in Europe?
- How many dialects does this represent?
- What kind of relationship is there between these dialects?
- Do Rroms want to use their mother tongue?
- Can it be used as a modern language or not?
- Can it be standardized or not?
- Can it be written or not? If it can, how to spell it?
- One dialect? All dialects? Nonsense question if one understands the structure itself.
- Are Rroms able to write it or not?
- In my village, should I use an European norm?
- Is it difficult to write in Rromani? And implicitly, where does the difficulty lie?

Even a shallow investigation shows that most people raising these questions lack any conceptual instrument which could enable them to realize that, in most cases, the answer is easy and clear. For this purpose, one must free oneself of some preconceptions acquired in school in relation to majority languages. In addition, almost none of the polemicists are everyday users of Rromani.

1. The dialect issue

First question: "How can we distinguish a language and a dialect?" In Europe¹, there is a comparatively clear geographic border between languages, sometimes through so-called transitional dialects. In fact, genuine dialects are mainly smaller divisions within languages. In the case of a language without a compact territory, such as Rromani, one dialectal variety can be used by speakers scattered very far from each other, whereas at the same time, close neighbors may use quite distinct varieties. This is indeed puzzling. However, the principle remains the same, except that it is not linked to a territorial basis. A proper understanding of the issue requires some introductory clarifications:

Dialects are always genetically related. Accordingly "dialect" cannot be understood as "another language", as it was in the case with the Bajaš language, a particular form of Southern Romanian spoken by scattered people who are not of Rromani descent but have been labeled "Gypsies" by uninformed (and uninterested) peasants through analogy with Rroms². The same is true about the Albanian dialects spoken by Balkan Egyptians.

No two persons speak the same idiolect. One could add: even the same person uses different varieties of his/her language in various circumstances: family small talk, ceremonial address, occupational intercourses, etc... However, except when the given person speaks two different dialects in different contexts, one may assume that he/she uses only various registers (styles) of his own dialect (or idiolect). Basically, even relatives do not speak exactly the same variety, and one should consider that linguistic differences single out distinct dialects when these differences are significantly greater than between speakers belonging to the same family: this is the minimal threshold of dialectal differentiation.

¹ This not the cases on all continents, for example in India, most languages are in territorial continuity; this also happens with some European languages, as vernacular Serbo-Croatian.

² This concept mimics the situation of the Jewish people, who has abandoned centuries ago their mother tongue and have taken over various local languages. However Jews are related by a common origin and ethnicity, while Rroms come from India, Beás from Southern Serbia and Egyptians probably from Egypt. The situation is therefore radically different (even in the case of the Jews it would just sound like a joke to say that Yiddish is a Judeo-Spanish or Semitic dialect) but it is also clear that alien scholars confined to the social standpoint and unable to speak Rromani can hardly understand they are facing different people – especially when they refuse to know. This is why the true opinion of the "target group" (not only its "leaders") should be listened to carefully.

Dialects of one language are less distant from each other than languages. Statistical dialectometry has demonstrated that the mutual distance between Rromani dialects is less than the distance retained to distinguish different languages³; accordingly, all Rromani varieties are dialects of a common language, called Rromani.

The oblivion of a part of a language does not create a new dialect. The formation of dialects within a language is due to a series of reasons, which are well known in linguistics. However the fact that some Rroms have forgotten a part of their mother tongue, due to particular circumstances, is not one of these reasons and it does not generate new dialects. For the sake of comparison, one may draw a parallel with Turks born in Germany: although many of them have forgotten a part of their mother tongue, they have not created a new Turkish dialect. They have just forgotten partly Turkish. If a young Turk from Germany, untaught in Turkish, meets a young Turk from France or England, also untaught in Turkish, they will face severe troubles in communication. This does not mean they speak different dialects of Turkish; they just try to speak partly forgotten (and differently forgotten) Turkish. The same is true for Rromani⁴.

The integration of local modern vocabulary does not create a new dialect. If one Rromani *enda*⁵ is divided by a frontier in two parts, each subgroup will borrow from each of the mainstream languages most terms related to the host society (like Cerhàri Rroms in Hungary and Ukraine). This does not mean that cousins speaking different dialects, but just that the most recent layer of the language presents lexical divergence. Conversely, when Rroms of various dialectal backgrounds inhabit a common mainstream language area, they borrow from this language most terms related to the common host society. This does not mean they are speaking the same dialect – even if as a result their communication in Rromani is made easier. Although the everyday vocabulary is a

³ For the calculation of this distance, see Courthiade 1985:1-7. As a matter of fact, the distance between Rromani and Sinto, expressed in dialectometric units is around the critical value of one, while the distance with Spanish Kalo (or Chipi kali) is over one unit, as with a different language; however, Kalo is not a language but a scarce Rromani vocabulary used in Spanish or Catalan language. It is not either a Rromani dialect, but a particular linguistic object called "paggerdilect".

⁴ For the main scenarios of impoverishment see Duka 2001:181-190. It is very often caused by the surrounding language: if the latter does not distinguish two notions while Rromani does, after a few decades, Rromani conforms to the mainstream pattern and loses one of the two lexemes labeling the two initial notions.

⁵ **Endaj** (fem.) is the old Rromani word (still in use in Bulgaria) meaning "group of Rroms characterized by a common linguistic variety, their *endajolect*".

very easy reference point for outsiders⁶, it cannot be used to distinguish dialects.

Dialectal differentiation relies on deep dialectal features. Not all dialectal differences are of equal weight to identify dialects; some are "superficial" and occur very easily in any language⁷, others are quite specific and of greater dialectological value. In the case of Rromani, the crucial discriminatory feature is the vowel of the ending of the first person (sing.) of the past of the verbs: **o**⁸ in the so-called O-superdialect and **e** in the so-called E-superdialect. The second level of division, which seems to be more recent, is based on the pronunciation of the phonological units spelled **čh** and **Ŵ**: respectively aspirated "ch" (as in "catch-him") and "j" (as the first letter of "jazz") in non-mutational varieties and very smooth "sh" and "zh" (much smoother than in "sheep" and "pleasure") in mutational varieties. These two features differentiate four "strata": 1 or non-mutational O, 1# or mutational O, 2 or non-mutational E and finally 2# (more commonly called 3) or mutational E. The 1st stratum is divided further in four dialects, what makes together seven groups of endajolects (cf. note 5), as the following table shows (to be read from beneath upwards):

E	E# = "e" with mutation	3 (or 2#)	lovàra, kelderàra, drizàra etc...
↑	E ħ = "e" without mutation	2	gurbet, čergar, Ŵambaz, filipiŴi etc...
↑	O# = "o" with mutation	1#	cerhàri, colàri, čuràri etc...
O	O ħ = "o" without mutation	1N	Polska Rroma, xaladitka etc...
↑		1C	karpatico, rromungro etc...
↑		1V	vendetika-šlajferika
↑		1S	bačòri, fičíri, mečkàri, kabuŴia, èrli, thare-gone, mahaŴàri etc...

In addition, some sociolinguistic scenarios have generated some specific idioms called para-Rromani and paggerdilects. Two main developments have to be considered (about the dialectal distance between Rromani and these idioms, see above):

⁶ Most of the everyday objects you can see around you rather belong to the mainstream society and they are far less appropriate for the dialectal identification than lists elaborated by dialectologists.

⁷ Among such non-relevant features, one may mention the various palatalizations of consonants, like "ge" in **gelem** "I went" pronounced spontaneously [g], [ǵ], [dj] or even [dž], in various areas and dialects, without any connection between them.

⁸ The vowel **u** may also occur in the **o**-superdialect, for example: **phirdòm** (or **phirdũm**) "I walked", **gelòm** (or **gelũm**) "I went", **xalòm** (or **xalũm**) "I ate" etc..., contrasting to **phirdem**, **gelem**, **xalem**.

- a very strong intrusion of alien linguistic items (mainly vocabulary) has created the Sinto idioms (with Germanic influence in the north and Italic in the south);
- giving up of Rromani as a home language lead to the formation of paggerdilects (residual Rromani vocabulary reinjected, mainly for social purposes, into basically Spanish, Catalan or English speech). The overwhelming part of this sorting goes to Eastern Rromani (almost 90%), then to paggerdilects (almost 10%) and the rest (1 or 2%) to Sinto and similar peripheral idioms.

To sum up, one should distinguish four types of differentiation among the Rromani and para-Rromani idioms:

a) the strict dialectological division, with two crucial isoglosses (dialectal frontiers): the O/E contrast (accompanied by a lexical differentiation of a few dozens items) and the mutational contrast. These contrast are not damaging for the unity of Rromani, because O/E concerns but a reduced segment of the language (one verbal ending), whereas the mutation is not always perceived by the ear; in addition both are quite systematic and rigorous.

b) the socio-linguistic level, with two major types of scenarios for the formation of peripheral idioms and paggerdilects. Their users are not very numerous (some 10% of the total number of Rroms) and as a result the unity of Rromani is not very much affected.

c) the level of local or regional oblivion of lexical items (including lack of development due to life conditions: rural surrounding language poorer than Rromani, marginalization etc... This does not concern the language itself, just the way it is used in certain areas, and therefore – if an efficient didactic effort is developed in a context of language valorization – oblivion could be compensated by lexical reacquisition and the problem could be solved.

d) punctual lexical discrepancies, involving a very low number of lexemes : **korr/men** "neck", **gilabel/bagal** "he sings" etc...

Conclusion n° 1: The so-called "dialectal" disparity of Rromani should be renamed "oblivional" disparity because two Rroms of different dialectal backgrounds understand each other, while each speaking his Rromani dialect, far better than two Rroms of the same native dialect, who have not properly acquired their mother-tongue. This is related to the fact that the properly Rromani (Asiatic) element in Rromani is amazingly uniform in all dialects, and this fact points at the uniqueness of language of the Rroms' Indian ancestors.

The following comparison has been used to express this:

- the core of the Rromani language is basically the same for all dialects, as the human body is basically the same for everybody (as a result, the terms of anatomy are shared more or less by all dialects, since they refer to common natural concepts);
- the European borrowings differ among the Rroms, just like garments differ among countries (as a result, the terms referring to non-Rromani life (garments, administration, food etc.) differ among Rroms, since they refer to artificial concepts);
- when a Rromani word has been lost, it is replaced by a non-Rromani one, just like an organ/limb missing is replaced by an artificial one but this is by no means a model of life;
- when other dialects can supply a word missing, this solution is preferable, just like transplant is preferable to artificial limbs – but it needs more sophisticated skills.

The first four questions have been answered and we can conclude that, if the common Rromani vocabulary, gathered all over Europe and sorted according to the phonological rules of the various dialects, is circulated again (used in public life and taught to persons who have forgotten it), there is no reason to claim that Rromani differs from other European languages in terms of dialectal splitting up.

2. The practice and commitment issue

The second main issue is related to the actual use of Rromani among Rroms. Before discussing this point, one should recall that most immigrant languages are totally lost within four generations⁹. Quite often one can observe young Albanians, born in Albania or Cossovia, speaking French rather than Albanian among themselves. On the other hand the vigor of Rromani, after almost one thousand years of migration, arouses the unanimous admiration of all observers: "Every visit in a Rromani family shows that the children learn first Rromani, their mother tongue, and only then the language of the host country" (Reinhard 1976:III). Nevertheless, a recent pamphlet by Halwachs and Zătreanu points out that the Rroms there now speak Rromani only for greetings and

⁹ Generation 1: mother tongue prevails upon host language; Gen. 2: balance between mother tongue and host language; Gen. 3: host language prevails in everyday use; Gen. 4: host language becomes new mother tongue; According to *Jan Japp de Ruiter "Moroccan and Turkish Communities in Europe"* In: ISIM Newsletter 1/98.

switch to majority language as soon as they begin a real conversation (2004:12-14).

How can we give an objective assessment of the situation?

Although everybody can see that at the European level Rromani is far more present in everyday life than stated in Halwachs' pamphlet, signs of decline have indeed been growing alarmingly in the last decades. One should accordingly explore the reasons why Rromani is in decay, probably sharing the fate of most minority languages in wide urban settlements. Sociolinguists have pointed out that the greater the degree to which an exiled population consists of mixed social backgrounds, the stronger and the longer it will carry on transmitting its original language. The manifold social structure of the Rroms' ancestors when they left India can account for the phenomenal survival of Rromani – as opposed to the situation of other migrants' languages (cf. note 9). One should emphasize that Rromani successfully overcame the drastic changes of cultural context when the Rroms were deported from northern India to Afghanistan and Persia, and later moved to Asia Minor and various European countries, where each time they faced totally unknown civilizations. The mixed character of this population was probably a factor of preservation. The fact that most Rromani communities are now reduced to homogenous poor groups similar to other migrants' communities put them in a similar risk of linguistic acculturation. However the will of forwarding Rromani to upcoming generations is widely expressed in all declarations.

Beyond the gradual weakening of the Rromani language presence and the Rroms' declared commitment to preserve it, it is essential to emphasize that **language survival is far less a matter of declaration than of motivation**. Since language, as a social phenomenon, has two main faces: communication and identity, the motivation to keep it alive may be twofold. As an expression of identity, it is supported by everybody aware of this social function but as a mean of communication, some Rromani speakers find it indeed inappropriate to convey modern messages – an opinion originating from several misunderstandings.

The first task of linguistic practice is not to convey highly sophisticated information but to create a friendly and warm space of *divàno* between people who want to express their feelings to each other, but also all kinds of common-place utterances, worth nothing in terms of information but highly significant for the community's psychological comfort. All dialects of Rromani are suitable for this purpose. The problem arises from the fact that, under the influence

of schools and media, the mainstream languages have recently developed a kind of pseudo-intellectual slang, even in the sphere of everyday life. In addition school and media circulate the image that language is a matter of terminology. Minorities tend to imitate the style of the majority language, but they do not succeed because their mother tongue has not enjoyed the same special care, which has developed a sophisticated style in official languages. This leads minorities to under-estimate their mother-tongue and to switch more and more to the majority language. This occurs because they have ceased to think in their mother-tongue and it is far easier to express the majority way of thinking in that language than in their mother-tongue, anyway totally ignored, if not despised, by the majority society spaces of activity: media, school, movies, public places, shops, sporting, games, etc... which leads them to think in the language of all these activities. The family circle constitutes a kind of private sanctuary hosting the last stages of use of a linguistic relic.

In this respect, one can understand that many parents do not perceive the values of Rromani (even if they claim they want it to be transmitted to their children – by others):

- **Rromani needs (and has the right) to be formally valorized in public life** and accessible at any time of the day: media, school, games, sporting, etc. on an equal footing with the main language(s), which brings also revalorization of the Roms themselves. Mainstream societies, but also Roms themselves, have a duty toward the truth to publicly restore respect not only for Rromani but also for all elements of the Rromani heritage, which have to be treated as belonging to a non-territorial nation, not to a formless amalgamation of socially marginalized groups.
- **Awareness-raising campaigns should be conducted in school and the media about the importance of all mother-tongues**, among others for human feelings of internal solidarity; the idea that language is not only an instrument of communication but also of identity and intellectual development has to be taught to everybody. In this respect, the importance of *gnossodiversity*¹⁰, beyond *glottodiversity*, should be pointed out, as well as the role of language in expressing non-material heritage.
- **Education in Rromani should be provided to teach how to express modern messages** in a more accurate way in

¹⁰ *Glossodiversity* stands for "linguistic diversity" and *gnossodiversity* for "diversity of perceptions of life" (these terms were coined by Native Americans of Colombia).

Rromani (to raise up from "the analysis were bad" to more accurate "his blood sugar level is so much %" – true enough, this involves also minimal education in physiology, but also in administration, law, politics etc. This would be true empowerment). At the same time, modern terminology should be presented as a secondary device, as compared with the genuine Rromani expressivity in terms of images, typical lexical resources, proverbs and similar spiritual wealth.

- **The lack of formal education in the mother-tongue leads to *diglossy***, which means that the mother-tongue is viewed as an instrument devoted to express less and less a sinking world, while the host language conveys all the positive values of modernity, social integration and success. This split leads to the death of the minority language, even if it can go through a stage of artificial respiration thanks to school classes addressing children who have already lost any native proficiency in their former mother-tongue.

One should wonder why language communication is so effective: we may use a word of a few phonemes and understand immediately its meaning: "dog", "house", "son", "father" etc... just because such a group of phonemes has been associated through education to the object concerned¹¹. In the cases of these words, the meaning is simple and immediately accessible but for more sophisticated concepts, each culture first creates the image of the concept itself before expressing it through a set of phonemes according to pretty strict rules of derivation, analogy, borrowing etc. This explains the efficiency of language communication and why at the same time language is the inner mirror of our society and cultural references.

Conclusion n° 2: Giving up one's language is a response of naive people who are aware only of its informative function (and of its incapacity to fulfill it – and indeed, if it is totally inappropriate, why should they transmit it to their children?). It does not take into account its power of mirroring an entire universe; this sacrifice

¹¹ In modern languages, the lexical image itself may be used as a referent to build so-called new age compound words: *poverty trap*, *soap opera*, *clearing house*, *shadow cabinet*, *dead line* etc. Due to their greatly metaphoric dimension, they can be properly understood only within the culture which has produced them (in contrast to regular compound words, which are immediately decipherable: *firewood*, *wood fire*, *time difference* etc.). However there is no sharp cut line between the two; the position of the frontier is anyway to some extent subjective and related to one's native culture.

misleads them to a foreign world they need years, maybe generations, to be integrated in and at the same time, they lower the level of sophistication of the newly adopted language – as it has been evidenced for foreigners' English. The strategy set forth above, including education in how to perceive language(s), provides a powerful motivation for an effective use of mother-tongue in all circumstances of life. Classes of linguistic recovering have only a symbolic function and can by no means preserve a language alive if the other prerequisites are not met. It is meaningful to observe that a lot of money is devoted to such futureless classes, whereas nothing is done to keep healthy and develop Rromani where it is in regular use as a home language – or to say it other terms, such classes are useful only as a collateral measure and if the native speaking population constitutes a solid reference contingent enjoying the four basic measures developed above. This is a reply to two further questions.

3. The standardization/modernization issue

Here again we are facing quite confused concepts about the idea of standardization.

Some people still stick to the romantic conception that action upon languages is impossible. Modern linguistics has evidenced that "there exist no 'natural languages', free of any regulation or of any normative process aiming at meeting somehow the needs of their linguistic community [...]. As a matter of fact, either at the micro- or at the macro-linguistic level, language building inevitable and all degrees are possible" (Eloy 2004:18). Therefore the idea of "improving", "engineering", "standardizing" or "modernizing" Rromani should be rejected *a priori* as many observers do. They insist on keeping Rromani outside any evolution (except lexical impoverishment, which they admit as a fatality) but they would never accept this for their own everyday language – hiding their discriminatory approach under the colors of respect. Yet it is now clear that if you do not enlarge the expression abilities of the language, you are condemned to use it only for trivial purposes and you create *diglossy* leading to language total extinction or symbolic fossilization (with possible mascotization), which postpones the final outcome but does not change it. The real problem is not "if" but "how" it is possible to have an effect on a language in order to help it optimize its social roles of communication and identity.

Many people mix up standard language and written language. These are two different concepts and we will deal further with

graphization (means of writing, созданные алфавита) of Rromani. When thinking of standardization, they imagine a unique model, as in most "established" languages. In Rromani on the contrary, the traditional feeling of mutual respect among various *endaja* have lead to the very democratic London decision that "no dialect is better than anyone else but we need an international form of language allowing us to understand each other in international conferences and literature" (First Rromani Congress – London, 8 April 1971). So apart some bystanders who claim that there is no need, no profit or no possibility of standardization in Rromani (Rroms are extremely rare, if any, in this camp), other people are divided between those who want a unique model imposed for all Rroms of their country, as in majority languages (these usually lack any European perception of the Rromani nation) and those who yearn for a flexible European Rromani language, respectful of dialectal cultural riches but easy to use at a wider level of communication.

Some people still believe that Rromani dialects are so dissimilar that a common language is a dream. As a matter of fact, a European Rromani language already exists in the mouth of people having a good command of their native dialect. In the light of the rectified definition of dialects, as given above, of a systematic review of the Rromani *endajolects* and of a clear concept of their mutual relationships, one can conclude that almost all of them are suitable as parts of the basis for common Rromani – provided that one uses their non-forgotten variety. Only peripheral groups (like speakers of very atypical south Italian Rromani, Finnish *Kaalenqi čhimb* or Welsh Rromani – now extinct) show out-of-the-way features but they represent hardly 2-3 % of all speakers. The method of linguistic elaboration consists in:

- collecting as much as possible of all the genuine vocabulary and forms of Rromani all over Europe, including local items (except provincial loan-words, which break mutual intelligibility without bringing a cultural benefit); this task has been carried out by now probably for up to more than 99% of vocabulary from interviews and publications – sometimes very old ones¹²;
- sorting this material after the various dialects and looking for equivalents in others;
- considering inter-dialectal borrowings if possible, but only in cases of lexical gaps, since dialectal consistency is encouraged;

¹² For example the word **berno** (masc. noun) "circle" has been found in a 16th century Latin text; other example: the word **trom** (fem. noun) "boldness, courage" has been evidenced in a letter written by Radics Lajos from Miskolc to Archduke Joseph von Habsburg in 1888 (while the equivalent verb **tromal** "he dares" is widely known).

- considering resources like derivation, reutilization of obsolete words or semantic extension to widen the language's abilities of expression, as needed by actual present day communication but avoiding top follow, every time it is possible, the strict pattern of foreign models; this method is advisable when all European languages have different words for a specific modern object and it is impossible to chose a pan-European cover-term.
- considering the benefit of borrowing foreign words, mainly for notions related to technical spheres with no emotional dimension; as far as these spheres are concerned, it is common sense to produce common neologisms for all the Rromani varieties: if all Europe says **planèta** for "planet", there is no point to say **bojgòvo** in Hungary, just because Hungarian for "planet" is *bolygó* [bojgo]. Be it as it may, borrowing is a natural necessary phenomenon in language evolution allowing getting free of the conceptual ghetto of the past.
- avoiding ambiguous borrowings, especially when they create problems in communication: in some dialects **glàso** means "glass" (< Germ. *Glass* "id.") and in others "voice" (south Slavic *glas*); it is rather unproductive to use **glàso** instead of Rromani **taxtaj** "glass" and **krlo** "voice"¹³. The same may be said for **nìpo** "people" (< Hung. *nép*) and "grand-son" (< Alb. *nip*). Interesting enough, the overwhelming majority of such ambiguousness is due to loan-words, not to Rromani inherited items.
- checking the given neologisms have an appropriate morphological pattern;
- proposing the concerned forms to wide circulation, with explanation if the context is not sufficient to make the meaning clear, keeping in mind that only practice can confirm the use if specific expressions. This is a major aspect of language affirmation, since it is of no benefit to propagate words if the notions standing behind them are not defined: not only "new" (or "modern") concepts of law, medicine or journalism but also traditional Rromani cultural concepts, which more and more often have lost their natural way of transmission.

¹³ Nevertheless, it is useful to teach that a "missing word" has also its story: the oblivion of **amal** "friend" in some dialects witnesses of the evolution of the family system in contact with Slavic tribes; the lack of an inherited word for "grand-son", often replaced by "son", mirrors also a specific family relationship; the common word for "God" and "Heaven" expresses a cultural standpoint etc... One should not forget that Rromani distinguishes sometimes two notions where other languages do not, for example **lučh** "white cloud" and **maruth** "rain cloud" – the "lack" of a general word for "any cloud" has lead to borrowings in many Rromani dialects.

The IRU Commission for language and linguistic rights has been active in this field for more than 20 years, through cooperation of dozens of members. However the results of this collective pan-European work is under-esteemed due to the lack of financial resources to make them know and to the obstructive attitude of some "friends of the Roms" who consider that Rromani will lose its "Gypsy" identity if its European dimension is restored and promoted in addition to local varieties. Keeping Rromani locked in its "genuine" former rural form is an incitation to use it only for songs and folklore and to speak majority languages about important subjects of life.

In addition, one can see quite odd projects of "standard Rromani", improvised here and there but unsuitable to actual use, mainly for the following reasons:

- The promoters of such projects do not have the patience, will and competence to check the real resources all over Europe for as many dialects as possible. Instead of elaborating the Rromani language on the basis of proficient speakers, they take as initial corpus the knowledge of a random speaker (often a local self-proclaimed leader who, due to his biography and low needs of communication, has a poor command of Rromani) and try to reconstruct the whole language out of his scarce remainder of Rromani, while borrowing massively from neighboring languages and sticking closely to mainstream language and style of thinking.
- If such resources (vocabulary, expressions etc...) are supplied to them, they refuse to take them into consideration under the pretext of dialectal chauvinism but in fact chiefly out of laziness. They view the European dimension of Rromani as irrelevant or just believe they can force their construction on millions of Roms. By doing this each of them contributes in splitting an existing language into feeble individual projects of idioms remaining to be constructed on uncertain basis.
- Crude grammatical mistakes are even quite common in their speech: **kodo buti** "this work" (**kodo** is masc. but **buti** is fem.), **na šaj** "he cannot" (correct form: **našti**), **na si** "it is not" (correct forms: **naj**, **nane**, **nanaj**). When commented on, these neo-speakers just pretend it is their dialect, which is but another manipulation of the word "dialect", increasing the erroneous impression of a dialectal split up of Rromani. In this case, one should rather speak of "fantasiolects".

- In many cases they do not need great accuracy in their discourse. They just copy empty main language declarations, as one may observe in numerous associative meetings, e.g.: **Anda kodo kritično kontèksto, amaro sociàlno projèkto šaj popravil i ekonomična situàcia e Rromenqi thaj lenqe problème** (anda, kodo, amaro, šaj, thaj, lenqe "in", "this", "our", "may", "and", "their" are Rromani & **popravil** "improve" is Slavic – no need of translation for the rest of the sentence). It is even impossible to retranslate such sentences into regular Rromani, due to the vagueness of the content; all interpreters know how it is difficult to translate if the original text is too vague, except if the target language has developed a similar vague phraseology as it is the case among most "modern" languages. Rromani has not fallen into this kind of political cant and it is also a matter of culture; it is maybe a paradox but it is true to say that this gap is an asset, because it compels to a more concrete analysis of quite important problems.

As a matter of fact, Rromani is able to express far more than many people could expect, even in its current stage, provided that the analysis of the whole meaning is done through a Rromani cultural sieve instead of trying to stick Rromani words to a foreign conceptual pattern. This is the reason why, when speaking among Rroms in Rromani (at a **Rromani kris** for example), one can solve many problems far better than when speaking a foreign language or shadow-Rromani. This shows the close connection between language and culture. When giving up all-European genuine Rromani and its approach of reality, be it out of ignorance, unawareness, chauvinism or laziness, we are ruining a treasure far more valuable than the language itself – and without which the language is just a lexicon: the Rromani cosmovision.

It is a pity to hear in many meetings how Rromani activists say, after greetings in Rromani: "Well I do not have the words in Rromani, I will continue in gaŴikanes" – although you can chat during hours in Rromani with them. This demonstrates a deep misunderstanding about the notions of language and culture.

Similar mistakes often occur when undertaking the translation of a non-Rromani word list into Rromani, with obvious good intentions but also with a serious risk for the language if the task is not carried out carefully. There are cases in all countries with the vogue of children's picture-books (*slikovnice*).

As a rule these cute books for children present exclusively the Western modern urban rich way of life with standard houses, emblematic objects (various pieces of clothing, furniture and accessories of all kinds, meals etc.), typical activities (sporting, games, gardening, entertainment, employment, feasts etc.) and the concerns linked with them. This is quite legitimate from the majority standpoint but should not be turned into an absolute model of life¹⁴. Other ways of life are equally entitled to visibility but they do not enjoy it. As a result, when translating these picture books into Rromani, many words seem to be missing but in reality they do not exist just because they are not needed out of this very specific society, where their presence is dictated mainly by market rules. Translating into Rromani such books, issued at the same time in dozens of urban languages, has a threefold outcome:

- on the one hand, it is a good opportunity to fix many words of great usefulness in everyday life and to develop new vocabulary for real social needs (like school supplies, health care, administration etc.),
- but at the same time you face a number of notions basically useless in a non-mainstream society for the following reasons:
 - o because they do not exist in your sphere of practice (and you can do without them very well);
 - o because if they exist, they are not so crucial as to need a specific word for them (you may use a phrase);
 - o because it is often more efficient, mainly with items deprived of any cultural value, to borrow the corresponding word from English (but there remains the question of grammatical adaptation);
- be it as it may, all the specificity of Rromani vocabulary, as a mirror to Rromani cultural, social and spiritual values, is dropped as unknown by all gaWíkane readers or albums.

Accordingly such publications reinforce the erroneous image of deficiency attached to Rromani (or the impression of artificiality when the translator imagines all kinds of solutions), while concealing the genuine conceptual wealth of the language. The use of host language to Rromani dictionaries can be only a part of the linguistic strategy and the affirmation of Rromani should rely mainly on genuine texts (including Rromani to host language dictionaries), produced directly in Rromani from a Rromani perspective because

¹⁴ This has also been pointed out by teachers in post-colonial countries.

they contain many words and expressions with non counterpart in host languages¹⁵, together with the feelings, allusions and connotations these words and expressions convey. Promoting this heritage is far more significant than promoting Rromani lists of words elaborated on a foreign pattern.

Conclusion n° 3: Rromani development can be achieved only through additive capitalization. In order to reduce the lexical distance between the Rromani varieties, one has to make widely known the existing vocabulary and to produce common neologisms for new concepts, if and only if needed. This may be called "additive capitalization" and it has been the main device of modernization in all languages. On the contrary, the subtractive approach of eliminating all the vocabulary which is not immediately understandable by individual activists (the "lowest denominator method") leads to the loss of 90% or more of the lexical funds. The resulting impoverishment challenges speakers to replace the lost wealth by artificial constructions and loan-words creating a Rromani shadow-language, deprived of any cultural density. Special efforts have to be done to reactive all the means of expression of the Rromani conceptual heritage.

4. The spelling issue

When considering spelling strategy, one has to bear in mind the following crucial differences between the mechanisms of oral and written understanding:

a) **When enlarging their use through the emergence of a written form**, all languages face a series of new exigencies: they lose significant extralinguistic elements, such as intonation, gesture and the presence in the visual field of objects referred to, but at the same time they need to express some more complex, more precise and also often more abstract ideas; they also lose the opportunity the receiver has in oral exchanges to ask if he does not understand; from a prolix and redundant style limited to a small amount of

¹⁵ The foreword of a recent dictionary (2004) mentioned as examples: **manralo** "covered with remainders of fresh bread dough", **bašakārèla** "to provoke a sound", **muzgonèla** "to coat with a kind of adobe", **lokočinèla** "to prepare mud", **dipi** "center (bottom) of the basket [weaver's term]", **xonòta** "particular smell of the earth after the rain", **paparinòla** "to lose one's qualities while soaking in water", **phučivèla** "to lay [eggs] without shell", **žambàla** "kind of ritual collective game during Herdelèzi feast (6 May)", **uždàga** "specific stick of the Rliia tribe" – to quote but a few; hundreds idiomatic expressions should be added to this list.

familiar topics, they shift to a dense and economic expression which treats the most varied matters; they have to construct longer sentences with more rigorous articulations; they are supposed finally to confront the trial of time, for as one knows *verba volant, scripta manent*. As a result they have not only to compensate for the lost means of expression by new ones but also to elaborate extra devices of meaning consolidation. A written language is never a transcribed oral language. A transcribed oral text is readable only if the content is extremely simple (this is why demagogic texts, mainly insults, are understandable in written even if just transcribed from oral utterances – in such cases, oral and written registers overlap to a great extent) but the more a text is meaningful, the widest the gap between oral and written registers is.

b) On the other hand, **the mental system of understanding is quite different in oral communication**, which is natural and relies on innate abilities, and reading, which is artificial and relies on acquired skills. Our mental system is able to compensate widely dialectal discrepancies when hearing a speaker of a different background, through automatic familiarization to his/her dialectal structure but such a "decoder" does not exist in reading. One has to make up for it through specially elaborated writing strategies. A major difference between oral and written codes is that all phonetic realizations which may occur in a given place of the chain ("sounds": [a], [e], [i], [m], [b] etc...) constitute a continuum, with no sharp distinctions between them (the language habits create the distinction in order to identify phonemes which "make sense"), whereas the distinction of their equivalents in writing (the letters) is very sharp, especially in print. In addition, the phonetic features of these "sounds" intersect partly and this gives further flexibility to oral communication, a quality lacking in print. When you hear an indistinct sound (or seemingly indistinct for your dialectal structure, while it can be quite clear for the speaker's dialectal structure), your brain will give this sound a specific value, according to the context and prior experiences. Yet when one writes down the equivalent, one has to choose between clearly distinctive letters and put on the paper some differences which maybe are not relevant in the original dialect, while overlooking other features, essential in the original dialect, but unknown to the reader's variety.

This is the case when everyone is writing in the majority language spelling of his country. The first situation may be exemplified by the mutation already mentioned above: in oral communication dialects with or without mutation are mutually quite intelligible and mutation looks rather like an accent, with no incidence on meaning:

[tʰavo]/[ʃavo] "boy", [tʰib]/[ʃib] "tongue" etc.). However, writing the two kinds of pronunciation according to non-Romani spellings creates a huge difference between them and the reader has to think over the word and its context in order to understand it properly, if spelled according to foreign pronunciations. Reading becomes a puzzle.

The second situation may be exemplified by the two kinds of **r**-sounds: [tʰoripen] "theft"/ [tʰoripen] "poverty", which often are not distinguished by non-Romani ears and therefore written the same way (some scholars have even drawn moral conclusions of what seemed to them a total homonymy). Note that the second **r**-sound appears at the beginning of the words **Rrom** itself. Even young Roms who learn Rromani from books (or the internet) believe "theft" and "poverty" are homonymous in Rromani.

This system, called "diasystematic", has been established by the 4th Rromani Congress in Warsaw in 1990 (after years of consultations) and it is the most efficient so far proposed, bearing in mind that no spelling is absolutely perfect and that choosing a spelling means often to choose between various disadvantages. The principle is that everybody has to make a little effort to stick to a common spelling in order to save great efforts to all other users who want to read. People write more or less the same way and everybody read the way he/she has learnt from his/her family. The entire system may seem complicated and indeed it is to some extent but this is only the linguist's concern, since every user has to know his/her own dialectal rules of spelling and reading, which are not more complicated than in Italian or Spanish.

Some politicians and observers have appealed for a simplification of this spelling. What does this mean? This means they want a spelling which they can use immediately, without the hour or two of learning, which is necessary for a correct command of the European spelling. This means that the spelling they suggest has to be the one they have personally learnt in their respective schools in majority languages. For Bulgarians, this means to bulgarize the spelling, for Hungarians to hungarize it, for Poles to polonize it¹⁶ etc... every time breaking down the unity of Rromani for the sake of conformity to local languages. The argument is

¹⁶ Zis iz az if aj uer rajting ingliš zis uej in Jugoslavija, youzing razeur zisse euzeure oueille in France and stil anăzăr uan, laic zis for instâns in Romania, нот ту меншън зъ уан ай ѱуд чуз фор България... instead of regular English spelling. One can understand more or less any short sentence of a given language (here English) written in any spelling, not a real text intended for meaningful communication.

generally that Rromani children are not able to learn a specific spelling of their own (when other minorities' children are able). The moderate wing suggests the Croatian alphabet for everybody, but they do not realize that such an alphabet seals and perpetuates superficial differences of pronunciation, which do not impede oral communication but, once written, make reading very opaque. Yet the radical wing sticks to local alphabets and even promotes several alphabets for one country like for example in Austria¹⁷ where the same sentence "the woman said she knows the truth" is spelled:

i dschuvli pentscha so dschanel o tschatschipe (in Vend dialect [1V], German spelling)

and

e žuvli phenda so žanel o čaćimos (in Lovari dialect [3L], Croatian script). One should notice that this last sentence is spelled, in Lovari also but beyond the Hungarian border, the following way:

é zsúlyi phéndá szó zsánél o csácsímó (Hungarian spelling), while both sentences look in common spelling as below:

i Ŵuvli phendă so Ŵanel o čăcîpe (Vend dialect)

and

e Ŵuvli phenda so Ŵanel o čăcîmos (Lovari). This demonstrates that what could be a simplification at the regional level is much of a puzzle even within one country, and all the more at the European level (cf. note 16). Such a treatment would involve texts circulating only in national areas. As a matter of fact, one or even two hours of training is just nothing as compared with the advantages of maintaining pan-European a language of continental size and with the dimensions of the heritage made accessible this way to millions of Rroms. The fact that over 16,000 Rromani pupils attend Rromani classes with this script in Romania every year demonstrates that this problem is forged.

Some users claim that the letters are not available on their keyboard. This is not true because several fonts have all the Rromani letters (the most widespread font is Arial Unicode and it is very easy to ascribe a shortcut to the various special letters on the keyboard). In addition, when the Lapp language, spoken by 40.000 persons, enjoys 9 keyboards of its own on any recent Microsoft set, isn't it a striking discrimination that Rromani with millions of speakers is not even taken on account? So we have to commit ourselves to have all Rromani letters at easy reach for all kinds of European keyboards.

¹⁷ The same scholars who declare that Rroms are not able to use a script of their own promote several scripts within one State. In fact, with local spellings, one spends all one's energy in deciphering and finally forgets about the most important of the text: the human message.

Conclusion n° 4: Thinking globally but acting locally is also true for Rromani. When a village teacher says "Why should I write the European way for my pupils in my remote mountains?" – this does not mean that Rromani spelling is difficult, just that she has not understood the European dimension of the Rromani language, culture and nation and how much the pupils lose while sticking in written to the local pronunciation, perceived through the local non-Rromani spelling system.

5. Present problems and needs

Actually the main problems are the following:

1. Lack of commitment and money to publish and circulate as much material as possible in a common graphic cloak and in the original dialectal variety (edited, as in all other languages, in order to avoid troubles in understanding) – but also on other supports, like films, tapes, electronic games etc...

2. Lack of motivation, awareness and sometimes industriousness of some Rroms who are reluctant to spend one or two hours in training the common spelling and further leisure to acquire genuine Rromani words forgotten in their community but alive elsewhere in Europe.

3. Lack of consciousness of some Rromani translators who content themselves with most incoherent translations, just to meet an obligation and be paid for it (this is the case with many political documents of the Council of Europe¹⁸ or even literary books, like the first Rromani translation of "The Little Prince"). Such publications demoralize the potential readers, misuse scarce funds and torpedo the healthy affirmation of Rromani as a modern European language.

4. Lack of education and motivation by the surrounding world, which still ignores Rromani as it ignores the Rromani people itself, the Rromani genocide, the Rromani contribution to universal civilization, the Rromani part in history etc...

5. Endemic despise of the intellectual abilities of the Rroms (see above).

6. Last but not least: one can observe a clear obstructive attitude of some non-Rroms, a kind of fear to view a so far despised people, numerous and living within Europe, other than as "Rromani

¹⁸ As I was commenting this to one of them, he answered with a cynical smile: "Anyway Rroms do not read and GaWes do not understand"...

communities¹⁹ (formerly "tribes") but instead as "one Rromani nation" with a great diversity of visages and Rromani not as "clusters of dialects" but instead as "one Rromani language" with also great riches of cultural means of expression. It looks as if they fear to have their own national identity, based on a territorial state, weakened if they recognize the unity of language and identity to a non-territorial huge people. In other words they go out of their depth when national unity is recognized, beyond political borders and cultural diversity, to a people basing his specificity upon a traditional feeling of otherness, a common language (whether it is actually practiced or just remembered as a symbol of the past) and a common historical fate – all this without any compact territory. This reminds one of the great Sanscritist Jules Bloch's statement: "the Rroms view themselves as a unique people, in spite of the dispersion of their groups and their lack of uniformity. This shared feeling of community allows considering them as one nation, although they lack precisely what has become for us the symbol of a nation, namely unified institutions and a defined territory. Lot of people remain Rroms, even [...] persons who have lost the use of the hereditary language" (Bloch 1953:54).

Illiterate and marginalized Rroms have kept so far the Rromani language alive but they are more and more acculturated to majority languages, except for the heirs of a robust oral culture, who still maintain their love and pride for their mother-tongue. In contrast with the common belief, it is not at all natural to cultivate one's ancestral language: a strong awareness and motivation are required to fight against inertia leading to acculturation. In present time Europe, minority languages have a chance to survive only thanks to volunteerism in the elite²⁰. If Rroms benefit from correct

¹⁹ The argument often given is the diversity of Rromani culture. Behind this apparent respect for diversity, two inaccuracies are hidden: 1. amalgamation - some non-Rromani groups are viewed by unaware outsiders as Rroms, just because they share some social features of poverty and marginalization with the Rroms (such a negationist attitude, namely the denial a positive national identity and its substitution by a negative social viewpoint, has a long history of sufferings, even if it is presently masked under the cloak of charity) and 2. carving up – some people invoke the Rroms' cultural diversity to deny they are a specific nation. This attitude is unsustainable especially now, when old-fashioned dreams of national uniformity belong to the past. It is worth mentioning that both amalgamation and identity carving up have been used extensively in colonial times against subjected peoples and that the force of the colonialists was nourished among others by the fact that they could convince the subjected people or at least some leaders to adopt this view – sometimes out of unawareness, often for immediate individual interest.

²⁰ In both meanings: the formally educated elite becomes aware of the linguistic heritage value (sometimes after one generation of reluctance toward this heritage) and fights to forward it in their turn but also simple persons who feel anxious at preserving their mother-tongue come to be a real elite with all its attributes.

aids for studies and can develop their European elite, this elite will hopefully act as a model (a kind of national middle class) for other Roms and incite them in middle term future to reactivate the language they are currently neglecting.

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Andrzej Mirga

Roma and EU Accession: Elected and Appointed Romani Representatives in an Enlarged Europe

Project on Ethnic Relations Report, Princeton, 2005

Introduction¹

¹ On December 9 and 10, 2003, the European Commission and the Project on Ethnic Relations (PER) organized a two-day program on the role of Romani leaders in the European Union's candidate countries. The discussions brought together officials of the European Commission and members of the European Parliament with elected and appointed Romani representatives from the Czech Republic, Hungary, Poland, and Slovakia (which became members of the EU on May 1, 2004), and Bulgaria and Romania, which await accession. The meeting in Brussels marked the second occasion on which the Project on Ethnic Relations together with the European Commission, organized an opportunity for Romani representatives to be heard at the European Union's headquarters. At the first meeting, which PER organized in Brussels in July 1999, government representatives and Romani leaders came before the European Commission to discuss and debate the development and implementation of government strategies toward Romani communities in countries aiming to join the European Union. The emphasis at that meeting was on the need for partnerships between governments and the Roma in developing their strategies. The present meeting came at a historic moment for the Romani communities in Europe—on the eve of the first round of EU enlargement, expanding the EU from 15 to 25 member states. The fact that, for the first time, the Romani language was officially used at the European Commission and in the European Parliament, was a significant symbol of change.

The purpose of the event was to encourage direct dialogue between Romani elected and appointed officials from candidate countries and the European Commission and European Parliament. For the European officials it was an important opportunity to get a first-hand assessment of policies from Roma in policy-making positions and to gauge their influence. For the Romani representatives it was an opportunity to get a picture of the EU's present policies and future approaches to Romani issues. The first day's roundtable at the Commission featured presentations and statements of Romani delegations. Commission representatives provided the Roma with information on current and future EU policies and instruments that can be of use for Romani minorities. Romani participants also questioned Commission officials on a number of specific issues. After the roundtable Romani delegations met with Commission officials in their offices for individual talks. At the second day's session, held at the European Parliament, the members of the parliament posed a number of questions to the Romani representatives and a lively debate followed.

Although the May 2004 enlargement brought into the European Union several countries with large Romani minorities, the fears that had been expressed in the media of some EU countries did not materialize: there were no waves of “the wretchedly poor Roma minorities of new member states like Slovakia, Hungary and the Czech Republic” invading better-off Union states.² Nevertheless, Romani issues will challenge governments and Romani leaders in the new EU countries. The experience of the old member states in solving Romani issues has not been exemplary.³ Indeed, the new concern over the Roma in Central and Eastern Europe has stimulated a reexamination of policies in several EU states including Spain, Greece, Germany, and Sweden.

Will enlargement mean changes for the Roma? Will it improve their living conditions and provide them with equal chances in education and employment? Will it diminish exclusion and discrimination?

That no quick progress is to be expected is clear to governments and Romani leaders alike. However, enlargement does bring hope that the problems of the Roma can be tackled in new ways and with previously unavailable funds. The social unrest in the Romani “mahala” (neighborhood) of Plovdiv, Bulgaria in 2002 and the riots in eastern Slovakia in February 2004 are warnings of the consequences of indecision and inaction.⁴

Romani communities are beginning to mobilize, to build civic and political organizations. Romani leaders demand a voice in the public and political life of their countries. They seek positions in elected bodies and in public administration. They urge a coordinated policy toward the Roma at the EU. These developments challenge the EU and its member states alike.

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² “Those Roamin’ Roma,” *The Economist*, February 7, 2004.

³ *Monitoring the EU Accession Process: Minority Protection*, Open Society Institute, EU Monitoring Program, Budapest (2002). See chapters on “The Situation of Roma in Germany” and in “The Situation of Roma in Spain.” The full report is available at <http://www.eumap.org/reports/2002>.

⁴ Andrzej Mirga and Nicolae Gheorghe warned against this danger in 1997. See *The Roma in the Twenty-First Century: A Policy Paper*, PER Report, Princeton, 1997, p. 35.

During the period before accession, EU policy aimed to pressure governments of candidate countries to devise policies and programs for their Romani minorities. The EU also provided some financial help to implement these programs, and encouraged the development of Romani civil society. Accession brings many changes in EU policy. Some instruments, for example, PHARE financing, are no longer available after accession. And the European Commission's influence over countries that have already acceded is diminished. To be sure, new means and different forms of financial support will become available, but the Roma will need to learn to use them as new EU citizens.

With the emergence of Romani political organizations, a small but growing group of Romani politicians—members of national legislatures and governmental bodies—are seeking a larger role in formulating and carrying out policies toward Romani minorities in their countries and in the EU.

The elected and appointed Romani representatives came to Brussels to learn at first hand the future of EU policy toward their communities. They asked the EU to continue to support them and to maintain the pressure on their governments for change. They sought to consolidate the partnerships between EU institutions in Brussels and Romani organizations, especially political organizations. They suggested increasing the financial and political resources for the Roma and recommended that monitoring mechanisms now focus more on outcomes than on spending. Most important, they brought to Brussels a perspective that views each country's national politics as key in the struggle to promote and protect the interests of Romani minorities. They emphasized that, especially in countries with large Romani communities, national solutions have to be found, and that Romani minorities must join the political mainstream.

I. Background

EU Support for Romani Communities

During the pre-accession process, the EU and its institutions in Brussels exerted pressure on governments to introduce policies for improving the dire situation of the Roma and achieving their better integration into society. Accessing states undertook efforts in this direction following the requirements and recommendations of the Copenhagen Political Criteria (1993), the Agenda 2000 (1997), the

Commission's regular reports on progress made toward accession (issued since 1998 and subsequently updated each year), and the COCEN Guideline Principles to improve the living conditions of the Roma, adopted at the Tampere European Union Council meeting in 1999.

In the 1998 EC Accession Partnership documents for Bulgaria, the Czech Republic, Hungary and Romania, further integration of Romani minorities was made a medium-term political priority, while Slovakia was encouraged to foster and strengthen the policies and institutions protecting minority rights. The updated 2001 Accession Partnership documents made implementation of the national action plans or framework programs for Roma a political priority in Bulgaria, the Czech Republic, Hungary, Romania and Slovakia.

In the 2001 Enlargement Strategy Paper, which reviewed progress made in accessing countries, the Commission concluded:

In all countries with sizeable Romani communities national action plans are now in place to tackle discrimination, which remains widespread, and to improve living conditions that continue to be extremely difficult. In most cases, implementation of these action plans is underway and, in some countries, national budgetary resources have been reinforced. PHARE funding continues to be made available to support these actions. Further efforts are required to ensure that the various programs are implemented in a sustained manner, in close co-operation with Romani representatives, and that appropriate budgetary support is made available in all countries.⁵

In the Commission's 2003 Comprehensive Country Monitoring Reports for accessing countries (the last reports before some of these countries joined the EU), it is noted that while the countries essentially meet the commitments and requirements arising from the accession negotiations, the Commission still underlines that considerable efforts should aim at improving the situation of the Romani minority in the Czech Republic, Hungary and Slovakia. More specifically, the report on Slovakia stresses that: "The gap between good policy formulation and its implementation on the spot has not significantly diminished. Considerable efforts need to be

⁵ Available at: <http://www.europa.eu.int/comm/enlargement/report2001/index.htm>.

continued and reinforced to remedy this situation.”⁶ The report for the Czech Republic underlines that “the multi-faceted discrimination and social exclusion faced by the Roma continue to give cause for concern” in the areas of hiring practices, education (Romani children are channeled into special schools) and housing.⁷ For Hungary, the report concludes that, “the majority of persons belonging to the Romani community are still exposed to social inequalities, social exclusion and widespread discrimination in education, employment and access to public services. Segregation in schools has remained a serious problem.”⁸

In the 2003 Regular Reports for candidate countries, the Commission notes that in Bulgaria a wide range of initiatives has been undertaken by the government, including an action plan for implementation of the Framework Program, “but the situation of the Roma minority has barely improved.”⁹ In the case of Romania, the report observes that though progress has been made in a number of areas, “the implementation of the Roma Strategy has continued although a lack of resources has meant that the results have been somewhat limited.”¹⁰

The Romani issue in new EU member and candidate countries therefore remains of concern, a fact which is corroborated by other international organizations in Europe.¹¹

In the pre-accession period, the EU's PHARE Program provided candidate countries with financial support. It was operational since

⁶ *Comprehensive Monitoring Report on Slovakia's Preparations for Membership*, pg. 34, available at: http://www.europa.eu.int/comm/enlargement/report_2003/pdf/cmr_sk_final.pdf.

⁷ *Comprehensive Monitoring Report on Czech Republic's Preparations for Membership*, pg. 34-35, available at: http://www.europa.eu.int/comm/enlargement/report_2003/pdf/cmr_cz_final.pdf.

⁸ *Comprehensive Monitoring Report on Hungary's Preparations for Membership*, pg. 36, available at: http://europa.eu.int/comm/enlargement/report_2003/pdf/cmr_hu_final.pdf.

⁹ *2003 Regular Report on Bulgaria's Progress Towards Accession*, pp. 25-26, available at: http://europa.eu.int/comm/enlargement/report_2003/pdf/rr_bg_final.pdf.

¹⁰ *2003 Regular Report on Romania's Progress Towards Accession*, pp. 30-32, available at: http://europa.eu.int/comm/enlargement/report_2003/pdf/rr_ro_final.pdf.

¹¹ See the latest Country Reports published by the European Commission against Racism and Intolerance (ECRI) or the Country Reports and Advisory Committee Opinions published through the Framework Convention for Protection of National Minorities.

1989 with a total allocation of 4.2 billion euros for 1990-1994, which increased to almost 6.7 billion for 1995-1999. Each candidate country was a recipient of a "national allocation" under the PHARE Program, and authorities were encouraged to earmark support to Romani communities channeled through the Civil Society Development Foundations set up in Bulgaria, the Czech Republic, Hungary, Romania and Slovakia. Since 1998, following the priorities defined in the Accession Partnerships, the PHARE national programs have devoted part of their budgets to financing projects for Romani communities. The total amount of support for Romani programs in 1999 reached 11.7 million euros; this amount increased in subsequent years to 13.65 million euros in 2000 and 31.35 million in 2001. Apart from PHARE's national programs, Romani communities benefited from other EU financing programs like the Lien Programme, the Access Programme, the DG External Relations' European Initiative for Democracy and Human Rights, the DG Employment and Social Affairs, and other initiatives.¹²

The Roma in Mainstream Politics: Exercising Political Rights

In a variety of recommendations made by a number of international organizations addressing Romani issues (including the most recent OSCE Action Plan),¹³ a recurrent item is a call for the inclusion of the Roma in decision-making processes, i.e., their participation in the public and political life of their respective countries. Including the Roma into governance and decision-making structures is of vital importance for the integration of the Roma and for their feeling as part of society. Participation and partnership are therefore the key words for the integration of the Roma.

The Project on Ethnic Relations has promoted these key ideas since 1991, when it began its involvement in Romani issues in Central and Eastern Europe. It has encouraged governments and Romani leaders to forge constructive partnerships, and it has facilitated the inclusion of the Roma in legislative and governing bodies. PER was the first organization to work on electoral

¹² More in: *European Union support for Roma communities in Central and Eastern Europe*, DG Enlargement Unit, Brussels, May 2002, updated in 2003. Available at http://europa.eu.int/comm/enlargement/docs/pdf/brochure_roma_oct2003_en.pdf.

¹³ The *Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area* was adopted in OSCE Permanent Council Decision No. 566 on November 27, 2003. Chapter six, "Enhancing participation in public and political life," addresses this topic. The full text is available at: www.osce.org/documents/odhr/2003/11/1562_en.pdf.

strategies for the Roma as well as the first to encourage alliances between mainstream parties and Romani political groups.

In the 1997 PER policy paper, *The Roma in the Twenty-First Century*, Andrzej Mirga and Nicolae Gheorghe concluded that ethnic mobilization among the Roma was a strong trend. The Roma may seek to turn the Romani community into an effective pressure and interest group, as other national/ethnic minority groups have done in the contemporary world. Mirga and Gheorghe suggested that the future of the Romani community depends on its successful development into such a group, conscious of its rights, interests and power. They also asserted that the Roma have to use the democratic means available to them, such as free elections. They recognized a great need to attain legitimate representation that can bridge the gap between self-appointed Romani leaders and the inactive masses.¹⁴

To date, however, it is still quite difficult to attain stronger representation and substantially increase the level of Romani participation in public and political life. Opinions vary on the question of why the Roma remain underrepresented in elected bodies and in politics in general. Most analysts and activists tend to view the state of mainstream parties, governments or even society in general as responsible for the failure of the Roma to reach a satisfactory level of political participation and representation. Societal exclusion, racism, and discrimination or “window-dressing” policies that place only a token number of Roma in public bodies are cited as reasons for this failure.¹⁵

Rather than political organizations, rapidly developing Romani civil society groups are often taken to represent the community's interests. A variety of advocacy networks has been substituted for genuine political representation that is accountable to its constituency.¹⁶

¹⁴ *The Roma in the Twenty-First Century: A Policy Paper*, PER Report, Princeton, 1997.

¹⁵ See, for example, papers in: Roma Rights Quarterly No. 4 (2003): Political Rights, ERRC, Budapest, April, 2003, available at http://lists.errc.org/rr_nr4_2003/index.shtml; and NDI's Roma Political Participation in Bulgaria, Romania, and Slovakia, available at: www.accessdemocracy.org/library/1636_cee_romareport_033103.pdf.

¹⁶ See the work of Peter Vermeersch on this topic. A number of polls on the level of the Roma's trust in their organizations may also help explain the issue. A 2003 UNDP poll found that 86% of the Roma believe their interests are not well represented at the national level, and 75% think they lack adequate representation at the local level. 91% of the Roma cannot name an NGO they can trust and 86% cannot name a Romani party they can trust. There are variations in this data from country to country, but

Some have asserted that grass-roots initiatives and burgeoning Romani nongovernmental organizations have countered the development of Romani political organizations and, therefore, curtailed the political participation of the Roma. The effort to build up strong and effective political organizations has been weakened by the fact that most of the educated elite have moved to the civil sector, which offers greater financial rewards and has been heavily supported by foreign donors.¹⁷

Within the Romani community, confusion continues about leadership and legitimacy. While the need for more elected representatives is becoming recognized, making them responsible to the Romani constituency, which is predominantly uneducated and subject to manipulation, remains a serious issue.

A token number of Roma in public administration and a few elected Romani representatives (no doubt an insufficient number) reflect the current ability of the Romani community to exercise its political rights. It is promising that the need for change in this regard has also been recognized by the Romani civil sector, as some of its prominent leaders have acknowledged the need for broader inclusion of the Roma into mainstream parties and politics.¹⁸

Party politics is about numbers, and what the Roma can get as their share of power and positions depends on how strong they are in a political sense, that is, in terms of predictable and stable voting patterns. To date, the Roma's voting preferences are not limited exclusively to Romani parties and are unpredictable. Yet what the Roma have gained, especially in recent general and local elections,

overall, Romani parties still do better than Romani NGOs. Romania represents the most interesting case: the disparity in Romani trust toward the Romani parties and NGOs in Romania reaches the highest rate: 26% trust Romani political parties compared with less than 5% trusting Romani NGOs.

¹⁷ E. Sobotka, "The Limits of the State: Political Participation and Representation of Roma in the Czech Republic, Hungary, Poland and Slovakia," *JEMIE (Journal on Ethnopolitics and Minority Issues in Europe)*, Winter 2001/2002. Also available at www.ecmi.de.

¹⁸ Rumyan Russinov recently acknowledged this by stating: "...The mechanisms of the Romani movement itself are exhausted and we no longer can carry out policy change on the level of civil society...We need broader inclusion, not at the policy level but at the political level." in E. Sobotka, "Roma in Politics in the Czech Republic, Slovakia and Poland," *Roma Rights Quarterly No. 4 (2003): Political Rights*, ERRC, Budapest, April 2003, p. 31.

can be regarded as an achievement (in Hungary, Romania, or in Bulgaria).¹⁹

II. The Brussels Meeting

EU Support for the Roma: Evaluation and Expectations

There was general agreement among Romani participants that the EU's political pressure and financial support for governments and Romani minorities were essential in realizing national programs and action plans for the Roma in candidate countries. This approach worked to keep Romani issues on the agenda of governments and forced them to seek and adopt necessary policies in partnership with Romani representatives. For most Romani speakers, however, a precondition for an effective Roma policy is the will on the part of the government to act, and a country's own budgetary commitments to ensure implementation of adopted programs and action plans. Both were viewed as problematic. As one Romani speaker put it, there are always people of good intentions in the government, but the real commitment of the government itself has often been lacking.

Romani participants were concerned with the pace and outcomes of governmental policies. They held the view that despite the growing amount of financial support from the EU to their respective governments, the progress achieved in their countries remains unsatisfactory. They were especially concerned with the pace of implementation of programs. In some countries like Slovakia and Bulgaria efforts have been greatly delayed or insufficient to meet people's expectations for improvement.

Some participants viewed critically the fact that governments tend to rely heavily on foreign donors, especially the EU, in carrying out programs for the Roma. Similarly, they were concerned with the way their governments have used EU funds supposedly earmarked to support Romani minorities. Accounts of spending have not

¹⁹ L. Plaks, "Roma Political Participation: A Story of Success or Failure?" Statement prepared for the conference, *Roma in an Enlarged European Union*, Brussels, April 22-23, 2004. The Romani representatives gathered in Brussels at the PER and EC organized meeting were committed to continuing efforts to increase the number of Romani politicians in their countries in the future.

provided Romani representatives a clear picture of whether these funds were properly used or reached their targets, both in terms of the communities they were intended to serve and the objectives of the projects or programs. They saw a need for more transparency and information sharing on the part of the government, as well as monitoring not only of spending but also of outcomes.

Some criticism was also expressed toward the Civil Society Development Foundations and the EU's country delegations for insufficient transparency in their procedures for selecting projects and granting funds. The Romani representatives suggested that the EC should come up with more specific guidelines in this regard, paying attention to the fact that Roma projects should be carried out with active Roma involvement, and that in many instances Romani organizations are at a disadvantage when they have to compete with non-Romani organizations staffed with highly educated professionals.

They requested a continuation of the EU's policy of support for Roma and pressure on governments. As one Romani participant stated, there is a need to redouble the efforts of all actors involved in order to bring real change to the Romani community in the coming years. They expected a consolidation of partnerships with Romani organizations, especially political ones. They suggested strengthening monitoring mechanisms that focus on outcomes. Most importantly, however, they advocated in favor of strengthening the role of elected and appointed representatives in their countries. According to them, while the EU's policy of support and pressure on governments and efforts to develop civil society in Romani communities were much needed and welcomed, these were not enough: Romani minorities need to enter into mainstream politics and formulate Romani issues as essentially political issues. Only in this way will the Roma be less dependent on the will of others and will become stakeholders in their countries' politics.

Romani Representation in Elected Bodies

There was a marked difference in the approaches and assessments among Romani representatives who have attained a certain role in mainstream politics and those who have not. This difference was evident in the contrast between the Romani delegations from Hungary and Romania on the one hand, and those from Bulgaria and other countries on the other. In the former group, the Romani representatives were part of the political establishment and were

bound to their political partners, or they were part of ruling coalitions. In the latter, the Roma represented a group of employees in the public or state administration with no relation to mainstream parties or support from stronger Romani political organizations. As a result, the first group was more likely to present rather positive accounts of their own accomplishments in policy design and implementation. They were also more future-oriented in terms of what they hoped to achieve, by what means, and what they expected from Brussels after accession. More criticism was voiced by the second group, especially the delegations representing Slovakia and the Czech Republic. In these cases the Roma had not reached a similar role in mainstream politics, and there were few achievements to report.

The Romani MPs viewed Romani issues as essentially political. As the Romani MP from Romania emphasized, the Roma cannot simply be passive observers, but must take part in devising solutions to their problems and bear some responsibility for them. However, in order to play this more active role, the Roma have to assume a genuine partnership within mainstream politics.

Romani organizations have chosen various ways to gain representation in parliament, depending on what was feasible and the traditions of a given country. In Romania, where minority NGOs were eligible to participate in parliamentary and local elections, the Roma Party (now called the Social Democratic Roma Party) emerged as the main Romani political organization representing Romani interests. It has participated in all rounds of elections since the beginning of the 1990s, and has consistently won the Roma reserved seat in parliament. In other countries, where NGOs were not allowed to participate in elections, the Roma have turned to different strategies: either forming their own ethnic parties as in Slovakia and to some extent in Bulgaria, or seeking political agreements with mainstream parties, as in Hungary.

These efforts recently started bringing positive results in Hungary, Romania and Bulgaria, but not in Slovakia or the Czech Republic. Demographic factors (i.e., the size of the Romani community in some countries—a potential pool of votes to be gained by mainstream parties), have often played a decisive role, though not in the case of Slovakia, despite the fact that the Romani community there as a proportion of the total population is the largest in the region.

Romani organizations have utilized a strategy of seeking strong political allies, mainly among the strongest party. In exchange for Romani votes, cooperation is formalized by signing pre-election political agreements or protocols. Such agreements have been concluded in Romania between the Roma Party and Party of Social Democracy (PSD).

In Hungary, Romani organizations, depending on their declared affiliation or political orientation, entered into agreements with two major parties: the socialists or the right-of-center Fidesz. Similarly, in Bulgaria, Romani organizations have associated themselves with mainstream parties.

As a result, during the last round of elections, the Roma gained the following seats in parliaments: in Hungary three seats from the Fidesz list and one from the socialists; in Romania one reserved seat won by the Roma Party, and a second as a result of the former president of the Roma Party's joining the PSD; in Bulgaria two seats, one from the National Movement of Simeon II (the ruling party), and the other from the left-of-center Coalition for Bulgaria (now in the opposition). Romani MPs in Bulgaria also reported gains during the last local elections.²⁰

Looking ahead, all Romani MPs declared that they will be seeking possibilities to enlarge the Roma's representation in their countries' parliaments. They viewed as unsatisfactory the solution of having a single minority reserved seat for the Roma, as in Romania, since this may reduce the representation of what is sometimes the largest minority in the country. They argued for a change in electoral law which would release Romani minority organization lists from the obligation to pass the five percent threshold normally applied for political parties. This would correct the sometimes paradoxical situation in which a single Romani MP, entitled to a reserved seat, is elected with the highest number of votes in the entire parliament (as in Romania). This change would also help the Roma in countries such as Slovakia gain the representation that they now lack. In Hungary, there is an ongoing debate on amending the electoral law to bring it into agreement with the constitutional provision that requires parliamentary representation for minorities.

²⁰ In Bulgaria, for example, a total of 164 municipal councilors representing the Romani minority was elected in the 2003 local election compared with 101 in 1997. In Romania, in the 2004 local elections the Roma more than redoubled their gains, with 372 councilors compared with 151 in 2000 and 139 in 1996. In Slovakia's local elections in 1998, the Roma had 6 mayors and 86 councilors; in 2002, 158 Romani councilors and 10 mayors were elected.

Since the political scene in Hungary is evenly divided between the left and the right, Romani votes can be decisive in which way the power will go in the next elections, and the Hungarian Roma hope to play an increasingly significant role in the country's politics.

Institutionalization of Roma Policy

Institutionalization of Roma policy has long been viewed as necessary to effectively address and solve Romani issues. In Hungary, a set of institutions with Romani participation was established as a result of the 1993 Minority Act. Later on, the institutional base was enlarged after the adoption of governmental strategies, which were complex and numerous in Hungary and Romania (i.e. inter-ministerial commissions, expert bodies, advisers, foundations, etc.), and less so in the other countries represented at the meeting. Requests for setting up specific government institutions to deal with the Roma were also part of pre-electoral agreements with mainstream parties in the case of Romania and Hungary. Eventually, in these countries, offices for Romani affairs at the government level headed by Romani officials were established.

The Romani MPs present in Brussels, especially those from Romania and Hungary, reported that they play a central role in the design and implementation of their countries' Roma policy. The Romanian Romani MP present noted that the Roma Party launched its negotiations with the PSD in 1997, and concluded an agreement in 1999. The Protocol of Understanding that they signed outlined the Romani objectives and priorities to be supported and implemented by the PSD after elections. Among those were: setting up an institutional mechanism for implementation of Roma policy; ensuring inclusion of the Roma into the public administration at various levels; and drawing up a national program to tackle Romani issues and promote and support legislation that would help the Roma overcome their present position of disadvantage in society.

Two Romani MPs currently serving in the Romanian parliament are actively engaged in promoting laws that will help improve the situation of the entire Romani minority. (A document providing information on the legislative initiatives of Romani MPs in the Romanian Parliament was offered to the Commission and the European Parliament). A renewed protocol was signed in 2002, which provided the Romani minority with a new institution: a National Office for the Roma, which is headed by a Rom, as well as

Romani county offices at the level of prefectures. Lastly, a third protocol was signed in 2003, which envisioned further strengthening the institutional framework for policy implementation, i.e., setting up a national agency for the implementation of Romani policy.

In the case of Hungary, as noted by the Romani MP and state secretary heading the Romani office in the government, the 2002 change of the government was critical in the effort to improve the situation of the Romani minority. A medium-term action plan is in operation and detailed steps have been outlined up to 2006. The institutionalization of Romani policy is advancing, which he described as a milestone in integration policy; a state Romani secretariat has been established; a number of Romani representatives have been appointed to the state administration in ministries and more are working at the level of local authorities. Education, housing and employment have been prioritized and assigned separate budget lines. He also stressed that the recent law on hate speech and equal opportunities, which Romani MPs lobbied for, will soon be voted on in the parliament, and that this law is of paramount importance to the Romani minority.

In Hungary, two different sets of structures representing Romani interests are in place: the Romani MPs and appointed representatives in the government and the existing system of the Romani minority self-government. At the local and municipal levels, approximately one thousand Romani representatives are active in minority self-governments, and around 800 are active in self-governments proper. At the top of these is the Romani national self-government. Its head, who was present at the Brussels roundtable, agreed that while major progress has been reached in a number of areas, some persistent problems have still not been solved in the fields of education, housing and employment. But there have been promising efforts: for example, a system of scholarships for Romani students (operating with three million euros for this year); a "slum-eradication program," which is projected to eliminate 460 slums; and, through the National Development Program, it is foreseen that significant funds will be spent on Roma projects. Romani self-governments and the state secretariat will work hand-in-hand determining how to spend those funds.

The Bulgarian Romani MP emphasized that the Romani minority is under-represented in elected bodies and in public administration, and argued that without better representation very little can be improved or achieved. Besides the two MPs currently serving in Bulgaria's Parliament, there is only one other Romani employee in

the government administration, though there are promises that more Roma will be employed at various ministries in the forthcoming year. He argued that the Roma in Bulgaria need to achieve stronger representation and establish relations of political partnership with the government and its institutions. While he was ready to acknowledge that Romani political activism is still low, he also asserted that the Roma have to be given a chance, since the Romani minority has an educated elite available to participate in public life. He argued for viewing the Roma as a constructive party and not as an obstacle to Bulgaria's EU integration. In his parliamentary work he is focused on social issues, including increasing social benefits, combating unemployment among the Roma, and especially increasing work opportunities in regions where the Roma are concentrated in large numbers.

As achievements, he mentioned the adoption of an action plan to implement the government's Roma strategy and the passage of anti-discrimination legislation. In reference to the former, however, he pointed out that the budget for implementing the action plan is insufficient. He also requested more transparency from the government in how these resources will be spent.²¹ On the topic of the anti-discrimination legislation, he said that he considered this legislation important for the Roma but he claimed that the Roma remain largely uninformed about it. In general, he saw the need to move from discussions and plans to action, in order to obtain real results on the ground. Better communication between the Roma and the government would be conducive to this, he said. The other Bulgarian Romani delegate in attendance added that efforts have been undertaken to work out local action plans as an effective way of implementing the national action plan.

The Perspective of Romani Government Officials

In Slovakia and the Czech Republic, Romani communities currently do not have parliamentary representation. The weak institutions that have been established to deal with Romani issues coupled with the few Romani employees in the public administration do not correspond to the scale of the problem this minority faces in both countries. The Roma are also politically not well organized and do

²¹ A similar view was presented by the Balkan Human Rights Project in its press release on October 16, 2003 titled "Bulgaria: The government worked out its Action Plan for the Roma minority but it raises a number of questions."

not represent an effective pressure group to be taken seriously by the mainstream parties.

The office of the Plenipotentiary for Romani Issues is the only institution for the Roma established at the government level in Slovakia. It has been tasked with elaboration of a governmental strategy, coordination of its implementation, and cooperation with Romani organizations. The Plenipotentiary for Romani Issues asserted that some of these tasks have been completed. For example, a long-term strategy worked out by the office was adopted by the government in April 2003. The office also provides assistance to Romani organizations and especially to Romani mayors. Efforts are also underway to strengthen the office by setting up five branch offices in Slovakia.

In the view of the Plenipotentiary, successful government-policy implementation depends on political will and proper funding, both of which are problematic at the moment. It was also pointed out that despite the existence of many Romani political parties (18), they are neither effective in mounting pressure on the government nor supportive of the office of the Plenipotentiary. The Plenipotentiary, who comes from the NGO sector and has no political affiliation with any of the mainstream parties, cannot count on the support of the Romani parties. However, the external support and pressure from EU institutions have been helpful to its work.

A critical view was also advanced by another Slovak Romani participant, an employee of the Ministry of Education. Little progress can be noticed in the area of education of Romani children, he asserted. In 2001, the Slovak Ministry of Education adopted a program to support education of Romani children as part of its long-term national program. The government amended some existing laws and adopted several decrees and resolutions, which made possible the introduction of a "zero-level," or pre-school grade, in elementary schools, as well as a teacher's assistant position. Both initiatives were aimed at "the creation of a supportive curricular environment for children and youth from disadvantaged social and cultural backgrounds,"—mainly Romani children.²² The Ministry of Education also introduced the teaching of Romani language and literature in the curricula for the first to ninth grades of elementary school. This has been in effect since September 2003. Several projects related to schooling Romani children have been carried out

²² Jan Hero, "Training and Education of Roma Children and Students in Slovakia," a written statement prepared for the Brussels meeting.

or are underway with PHARE funding or the support of other foreign donors.

Problems persist, however, including the de facto segregation of Romani communities and schools in areas with a highly concentrated Romani population; low-quality infrastructure, with insufficient space and capacity in kindergartens and elementary schools; the unresolved issue of channeling Romani children into special schools for the mentally handicapped; the attitudes of Romani parents to special schooling; lack of interest among teachers to work in segregated Romani schools; and the tendency to remove non-Romani children from kindergartens and elementary schools if there is a growing number of Romani students there. In the view of the representative from the Slovak Ministry of Education, there is in general a gap between policy and implementation, between commitment and practice. To resolve the problems of the Romani minority in this area he saw a need for the government to follow the principle of positive discrimination, social inclusion and multicultural education.

The participants from the Czech Republic identified the issues of regional and self-government policies toward the Roma, employment, and housing as topics of major importance. Following the decentralization reform and the establishment of fourteen regions, the implementation of the government's Roma strategy is carried out by regional authorities. In each of the regions a Roma coordinator has been appointed as a kind of liaison officer between the authorities and Romani organizations. The Coordinator of Roma Affairs for Central Bohemia (the largest region) cooperates with twenty Romani NGOs and three Romani community centers. In his region there were only two Romani city council members.

Regional authorities follow the government Roma strategy's principle of supporting citizens in need or in danger of social exclusion. This is a project-oriented policy: authorities offer grants to NGO projects. The government plans to allocate 40 million Czech crowns (approximately \$1,522,000) for 2004 to implement the Roma strategy, but the Roma Coordinator for Central Bohemia doubted whether these funds will help realize the strategy's objectives. In his view there is no real follow-up in implementation of the government strategy due to a lack of political will on the part of regional and local authorities. This grants-oriented policy does not bring positive results, he argued, and the situation is, in fact, getting worse.

In the Czech Republic there is a critical situation in the area of housing. Privatization and the sale of apartments has led to a situation in which private parties attempt to get rid of Romani residents or tenants who are often unable to pay their rent and other services. As a result, Romani tenants are evicted and are forced into slums or migrate abroad.

The other Czech Romani participant, an employee of the Office of the Ombudsman for Human Rights, specified that based on her experience (she has been working in the Ombudsman's office since 2001), those especially in danger of eviction are Roma occupying city council housing. According to her, the recent administrative reform on decentralization provided municipal authorities with unlimited authority over housing policy, with little opportunity to have their decisions revised or sanctioned. As a result, in some municipalities authorities act in harsh and uncompromising ways, relocating Romani tenants or evicting them from city council flats or houses.

Both participants confirmed that the level of the Roma's political participation in the Czech Republic is insufficient, and that there are few institutions established to encourage it (such as the Inter-Ministerial Commission on Romani Affairs and the position of regional Roma Coordinator)—all other advocacy for the Roma is left to NGOs.

Romani Ownership and Responsibility: Civic and Political Organizations

Acting as politicians who are responsible not only to their Romani constituency but also to their mainstream political partners has emerged as something new and certainly a sign of the growing political maturity of Romani elected representatives, a Romani participant observed. Romani MPs have been especially prone to espouse the idea that they, as democratically elected representatives, bear a different kind of responsibility than the leaders of Romani NGOs and Romani activists.

This difference in roles and capacity in handling Romani issues by the political and civil sectors was strongly expressed by the participants. In the view of most of the Romani participants, while there are a great number of Romani NGOs involved in programs and projects targeting the needs of Romani communities, solving their problems requires more than that—it requires a national-level

policy. To have such a policy the Roma need to join elected and decision-making bodies. Those in parliament and in government use political means to change the situation on the ground through legislation and governmental measures which they lobby for. Their efforts aim at finding systemic solutions that would affect entire communities. The same cannot be achieved by NGO projects. However, with this approach comes a different kind of responsibility: to deliver results and in case of failure to face the burden of criticism and pay a political price. The effectiveness of their efforts depends on their skillfulness and relative strength in pursuing Romani interests vis-à-vis lawmakers and government ministries. For this reason it is very important, as the Romani MPs stressed, to have political allies or partners that will support them.

Governments increasingly tend to seek or even demand more responsibility and involvement of the Roma themselves in improving the situation of their communities. At the Vienna OSCE meeting,²³ as reported by the OSCE/ODIHR Adviser on Romani and Sinti Issues, notions of ownership and responsibility were central in the debates. The governments' approach at that meeting was that the Roma themselves bear some responsibility for the current situation and they have to do more to change it. This emphasis on the Roma's own responsibility came close to the notion that they themselves are responsible for the situation they are currently in, an idea that was contested by the majority of Romani representatives present. In the OSCE Action Plan adopted in Maastricht in 2003, stress was therefore put on the Roma's ownership in the process, that is to say, the Roma shall bear more responsibility once they have a definite role and ownership in the process of designing and implementing policies intended to improve the situation of their communities. This duty is increasingly associated with elected and appointed Romani representatives. The OSCE Action Plan puts the issue of the Roma's political participation high on its agenda, both as voters and as candidates, and intends to strengthen it in the future.

This speaker also noted that such a role for elected and appointed representatives is challenged by other Romani actors, mainly from the civil sector. Activists from Romani NGOs question the legitimacy of those in elected bodies and public administration, and as a rule, they also question whether those people represent the genuine interests of the Romani community. This controversy is due partly to

²³ The special meeting on Roma and Sinti was held on April 10-11, 2003, at the OSCE Supplementary Human Dimension Meeting in Vienna.

the different agendas pursued by each sector and partly to the way NGOs perceive the state and its policies. The Romani civil sector positions itself as the defender of human rights, whereas the elected and appointed representatives, as part of the state structure, deal with social and economic issues. Romani NGOs are accustomed to seeing the state and its policies as hostile to Roma, and therefore those Roma who become part of it are subject to criticism as representing the other, non-Romani side. As one Romani MP concluded, however, it is far more important for Romani leaders to make their communities understand what elected and appointed Romani representatives do in office and whether their efforts bring any concrete results than to engage in this kind of competition.

Roma in the Post-Accession Context: What Framework, What Policy?

In outlining the European Union's policies, the Director of the DG Enlargement's Directorate of Co-ordination of Negotiation and Pre-accession for Bulgaria, Romania, and Turkey, pointed to the uniqueness of this event both for the Romani representatives and for officials in Brussels. The Roma need to learn what the European Union's policies are and what they can realistically expect from Brussels. At the same time, the institutions of the European Union need Romani feedback in order to understand what is working and what needs to be improved as regards programs and policies to assist Romani communities. He emphasized that Romani representatives need to learn to work with Brussels institutions: they may be bureaucratic and complex, but the Roma should not be frustrated by this. They must be persistent and actively network, and this kind of event contributes to that aim.

In the pre-accession period, the EC used regular reports to pressure governments of candidate countries to implement policies to improve the situation of Romani communities. With enlargement completed, however, the EC will lose this means of direct pressure and leverage over governments, and this could have negative consequences for the Roma. In addition, the PHARE program for acceding countries like the Czech Republic, Hungary and Slovakia will come to an end by May 2004. This program will be operational only for Bulgaria and Romania, until they complete accession. From 2004 onward, Roma of the new EU member states must turn to the Union's instruments and various types of financing to ensure that existing policies or projects will be continued. Therefore, the Roma

need to learn and better understand the instruments and types of financing available inside the Union.

He underlined that one of the visible results of EC policy and the pressure it exerted in the past was that governments have developed policies and action plans toward their Romani communities and have begun their implementation. The European Commission is aware that the overall situation of the Roma in candidate countries is far from perfect. It therefore must make sure that governments will fully implement those action plans, especially at the regional and local levels. Efforts to ensure this will be continued but in a more informal way.

With accession completed, the new member states will “join the club,” and will be in a position to shape the policies and rules of the EU. The time remaining in this meeting should be used to reflect on what can be improved in future EU policies to better address and integrate Romani communities inside the Union, the EC representative said. Romani representatives should engage in direct dialogue with their respective governments to try to lobby them, since it is through their government representatives in the Union Council that they may impact future policy toward the Roma. Even the frustration that the Roma may encounter while working with current instruments could be useful and indicative for the Commission of how to improve these instruments. Finally, he stressed the need to work together, since, after all, “most of you here will soon be EU citizens.”

Another representative of the Commission explained that to the extent possible, it will continue to pressure governments over Romani issues, but this can be done only within the limits of existing legislation. “No Roma programs without the Roma” is a well taken principle, but the Commission itself cannot enforce it over sovereign governments. Similarly, while the Commission is supportive of governmental policies and action plans for the Roma, it cannot give directives as to how such programs should be carried out. The EC deals with governments, and EU directives address the needs and rights of its citizens. From the Union perspective, the Roma are seen first and foremost as citizens, and not necessarily as minorities. However, the EC sees and pays attention to the problems of Romani communities. Dialogue with a variety of organizations and representatives is largely the way the EC does business—it has regular contacts with all sorts of non governmental organizations. This speaker therefore welcomed the fact that such

contacts and dialogue have been extended to the Romani elected and appointed representatives of the new member states.

The speakers also underlined that the EU does not have all the answers to the Roma's problems, but it can offer many opportunities to address these problems, especially to new member states.

EU Instruments and Framework Policies

Representatives of the EC made a presentation of the Union's instruments and policies, outlining those that could be beneficial to Romani communities. Three fields were mentioned: EU legislation, funding opportunities, and a framework for policy coordination to reach common goals. As one EC representative pointed out, in the fields of employment and social policy alone, which are as important to Romani communities as to other citizens of the Union, there are some seventy-five pieces of legislations ranging from health and work safety issues to equal opportunities for men and women. He especially underlined Directive 43/2000, the so-called Race Equality Directive, which had already been mentioned during the meeting. Some states have been late in integrating this Directive into national law, but the Roma nevertheless need to know that they can bring their governments to the European Court of Justice if authorities infringe on the provisions of this legislation.

The most important funding opportunities are provided by the Structural Funds and Cohesion Fund. All new member states will benefit from these funds. The Structural Funds operate in medium-term programming periods of seven years; the current period is for 2000-2006. The ten new member states that joined the EU on May 1, 2004 will fall under the current Structural Funds programming period, and will benefit from it between 2004 and 2006, at which time a new period will start (for 2007-2013). Twenty-two billion euros have been earmarked for all structural instruments in the ten new EU member states. The Treaty of Accession states that the acceding countries may benefit from eligibility of expenditure under Structural Funds as of January 1, 2004 provided that all the conditions laid down in the Structural Funds and Cohesion Fund regulations are fulfilled. These conditions concern full compliance with the implementation rules of these funds, as well as with community policies and legislation.

Allocations from the Structural Funds depend on a country's GDP and population size. According to the Structural Funds regulations, structural actions are concentrated on three priority objectives: Objective One focuses on the economic development and structural adjustment of regions that are lagging behind. Regions eligible are those which have less than 75% of the average EU GDP. Objective Two aims to support the economic and social conversion of areas facing structural difficulties (industrial, rural, urban and fisheries). Objective Three aims at developing labor markets and human resources, and it is intended to support the adaptation and modernization of national policies and systems of education, training and employment. The European Regional Development Fund finances programs for Objectives One and Two. The Regional Policy Directorate-General is in charge of this fund. The European Social Fund finances Objective Three programs, and the DG Employment and Social Affairs is in charge of this fund. These two funds are of importance to the Roma, while the other two funds, which are related to agriculture and fisheries, are of less interest to them.

How does this work? Governments come up with national development plans—strategies for the use of structural funds for the 2004-2006 period. The plan includes: an analysis of the situation relative to the objective concerned; an analysis of priority needs; strategies and priorities envisaged for action; and a financing plan. This document should be widely discussed in the country and then presented to the Commission for negotiation. The Commission generally intervenes at the level of strategies and priorities. Setting up measures and criteria for projects falls under the authority of the governments. In most cases, the development plans of acceding countries are built as Community Support Frameworks (CSF) with single-funded operational programs (SOP) as a means of implementing them. All the negotiations over Community Support Frameworks and operational programs for Structural Funds were concluded and signed with new member states in December 2003.

Once adopted by the Commission, the development plans are implemented by managing authorities appointed by the member states. Implementation of the measures and projects is supervised by the Monitoring Committees. All projects that receive EU financial assistance must also be co-financed, and selection of projects is carried out by the national or regional authorities competent for each program, not by the Commission.

Employment and Social Policy Framework

As mentioned above, the DG Employment and Social Affairs is in charge of the European Social Fund, which is the main instrument for boosting the employability of disadvantaged groups and helping them get access to labor markets. This Directorate General provides financing for Objective Three programs, as outlined in the framework of the European Employment Strategy and Employment Guidelines (adopted at the 1997 Luxemburg Summit),²⁴ and in the social policy objectives of the Lisbon Council of 2000, which are to eradicate poverty and social exclusion.²⁵ This instrument was therefore of special interest to the Roma, considering that they are a population which is gravely affected by poverty and unemployment. The representative of the DG Employment and Social Affairs stated that the European Social Fund has been used by current member states such as Spain, Greece and France for projects involving the Roma. During negotiations, the Commission encouraged new member states to use it for Roma-specific projects. Another fund was also mentioned—the Equal Community Initiative. This fund supports innovative projects for helping disadvantaged groups get better access to the labor market. Dozens of such projects focusing specifically on the Roma have been supported in current member states.

Romani participants were informed that in the DG Employment and Social Affairs there are four separate programs dealing with social inclusion, gender equality, anti-discrimination and employment incentives. In all of these areas the Commission maintains particular focus on the Roma. In a recent call for project proposals issued by the unit on anti-discrimination the Roma were mentioned specifically.

²⁴ With the EU Treaty, signed in Amsterdam in 1997, employment was put firmly on the Union's political agenda. The commitment to coordinate employment policies and promote the creation of more and better jobs was translated into the European Employment Strategy at the Luxemburg Summit in 1997. The Employment Strategy was designated as the main tool to give direction and ensure coordination of the employment policy priorities to which member states subscribed at the Union level.

²⁵ The European Councils in Lisbon and Feira (2000) set up a new objective: the fight against poverty and social exclusion. The political guidelines and objectives laid down by the European Council contained, among others things, a requirement to promote better understanding of social exclusion, mainstreaming the promotion of inclusion in member states' employment, education and training, health and housing policies, and developing priorities in favor of specific target groups (for example minority groups, children, the elderly and the disabled).

During the negotiations with new member states the Commission devoted substantial attention to Romani issues and encouraged governments to use the Structural Funds also for their Romani communities. However, it was also mentioned that the Roma themselves need to get in touch with national authorities or governments and make sure that their communities will benefit from this support.

While the Commission has much less ability to pressure full member states than candidate or candidate countries, it still holds some tools that can be of use. One such tool that was mentioned is the so-called "open method" of coordination in the areas of framework policies for employment and social inclusion.²⁶ This means that at the Union level member states agree on common objectives and commit themselves to carrying them out. Governments then have to report back to the Commission on how they have tried to achieve these objectives, and during peer review the Commission and governments assess how well countries did in meeting their goals. In both employment and social inclusion such common objectives were adopted and they cover areas of interest to Romani minorities.

Current member states issue reports on social inclusion, and based on these reports the Commission adopts a Joint Report on Social Inclusion. The new member states are joining this scheme, and in December 2003 they signed a Joint Inclusion Memorandum (JIM).

²⁶ The "open method" of coordination introduced by the Employment Strategy includes the following steps: a) employment guidelines: following a proposal from the Commission, the European Council agrees every year on a series of guidelines that establish common priorities for member states' employment policies; b) National Action Plans are prepared by each member state describing how these guidelines will be put into practice; c) the Commission and the Council jointly examine each National Action Plan and produce a Joint Employment Report, and the Commission then prepares a new proposal to revise the guidelines for the next year; d) upon receiving a proposal from the Commission, the Council may decide to issue country-specific recommendations. In this way the open method of co-ordination delivers a rolling program of yearly planning, monitoring, examination and readjustment. Following the European Council in Lisbon (2000) the open method of coordination was extended also to the social policy field with a slight change related to two-year periods of planning, reporting and readjusting priorities. Candidate countries participated in both framework policies in accordance with the provisions of the Accession Partnership. Joint Assessment Papers (JAP) on employment were concluded for the first time with candidate countries in 2001 as preparatory documents for developing a national and regional strategy for potential assistance by the European structural funds after accession. Similarly, in the field of social policy the acceding countries prepared and signed with the Commission a Joint Memorandum on Social Inclusion (JIM) in December 2003.

All JIM's have prioritized social inclusion measures with special emphasis on groups at particular risk of long-term unemployment, like young people, the elderly, or women, and vulnerable groups such as the Roma and other ethnic minorities. Those priorities and measures are also included in the programming documents of the Community Support Frameworks.

During the preparation and negotiation of these documents the Commission and especially the DG Employment and Social Affairs encouraged governments to include and pay particular attention to Romani issues. These documents can be a political tool the Roma can use to keep governments accountable, by questioning whether the common objectives they agreed to have been met. Currently, the Commission is reviewing the existing arrangements, policies and programs to see how they can work even more effectively to address Romani issues in an enlarged Union. A study on the Roma that is being conducted in cooperation with the European Roma Information Office (ERIO) among others, and a conference in Brussels scheduled for April 2004, have the same purpose: to address the specific needs of Romani minorities with Union instruments.²⁷

Romani Minorities as Beneficiaries of Structural Funds: Possibilities and Risks

The remarks of the Romani participants revealed that only some of them were well informed about these instruments, frameworks and documents, and about how the Structural Funds operate. Romani minorities that have strong political representation in their country have certainly been more successful in securing Romani interests and lobbying for inclusion of their objectives in programming documents. It also became clear that in many instances the Roma have been left out of the consultation process or, having little power or political influence, they have had trouble getting the government's attention to ensure their problems are adequately addressed in negotiated documents.

²⁷ The conference "Roma in an enlarged European Union" that took place in Brussels from April 22-24, 2004. The Report on *The Situation of Roma in an Enlarged European Union. Fundamental Rights and Anti-discrimination* was published under the Directorate-General for Employment and Social Affairs, Unit D3, European Communities, 2004. The Report however, does not elaborate on political participation and representation of Roma.

According to one of the Romani representatives from Hungary, Romani issues are addressed in all five Operational Programs of that country's Community Support Framework. The Commission's particular focus on the Roma during pre-accession negotiations contributed to this outcome: after the first round of negotiations, the Commission indicated that there were too few measures in support of the Roma, and requested that the government take additional steps to address their situation.

Similarly, the Romani representative from Slovakia reported that the Commission's intervention (which included, among other things, insistence on including the Plenipotentiary for Romani Issues in the delegation at the last stage of negotiations in Brussels), was helpful in placing the Roma's needs in the Community Support Framework chapters on basic infrastructure and human resources.

A Commission representative noted that in Slovakia the Structural Funds contribution for Romani minority measures will be higher than usual at 80%, which means that only 20% will be required as co-financing (for other programs the level of financing and co-financing are 75% and 25%, respectively). In the case of the Czech Republic, the Roma were addressed in two Operational Programs which determine what percentage of resources should be devoted to Roma projects. In this way, the Commission tried to ensure that structural funds will be used for the benefit of Romani communities as well.

However, establishing more specific targets, such as, for example, targeting Romani minorities in regions where they are concentrated or addressing the housing needs of the Roma (a request raised by a Romani representative), would be politically difficult for the Commission. These issues fall under the discretionary authority of member states. In addition, the Commission lacks reliable comparative statistics on minorities, especially the Roma. The Commission formulates general targets; in the field of employment, for example, member states must reduce the unemployment gap between disadvantaged groups and the mainstream population. Suggesting something more specific and quantitative would require the collection of data on ethnic groups, which is a sensitive issue both for governments and among Romani communities.

The Romani participants argued that when it comes to social policy and identifying targets, data for all kinds of social groups are needed; they were therefore in favor of collecting data that reflect the social standing of disadvantaged populations in general. They

were, however, against putting the Roma on some kind of special ethnic record or register.

The Commission representatives explained that the EC's ability to influence concrete measures or projects is very limited, since both managing structural funds and selecting projects are the responsibility of each member state. They also emphasized that in some countries governments may delegate some of the decision-making powers over the use of structural funding to regional and local authorities following the EU decentralization policy. On the other hand, however, access to structural funds has become easier: proposed projects do not need to be negotiated each time with the Commission as was the case for PHARE financing. It is important for the Roma to come up with a perhaps smaller number of higher quality projects. They also noted that Romani organizations can be members of the Monitoring Committee that will oversee the use of structural funds. This Committee will have the authority to change measures or shift resources to another measure if needed.

However, Romani participants were concerned about the capacity of Romani communities and organizations to come up with such projects, especially given that the requirement for co-financing may limit Romani initiatives. They were also concerned about whether the local authorities will have adequate interest in coming up with projects addressing the Romani population or supporting the Roma's own projects. In the view of some participants, the Roma are not well informed about these new funding opportunities and how to access them, or how well their needs are addressed in programming documents.

One of the Romani participants from Romania concluded that the meeting revealed to him a basic message: both in the accession process and afterwards, governments play a central role. To him this means that it is absolutely necessary for Romani minorities to have political representation, whether in parliament or the government or even in institutions in Brussels. Unless Romani representatives actively participate in these institutions, they cannot help secure Romani interests.

The issue of participation in decision making or consultation in various institutions was repeatedly brought up by the Romani representatives. Independently of each other, several Romani participants came up with the idea that elected and appointed Romani representatives should be given an opportunity to consult on Romani issues with EU institutions on a regular basis. They

suggested setting up a body at the European Commission that would work to bring together Romani representatives and representatives of these institutions, and would be a structure for cooperation, coordination, dialogue, guidance and monitoring of EU policies on Romani minorities across the EU. It was also emphasized that some level of coordination must take place between the implementation of EU-funded programs and existing governmental strategies or action plans for Romani communities in member states. The same request was repeated by Romani representatives at the session in the European Parliament. Several MEPs supported the idea of having regular meetings of this kind in Brussels.

In response to this request, a representative of the European Commission pointed out that there is a certain way of doing things at the Union level; the EU Council, where representatives of member states sit, take decisions following their governments' instructions. Romani representatives may therefore need first to lobby their governments and get their support for their proposals. He also stressed that such suggestions must be well worked out before they are presented.²⁸

The Approach of the Romani Representatives: Romani Issues Are Issues of Politics²⁹

The EP's Foreign Affairs Committee has been active on Romani issues, and has kept them on its agenda since the beginning of negotiations with candidate countries. For the Romani communities of the new acceding countries, the Civil Liberties Committee of the EP will become an important body dealing with Romani issues since in the future it will be an internal issue of the EU. Romani organizations will therefore have to address themselves to and

²⁸ In a press release entitled, "Commission calls for clearer focus on addressing Roma discrimination in an enlarged EU," after the conference "Roma in an enlarged European Union" that took place in Brussels from April 22-24, 2004, the Director General of the DG Employment and Social Affairs Ms. Odile Quintin, stated: "We need to ensure that EU policies make a real difference to Roma communities across the enlarged Union. All stakeholders need to work together in a coordinated way. We can no longer afford to take a piecemeal approach to this issue." In an example of the kind of approach needed, Ms. Quintin proposed a review of the internal coordination within the Commission to ensure that there is a "joined up" approach to policy issues relating to the Roma across all the Commission's Directorates-General. More at: http://europa.eu.int/comm/employment_social/news/2004/apr/roma2_en.html.

²⁹ The second day of the PER and EC organized event brought Romani representatives together with members of the European Parliament.

cooperate closely with this committee. The Foreign Affairs Committee will continue its involvement in Romani affairs but only for candidate countries (i.e., Bulgaria and Romania). It will also pay attention to the Romani communities in the former Yugoslav states.

In views of MEP's it was encouraging to see Roma who have attained political positions and are politically active in defending their communities' interests. They stressed that political participation is of fundamental importance to the Roma since it will be more difficult to solve Romani issues if the Roma are not able to organize themselves politically; solutions must be found on the ground, at the national and local levels.

The Romani participants elaborated on their approach and perspectives on Romani issues in national and European politics. According to the speakers, Romani issues need to be seen as essentially political, and solving them therefore requires a political solution. This means that the Roma need to enter mainstream politics and become active actors bearing political responsibility to their Romani constituencies and mainstream political allies. As elected and appointed officials working in parliaments and governments, they have assumed the role of Romani politicians. They are still few in number, but with each round of elections in the region they are gaining in terms of the number of elected MPs or councilors in regional or local councils. This development needs to be supported and strengthened in the future.

The Romani representatives also spoke in favor of institutionalization of domestic Romani politics—having specific institutional structures at the central and local levels of governing bodies in order to keep Romani issues on the political agenda and make sure they are dealt with on a regular and continual basis. They advocated for Romani participation in these structures, which would ensure that the Roma have a say in the decision-making process. In general, the Romani representatives acknowledged a need to strengthen Romani political organizations or parties as a way to politically mobilize Romani communities, through which they hope to be able to ensure implementation of measures making possible better integration of the Roma.

The MEPs debated this vision, discussing whether or not it is the best approach. In the view of several MEPs, the Roma's choice of forming separate Romani parties or ethnic-based political organizations may not be the most appropriate, and may in fact be counter-productive in the effort to integrate the Roma into

mainstream public and political life. Instead, they argued that a better strategy is for Romani representatives to join mainstream political parties. Positive examples of successful efforts by minorities to do this were cited from the United Kingdom.

In reply to this criticism, the Romani MPs argued that this option is currently not possible in Central and Southeastern Europe. Mainstream parties are neither interested nor ready to have Romani politicians join them, or to integrate Romani issues within their parties' platforms. Nevertheless, the willingness of mainstream parties to enter into pre-election agreements with Romani organizations or parties in itself needs to be highlighted as a breakthrough. Mainstream parties are interested in receiving a predictable share of the ethnic minority vote (which minority organizations promise to deliver) and this could be a source of power for minority politicians.

Romani communities are still not a very predictable voting block, and Romani politicians are not yet as successful in mobilizing their potential constituencies as are other minority leaders, but they are learning mainstream and ethnic politics. At the same time, as the Romani MP from Bulgaria acknowledged, the Romani minority there can't rely on other strong minorities (such as, for example, the Turks) to represent and secure their interests. The Turkish minority is represented in Parliament by some twenty MPs, it heads several ministries in the government, and many Turks serve in the state and local administration. For that reason, Bulgaria is often presented as a kind of ideal model of ethnic politics. It may be a model that works for the Turks, but not for the Romani minority, said the speaker. This participant claimed that the Roma need to defend and ensure their rights and interests on their own, through political participation as an ethnic minority.

Romani participants pointed out that analyzing the participation of the Roma in politics in the region since 1989 provides several interesting findings. First, the Romani candidates who run in general elections from the lists of their own organizations or parties, in most cases, fail; those who associate themselves with mainstream parties and often run from these party's lists, more often, win. Second, the Romani constituency, which is in some countries significant in numbers, is becoming more and more of interest to mainstream parties seeking votes. The willingness of some mainstream parties to enter into pre-election agreements with Romani organizations or parties is a visible sign of this, and the Roma benefit from it to secure seats in elected bodies and positions

in public administration. Third, the same strategy applied in local elections also seems to work: Romani minorities increase their gains with each round, securing more seats in local and municipal councils.

Funding for Roma Projects

Several Romani participants brought up the issue of EU funding for Roma projects. They were concerned that, often, earmarked or available funds do not reach the target communities, but go to better informed and better organized organizations and do not necessarily benefit Romani communities. As one Romani participant put it, an “ethnic business” is flourishing. It was also pointed out that there is growing criticism among Romani organizations and leadership over the current flow of funds intended to improve the situation and integrate Romani communities: funding is increasing but it has not been followed by improvement in the Roma’s situation, which calls into question the effectiveness of the EU’s spending. The Romani representatives requested more transparency on the flow of funds, and especially the spending of governments, monitoring not only spending but also outcomes and results.

Responding to these requests and criticisms, a representative of the Commission disagreed with the assertion that projects that have been funded have produced no results; these results may not be sufficient, but they have definitely produced some positive changes on the ground, he said. It was also pointed out that it is a question of quality projects; currently, there is a lack of good Roma projects. This speaker reminded the Romani representatives that they should not rely only on EU support and funding opportunities—these are only supplementary resources. The primary obligation to address and solve the problems of Romani minorities rests with each member state.

Nevertheless, as one MEP acknowledged, this issue is a serious one and the European Parliament should address it. He recognized a need to improve the management of EU funding and make sure that funds are getting through to their legitimate recipients, and are not stuck somewhere in government offices. He pledged the intention of the Parliament to ensure that EU assistance for Romani communities gets through and becomes a source for realizing Romani projects. In this context, the OSCE Adviser on Roma and Sinti issues pointed out that the EP has a budgetary committee

which approves the Commission's budget, and this is an asset that can be used to impact EU funding policy.

Prospects for Cooperation with the European Parliament

Responding to the Roma's quest for closer cooperation, the chair of the meeting and representative of the EP's Foreign Affairs Committee outlined prospects for cooperative efforts. First, it was suggested that this kind of meeting with Romani elected and appointed representatives should be held regularly in the future—perhaps once a year. The agenda of such meetings should be extended to cover Romani issues not only of new member states or acceding countries, but also of the “old” member states of the European Union. Romani representatives from these countries should participate as well. MEPs who participated in the meeting were committed to do whatever possible to promote and debate the issues of the Roma within the European Parliament. Several committees were named as especially useful to this purpose, the Committees on Foreign Affairs, Civil Liberties, Justice and Home Affairs, Regional Development (which deals with structural funds) and Budgets.

Participants were also reminded that negotiations are beginning on the new 2007-2013 programming period for EU Structural Funds, and MEPs can inquire as to whether something special or extra can be done for the Roma. Officially, the issue of the Roma is not within the scope of European Union policies; it is an issue for national governments and there are currently no proposals in the new EU constitution to change that. However, one can argue that the Romani minority represent a special minority not comparable with others. This may offer grounds for initiatives in favor of the Roma. In this regard, it was suggested that when MEPs formulate conditions for the 2007-2013 structural funding period they may consider how to include Romani communities or make sure that support will reach them, especially the regions where the Roma live in the difficult circumstances so well known to all.

MEPs endorsed also the idea of the Romani representatives to establish a body that would bring together Romani representatives and representatives of Brussels institutions and would be a structure for cooperation, coordination, and dialogue, guiding and monitoring EU policies on Romani minorities across the EU. Its up to the Roma to realize this idea however. Such a body could be a

counterpart to the European Parliament or even to national parliaments.³⁰

³⁰ Following the June 2004 elections to the European Parliament, a new possibility has appeared for the realization of a number of suggestions and recommendations generated during the discussions in Brussels. Livia Jaroka, a young Romani woman from Hungary, was elected from the Fidesz party list. She became the second Romani MEP after Juan de Dios Ramirez-Heredia from Spain, who served from 1994-1999. Later on another Romani representative from Hungary, Mrs. Viktoria Mohacsi, from the socialist party has become the MEP.

Claude Cahn

Roma Rights and Anti-Discrimination Law

This essay¹ discusses the current state of efforts to implement EU and international norms on anti-discrimination law, norms which have developed significantly in recent years. In particular, it explores the current impact of these laws on Roma inclusion and on combating currently very high levels of anti-Romani sentiment in Europe, as well as the prospects for such laws to make significant inroads into the currently troubling situation of many Romani communities in Europe. The paper then discusses the need for the development of further legal instruments -- positive action measures or "legal measures binding states to ensure Roma inclusion". The essay concludes with some thoughts on the limits -- and possibilities -- of the law to reshape society, particularly in the difficult area of racism.

Implementing Anti-Discrimination Law

In the course of its work, the ERRC devotes extensive energies to capacitating Romani activists, and in that framework, I recently had an experience which reminded me powerfully of the current state of affairs in most of the countries where the ERRC works. We were invited to present our issues for a group of Romani activists from various countries of the former Yugoslavia at a training event in Ohrid, Macedonia, convened in Autumn 2004 by the Swedish Helsinki Committee. After some consideration, I decided to present briefly some of the cases we and other advocates have won during the course of 2004 in Bulgaria under the recently adopted anti-discrimination law in that country.

The cases concerned -- there were five such victories at the time, although there have been several more since -- involved scenarios that some might regard as mundane. In one case, a Romani woman was refused service in a Sofia shop selling lingerie. In another, a Romani man was told not to come for a job interview after he told a prospective employer on the telephone that he was "a Gypsy", and asked whether that would affect his chances of getting the job. The

¹ 1 February 2005, revised 30 May 2005

other cases concern the provision of electricity in the Romani neighborhood of Fakulteta in Sofia. In one case, the electric company cut power to the entire neighbourhood because of the debts of some of the consumers. In two other cases, the local electricity provider decided -- solely on the basis of the Romani ethnicity of customer -- to mount the electricity metre for the dwelling concerned on the top of a nine-metre pole, apparently reasoning that the customer would tamper with the device.

In all five cases, Bulgarian courts ruled that the persons or companies against whom claims had been brought had violated the principle of equal treatment, and they ordered the perpetrators of these illegal acts to pay damages to the Romani victims.

As I described these cases to the around 25 Romani activists from around the former Yugoslavia gathered, a strange silence came over the room and I am not exaggerating when I say that one or two mouths fell open. The presentation was followed by a fever of questions: who had brought the cases? How? What had happened after the courts had issued the rulings? The description of Roma winning discrimination cases against non-Romani discriminators struck the activists in attendance as verging on the miraculous for the simple reason that, despite being apparently mundane, none had ever heard of anything similar happening anywhere ever. The mere fact of sanction for discrimination -- the kind of discrimination that Roma face throughout Europe on a daily basis -- had previously seemed quite simply beyond the realm of the imaginable.

The central paradox of existing anti-discrimination provisions as they existed pre-2000 was that, with the exception of several Northern European countries such as the United Kingdom, the Netherlands, Ireland and Sweden, although the Constitutions of most European countries include declarative and high-sounding commitments to the ideal of non-discrimination, most legal orders included either no provisions for sanctioning a perpetrator and providing damages to a victim, or included only extremely inadequate ones. In some cases, one would have to hunt to the most obscure corners of the law to find implementing legislation. Typically, such procedures would be thoroughly unknown not only to lay persons, but also to members of the legal profession. In other cases, discrimination was banned under implementing law, but only under criminal law, in provisions in which the sanction for violation would include prison terms. In countries where criminal law bans discrimination, frequently it is widely known that discrimination is illegal, but no one is ever punished for it, because the idea of, for

example, sending a publican who refused to serve a Gypsy a beer to prison for the offence is in most if not all cases anathema.

This paradox has had very pernicious effects on many societies. On the one hand, despised minorities such as Roma and other victims of discrimination in most of the countries of continental Europe are encouraged to think of their societies as basically deeply hypocritical; while paying lip-service to non-discrimination at the highest levels, the governments of their countries effectively support a system whereunder it is entirely tolerated. At the same time, privileged and non-minority members of the same society are lulled into comfortable narcosis by the thought that because the law states that no discrimination is possible, and because none are punished, their societies are not only just but even somehow close to flawless. Apart from the basic injustice engendered by this state of affairs for many thousands of persons throughout Europe daily, the existing order entrenches and even promotes social conflict, as pariah minorities proceed from regular disadvantage into states of deep alienation and scepticism at the possibility of leading good lives in their own societies.

The Growth of Anti-Discrimination Law in Europe

In 2000, apparently persuaded that the status quo described above could not hold, both the Council of Europe and the European Union undertook actions which are beginning to reshape the societies of Europe, albeit not as quickly as some would hope. In June 2000, the European Union adopted Council Directive 43/2000 "implementing the principle of equal treatment between persons irrespective of racial or ethnic origin". In November 2000, the Council of Europe opened for signature Protocol 12 to the European Convention of Human Rights. These two developments were the fruit of a decade of developments both within those two institutions, as well as at the level of national governments and civil society, which sought to challenge the alarming rebirth of visceral racism in Europe by remedying major gaps in the European legal orders.

Protocol 12 extends the ban on discrimination under the European Convention (i.e., in all Council of Europe Member States) to the realisation of any right secured by law. The existing ban -- Article 14 of the European Convention -- is available only in the realisation of a right included in the European Convention itself. When first opened for signature, 25 countries signed Protocol 12 and to date 11 countries have ratified it. It entered into effect on 1 April 2005.

Of perhaps even greater import was the adoption of EU Directive 43/2000, a document which we have come to refer to as the "Race Directive" or "Race Equality Directive". Directives are binding on EU Member States governments, which must transpose their provisions into domestic law. Transposition is also required of all candidate countries. The Race Directive specifies the contours of protections that should be available to all individuals. These include:

- Discrimination must be banned in a number of areas, including employment, education and training, health care, housing, social services and social benefits.
- Both "direct" and "indirect" discrimination must be banned. The Directive defines "direct discrimination" as "taken to occur where one person is treated less favourably than another is, has been or would be treated in a comparable situation on grounds of racial or ethnic origin". "Indirect discrimination", as banned under the Directive, is "taken to occur where an apparently neutral provision, criterion or practice would put persons of a racial or ethnic origin at a particular disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary."
- Where an act of discrimination appears to have taken place, the burden of proof shifts to the alleged perpetrator, who must show that the actions undertaken were not in violation of the law. (This provision alone overturns a central frustration in challenging racial discrimination -- the requirement that the alleged victim must demonstrate harms under a high standard of proof, even as most if not all of the evidence of discrimination is in the possession of the perpetrator).
- Laws must include sanctions that are "effective, proportionate and dissuasive". These may include monetary fines.

The Directive includes a number of other provisions, including that States "designate a body or bodies for the promotion of equal treatment of all persons without discrimination on the grounds of racial or ethnic origin."

The Union imposed a July 2003 deadline on EU Member States to transpose the Directive. Deadlines of the date of accession were set for the States which joined the European Union in May 2004, but the Union has been proactive in encouraging Bulgaria and Romania to act well in advance of access to adopt comprehensive anti-discrimination laws, and it will presumably take a similar approach to subsequent candidate countries. Bulgaria and Romania have in fact adopted laws (and Romania has strengthened its law several times through amendment), well in advance of their accession to the EU. Some EU Member States -- for example the Czech Republic, Poland, Finland, Germany and Greece -- have not yet managed to transpose or have only partially transposed the Directive, and as a result the European Commission has opened infringement proceedings against them. These may ultimately lead to sanctions imposed by the Commission, should the European Court of Justice in Luxembourg deem these appropriate. In some countries aspiring to EU membership, such as Macedonia, there is no serious debate yet underway, and opinions that "there is no discrimination in Macedonia" or "the Constitution bans discrimination and that is sufficient" still rule the roost. Experience shows that these positions will soon give way, as EU requirements are made known and the inadequacy of the existing legal order laid bare.

It is too early to know precisely what impact such laws may have on those European societies which to date have had no experience with implementing anti-discrimination law. In some countries, early news is depressing. For example, Hungary adopted a comprehensive anti-discrimination law in December 2003, apparently to comply with the EU Directive. However, as of the date of writing, it had not yet managed to establish the equal treatment commission envisioned under the law, and as a result implementation was proceeding slowly. In an early case brought under the law -- not in a racial discrimination case but rather in a case in which a Catholic university had refused to provide a diploma to a graduating student on grounds that he was homosexual -- a first instance court ruled scandalously that this did not amount to discrimination. Several conferences involving members of the Hungarian judiciary indicated that many members of the legal institutions in Hungary had deep misgivings about applying the law. Implementation problems have also plagued Romania.

It is for these reasons that the steady flow of positive rulings in Bulgarian cases has been so welcome. Despite an array of

arguments tabled by Bulgarian lawmakers and legal experts about the inappropriateness of the (at that time) proposed provisions (founded largely on the misconception that anti-discrimination is alien to continental legal systems and incapable of being incorporated into them), Bulgarian courts have managed with apparent ease to bring justice in most if not all of the cases brought before them. The five rulings described above have for the most part involved fines levied on the perpetrator and damages awarded to the victims. These rulings join the pantheon of the better moments of European jurisprudence in the field of racial discrimination, such as the Irish court's ruling that a publican who discriminates against Travellers is "not morally fit" to operate a bar, and the Swedish ruling that grocery store owners are not free to ban Romani women wearing traditional long skirts simply because they fear that the women may conceal shoplifted items under them.

The impact of these rulings is not only on the victims who receive just compensation and perpetrators sanctioned. In addition, the public is made aware that discrimination is not only evil in principle, but also that the contours of banned acts are clearly defined, and that one may be held accountable for crossing the line. Over time, as many observers have noted, comprehensive anti-discrimination law, particularly when implemented well, can foster important debate about the role of race in society, and about the limits of acceptable treatment of others. As such, these laws may have far deeper educational impact than "tolerance training" programs or seminars, and other similar measures.

Perhaps even more importantly, such laws and the rulings implementing them may hearten the brave and ambitious members of pariah minorities to pursue inclusion vigorously, and to stand against the acts of racial discrimination currently perpetrated casually and thoughtlessly as the norm of European social life. They therefore serve to heighten the justice element of European societies and to diminish the false veneer of "flawlessness" plaguing the more complacent. This means a certain amount of discomfort for those who have grown accustomed to depending upon an exaggerated conception of collective innocence, but such discomfort is for the good, just as the implementation of justice is good for the improvement of society at large.

Beyond Anti-Discrimination Law: Legal Measures Binding States to Ensure Roma Inclusion

But of course comprehensive anti-discrimination law in conformity with EU standards is not a panacea. It is not so much that the anti-discrimination law provisions described above are not necessary. Indeed they come like water in an endless desert to many, like the Romani activists in Ohrid, who first contemplate the possibilities of seeing centuries of daily injustice checked and rolled back. Rather, persistent questions arising from those who work on Roma rights issues regularly hinge more on a different problem: are such laws sufficient to bring about real, durable change not only for those Roma who are daily subjected to humiliating treatment because they are regarded as "Gypsies" by non-Roma, but can they lift the many extremely marginalised Roma living in various states of long-term -- indeed multi-generational -- social exclusion and poverty out of these states and toward social inclusion, with equal dignity?

In Slovakia (and not only), there are several hundred extremely substandard Romani slum settlements. These are characterised by extreme deprivation. They generally are missing one or many of the following: electricity, heating, provision of potable water, sewage and/or solid waste removal, street lighting, pavement, paved roads and inclusion in the public transport system. In addition they are frequently far from schools, hospitals and municipal or other public offices. Denial of postal services has in a number of instances meant that inhabitants of such settlements have missed court appearances, failed to learn of the receipt of scholarships, or failed simply to receive word from loved ones far away. Some, such as the settlement near Rudňany called Patoracka, are extremely dangerous; Patoracka is located on the tailings of a former mercury mine.

But the issues afoot in the Slovak settlements are not solely ones of temporary material deprivation. They are matters complicated by extreme levels of anti-Romani sentiment on the part of non-Romani Slovaks, as well as despair and deprivation so extreme that in February 2004 conditions led to rioting by Roma, unrest triggered by amendments to the law on social welfare which cut already low social benefits without offering any serious prospects for alternate income. In the wake of the rioting, Ingrid Antalova, the head of the Bratislava-based non-governmental organisation Milan Simecka Foundation, wrote the following in the Slovak daily newspaper SME. I quote at length her article, to give some sense of the issues arising in a society which has allowed these issues to become deeply

ingrained, and where good-willed people working on Roma rights issues ask whether Slovakia's newly-adopted anti-discrimination law can succeed in addressing all issues arising:

When looting and rioting broke out in the settlements, it was as an expression of anger. Hopelessness, despair and hunger will now follow. Hunger has been a continual problem in the Roma settlements for quite some time. Even those families who, despite being dependent on state support, have until now been attempting to manage their finances so as to feed themselves throughout the month, are now in dire straits.

I called some of my friends in the Romani settlement: a young family with three children. This family had been receiving 10,500 Slovak crowns every month and was the only family in the settlement (apart from the usurious money lenders) capable of putting three thousand crowns in the bank every month. They were saving for a new cupboard and bed for a long-awaited new house. Of course, there will be no new house. It should have been built two years ago, but the project never got further than a handful of promises and land surveys. Money for the project was not made available and by the following year it was no longer possible to make use of these finances, since the Ministry of Construction had somehow "forgotten" to include it in the new year's budget. With the help from our community workers the family had managed to get their son enrolled at the "normal" (i.e. white) school. In the same year the mother found the responsible job of collecting first years in the mornings, taking them to school and assisting the teacher in class. They won't be saving money any more though: after the new changes they receive only 4,700 Slovak crowns per month and as such are going to have to dig deep into their savings to survive. The son goes to the white school and must be well-dressed; he is going to need some help for this. His father is currently getting ready to leave for work in the Czech Republic.

Another family is not quite so "model". Ten children and until now the family has been receiving 20,000 crowns per month. Even this was never enough. With all of the children hungry ten days before benefits day, the loan sharks were always only too keen to "help". In spite of the fact that they are amongst the most pitiful of examples, we did manage

to persuade them to send their oldest son to school. Now they receive a mere 9,000 crowns per month and the first saving measure they take will be to stop the eldest son from continuing his studies. The scholarship from our foundation is not enough to cover all of his needs and he neither can (nor wants to) put further strain on the family funds. Every member of the family receives 750 crowns per month. Is it possible to live on such a sum? Support benefits that are aimed at activation in the labour market raise the sum an extra 200 crowns per head. We shouldn't overlook the fact that the family does not even have to pay rent on their mud-shack, nor for drinking water from a stream.

Amongst other things, we are currently carrying out a scholarship support project for children from deprived backgrounds. I would rather not know just how many children are going to stop going to school after this change in social benefits. Why don't we make any distinctions in such cases? Why don't we help families that are making an effort and *do* send their children to school. The new reform will affect these parents just the same as those that don't even look after their children, those that don't even know how many kids they have. Yes, these families exist too. I don't want to try to pull the wool over anyone's eyes.

I don't doubt that reform [of the social welfare law] had to come. Reform had to come, it should have come earlier and could have been implemented a long time ago. Precisely because of the fact that the reform did not come years ago, we – that is to say, the state – have for years been increasing the dependence of families on social benefits. Through this new reform, their sudden "treatment" has come as a shock and has brought about some very sad results. Teachers in the hamlets know what hungry children look like: the way that they'll chew anything they have in their hands; their aggressive behaviour; their lack of ability to concentrate. From now on these children won't be hungry for just a couple of days, but for a whole week before benefits are handed out.

The extreme conditions in some of the eastern Slovak Romani settlements, places such as Hermanovce, Letanovce, Svinia and Jarovnice, prompted -- after a visit in 1999 by then-EU Commissioner for Enlargement Gunther Verheugen -- the European

Union to approve significant funding for infrastructure in Slovak Romani settlements within the EU funding scheme for EU candidate countries called Phare. The first major project for Romani settlements in Slovakia was included in the Phare 2001 scheme. When first adopted, Phare 2001 involved infrastructure development in Romani communities (including benefits also for surrounding non-Romani localities) in 30 municipalities in Slovakia. Phare 2001 envisaged 10 million Euro in EU contributions, to be matched by 8 million Euro of Slovak State funding. These sums are among the largest Roma-specific allocations anywhere to date.

As of early December 2004, according to the EU delegation office in Bratislava, formal assessment of the impact of Phare 2001 had not yet been undertaken. It was not even clear if the EU delegation office intends any formal assessment of the success of projects under Phare 2001, since the Delegation office is soon to be closed, and some Delegation office staff indicated that it is not the EU role to undertake supervision of anything other than the legality of contracts (formal supervision would fall to the Ministry for Construction, according to these EU officials). However, all indications are that in a number of municipalities, implementation has gone quite badly. One village (Svinia) refused implementation outright. A number of others have apparently implemented projects in haphazard, wasteful and/or corrupt fashion. There is a steady stream of frustrated and quasi-existential muttering coming from non-Slovak members of the EU delegation office in Bratislava, to the effect that none of the projects are working well.

Monitoring of Slovak Phare 2001 Infrastructure in Romani Communities and other EU-funded projects raises questions as to what extent Commission and other funding, combined with anti-discrimination laws in conformity with the Race Equality Directive, are alone sufficient to secure Roma inclusion in the member states. Observation of the impact of projects such as Phare 2001 have given rise to a number of calls for legal measures at the level of the EU binding the member states to ensure Roma inclusion.

There are currently a number of proposals in the field as to the further development of legal instruments at EU-level, EU laws which would either mandate positive action for Roma, or on behalf of weak groups generally. Notably:

1. In its "Report on the Situation of Fundamental Rights in the European Union for 2003", dated January 2004 but only published on May 26, 2004, the European Union Network

of Experts in Fundamental Rights recommended the adoption of a "Directive specifically aimed at encouraging the integration of Roma".² The EU Network of Experts in Fundamental Rights is a distinguished body established by the European Commission at the request of the European Parliament, charged with monitoring fundamental rights in the Member States and in the Union. It comprises leading jurists from all of the EU Member States.

In presenting the need for such a Directive, the EU Network of Experts first notes that, "The concept of universal service [...] should in particular take account of the special situation of communities living in conditions of segregation, isolated from the rest of the community, especially when low income forms an obstacle to the use of paid transport. The case of the Roma presents itself in those terms in several States".

The EU Network of Experts report continues: "The most important contribution which the European Community could make to the protection of minorities, within the framework of its existing powers, would be the adoption of a Directive specifically aimed at encouraging the integration of Roma. The Opinions of the Advisory Committee on the Framework Convention for the Protection of National Minorities leave no doubt as to the inadequacy of Directive 2000/43/EC of 29 June 2000, even though it protects the Roma against all discrimination on the ground of membership of an ethnic group. The urgent need to adopt a specific Directive based on Article 13 EC in order to encourage the integration of the Roma minority not only stems from the grave concerns that have been expressed in the evaluation reports on the situation of this minority in several Member States of the European Union, and not just in the acceding States where the question of integration of the Roma arises with particular acuteness. This urgency also stems from the inappropriateness in several respects of Directive 2000/43/EC, which was not

² European Union Network of Experts in Fundamental Rights, "Report on the Situation of Fundamental Rights in the European Union for 2003", Brussels, January 2004, p. 103. The full text of "Report on the Situation of Fundamental Rights in the European Union for 2003" is available on the Internet website of the European Commission's Directorate General of Justice and Home Affairs:
http://europa.eu.int/comm/justice_home/index_en.htm

specifically aimed at achieving the integration of groups that are traditionally excluded, such as the Roma". Detailed reasoning for such a Directive within various sectors such as employment, housing, education and health follows in the report.

Finally, the EU Network of Experts notes that EU anti-discrimination law does not, at present, cover issues related to access to personal documents: "Directive 2000/43/EC does not prohibit discrimination in the issuing of administrative documents. Such documents, however, are often required to access certain social benefits which constitute, particularly for marginalized peoples, an essential aid to integration. This is another reason why a Directive specifically aimed at Roma is indispensable. Article 13 EC forms the appropriate legal basis for such a Directive."³

2. A second mooted proposal as to EU-level law in the field of Roma integration involves a "Desegregation Directive" covering the fields of education, housing and health. This idea has been the central plank in the proposals of MEP Viktoria Mohacsi, incidentally a former ERRC employee and currently one of two Romani MEPs currently in Brussels (both are from Hungary). Although the ERRC has not seen a full proposal as to the dimensions of a "Desegregation Directive", its legal dimensions would presumably aim to bring into EU law a supplementary ban similar to the Article 3 ban on segregation included in the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).⁴
3. Others have floated the possibility of working toward a "Positive Action Directive" which would bind EU Member States to undertaking "positive" or "affirmative" action on behalf of minorities and other weak groups, or otherwise clarify EU Member States obligations in the field of positive

³ Ibid., pp.102-107.

⁴ Article 3 of the ICERD states: "States parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction". The Article 3 provisions supplement Article 5 and other ICERD provisions banning racial discrimination in various aspects of civil, political, social and economic life.

action. Such a "Positive Action Directive" might include a specific chapter on Roma, or otherwise make specific reference to Roma.

The EU Race Equality Directive leaves open the possibility for Member States to adopt positive action measures and makes clear that such measures are not discrimination (and therefore are not illegal under the Directive). However, unlike some international law provisions, the Directive stops short of actually requiring positive action: "With a view to ensuring full equality in practice, the principle of equal treatment shall not prevent any Member State from maintaining or adopting specific measures to prevent or compensate for disadvantages linked to racial or ethnic origin."

Outside the EU system, a legal basis exists for establishing positive measures for weak groups. With respect to minorities, Articles 1(4) and 2(2) of the International Convention on the Elimination All Forms of Racial Discrimination (ICERD) establish basic parameters for positive action.⁵ The Council of Europe system has in recent years significantly developed this normative basis, particularly via the Framework Convention for the Protection of National Minorities,⁶ as well as in decisions by the European Court of

⁵ Article 1(4) of the ICERD states:

Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.

Article 2(2) of the ICERD provides:

States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.

⁶ Articles 4(2) and 4(3), the Framework Convention state:

2 The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.

3 The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.

Human Rights.⁷ However, the question of the EU role in pressing Member States to act upon these obligations has not yet been clarified.

Individuals of the European Commission have expressed hostility to the idea of pressing for any legal measures above and beyond the existing anti-discrimination directives. The Commission has not made public an official opinion on the issue, but some opinions presented by Commission officials and others around the Commission have included:

"The Race Directive (43/2000) adequately covers all grounds relevant for Roma inclusion; agenda now is full implementation in the Member States";

"The present (harsh, security-dominated) political climate mitigates against pressing for further directives; indeed, we may soon need to defend the existing directives against efforts to weaken them";

"Enlargement and the need to reach consensus among 25 Member States makes the adoption of new directives unlikely if not impossible".

Current lack of Commission support for further legal measures is a problem. All of the above arguments need to be weighed seriously, although none of them would appear to be sufficiently compelling ultimately to justify inaction. To the first, the existing EU anti-discrimination directives do not in fact extend the ban on discrimination to all grounds covered under international law, and the existing directives are likely necessary but not sufficient to bring about Roma inclusion. To the second, it is not clear if there is ever a favourable time in which to press for anti-discrimination law, since anti-discrimination law does not tend to be among the first demands of the public. Certainly proponents of the Race Directive did not think, when they first began advocating the adoption of such a measure, that they were operating in an idyllic political climate. To the third, one obviously cannot know unless one tries.

⁷ Ruling in the case of *Thlimmenos v. Greece* in 2000, the Court established the following principle:

"The Court has so far considered that the right under Article 14 not to be discriminated against in the enjoyment of the rights guaranteed under the Convention is violated when States treat differently persons in analogous situations without providing an objective and reasonable justification [...]. However, the Court considers that this is not the only facet of the prohibition of discrimination in Article 14. The right not to be discriminated against in the enjoyment of the rights guaranteed under the Convention is also violated when States without an objective and reasonable justification fail to treat differently persons whose situations are significantly different."

One further aspect of the corpus of dilemmas surrounding these questions involves the de facto power of the Commission to compel Member States to action on Roma inclusion. De jure, the Union exercises far more power over Member States than it does over candidate countries. In practice, this dynamic is reversed: where the Commission has been strident in dictating terms to candidate countries, making the situation of Roma a key issue in the accession process, it has quailed from taking issue in any but the mildest fashion with the policies of Member States, where these policies relate to fundamental human rights issues. At times this paradox has actually been rendered public, as for example when the Commission told Parliament and Council in an official communication in October 2003, "The Commission is convinced that in this Union of values it will not be necessary to apply penalties pursuant to Article 7 of the Union Treaty and Article 309 of the EC Treaty." This fact is acutely known in both the Member States and the candidate countries, and it undermines the credibility of the Union and its ability to successfully engage any States in undertaking serious work on Roma inclusion. For candidate countries, it has in a number of cases meant adopting strategies of delay, obstruction, avoidance and partial implementation of measures until the magic moment when accession arrives and all work may be gladly abandoned or set on the back burner. These approaches have been evident, for example, in Slovak implementation of Phare 2001. Legal measures at Union level might serve to remedy this problem and could therefore have important implications for both Member States and candidate countries and indeed even for countries which will not be future candidates for EU membership.

The recently published report on Roma in an Enlarged Europe, published by the European Commission, but not necessarily reflecting its views, after recapitulating the argumentation of the EU Network of Experts in Fundamental Rights above, includes the following texts on the issue:

The authors of the present report believe there is sufficient evidence to support the conclusions of the EU Experts in Fundamental Rights, and that without such a Directive, there will not be sufficient impetus for EU Member States to integrate Roma and other groups regarded as "Gypsies". It should be acknowledged, however, that this proposal raises a number of legal and practical questions. Firstly, to what extent could the challenges identified be addressed

by better implementation and enforcement of existing European and national antidiscrimination legislation? Secondly, is it desirable to propose or adopt legislation targeting one specific ethnic minority group, as opposed to a general framework for equal treatment that may benefit all minorities? Thirdly, how far is the EU competent to impose requirements for positive action, taking into account the jurisprudence of the European Court of Justice?

...

There is a need to consider the adoption of EU rules prohibiting ethnic and racial segregation in the fields of, at minimum, education, housing and healthcare. The Union should investigate further the development of legal measures in this area, providing "inter alia" definitions and minimum measures to combat racial segregation, including formal monitoring inspections and sanctions. Some have proposed a "desegregation directive" comparable to the Article 13 Directives relating to race and employment. This idea merits closer scrutiny and should be the focus of further research and policy initiatives. In addition, the authors of this study believe that the proposed idea of legal measures binding the Member States to the integration of Roma deserves full consideration, and that the European public is owed a well-grounded debate on the subject. Such a debate should ideally be led by the European Union institutions, in particular the European Commission.⁸

Interesting further developments from beyond the European Union institutions have recently been provided by the European Court of Human Rights, which in June 2004 in the case of *Connors v. United Kingdom* found the UK in violation of the European Convention on Human Rights, reasoning as follows:

"The vulnerable position of gypsies as a minority means that some special consideration should be given to their needs and their different lifestyle both in the relevant regulatory framework and in reaching decisions in particular cases (*Buckley* judgment [...], pp. 1292-95, §§ 76, 80 and 84). To this extent, there is thus a positive obligation imposed on the Contracting States by virtue of Article 8 to

⁸ European Commission Directorate General on Employment and Social Affairs, *Roma in an Enlarged European Union*, October 2004.

facilitate the gypsy way of life (see *Chapman*, [...], § 96 and the authorities cited, *mutatis mutandis*, therein)."

The Court had established these principles in previous decisions, but before *Connors* had never found a Council of Europe Member State in violation of the European Convention as a result of them. In examining the issues arising in the *Connors* case, the Court delved at length into the matter of local responsibility for implementation policies on Roma inclusion, and whether or not Gypsies in fact derived "any benefit" from the policies nominally ascribed to assist them. Post-*Connors*, there may now be an emerging set of positive obligations under the European Convention cases law of roughly the following contour:

- There must be a framework to ensure that a "gypsy way of life" is facilitated, and that due to "the vulnerable position of gypsies as a minority", "special consideration" is given to their needs;
- That framework must be implemented;
- Local responsibility for implementing the framework must be clearly allocated;
- There should be no arbitrary obstacles to making use of the framework;
- The effectiveness of the framework will be assessed at least in part to determine whether "any benefit" flows to Roma as a result of the framework;
- Internal to the framework, fundamental human rights -- in particular the European Convention rights -- must be effectively realised.⁹

One possible way out of the predicaments described above may be to address issues emerging from monitoring of the implementation of EU projects, such as those issues related to the implementation of Phare 2001 in Slovakia, described above. Thus, one might build fiscal, transparency and accountability arguments in favor of "legal measures binding the Member States to ensure Roma inclusion". The profile of such legally binding measures might flow from the grocery list above as derived from the *Connors* decision. For example, included might be (i) requirements of clearly allocated local responsibility for implementation; (ii) requirements to develop

⁹ On the implications of the *Connors* decision on government obligations under the European Convention of Human Rights, see Cahn, Claude, "Towards Realising a Right to Positive Action for Roma in Europe: *Connors v. UK*", forthcoming in *Roma Rights* 1/2005.

and meet Roma-specific integration targets and indicators, such as school desegregation indicators and similar; (iii) other. Such an approach may have heightened possibilities for success, proceeding as it would not solely from the anti-discrimination law and social inclusion policy mandates, but also because it might build on dissatisfaction at perceived wastefulness/corruption at EU and other levels and might therefore be promoted as a measure of sound fiscal policy. Some Roma rights activists have already taken this approach in domestic-level advocacy.¹⁰

Among the many difficulties plaguing the road to positive action is deep-seated hostility among the public at large. A number of Central and Eastern European countries had positive action policies under Communism. For example, under Communism, Czechoslovak authorities preferentially provided housing to Roma ahead of non-Roma, amid a general housing shortage, in which married couples frequently waited for periods of many years for housing. The policy generated significant levels of anti-Romani hostility, hostility which found no expression in public debate, since it transpired under totalitarian conditions. Following 1989, anti-Romani sentiment -- as well as anti-Romani violence -- broke out with great intensity in Czechoslovakia, and it remains at disturbing levels today. There is a need for any positive action measures adopted to be accompanied by significant levels of public debate and consensus. The governments of Europe must lead and foster those debates, because the longer no serious action is taken in these areas, the more likely it is that scenarios such as the rioting in Slovakia in 2004 becomes the norm, as significant parts of excluded minorities sink further and further into extreme states of degradation.

The Limits of Law

The Race Directive will be implemented throughout Europe, and it will change the lives of many people, significantly reshaping European societies for the better. Debates on the need for positive action measures for a number of burdened groups, and/or for legal measures binding the Member States to ensure Roma inclusion, are now open. How these will be resolved is as yet unclear. One issue that is however clear is that above and beyond necessary legal reform throughout Europe, a number of societies have not yet

¹⁰ See for example Clements, Luke and Rachel Morris, *At What Cost? The Economics of Gypsy and Traveller Encampments*, Policy Press, 2002.

had key debates on the role of race and racial exclusion. While many agree that, post-Holocaust, Germany has importantly confronted and continues to confront many of the issues of its past, and that a number of other European societies such as Great Britain regularly visit the troubling effects of racism on society, these important thresholds have not yet been crossed in the vast majority of European societies. Indeed, as a result of the fact that Communism promoted the idea that racism had been superseded in the socialist countries, the countries emerging from Communism have been particularly unprepared for the renewed outbreak of racism in Europe in the 1990s and into the new millenium. Precisely what factors are needed to foster healthy debate in this area are not a matter of prefabricated design -- every society must get there on its own, with the help of its government, its elites, and its public. It is however clear that in a number of circumstances, law -- and in particular comprehensive anti-discrimination laws -- can play a key role bringing a society along the road to tackling the bogey of race.

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The Hungarian Participation Model and Its Implementation for the Roma

I. Minority rights and minority self-government

1. General background

Traditionally there has always been a mixed population on the territory of the nation Hungary. In the mid-19th century the proportion of the population speaking Hungarian was below 50%. Today, there are 13 officially recognized minorities in Hungary.¹ By far the largest of these is the Roma. Their exact number is difficult to determine. According to the last census some 200,000 Roma live in Hungary, but reliable sociology studies paint a different picture putting the precise figure at 550,000.

Hungary's minorities, including the Roma, live scattered throughout the nation's territory. The map on the next page shows the territorial distribution of the Roma in Hungary.

The legal position of the minorities, which was scarcely regulated previously altered dramatically in the course of the political upheaval in the early 1990s.²

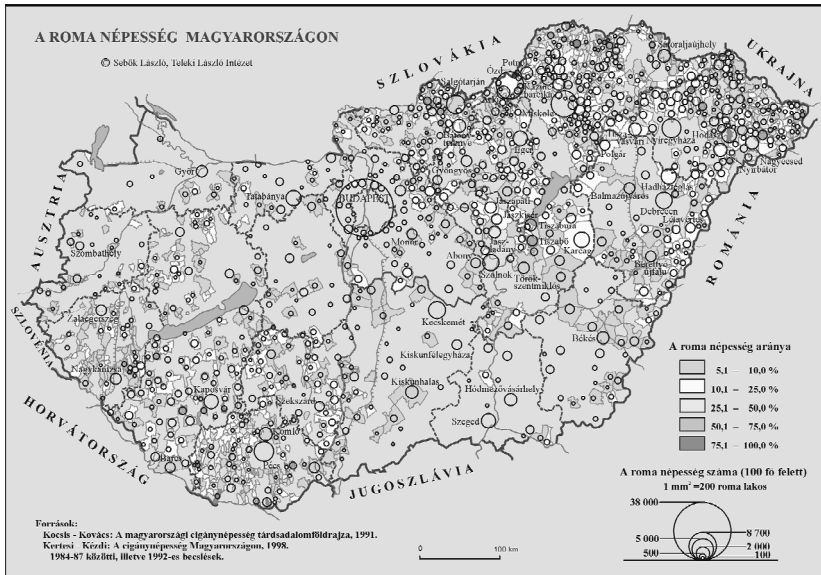
2. The constitutional foundations of minority law

The manner in which the constitution defines a nation as such is not necessarily of consequence. Identical or very similar phrases may have a totally different meaning when read in the context of other elements of the constitution. By way of example, a comparison of the constitutions of Spain and Rumania reveals similar statements on the uniformity and indivisibility of the state of the Rumanian and

¹ These are: Roma, Germans, Croats, Slovaks, Rumanians, Ukrainians, Slovenes, Polish, Serb, Greek, Bulgarian, Armenians and Ruthenes.

² Prior to the fall of Communism the Roma group was not seen as an ethnic group with its own language, culture and tradition but as a fringe group and consequently as a social problem.

Spanish nations respectively.³ Yet precisely these two nations provide a classic example of totally different approaches to the multi-ethnic composition of their populations.⁴



Landkarte: Die Romabevölkerung in Ungarn

By contrast, the Constitution of the Republic of Hungary amended in 1989 does not contain similar wording. In place of the term "*nation*" it uses the word "*people*" to refer to the country's entire population irrespective of origin, a move that can most certainly be regarded as a first step towards the friendly treatment of minorities. Although in the first Section of the Constitution containing general provisions no further statements are made on the role of minorities, there are a number of points on the topic in Section IX., which lists citizens basic rights.

³ See: Article 2, Spanish Constitution ("The constitution, which is based on the Spanish nation, the indissoluble unity of the common and indivisible homeland of all Spaniards...") (unofficial translation) and Art.1, para 1 of the Constitution of Rumania ("Rumania is a sovereign and independent, unified and indivisible nation state".)

⁴ While autonomous regions for ethnic groups (e. g. Catalonia, Basque homeland) exist in Spain the territorial autonomy of an ethnic group is categorically rejected at present.

Naturally it includes the general *principle of equality* (Article 70/A), which prohibits any distinction (discrimination) being made on the grounds of race, skin color, sex, language, religion, political or other beliefs, national or social origin, wealth, birth or other status. However, the real innovation lies in the introduction of constitutional jurisdiction, which breathed life into legislation that previously only existed on paper.

But there are also other paragraphs whose content refers specifically to the minorities. *Article 68, section 1* describes the minorities as "*nation-building factors*", *who have a share in the authority of the people*. There is much controversy over how this should be interpreted. At one end of the scale are those who argue this is a simple declaration from which you cannot derive any "enforceable legal claims" at the other those who read this as a clear rejection of the nation state, which must have implications under public law.

The latter would also seem to be suggested by the following passages: *section 2* obliges the state to actively protect minorities with respect to fostering culture, the use of their mother tongue, the provision of instruction in their own language, allowing the use of their family and birth names as well as *collective participation* in public life. *Section 3* guarantees the representation of minorities, while *section 4* provides for the right to *establish autonomous bodies* (self-governing bodies) both at a local and national level. *Section 5* foresees the passing of minority legislation designed to specify the above-mentioned provisions.

Article 32/B provides for the creation of an *ombudsman for the rights of the national and ethnic minorities*. (S)he is responsible for monitoring the implementation of the rights set out in the Constitution and in the Act on the Rights of National and Ethnic Minorities (afterwards: Act on Minority Rights), exposing injustices and proposing general as well as specific measures for the elimination of such injustices.

3. Legal provisions

3.1 The Act on Minority Rights and other legal norms⁵ applying to minorities

Theoretically there are two means of regulating minority rights. They can either be anchored in individual laws governing the various areas of public life or one can create a kind of *minorities codex* in which at least the most important legal provisions are systematically codified. Interestingly, this second option is practiced exclusively in Eastern Europe. In Hungary this form of legal regulation also has a long tradition.⁶ The present Act on Minority Rights, which was passed by parliament in 1993 following almost two years of negotiating between representatives of the government and the so-called "*minorities round table*" (Act No. LXXVII/1993), seeks to systematically record the rights of minorities and serve as a kind of "*basic law*". Known as a "two-thirds law" it belongs according to the Constitution to those laws, which regulate the institutions of greatest importance in terms of constitutional law, and which can only be passed with a qualified majority. The key areas of legislation are:

3.1.1 Basic provisions

In this section the term *minorities* is defined. Persons in law are all the citizens of the Republic of Hungary, who profess to belong to a national or ethnic minority as well as the communities of these persons. The Act recognizes as minority communities those ethnic groups that have lived in Hungary for a century, which differ from the majority of the population by virtue of their language, culture, and traditions, and simultaneously bear witness to a sense of common identity.⁷ The question of whether someone belongs to a national or ethnic minority is decided on the basis not of objective but of *subjective criteria*. In other words, not only is there no government registration of minorities, it is forbidden for a third person to determine national or ethnic identity. The law is based on

⁵ For an explanation of laws relevant to minorities see Kaltenbach Jenő, Bodáné Pálok Judit, Vánkosné Tímár Éva: A nemzeti és etnikai kisebbségek jogai és az önkormányzati választások (The Rights of the National and Ethnic Minorities and Elections to Self-Governments) In: Bulletin für die nationale und ethnische Minderheiten Ungarns, No. 3, (Budapest, 1994).

⁶ Minority legislation already existed in Hungary in the 19th century: specifically a law in 1849 and one in 1868.

⁷ For more information see: Bulletin für die nationale und ethnische Minderheiten Ungarns No. 1. (Budapest, 1993).

the *free self-determination of identity* and makes it possible for someone to claim a "double identity". Of course, this can be problematic from a purely legal point of view but it meets the needs of the people affected and in practical terms has only caused difficulties as regards applying the law on self-organization or political participation (more on this later).

Other key statements:

- the state is obliged to provide active protection of the minorities,
- all policies leading to the assimilation of the minorities, or designed to alter the ethnic composition of the settlement area of the minorities, or aimed at evacuating or resettling minorities are forbidden,
- it is also forbidden to pursue a policy that has a negative impact on the lives of minorities, prevents them in exercising their rights, or persecutes them.

3.1.2 Individual and collective (basic) rights⁸

A central aspect of individual rights is the *right to preserve national (ethnic) identity*. All other regulations in this area serve to guarantee this. And this is precisely what makes minority rights so different compared to basic rights in general, namely that they are a matter of course for the majority. Specifically, these rights are: being named according to the rules of your mother tongue, learning, fostering and passing on the native language as well as participating in instruction in the mother tongue and using the mother tongue. Indeed, it would be correct to say that generally what is at stake are "objective legal guarantees, which are primarily the foundation for government obligations ..."⁹

The rights to self-organization (establishing parties, associations etc) already have a collective character and produce one of the most-discussed problems. In many European nations there is considerable concern about *collective minority rights*, since accepting them leads to the recognition of the right to autonomy. At present, the recognition of the right to (territorial) autonomy only exists in a few West European nations, but occurs rarely in Eastern Europe. The two exceptions are Moldavia and Hungary. The Gagauze in Moldavia even have *territorial autonomy*. (The autonomy of the

⁸ There is no clear terminology to express "collective rights". The terms group rights and common rights are used as synonyms.

⁹ G. Brunner-H. Tontsch (note. 1.) p. 34.

Crimean region in the Ukraine is highly contested and the Russian Federation hardly meets the Western standard.¹⁰⁾

Nor has consensus on the problem of collective or group rights been achieved in international law.¹¹ This makes it all the more vital that Hungarian legislators at least strive to achieve a solution.

Some of the group rights enshrined in the law are actually "reflections" of individual rights¹². This applies for instance to the cultivation of language, participation in public life, the preservation of culture and historical traditions. "Appropriate" collective rights are in effect those aimed at ensuring "*an intrinsic right to self determination*".

The right to have a minorities ombudsman can be seen as a special community right. (S)he is elected by parliament on the suggestion of the state President, and must have a two-thirds majority. That said, the President is obliged to obtain the opinion of the national minority self-governments on the person (s)he has proposed.

Together with the provisions of the Constitution the community rights set out in the Act on Minority Rights, form the foundation for the autonomy system. They define the organizational form and areas of activities (education, culture, media, cultivation of tradition, the representation of interests, international contacts).

3.2 The self-government of the minorities

Democracy is inconceivable without organization.¹³ As a consequence, specific social interests can only be defended in a democracy if they are properly organized. In addition, two further criteria must be met:

¹⁰ Cf. M. Hoskova: "Die rechtliche Stellung der Minderheiten in der Ukraine in J. Frowein, R. Hoffmann," S. Oeter: Das Minderheitenrecht Europäischer Staaten, part 2, (Berlin-Heidelberg-New York, 1994), p. 359.

¹¹ On the right of self-determination of the minorities see amongst others Manfred Nowak: "The Right of Self-Determination and Protection of Minorities in Central and Eastern Europe in light of the case-law of the Human Rights Committee." In: International Journal on Group Rights, Volume 1, p. 7-16.

¹² See Kukorelli István: Alkotmánytan (István Kukorelli: Verfassunglehre??) (Budapest, 1994) p. 95.

¹³ J. H. Kaiser is citing from Robert Michels' book "Die Repräsentation organisierter Interessen". (Berlin, 1978) p 11.

- on the one hand, the demarcation of the area of interest from all others or the justification of these autonomous interests, specifically with regard to organization, function and finances, and
- on the other hand, the (re)integration of this set of interests into the overall structure of social life.

Likewise, as regards the preparation of the Act on Minority Rights the greatest problem was defining the autonomy of the minorities both in organizational but also functional and financial terms. Finally, a fairly complicated version was opted for in an attempt to reflect the prevailing circumstances – even though the latter remained somewhat obscure. Admittedly, the model is an experiment and by no means a fully developed system. It was emphasized on several occasions that this is merely the first phase of the development, which should be improved and modified in accordance with experiences gathered over time.

3.2.1 Organizational structure

a. Self-government of the minorities at the local level

Since the minorities in Hungary live scattered over the entire area of the country territorial autonomy would not be feasible. However, there are several places where they form the local majority, and in many communities and in several towns a significant proportion of the population belongs to one or several minorities. In order to reflect the local situation the Act offers three means for the election of a minority self government.

Amendments were made to the legislation on local elections (Act No. LXIV/1990) to include the provisions on local minority elections. Consequently, local minority settlements could – depending on the size of their group – decide whether they wanted to participate in the general local elections by nominating their own candidates or to set up a so-called direct minority self government.

If they opt for the first choice, there are two possibilities. Should the minority candidates gain the majority of the votes the newly-elected local council (referred to in Hungarian terminology as the representative body) can declare itself the *"local minority self-government"*. In practical terms that can mean that a kind of *local territorial autonomy* is created, since the local council has all the competencies and authority of a "normal" council together with authority to decide on matters specifically relating to minorities

(more on this later). If the minority candidates gain 30% of the seats they have the right to form a so-called "*indirect minority self-government*". Though being a faction the latter functions as a legal entity it can also exercise its own powers. In those places – especially in larger communities, towns and in the districts of Budapest where minorities only constitute a minor proportion of the population elections for minority self-governments can be held in addition to the local elections. This requires the minority group to make a specific application to that effect. Provided the minority candidate gains the legally required number of votes (at least 50 to 100 depending on the size of the community) a "*direct minority self-government*" can be formed.

In each of the cases mentioned above everyone eligible to vote can cast a vote, in other words, there is no need to indicate your ethnic status when voting. Naturally, this kind of "integration" can be problematic. Indeed, it can be said to constitute the Achilles heel of the entire system, and also makes itself felt in other areas of the autonomy model (particularly regarding the definition of function and financing).

The internal organization and rules of procedure of the minority self-government are determined by the Act on Minority Rights and for the most part by the Act on Local Government. However, many difficulties arise from the limited scope of some provisions in the Act on Local Government.

b. National self-government

The local minority self-governments are entitled for joint forces to form a national self-government. More accurately, the plenary assembly at a national level can be elected by the electoral assembly. Electors are all the members of the local minority self-government, who make up the largest part of the electoral assembly. The remainder is chosen as follows: In those communities where no minority self-government was elected the minority candidate who gained the most votes in the local elections can in his/her capacity as "*local minority spokesperson*" also act as elector. If this is not feasible, elections can be held to choose an elector provide this is requested by three citizens of the municipality.

In contrast to the situation for local minority self-governments the internal organization of the national self-government is hardly regulated by law, which makes for great latitude as regards

organization. However, the outcome is a virtual legal vacuum for what is nonetheless a legal entity – something difficult to reconcile with the principles of the rule of law. Given the diversity of the minority communities¹⁴ creating a uniform regulation is no easy task, but those rules applying to a constitutional democracy must also be guaranteed for such organizations.

There is no legislation whatsoever defining the relationship of the local self-government to its national counterpart. It can neither be described as a hierarchy from top to bottom nor a subsidiarity from the bottom upwards. Though it was requested by the minorities during the preparation of the legislation no intermediate level was established, say a county level – with the exception of the capital. Nonetheless, what is allowed and indeed also happens is that the local minority self-governments can form county associations in the individual counties in order to achieve better regional coordination. However, the legal position of these associations is unclear.

Finally, it should be observed that in organizational terms the Hungarian model is an interesting combination of local and personal autonomy, while in functional terms it should be seen as cultural autonomy. The quality of cultural autonomy is determined by the nature and financing of the organizational structure. This question will be examined in the following sections.

3.2.2 The functions

Though this was not the case several years ago, today there is no shortage of the standards by which the quality of cultural autonomy is measured.¹⁵ Most international law publications cite the following functional areas as evidence of local and regional autonomy:

- the right to have and show its own insignia,
- an educational system catering to the values and needs of the group,
- cultural institutions and programs,
- radio and television.¹⁶

¹⁴ At present there are 13 officially recognized minorities in Hungary, which have more than 800 local self-governments and 11 national self-governments. The size of the individual ethnic groups is estimated to be between 800,000 and several thousand members.

¹⁵ For an excellent summary of relevant quotes from international law documents see F. Ermacora, Ch. Pan: *Ethnische Gruppenschutz in Europa*, (Vienna, 1995).

¹⁶ Wie z. B. im Jugoslawien-Vorschlag der Haager Friedenskonferenz. See: F. Ermacora-Ch. Pan, op. cit., p. 41-42.

The Hungarian legislation satisfies the above-mentioned criteria. The Act on Minority Rights has proven to be a true codex in the sense that it has influenced subsequent legislation: Two laws amended to include provisions for minorities are the *Act on Education (Act No. LXXIX/1993)* in 1996, and the new *Act on the Media (Act No. I/1996)*.

In all areas of cultural autonomy (education and culture, media, use of language) one encounters the rights and powers, which are partly "true" autonomy rights (the ability to take decisions on those things that affect you personally), and partly co-determination rights (integration rights). The quality of autonomy can be measured by the relationship between the two.

a. Education and culture

In addition to what is set out in the Act on Minority Rights, the Education Act also states that instruction in Hungary should be provided in Hungarian and the languages spoken by the minorities. Though the majority of schools are run by the municipalities and counties (komitats) there are also church run and private schools.

In other words, the state does not satisfy the rights of the minorities by allowing them to have their own school network. A school director is obliged to also provide instruction in a minority group's language if at least eight families make an application to this effect.

Though the Act on Minority Rights allows minority self-governments to establish their own schools this merely places them on an equal footing with all other legal entities. There is no real significance in the fact that *the establishment of minority schools is not illegal* any more. The law also provides for the minority self-government to take charge of a state school provided the local council is in agreement with this.

Since autonomy rights take the form of *the right to a say or co-determination rights*, national self-governments must be included in the *legislative procedure* when the respective laws affect minorities. The same applies to local self governments and decisions by statute. Another form of participation was created by the Ministry of Education – a *minority commission* consisting of representatives of the minority national self-government, which has an advisory function. The strongest "weapon" of the local minority self-government is the *right to veto the appointment of a director for a*

minority school and to veto other resolutions by the municipal or town council that have a bearing on minorities.

b. Media

Naturally, the minority associations also have the right to freedom of the press. Not only is the publication of newspapers allowed it is subsidized by the state. As regards media legislation (or more precisely the Act on Public Radio and Television Companies) a key regulatory aspect is that the minority national self-governments can appoint a joint *representative to the boards* monitoring the broadcasting firms.

There is also a minimum guarantee for transmission times, which in future should not be shorter than they were when the media legislation came into force on February 1, 1996. Since the dual system of public and private broadcasting stations was recently introduced it is significant that as regards the allocation of frequencies the media legislation gives priority to those stations that also plan to show *minority broadcasts* – in other words, broadcasts in a minority language and about minorities.

c. Use of the mother tongue

De jure the use of minority languages is guaranteed in all areas of public life through the Act on Minority Rights and the laws on civil, criminal and administrative procedures. At the request of the minority self-governments local and municipal councils must ensure that both publications and forms are also available in the languages of the minorities. The same applies to place and street signs.

When an official is to be elected in a place with a minority population, priority must be given to those candidates who also speak the minority language.

At present, these very generous regulations have little practical importance. However, they could assume great importance if the declared aim of the minorities legislation, namely the revitalization of the minority communities is seriously pursued.

3.3.3 Financial autonomy

"It is impossible to conclude a study of autonomy... without discussing the financing of that autonomy" writes Prof. Philippe de Bruycker aptly in his study for the European Council in 1993.¹⁷

What is the situation on the funding of the Hungarian self-government system? Since the minority self-government is a legal entity it is guaranteed government funding under the Act on Minority Rights. However, it does not have funds of its own, nor does the law stipulate that it be accorded a part of the budget revenue such as tax money or other public revenue, which are normally elements of financial autonomy. Instead, public funds are earmarked in the annual budgets for projects such as instruction for the minorities. As regards the allocation of this funding the minority self-governments have the right to make suggestions but cannot influence the decision.

Another form of financing for specific measures is the distribution of budgetary means by a public foundation. Essentially, this is project-based financing since the minority organizations can apply for funding for specific projects. The minority representatives tend to form the majority on the boards of these foundations.

Moreover, the local and national self-governments receive a specific sum every year to cover overheads. The amount is determined by the parliamentary human rights committee – according to a number of different criteria.

The communities are a highly unpredictable source of funds for the local minority self-governments since the minorities legislation is not specific when it comes to details of funding. As such it is left up to the communities how much funding they provide.

Aside from regular allocations, financial autonomy can also take the form of assets. However, apart from a somewhat small start-up capital¹⁸ for the national self-governments, no assets (either as real estate or equities) were made over to the local or national self-governments.

¹⁷ Philippe de Bruycker: "The political and institutional role of regions in federal and "regional" states: evaluation and perspectives." In: Regionalisation in Europe: Evaluation and Perspectives (Strasbourg, 1994) (Studies and texts, No. 35) p. 36.

¹⁸ According to the Act on Minorities Rights the national self-governments received equities worth 15 to 60 million forint??.

4. Experiences and assessments

a. Minority elections

Three electoral periods have passed since the Act on Minority Rights came into force on October 22, 1993. During this time the members of the minorities have largely availed themselves of their right to vote. In 1994-95, almost 800 local self-governments were elected throughout the country (there are some 3,200 municipalities in Hungary), which joined forces to form 11 national self-governments.¹⁹ More than half a million votes were cast for the minority candidates in the municipal elections. It is generally believed that particularly in some places a large number of "Hungarians" voted for these candidates. (As explained earlier, this is certainly feasible under the legislation on minority rights.) The representatives of the minorities tend to interpret this as a sign of sympathy by the majority population. Meanwhile, no serious concerns have been expressed about a possible outvoting by the majority of the electorate. However, even back then the potential danger was abundantly clear. Unfortunately, these fears were largely confirmed in the second, and particularly in the third electoral period. Scandalous abuses occurred. According to estimates by the individual national self-governments numerous members of the minority self-governments do not belong to the community and are only interested in a certain "ethno business".

In the wake of these incidents, the discussion over the minorities possibly registering in special electoral lists has flared up again. However, since Hungary not only has data privacy legislation in place (Act No. LXIII/1992), but also an Ombudsman for Data Privacy and Freedom of Information, the authors consider the concerns of the minority communities over registration to be unfounded. But there are historical reasons for their fear and lack of trust and both appear to be more deeply rooted than was initially realized.

¹⁹ The exact numbers are as follows: Roma 421, German 162, Croatian 56, Slovakian 49, Serb 19, Armenian 16, Rumanian 12, Polish 7, Greek 6, Slovenian 6, Bulgarian 4, Ruthenian 1. These numbers almost doubled in the second and third elections.

II. Special problems for the Roma in implementing the minority legislation

Introductory thoughts

Arguably the specific feature of the Roma self-governments is above all that owing to a lack of funds and authority they are not in a position to efficiently represent the community's interests or solve its problems. The Roma community is not primarily concerned with preserving its identity as a minority (language, traditions and culture). It would seem likely such issues are not even of secondary interest to them; rather they are mainly concerned with eliminating their daily material and social difficulties.

The autonomy enshrined in the Act on Minority Rights is of little relevance for the Roma communities since a legal institution, which focuses on culture and the use of the mother tongue is not suited to resolving social problems.

In Hungary, the language of the Roma and their folk music – which has effectively been almost completely swallowed up by international music – are in real danger of being lost forever. Moreover, the traditional cultural values of the Roma, which are only upheld in small groups are in great danger. However, given their pressing social problems the right to a minority culture and the need to assert such rights are relegated to second or even third place.

1. Stocktaking

The 2.75 million Hungarians living abroad and the central European Roma whose number is estimated to lie between 4.5 and 6 million – number amongst the largest minorities in Central Europe.²⁰ The Roma population is also the largest minority in both Europe and Hungary.

The Roma population living in Hungary is²¹ characterized by a low average age. Expressed differently: there is a high proportion of young people – children make up 40 % of the population. The

²⁰ László Szarka: "Wie die mitteleuropäischen minorities typologisch kategorisiert werden können." In: Minderheitenforschung, 2/1999. (A Közép-európai kisebbségek tipológiai besorolhatósága. (Kisebbségkutatás, 1999.)

²¹ Demographische Szenarien 1997–2050. (Demográfiai forgatókönyvek 1997-2050.) Demographic Research Institute, Central Statistics Office, (Budapest, 1998).

Roma in Hungary also die at a much younger age than do their Hungarian compatriots on average. However, the birth rate is high; indeed, the number of persons supported by a single income is twice that of the Hungarian average.

By the year 2050 the number of Roma is expected to rise to at least 824,000 but not more than 1.6 million. When you take into account that the aging Hungarian population is likely to sink to around 8 million the Roma may eventually make up 15% of the total population.

Two-thirds of the Roma population lives in poorly-furnished apartments. Unemployment is also high reaching horrendous levels in the typically poor regions (in particular small villages) where Roma live. What is more, even in such regions the number of Roma out of work is still substantially higher than the local average.

What is the situation like in elementary schools? A survey carried out in 573 elementary schools reveals²² that for classes with a normal curriculum the proportion of Roma children is 37%. However, in specialized classes where English, German, sport or music are taught as main subjects they account for 17% or much less than half. By contrast, Roma children make up 73 % of classes for children with special learning needs, while the percentage of those that attend small ("remedial") classes in order to catch up with the average level is similarly high.

By way of illustrating the quality of instruction: in elementary schools in those classes made up solely of Roma children the curriculum consists of only 60% of the teaching material otherwise used.

Such Roma children typically continue their education in technical colleges that do not truly equip them for the labor market or provide them with marketable skills.

The number of Roma pupils classed as private pupils and therefore not required to attend school on a daily basis is eight times higher than for non-Roma children. It goes without saying that this has a

²² In spring 2004 experts from the Research Institute for Higher Education were commissioned by the Ministry of Education's commissioner for the integration of disadvantaged Romani children to study the effects of the government desegregation measures in 573 primary schools.

drastic effect on their scholastic achievements and substantially reduces their chances of continuing to higher education or training.

Disturbingly, the number of schools in which the percentage of Roma is higher than 80% is on the increase. One quarter of these schools is in towns in which the local school administrator is evidently behind the segregation. But even in smaller settlements the high proportion of disadvantaged pupils bears little relation to the composition of the population but often results directly from the local council's policy.

Schools attended by strongly disadvantaged children typically have a poor reputation. They are also the worst off in terms of staff and equipment. However, this situation has since improved somewhat and segregation has decreased as a result of the government's desegregation measures in 2000.

With regard to language the Roma living in Hungary have become highly integrated. In the 1970s, some 20% of the Roma population had a command of the Roma language. This percentage has since plummeted to just 5%. In other words, most of the Roma in Hungary have stopped using their native language.²³ Legally speaking, the Roma language is on an equal footing with all other minority languages, and the government deems it desirable to teach the language in schools, to establish faculties for Romology, to research and teach the language. However, given the present situation the question arises as to whether the Roma language has any chance of surviving in Hungary?²⁴

One reason why this question is so important: the Act on Minority Rights stipulates that the common use of the mother tongue, which distinguishes these people from other sections of the population is one of the immanent criteria of the term minority: *Without a mother tongue there are no minority communities according to the law.*

It is no exaggeration to state that many Hungarian Roma face an identity crisis; not only because the mother tongue is the most important aspect of ethnic identity but also because of the discrimination they suffer in all areas of social life.

There is evidence that some Roma deny their identity at a young age, sometimes as children. This can lead to internal conflicts,

²³ Including the so-called "Beas" language, an old Rumanian language, which is the mother tongue for 10% of the Roma.

²⁴ János Báthory: Identität ohne Sprache?
www.ctmt.fw.hu/news/200404/b%E1tori.htm

emotional damage and minority complexes. Young people belonging to majority communities face a different fate to those in minority communities. Youngsters forming part of a majority are generally better able to master crises of identity and they gradually find their place in society. By contrast, young people who are part of a minority continue to struggle with their own identity: Who am I? Why am I the way I am? Where do I come from? Why am I not accepted by the majority of society?²⁵

Surveys reveal that at least half of the Roma in Hungary would deny their own origins if denial were not pointless given their distinct appearance. After all, though proving someone is of Roma origin may be difficult because of the privacy regulations in place in practice it is easily achieved. The “bleaching” strategy is often used amongst the gradually increasing number of Roma academics. This course of action is more than understandable when you realize that though Hungarians might be prepared to accept Roma with a university education, this is clearly seen as making an exception. As for Roma active in politics or commissioners responsible for Roma issues they are practically viewed as “professional Roma”.

As a study conducted in January 2005 reveals²⁶, there is only one group in those members of the Hungarian society polled that insists on its European identity more than the average citizen does. This group consists of Roma, who consider their Hungarian identity to be equally important. In other words their pride in being European does not lessen their sense of Hungarian identity, yet they need a point of reference outside their mother country, which provides them with security or more precisely the appearance of security and can be said to replace the mother country.

Unemployment, stark poverty, inadequate housing, discrimination in all areas of life and insecurity: this, in short, describes the situation of the Roma in Hungary.

²⁵ Szabóné Judit Kármán: Abweichende Züge der Sozialisation in Schule und Familie im Leben der Romakinder, http://www.mave.hu/news.php?cat=1124_2

²⁶ The study was conducted by the Institut Társi, Népszabadság, March 11, 2005 for the Democracy Research foundation.

2. The subjective relationship to cultural autonomy

The number of Roma self-governments is increasing steadily²⁷. This is a clear sign that the Hungarian Roma rate very highly this form of minority government enabled by the Constitution and Act on Minority Rights.

However, the question is whether this (proportional) increase in minority self-governments can be read to mean the Roma have a positive view of cultural autonomy. Or does it simply mean no other forum exists for the Hungarian Roma to represent their interests that is supported by the government? Or does it mean even less than that? Is it perhaps merely the low payment for holding a mandate that is attractive or a means of lobbying of debatable merit for some 3,000 private individuals? Or not even that?

3. Are Roma self-governments actually necessary?

In a survey²⁸ conducted in fall 2001 and spring 2002, some 70% of the Presidents of the Roma self-governments responded with Yes. They also mentioned how important it is to continue promoting Roma integration, to represent their interests and articulate the opinion of the Roma population. Furthermore, they maintained that Roma self-governments can function as communication channels that benefit the Roma population. Yet hardly anybody thought to mention cultural autonomy or the task of preserving tradition, even though the Act on Minority Rights would suggest these are two key tasks of minority self-governments.

Though 90% of Presidents said they considered the existence of Roma self-governments to be important not even one MP mentioned autonomy or the preservation of tradition as necessary aims.

As such, we can answer the introductory question with Yes – though not to secure cultural autonomy.

²⁷ In 1998 there were 1,309 minority self-governments of which 753 Roma were self-governments; in 2002, there were 1,473 minority self-governments of which 1,002 were gypsy minority self-governments.

²⁸ Ernő Kállai: "Erfahrungen und wünschenswerte Änderungen bei den lokalen Zigeuner-Minderheiten-Selbstverwaltungen," in: *Tér és terep*, Ed.: Nóra Kovács, Anna Osvát and László Szarka, Akademischer Verlag, (Budapest, 2004).

4. What purpose do Roma self-governments fulfill?

The majority of Roma MPs consider that the “Roma problem is being dealt with”²⁹ Members of Parliament even believe that in some areas they possess considerable competences though this is not the case in law. One of these competences is social work.³⁰

A cursory examination of local leaders’ answers reveals that they believe the Roma self-governments have special competences in dealing with social matters. In other words, not only the Roma leaders believe they are empowered to become actively involved in social issues, they are also backed up in this role by other decision makers in the community. Moreover, in many cases they are actually engaged to tackle such matters, and not surprisingly the Roma generally welcome their involvement. There are two consequences to this: the responsibility for and the potentially confrontational nature of social problems is delegated to the Roma self-governments.

Approximately two-thirds of the people that approach their Ombudsman for Minority Rights are Roma, and in two-thirds of the cases their requests are related to social welfare, social work, housing and other social issues. If the Ombudsman at national level receives this level of requests in social matters then it stands to reason that in regions with high unemployment people approach the Roma self-governments – which themselves consider social competences to number amongst their work – almost exclusively for help with social problems.

According to a study carried out in 1999³¹ some 46.4% of the Roma do not consider the work of the minority self-governments to be sufficient and 40% say the minorities self-governments fail to meet their expectations. In general, they are of the opinion that the minorities self-governments rate poorly when it comes to fulfilling the mandate assigned them.

⁹ See: Kállai

¹⁰ See: 102/C. § (1) Act No. LXV. from 1990 on the local self-governments. The local minority self-government is both entitled and authorized to undertake local minority tasks. The body can transfer its authority to the Chairman and the committee. (2) The MPs of the municipal self-government can transfer their tasks and authority – though not those tasks and competences connected with official activities and municipal ??Versorgung – to the body of the local minority self-government.

¹¹ Robert E. Koulisch: Was wollen die Roma? Eine Untersuchung über die Attitüden im öffentlichen Leben der Roma in Ungarn, www.romacentrum.hu/aktualis/tud.kut

When asked what they think the Roma self-governments should do, the Roma say they consider it much more important for them to be actively involved in vocational training, social welfare and housing or exposing cases of discrimination rather than providing instruction in Roma culture, history or language. Expressed differently, the Roma rate the assertion of social rights higher than the assertion of minority rights.

The national self-governments of other minorities tend to organize a great many cultural events (balls, culinary evenings, dance group and folk choir performances, folkloristic performances, student camps, singing camps and so on). By contrast, the work of the Roma self-governments consists largely of lobbying. Generally speaking the Roma ask their minority self-governments for help in matters where they have no authority at all such: these include problems with apartments, looking for work, unpaid local council bills, financial assistance. In such cases the minority self-government can at most act as negotiator, it can work towards a solution and put in a good word. Typically, it also organizes and handles local and charitable work. Not only does the minority self-government select the people to do the job it is also responsible for supervising and checking what is done. This means dealing with any conflicts that arise.

It must be emphasized, though that this is not simply a matter of the Roma self-government “volunteering” to take on work. Rather, such volunteering is also expected by the government – its aim being to help unemployed Roma secure better benefits³². Conversely, the Labor Ministry can only filter out those persons not entitled to benefits through the “cooperation” of the Roma self-government.

Here we evidently have a contradiction: Although the autonomy legislation does not accord the minority self-government any official tasks a ministerial decree reveals that the cooperation of the Roma

³² The relevant regulations are part of decree No. 6/1996. (16.VII.) issued by the Labor Ministry on job promotion benefits. The benefits can be divided into two basic categories. By way of exception, support can be given for the attainment of *Grundschul* leaving certificate, a vocational training, or education in preparation for college or university, providing that the Roma self-government, a union of several Roma self-governments or an officially registered Roma organization representing their interests is involved in selecting the candidates. Under this provision the benefits are greater if the participation of the Roma in charitable works is organized by a Roma self-government, a union of several Roma self-governments or an officially registered Roma organization representing Roma interests or if they are at least involved in the organizational work. In this case the support can be up to 90% of the direct costs of the *Beschäftigung* and can be paid for two years rather than one.

self-governments is expected for administrative assignments though it does not guarantee them any official authority.

5. How does the Roma self-government function?

Personal contacts play a major role in the self-government's most important activity, lobbying: When leading figures in the Roma minority want to be successful in some venture or other they will often pay a visit to the mayor. However, it is equally likely they will seek out the administrative director of the municipal council.³³

As such it can be said that functioning of the system depends primarily on how the two self-governments, the municipal and that of the minority are able and willing (subjectively) to cooperate with one another. However the protection of minority rights should not be based on subjective convictions but on unambiguous regulations.

One of the most important revelations of the exhaustive studies ("How Minority Rights Are Asserted in Practice") carried out in 2002 and 2003 by the Ombudsman for Minority Rights was that successful cooperation between the municipal and minority self-government essentially depends on relationship capital, in other words is strongly influenced by good personal relationships and political sympathies.

Studies show that a minority self-government is better able to assert itself when the mayor of the said community belongs to a minority and/or the President of the minority self-government is also a member of the municipal council.³⁴

Consequently, Roma minority self-governments are driven by the need for cooperation and the avoidance of conflict: Above all else it

³³ See: Kállai

³⁴ It should be noted that in the 2002 elections the citizens of the 3,167 Hungarian settlements elected 4 persons of the Roma minority as mayors (this corresponds to 0.12 %) and 545 as local MPs, i.e., as members of the same?? local representative bodies. But this last figure is not in proportion with the percentage of Roma in the population: The number of Roma MPs in the local governments is less than 2%, while the Roma probably make up more than 5% of the Hungarian population. The picture is even more dismal when we consider that the overwhelming majority of Roma candidates nicht aus eigenem right, sondern nur durch die den minoritieskandidaten zustehenden besonderen Vergünstigungen Bürgermeister bzw. Abgeordnete wurden??. (Incidentally, some persons not belonging to the minority, abused the minority candidate status precisely because of these Vergünstigungen??)

is most important for them to establish and cultivate excellent relations to the mayor's office, the mayor and the notary.

6. The objective conditions for the “cultural autonomy” of the Roma

6.1. The special financial situation of the Roma self-government

In order to function according to the law it suffices for minority self-government to comply with the formal demands and convene six times a year. It is therefore by all means feasible to use the meager government subsidies exclusively for MP fees or expenses and the refund of expenses. As such, it is not only theoretically possible but actually does happen that some Roma self-governments do not perform any actual activities and indeed are unable to owing to their lack of funds.

Should a Roma self-government opt for fees and/or reimbursement of expenses it can only organize cultural events if the municipal self-government, which is not obliged to do so, provides it with the necessary resources. However, support that is founded on personal relationships and political trust always goes hand in hand with subordination and obligation.

Moreover, it cannot be denied that many Roma MPs are poor. Even a relatively small sum can mean a lot to them – so much that if they can persuade the municipal self-government to go along with it they also accept fees under the mantle of “reimbursement of costs” (it goes without saying that no actual expenses were incurred), since this is tax free. And those politicians who engage in politics to earn a living (“professional politicians”), cannot even assert those things they are legally entitled to do: They are open to bribery, and sometimes even being able to use a cellphone free of charge qualifies for that.

What is certain is that the Roma self-governments must rely on government support alone. Since they have no nation state there is no outside funding. Only rarely can they participate in tenders as in order to do so they would have to keep up to date with them and then submit an application, both of which would require the assistance of the municipal self-government.

Though it is a single incident the following case is nonetheless typical: The aforementioned study by the Ombudsman for Minority Rights revealed that in a town in Hungary the President of the German minority self-government regularly transferred half of his fee to the Roma self-government because it received no other funding whatsoever apart from government subsidies.

6.2. The “biased” cultural autonomy

Since according to the law the minority self-government only has rights but no obligations or obligatory tasks it can happen – ad absurdum – that a minority association plays a more active role in organizing services for minorities than the minority self-government itself.

The biased nature of the Roma self-governments gives rise to a particular trend – above all in the towns: the political powers of the said town often make their support for the minority self-government or minority association (political forces are often involved when such associations are set up) dependent on which side they stand in “national politics”. However, any support founded on a relationship based on trust will always involve subservience, servility and opportunism.

6.3. “Ignorance”

What distinguishes the minority self-governments from civilian organizations (associations) are the additional rights they enjoy, i.e., right of concurrence (veto right) in certain decisions by the municipal council. However, it does not much benefit the everyday life of the minority if their representatives are either at the mercy of the elite majority or are not even conversant with their rights. It is superfluous to mention that poor legal knowledge is particularly widespread in the Roma self-governments, despite the fact that administrative offices at county level occasionally provide training sessions for local MPs, and sometimes also include staff of the Ombudsman for Minority Rights. However, the training is of a general nature, and of relatively little use when it comes to practical application.

6.4. Questions of legitimacy

As the law now stands everyone entitled to vote in a locality can cast a vote in the elections for minority self-governments. It follows that the "sympathy votes" from the majority or from other minorities can mean a minority self-government is elected by a majority of citizens, who do not belong to this minority. Following an embittered ethnic conflict there was even a case of inhabitants belonging to the majority of a settlement electing a Roma self-government consisting of non-Roma.³⁵

As such it is very surprising that almost half the leaders Roma self-governments and municipal self-governments are satisfied with the present election system. This is partly attributable to the fact that you can be fairly certain not to be elected a member of the minority self-government if you only count on the votes of those people whose expectations you could not possibly fulfill because you were not invested with the necessary powers to do so. In defining the criteria of a candidacy the local, municipal self-governments see the minority self-government as a body of the respective minority and only expect it be involved in resolving its own matters. However, when it comes to electing a representative body the majority rightly assumes that although it does not belong to the minority it has a right to influence who is nominated. This has a strong impact on the balance of power in the minority representative body.³⁶

Meanwhile, the political parties also accord especial importance to the elections for the minority self-government. In many instances they have attempted to influence the results to an unprecedented extent.

³⁵ The self-government – above all the mayor – legalized the segregation of Romani and non-Romani children by promoting and supporting the creation of a foundation in order to open another school. Since the administrative authority at county level misinterpreted the law, the local minority self-government could not avail itself of its right enshrined in the law and in vain exercised its powers of veto against the decision by the local self-government. Subsequently, all the countermeasures by the minority self-government were blocked by ensuring that all those elected to the minority self-government were known not to belong to the Roma minority. This made it possible to pass resolutions that were not in the interests of the Roma minority.

³⁶ At the end of 2000, the Public Foundation for European Comparative Minority Research and Median Kft. began a joint study on the minorities living in Hungary. The results were published under the title *Minderheiten, Wahlen und Selbstverwaltungen in Ungarn*. (Budapest, EOKIK 2002).

The Ombudsman for Minority Rights pointed out: When political forces attempt to influence results this in itself can jeopardize the right to self government. However, given that political parties play a very important role in articulating public opinion they cannot be forbidden from interfering. They are entitled to express their views and to participate in the campaigns of minority organizations.

That said, the individual minority organizations are always on the lookout for political allies in the various parties. Naturally, the reverse is also true. Consequently, the key question in elections is no longer which organization best represents the interests of the respective minority. Rather, the formation of the minority self-governments, in this case those of the Roma reflects the political "Right" or "Left".

6.5. Conclusions

A common joke about the Roma goes as follows "as the gypsies have so many children they will soon rule Hungary" and will sit in parliament as MPs wracking their brains over the "Hungary question". But it is wrong to make such assumptions. What is true is that the Roma minority continues to grow proportionately. Indeed, statistics even reveal that their proportion is set to increase dramatically precisely among the working population. Nonetheless, in terms of influence and power the Roma minority in Hungary is likely to remain a "permanent minority".

Why is that? Only a really effective political representative and a committed intellectual elite could guarantee the internal cohesion of the group – but at present there is neither the one nor the other. Since the Roma community has not succeeded in the last 15 years (since the end of Communism) in developing the political power and will to assume responsibility for the social mobilization of the Roma or to overcome its stagnating condition this responsibility is borne exclusively by the political elite of the majority.

What does the Gypsy question mean and what weight does it have when we consider it in relation to the future, competitiveness, and moral attitude of Hungarian society? It is about providing Roma language instruction, about a Gypsy dance hall, a youth camp for the upholding of traditions - is it a question about endangered culture at all, given the general importance of culture and its ability to keep a minority alive? Or is it a depressing flood of problems, which will already in the near future have serious repercussions for

the balance of the entire society, and should not therefore be dealt with within the context of minority politics?

It is by no means easy to answer this question and then act accordingly and indeed nobody has succeeded to date: If radical changes are to be effected that survive several governments the political elite would have to abandon its present mentality geared solely towards securing and keeping power over the short term. Instead what is needed is a Roma policy not aimed at winning or losing votes but based on a moral or humane foundation that is also in harmony with the country's long-term economic aims.

Sevdija Demirova-Abdulova

Roma's self-government in Shuto Orizari

It is great honour to be a member of the Roma community and it is an even greater honour to live in Suto Orizari - the first municipality in the world where over 80% of the habitants are Roma. As a Roma journalist I was very lucky that I was part of the inauguration of Suto Orizari. There were so many events in my 11-year career as a journalist in the Roma news department at the Macedonian television that couldn't make me indifferent. My reports on the events were full with facts and objective, but the colour of my voice was the soul of my heart which proudly presented me as an ordinary Roma women. I sincerely hope that these few pages show the exact image of one people gathered at the place called Suto Orizari together with their friendly neighbors (Macedonians, Albanians, Turks)

Roma and Politics

The date September 12, 1996 has gone down in the annals of Roma history in gold. According to the Macedonian Act on Territorial Division and Definition of Units of Local Self-Governments as of that date the municipality of Shuto Orizari (unified from the settlement Shuto Orizari and the villages Gorno and Dolno Orizari) started its work. This is an historical event not only for the Roma people in Macedonia, but for the Roma in the whole world as well. For the first time a municipality was founded in which the Roma population was in the majority.

The Suto Orizari local administration was chosen at local elections in November and December 1996. These organs started to function in January 1997 under difficult technical and financial conditions, because the budget of the municipality was limited to 4.9 million Macedonian dinars, the equivalent of 76,000 euros. As a consequence of the low budget the Municipality services were staffed by only eight employees in total.¹

Nezdet Mustafa was elected first mayor of the municipality of Suto Orizari with 9,000 votes out of a total registered voting body of

¹ Mustafa, N., The first years, 2000

12,330. He was mayor of the Municipality until the parliamentary elections in 1999 when he was elected a member of the Parliament.

Erduan Iseni, member of Mustafa's party, was appointed as temporary mayor of the municipality. Iseni was elected mayor of Suto Orizari at the extraordinary local elections in Suto Orizari after a few months and was mayor until the last local elections in 2005. He was a candidate of the OPE (United Party for Equality) which was coalition partner of the parties in position (SDSM, DUI and LDP) named «For Macedonia» (za Makedonija). This year elections for mayors of the municipalities were held. In the spring of 2005 there were five candidates for mayor of Suto Orizari. Erduan Iseni (Coalition For Macedonia), Amdi Bajram (Alliance of Roma in Macedonia), Kemal Sadik (Party of Democratic Streght of Roma in Macedonia), Severdzan Iljaz (Democratic Union of Roma) and Kadri Sefo (independent candidate). In the second round there were two candidates in the race for mayor: Erduan Iseni and Amdi Bajram. At the time of the local elections Amdi Bajram was sentenced to four years in prison by the Stip court for textile misdemeanors involving the head of the textile industry company Makedonka from Stip. It was only a matter of time before the high court issued a warrant for his arrest. But, Bajram officially had won the local elections in Suto Orizari, and the state election committee confirmed the results. However, Amdi Bajram's joy lasted only few days: Now he is in prison in Suto Orizari.

The local elections in Suto Orizari returned a new municipal council. The Roma parties have ten members in the Council: The party of Amdi Bajram won six seats, the United Party for Emancipation four. One seat is reserved for VMRO-narodna (the Internal Macedonian Revolutionery Organization) and the rest are taken by the two Albanian parties DPA and DUI (Democratic Party of the Albanians and Democratic Union for Integration). Sami Srebezovski, member of the Alliance of Roma in Macedonia, was elected chairman of the council.

On 21 August extraordinary elections were held in Suto Orizari. Three candidates ran for mayor of Sutka: Erduan Iseni (OPE), Enver Ibrahim as independent candidate, Saban Saliu (the only Roma lawyer in Macedonia) for the Alliance of Roma in Macedonia.² The second round of the elections was held two weeks later and the citizens of Suto Orizari had to choose between Erduan

² Sources from the municipality election committee

Isemi and Saban Salii. The new mayor of Suto Orizari is Erduan Isemi from the United Party for Emancipation (OPE).

Affirmation of Suto Orizari

Suto Orizari was built after the catastrophic earthquake in Skopje in 1963, as a solution to the harsh conditions facing the Roma families whose homes had been destroyed. The substandard living conditions in which they lived were sad reality. The new unit of Romani local self-government gave hope that the problems would soon be alleviated, the right questions asked, and the solutions identified.

First of all, the Roma population in the Municipality expected more from «its» administration. Actually, the poor living conditions prompted new activities. The municipality of Suto Orizari became a motivation for the self-esteem and dignity of Roma, because they prepared the first official newspaper in the Romani and Macedonian languages, where for the first time in the world official documents were published in the Romani language. The municipality's seal and flag were inaugurated, which has strengthened the identity of the first municipality in Europe with a majority Roma population.

One of the first steps made to improve the infrastructure in the municipality was the reconstruction of the Suto Orizari high street, the reconstruction of the local road from the neighborhood Suto Orizari through the settlement of Vizbegovo near the frontier with the municipality of Cair, and the building of the square of Suto Orizari. The resources for the building work were provided by the City of Skopje and the municipality of Suto Orizari. Two years later the same sources gave approximately 84,000 euros for the reconstruction of the Vietnamska and Nov Zivot streets and an amount of 38,000 euros for the reconstruction of the Garcia Lorca street in 2003. The maintenance of the communal electricity costs 33,000 euros a year. But these projects are only a drop in the ocean. The municipality is not powerful enough to solve communal problems such as the construction of lighting, green zones, a water-supply system, etc.³

According to article 22 of the Local Self-Government Act, the community's scope includes: urban and rural planning, protection of the environment and nature, local economic development,

³ Mustafa, N., The first years, 2000

communal activities, culture, sports and recreation, social protection and the protection of children, education, health care etc. The Local Self-Government Act opens up many significant steps towards decentralization of central powers, since the municipalities take over some of central government's powers. The authority assumed by local government involves many spheres and segments, such as education, science, culture, healthcare, etc. According to the new Decentralization Act (territorial organization), which came into force this year, units of self-governments are no longer dependent on the state. The municipalities should provide themselves with better conditions and authority is in the hands of its administrative organs. This law reaffirms the government's commitment to move closer to the Euro-Atlantic structures through the full implementation of the Ohrid Framework Agreement. This was a confirmation of the pledge to uphold the country's territorial integrity, unitary and multi-ethnic character.

a) Sutka – little Paris

In the neighborhood of Suto Orizari there are many happy people. You can see faces with a great smile, although there live in poverty and social isolation. When you get closer to the center of the neighborhood, there is a big crowd and a big commotion. And especially, if you have decided to visit the neighborhood on the weekend, then you will find a special atmosphere prevails. On every corner there are improvised counters full of colorful pieces of clothes, jewelry, shoes.....

Nowadays, the Sutka bazaar is the most popular market in Macedonia where you can buy very cheap things. Shopping is a great deal of fun, especially when you can hear the latest gipsy music blaring so loud from the nearest CD shops. Approximately 90 percent of the inhabitants of the neighborhood are tradesmen. The low level of employment has encouraged the inhabitants of Suto Orizari to work in trading and after only a short period their ability to earn has shown that the race to eke out an existence always begins again and never ends. This situation is a result of a lack of manufacture capacities in the municipality. In Suto Orizari there are only two schools, one kindergarten, one community center Rosh, one polyclinic, one post office and the few regional centers of Romani non-governmental organizations. The biggest problem is the high number of unemployed.

The detailed urban plan envisages individual housing along with social and public facilities: schools, marketplaces, hospitals, culture centers etc.. Unfortunately, only 30 percent has been realized to

date. One of the latest projects is the main fecal sewage fecal collector, being implemented with the financial support of the Austrian Government. The project costs 26,250,000 MKD (430,300 euros)⁴

b) Little and small houses, side by side

The houses in Suto Orizari have popped up like mushrooms. There are large and small houses side by side, some of them are new with latest kind of modern facades and others are very old, built when the neighborhood was born. The colors of the houses are very interesting: baby-blue, light-orange, lemon-yellow, but white definitely predominates. The new houses have a high standard with living space above 10 m² per family member but they represent only 20% of the overall housing stock.⁵

There are uniform huts which, most of them, are already ruined due to the lack of maintenance. The assembled tin-can buildings are called "hangarni baraki" and they were gradually reconstructed, but the living standards are below acceptable levels.

However, you cannot forget the colours of these buildings in Sutka, they spark happy emotions.

c) Socio-economic situation of Roma in Suto Orizari

The lasting unfavorable economic trend in the Republic of Macedonia affects the entire population and has impacts negatively on the living standards of a significant number of citizens. One of the biggest problems which is a consequence of this trend is the high unemployment. The employment of Roma could improve only if government initiates more positive general macroeconomic conditions.

The large number of Roma looking for work need not have the necessary level of education and this is the main reason why they are not competitive on the labor market. Official data shows that in 2003 of the total number of unemployed registered in the Employment Agency of the Republic of Macedonia 4.3% were Roma. One half of these have incomplete elementary education. According to the last May 2005 report of the Employment Agency, 17,177 Roma are unemployed.

⁴ Mustafa, N., The first years, 2000 - Rougheri, Chr., Center for Documentation and Information on Minorities in Europe - Southeast Europe (CEDIME-SE), Minorities in Southeast Europe, Roma in Macedonia

⁵ Iseni, E., Suto Orizari, 2005

The population in Suto Orizari has the highest number of socially disadvantaged families. According to the data from the Center for Social Work 1,700 out of the total number of families are registered as the most disadvantaged with no regular income. Bearing in mind the everyday closure of state-owned and private enterprises, it is evident that the number of social cases is increasing. One of the crunch problems in the municipality is unemployment, which is the main cause why the Roma families are socially disadvantaged. The municipality does not have manufacturing capacities and due to the well-known economic problems there are no opportunities for employment in the other municipalities.

In addition, in the Municipality there are no natural resources for the development of agriculture or other resources.

Roma in the Municipality live "from one day to the next" and are still waiting for better days. In the mean time, most of the families live from trading and money received as social benefits.⁶

d) Citizens without citizenship

One of the issues which is very problematic is the 1992 Citizenship Act, because from November 1993 onwards all Roma and other individuals from the republics of former Yugoslavia were no longer eligible for Macedonian citizenship. The main obstacles set by the law are related to the conditions of legal residence in Macedonia. Before filling an application, persons must have resided in Macedonia for 15 years and have a permanent source of income. The application fee varied from 50,500,250 Denar to 80 USD (last year) and many of the Roma did not have the money needed for the application fee.⁷ In Suto Orizari this problem was solved thanks to the three non-governmental organizations which are focused on human rights protection (ROZPR, CDRIM and Avutnipe). These organizations collect the documents needed to apply for citizenship and the application fee is paid by the UNHCR (actually the applicants pay for the citizenship themselves and the money is later reimbursed by UNHCR). This year there has been a major drive for Macedonian citizenship from the NGO's which work on human rights and from the Macedonian Government. One of them is a TV spot in the Romani and Macedonian languages in which the citizens say why it is important to hold Macedonian citizenship. Also

⁶ Iseni, E., Shuto Orizari, 2005 – Mustafa, N., The first years, 2000

⁷ Rougheri, Chr., 1998.

brochures prepared were which outline the conditions for Macedonian citizenship and the application deadline, namely March 2006.⁸

e) Mirror, mirror on the wall, what school is the best for me?

In Suto Orizari there are two primary schools with a total number of 3.800 pupils. The first is OU "26 July" and the second is called OU "Braka Ramiz Hamid". The classes in the primary schools are defined by the Macedonian Ministry of Education, which is in charge of lessons. There are many problems in these schools. Every year, when the time comes for enrollment of children in the first grade of primary education the parents do not appear go to the schools owing to their everyday work duties or their ignorance. In fact, they tend to wait until the last minute in September for the enrollment. Sad, but true. And this is only one of the problems. The low level of pupils who continue with their education in secondary schools is not at a satisfactory level. The problem of "the ghetto" for the Roma children has many negative consequences such as an ignorance of the Macedonian language (administrative and official language in these two schools). Of course, this further causes poorer results in studying and whittles away at the motivation of these pupils to achieve better results.⁹

In recent years, broad progress had been discernible. Thank to the Roma NGO's and their activities the situation has improved. The latest numbers show that 15 % of the population over 15 years has finished secondary education and the proportion of the population with higher (academic) education is still low (only 0.48%). Slowly, but encouraging, there are some examples of academic citizens from Suto Orizari who act as the ambassadors of higher education in this municipality. For example, there was one student last year in the Drama Art faculty and this year there are two Roma girls who are attempting to enter the same faculty. Seven years ago, there was only one Roma pupil in the secondary art college (he became the first Roma graduate in sculpture in Macedonia) and after him there were two more who successfully completed the same course.

With the assistance of foreign donors the Roma NGO's have worked with the Roma children aged between 5 - 7 to improve their

⁸ One of those brochures was prepared by CDRIM

⁹ Saip, I. Principal of the primary school "Braka Ramiz Hamid", Suto Orizari (personal communication, 2005)

knowledge of the Macedonian language. The key to successful education lies also in the work of these NGO's with the parents of the children in order to enlighten the latter on the importance of the education. Some of the children attend the municipality kindergarten, which has the capacity to take 150 children.

To return to primary schooling: The Dutch embassy together with the non-governmental organization *Mosaic* gave school support in the period of 1998-9 in the form of 416,000 Macedonian dinars (equivalent to 6,800 euros). The same year the World Bank provided elementary education funding and one year later financing for the primary schools has given the German Embassy totaling 1,100,000 dinar or 18,000 euros. The latest support for the elementary schools was forthcoming from IOM (International Organization for Migration) and comes to 120,000 euros.¹⁰ Over the latest two years The German Caritas organization provided meals and milk for pupils in all-day schooling.¹¹

f) Romani in the Primary schools

Facultative schooling in the Romani language has started in the two primary schools in the municipality of Suto Orizari. The beginning was very hard due to the lack of literature materials in Roma language, but things have gradually improved. Professor Saip Jusuf together with renowned Macedonian author Krume Kepeski has published the first Romani grammar. Moreover, Jusuf has prepared a spelling book in Romani. In addition, the Romani teachers use Romani literature from other European countries.¹²

g) Media and culture: the soul of one people

Besides the use of the Romani language in the primary schools in Suto Orizari there is also an opportunity to hear the news in Romani. Over the past ten years a local TV station named "TV Sutel" has existed in Suto Orizari. The greetings for the dearest ones are one of the most interesting programming features at the TV station. Given the fact that the Roma people enjoy music, this is not an unfamiliar thing for the Roma population. The celebrations of

¹⁰ Mustafa, N., *The first years*, 2000

¹¹ Mishel-Ilieva, K., representative of the office of Caritas (Essen, Germany) in Suto Orizari (personal communication., 2005)

¹² Iseni, Saip, Principal of the primary school "Braka Ramiz Hamid", Suto Orizari (personal communication, 2005)

weddings, birthdays or academic graduations are but a few of the occasions for which the habitants of Suto Orizari are sending greetings with video-materials and their own photographs!!! And all of this can be watched on TV Sutel. Roma journalists work for this TV station and it also broadcasts daily news and the program is not only limited to municipal issues.

There is a variety of cultural and educational programs, and when culture is mentioned, it is necessary to say that the roots of Roma culture in Republic of Macedonia can be traced back to the neighborhood of Suto Orizari. Back in the early 1950's, a number of young enthusiasts founded the Roma association Phralipe which later on sponsored a theatre company that performed throughout Europe. The name Phralipe over the next decades meant and represented the Roma culture not only in Macedonia but also abroad. And everything started in Suto Orizari. After 3 decades of successful work in Suto Orizari the theater company Phalipe went to Germany. In the 1980's, a few ex-members of Phralipe who had stayed in Macedonia formed the Student theater and in the mid 1990's there were several amateur theater groups as a result of the earlier work of Student. Today there are two amateur theater groups, namely Roma and Fadiljoni, and one group which is a part of the "Romano llo" NGO. Unfortunately among them there is only one young girl Sanela Emin who is about to finish her training at the Faculty of Drama in Skopje. The others are only enthusiasts and talented young and middle-aged Roma activists who simply love the theater. Their performances of plays are only seen once or twice a year. The dire financial straits are a reality for the theater groups. Only once a year does the Macedonian Ministry of Culture provide financial support for the Roma and Fadiljoni theaters (an amount of 60,000 dinars or 1,000 euros each). In 2005, there were in total two premiers performed by them. These theaters do not have their own premises to rehearse in; there is no theater building in Suto Orizari. There is not even a hall where these theaters can demonstrate their knowledge and hard work. For these reasons the plays are shown at the theaters in the center of Skopje, such as MNT-teatar Centar.

The situation of the other cultural activities is similar. The Roma population in Suto Orizari thirsts for cultural life. In fact, nothing special happens at the municipality. Only once a year, on the Romas' world day, April 8, are cultural events held. These events celebrate the day when the municipality officially started its work. And everything is happening thanks to the Roma NGO's. They are organizing music-poetry evenings, concerts of Roma music, cocktails... Worthy of mention is the fact that there is a young

generation which is involved in new music for the Roma population. The late 1990's saw the beginning of the new wave of music for the Roma in Macedonia and the epicenter was again in Suto Orizari. For 50 years, folk dances and traditional music have been performed by the Phralipe folk ensemble, which was a synonym for Roma music performances not only in Macedonia but in Europe as well. Pop, R'n'B and Rap has for the last decade been the most popular music. Names such as Shekil and Dzevat are very popular. Shekil originates from Suto Orizari and back in 2003 he had a No. 1 hit in the Macedonian charts (singing in Macedonian) together with Mustafa and famous Macedonian singer Aleksandar Ristovski-Princ. Dzevat was one of the 10 finalists and ended third at the Macedonian M2 potraga po nova zvezda contest for new music talents and this year he is one of the most popular new music names in Macedonian pop scene. The new wave Rap singers and dancers are to be seen at every major Macedonian musical event.

This is a fact which shows the great talent for music in the Roma population and add to this the fact that in recent years the number of Roma pupils from Suto Orizari who have continued their education at the Music academy in Skopje has increased by the year. For several years in a row, the mandolin orchestra of the "Braka Ramiz Hamid" primary school led by the teacher Samir Mehmed (academic musician) several has been the most successful orchestra in Republic-wide contests.¹³

h) Support from the Roma NGO sector

The Roma NGO sector started to function at the same period as the country received independence. One of the first NGO's in Macedonia is originated in Suto Orizari. "HOMOS" was a humanitarian organization which for several years has provided humanitarian aid for the inhabitants of Suto Orizari. A few years later other NGO's were founded, such as the women's organization Esma (the name is in honor of the most famous Roma singer Esma Redzepova Teodosievska). In Suto Orizari there are now three organization working for Roma human rights: ROZPR (Republican Organization for Roma Rights), CDRIM (Center for Democratic Development and Initiatives of Roma in Macedonia) and the Association for Human Rights Avutnipe.

¹³ Petrovski, Branko, 2004 - President of the Association for Roma folklore and culture "Romano ilo" (personal communication) - Abedin, Faat, 2005 - Actor in the theatre "Roma" (personal communication) – Iseni, 2004

Their main concerns are:

- To inform the habitants about their rights
- To help them with the all sorts of documents (how to write an application for job, a request for citizenship, etc.)
- To collect the necessary documents for Macedonian citizenship
- To fight against discrimination toward Roma
- To help the Roma refugees in their efforts for better status in the Republic of Macedonia and to help them find adequate solutions for their everyday problems.

These NGO's together with the citizen's information center, which works as a part of the Municipality of Suto Orizari, give new and timely information on every problem or question which needs solving or answering.

One of the latest projects for direct help of the citizens in all the neighborhoods where the Roma population lives is the program from IOM (International Organization for Migration) for the victims of the Holocaust.

The Holocaust of Roma (called Poraimos by the Roma) in Macedonia was bound up with the Bulgarian fascists. In 1944, Germany formed the Albanian Skanderbeg Waffen SS Division which occupied Kosovo, Southern Serbia, Montenegro, and Western Macedonia. The Macedonian Orthodox, Serbian Orthodox, Roma, and Macedonian Jewish populations were the targets or victims of genocide and extermination. In the Greater Albania region of Western Macedonia, the Macedonian Orthodox, Serbian Orthodox, Roma, and Jewish populations were similarly targeted for elimination and deportation.¹⁴

This program in Suto Orizari was implemented by the women's organization Esma and twice included food and sanitary packages, things for the winter and clothes. Also there is a free-of-charge medical support for all Roma victims of the Holocaust (those born no later than May 9, 1945).¹⁵ Last year the Association for Youth and Women Luludi started activities for the young population and for women in Suto Orizari. There is a creative workshop for Roma children every day. Young educated Roma volunteers are teaching Roma children in these informal schoolings.¹⁶

¹⁴ Carl Savich, Greater Bulgaria, Roma and the Holocaust in Macedonia, October 2004

¹⁵ Memedova, Kevser, President of WA Esma, personal communication, 2004

¹⁶ Kjmet, Amet, RAZM Luludi, personal communication, 2004

As regards informal education it is important to mention the cultural community center Rosh formed in 2000 – it was donated by Arc, UNHCR and Unicef. This center has many informal activities not only for the locals but for Roma refugees. There are courses on sewing, computer courses, courses in English, a kindergarten (where the Roma children learn Macedonian), etc. The cultural community center is open to local habitants and by all means, for the Roma refugees from Kosovo. And the Roma refugees are really a unique story for themselves.

i) Your home is where your heart is

In the summer of 1999, as a consequence of the NATO strikes against FR Yugoslavia, there were 2,500 Roma refugees from Kosovo in Macedonia in the Stenkovec camp. By April 2000, domestic and international sources claimed that there were some 5,000 refugees from Kosovo since 1999.

Unlike the case of the Albanian refugees, some of which were accommodated in camps and among friends and relatives in western Macedonia, this was not the case with the Kosovo Roma. Only few Romani families were willing to accommodate the Roma refugees from Kosovo due to the poverty of the Macedonian Roma. In the beginning of 2,000 Roma refugees were removed to temporary collective centers. The same year the Ministry of Labor and Social Affairs decided to create a standing camp for them based in the settlement of Suto Orizari. The camp accommodated over 3,000 Roma refugees and it functioned under supervision of the UNHCR until 2003.

Because of the poor health and sanitary conditions in the Suto Orizari collective camp, the government and UNHCR decided to close it down. The refugees continued to live in the collective camp until May 2003, although the camp was officially closed on March 31. The refugees were granted by the Macedonian government with Temporary Humanitarian assisted Status. Their status was reviewed by the government every six months and they were not allowed to work which meant they became wholly dependent on humanitarian assistance.

They did not like the accommodation in private families which was suggested by the UNHCR because they were afraid that the financial aid provided from the “High Commission” was not enough to find a decent and long-term housing solution.

The other reason for fear was that if dispersed to private homes, it would become easier to deport them back to Kosovo.

When the camp was closed the refugees stayed without any fixed abode and their residence in the country became illegal under Macedonian law. This was the main reason for the famous "Odyssey" of the Roma refugees from Suto Orizari to the Medzitlija border crossing. The Macedonian government advised the Roma to return to Skopje to register and undertook to accept their individual applications for refugee status in the country, in anticipation of the enactment of the then draft Bill on Asylum.

After almost three months the Roma refugees were not longer able to put up a fight as they were exhausted from living under such unhygienic conditions.

Most of the Roma refugees over the last year were accommodated in private families in Suto Orizari to which end the UNHCR gives financial aid both to refugee families and the local families which have accommodated them.¹⁷

In Suto Orizari those people are now part of the Roma community and of nowadays reality.

Roma in the independent Republic of Macedonia

The Macedonian Constitution of 1991 recognizes the Roma as one of the nationalities of the republic: "Macedonia is established as the national state of the Macedonian people in which full equality as citizens and permanent co-existence with the Macedonian people is provided for Albanians, Turks, Vlachs, Romas and other nationalities living in the Republic of Macedonia."

The Party for the Total Emancipation of the Roma (PCER) was the first Roma party in Macedonia, founded by Faik Abdi in 1990. He held the seat in the Macedonian parliament for the Suto Orizari constituency until 1998. Before the creation of the second Roma party, 38,000 Roma were registered as members of PCER and the party had local representation in almost all the places where Roma were present. At that time, Roma won 15 of the 1,510 seats in the municipal assemblies. In the Skopje Assembly, Roma held two of

¹⁷ 2003 Human Rights Watch, Background: The Plight of the Kosovo Roma Refugees, 2003

the 70 seats and had two representatives in the 120-member National Assembly.

With this representational power, the PCER participated in the coalition government.

During the local elections in 1996, the second member of Parliament of the Roma in Macedonia, Amdi Bajram, left the party to form his own party, the Alliance of Roma in Macedonia (Sojuz na Romite vo Makedonija). He had two mandates until 2003.

The Democratic Progressive Party of Roma in Macedonia was founded by a group of intellectuals in 1991. In late 1998, Nezdet Mustafa became leader of the Party: he was at that time mayor of the municipality of Suto Orizari. The party changed its name to United Party of the Roma (Obedineta partija na Romite) in 1998. In 2003, it was formed a new party named the United Party for the Equality of the Roma in Macedonia (partija za ednistvo na Romite vo Makedonija) in which he was joined by the Party of the Roma and the Party for Total Emancipation of Roma. Nezdet Mustafa was chosen as first president of the party.¹⁸ Later that year, at the parliamentary elections, the party of Nezdet Mustafa entered into coalition with the Social Democratic Alliance in Macedonia which won the elections. Mustafa was the only Roma representative at the Macedonian parliament. He was the first General Secretary of the Party for the Total Emancipation of the Roma (PCER). Later, he was one of the founders of the new Democratic Progressive Party of Roma in Macedonia and a few years thereafter he was elected its new president and the party was renamed Party of Roma in Macedonia.¹⁹

The progress of Roma people started in the independent Republic of Macedonia in the early 1990's. The Party for Total Emancipation launched a major campaign for facultative learning of the Roma language in primary schools where the majority of the pupils are Roma children. For a start, there was a need for a course for Roma teachers; this was achieved and the idea came true. Macedonian Roma started awakening from their big dream. The Macedonian constitution gave them, for the first time in their history, the same rights as other people in one state. Roma political parties made a big influence in changing the future of Roma population in Macedonia. They gave a great meaning to the Roma's world day, April 8. The celebration of this day with many cultural events and

¹⁸ Minorities in Southeast Europe, Roma in Macedonia

¹⁹ Mustafa, N., The first years, 2000

activities provided an opportunity for the younger generation to free itself of its anonymity. The founding of Roma news department at Macedonian Radio and TV was very important in this context, and real motivation for the Roma population. This program started from very small beginnings, but the two departments were the voice of Roma people in Macedonia. Soon, Roma literature was honored by the first Romani grammar being brought out. Day by day, the growth of Roma literature progressed successfully.

The Roma poets gathered at music-poetry evenings several times a year. One of the first activities of the Roma political parties was the first Roma folk festival Sutka folk festival which brought together famous Roma singers from all over Europe. The festival had as its patron the Parliament of the Republic of Macedonia. As the years have gone by, the political influence of the Roma has increased. The second and the third parliamentary elections in Republic of Macedonia returned two Roma members of the Parliament. At this time several successful steps were made. One of them was the enrollment of over 40 Roma who had finished high schools at the Police Academy on a course for police officers. Moreover, at the two Universities in Macedonia "a quota for minorities' enrollment" in the Faculties was introduced. The "quota" for Roma students was 2% according to the percentage of Roma people in the whole population. Over the last year, according to the Ohrid frame agreement, over 20 Roma who finished high school have attended the course for employment in the State administration. This year they are working in government and ministry offices.

A BRIGHTER FUTURE FOR SUTO ORIZARI

According to the present situation there is a need for detailed urban planning. The problem with the Sutka bazaar needs to be solved. Suto Orizari does not have a trade center (mall). Given that everything in the Sutka bazaar is sold in the open in improvised selling places there is a widely seen need for a big shopping center. It is well known that the Sutka market place is the most famous shopping place in the whole country, especially on Sundays. This is the reason why there are long lines of cars from the beginning of the town through to the center. There is much commotion, many vehicles, and there is a great danger to human life as a consequence of the traffic. A large car park built behind the market should solve this problem.

The citizen's information center now provides better and more timely information for the population in the municipality, but for all requests and other socio-economic news there should also be a Social Referrals Office in cooperation with the Ministry of Labor and Social Welfare.

At the moment in Suto Orizari there are no conditions for manufacturing industry. If an industrial zone were made as part of an urban planning project then we could expect to see conditions for the development of the economy and local employment.

In the summer in the Municipality there is always a problem with the water supply system. Especially those houses which are built on higher ground wait for the water to trickle through to them. This situation lasts for hours. This system needs to be improved.

The local Roma non-governmental organizations need support from the municipal administration in the realization of projects of great importance for the future of the population in Suto Orizari. In past few years the human rights situation in Suto Orizari has been improving thanks to the activities of the local NGO's. The cooperation between the Municipality and these NGO's could bring a better and brighter future for the locals. And what matters is the education of the population, many pupils from the two primary schools do not continue with their education after finishing the primary education. One of the reasons for this is the lack of financial conditions for school literature, busses, and catering expenses. This is why there is a need for a high school in the municipality. At the moment the Roma political leaders are negotiating this issue with the Macedonian Ministry of Education and there are strong possibilities of this dream coming true for many youngsters in Sutka. To date, 750,000 euros have been provided by NGOs and additional funds are being discussed with the Ministry of Education. And when youth is the issue then there must be a solution for their employment. There is a need for a strategic concept for short-term employment of youth such as in the 1960's with the agencies for youth employment (mladinski zadruzi). They focused on founding short-time jobs for young people

For the young generation in Suto Orizari there is a need for youth-cultural centers where they can gather at one place and will be sheltered from the bad influence of the streets. Given that there is a long theatre tradition in the municipality there is a prime need for municipality culture to be able to rely on a theater building.

The locals are famous as good sportsmen. There is one soccer club, one boxing club, but one of the most successful sports in the municipality is table tennis. The young members of this team have qualified for the first Macedonian table tennis league. They practice in the children & youth center Nadez in this municipality. Sport courts and halls could be very refreshing for the young and it would motivate them to continue with the successful results and certainly could awaken an interest in these activities among the larger part of the population.

According to the Deputy Minister for Labor and Social Policy, Samka Ibraimovski, Suto Orizari has a need for a well-educated and intellectual mayor who can provide better conditions for the future of the Municipality. Education is a key for this to happen because the future mayor should work on projects which will bring foreign investments to attract the foundation of small factories in Suto Orizari. Economic development and a decrease in unemployment depend on investments in manufacturing. The competence of the municipality now is bigger and it is only a matter of time before the departments of the Macedonian Ministries start functioning here and this will bring better communication between the local and state level.²⁰

These are only few of the suggestion for improving the future of the Municipality of Suto Orizari. Sad, but true, this municipality exists on a minimal financing. The road to brighter times is very tough, sometimes cruel, full of obstacles, but it is worth trying it to walk it right to the end. Good luck to the latest mayor and to the citizens of Suto Orizari.

²⁰ Interview with Samka Ibraimovski, Deputy-Minister of Labor and Social Policy, July 2005

Osman Balic

The difficult process of building a strong political Roma party in Serbia and Montenegro

1. The Roma in Serbia

Population

According to 2002 official census data the number of Serbian citizens belonging to the Roma group is 108,193. It can however be safely assumed that this figure is higher by a factor of 3.5. This would bring the number of Roma in Serbia close to 380,000, or 1.45 % of the total Serbian population. - According to the 1991 census Serbia the Roma are the fourth largest minority following the Albanians, the Hungarians and the Muslims.

If at the 2002 census all Roma people had openly declared themselves as Roma, the result would have been unequivocal: The Roma would stand out as Serbia's second largest ethnic minority following the Albanians. Considering furthermore that the territory of Kosovo is currently not under Serbian responsibility, the Roma are in fact likely to be ***the largest single ethnic minority in Serbia.***

Roma political parties

Past efforts to set up a single strong Roma party have been unsuccessful. The first few Roma parties emerged at the time when a multi-party system was introduced in former Yugoslavia. It took Serbian Roma 15 years to understand that we needed help in our efforts to become relevant political players.

There were many reasons for this lack of success: an underdeveloped political culture, the lack of strong political parties and leaders, the Roma people's indifferent, enduring lethargy, their indolence, their low education level and their everyday problems. It is for precisely these reasons that the appearance of one or two ***strong political Roma parties*** would be helpful. Roma parties would be the best suited to deal with the political culture of the Roma, and to create a political organisation. They would have the credibility to

show their fellow Roma that politics is the arena where the fate of individuals and entire families is determined, and that this includes issues such as poverty, the formation of ghettos, the minority status, ethnic rights and the organisation of the state as such.

2. Relationships among Roma

The Roma lack a sense of solidarity. Traditional closeness and support within the extended family, among neighbours, among people living on the same block, within a sub-ethnic group and among the entire ethnic group has been lost. It seems as though the ethnological myth about the strong ties among all Roma has disappeared. Instead of caring for their neighbour, people have developed a sense of utilitarian individualism and fatal egotism. "I care most about myself, only me and my next of kin are important". The relationship between generations has deteriorated, too.

3. The Roma political culture

Roma political culture is a disaster. To be more precise: It is non-existent. It would be right to say that it is a political non-culture.

The following issues have an influence on the development of a *political culture* and the formation of a *strong political factor*.

Although I believe that the discrimination against the Roma is the greatest in the cultural field – albeit colourfully gift-wrapped –, it would be wrong to understate the importance of their role as a legal and political subsystem in society. Subsystems are a crucial determinant of the situation of large groups – ethnic in this case – in any existing community. If, into the bargain, the group in question is an ethnic minority without any protection from a country of residence within reach, which is unfortunately the case for the Roma, the political becomes so important that many social analysts would give it absolute priority.

The Roma play no part in politics at all, they have no influence and they are conveniently available for any kind of manipulation by the powers-that-be. According to Sonja Licht, one reason for this is the

"lack of homogeneous collectivity, of autonomous self-organisation and of a collective sense of national identity ..."

The Roma elite

The building of an *intellectual* and especially a *political elite* among the Roma is yet to happen. Until recently they did not even have any representatives to speak of in the governmental institutions. Even where they had delegates in a number of local councils, as indeed they did in the last term of office, some members in the Serbian parliament and one minister without portfolio in the government of the Republic of Serbia, they had every reason to be dissatisfied with their representatives and their level of political influence – and they were. The majority of Roma even disbelieved their own representatives in government. Neither had they voted them into office, nor had these, as we found out, worked very hard to stand up for their authentic interests.

It is the Roma's wish and legitimate right to elect their own representatives, at least in those regions where they form a majority.

There is no doubt that the Roma would change their attitude and become politically mature if their emerging political elite developed a stronger sense of responsibility and decided to take the interests of their compatriots in hand.

Politics and fear

In a strong civil society people would be surprised at the suggestion that there is a connection between the categories of fear and politics. However, if you have lived in the kind of totalitarian system that Serbia used to be, the thought of such a connection is justified. The fallen regime had intentionally created a sense of illicitness, warning people of the terrible consequences if they voted "wrong", or in favour of the democratic opposition.

The Roma people were in a particularly precarious situation. Stigmatised everywhere and at all times and let down by their own elite as well as being politically neglected by the ethnic majority population, they were always on their guard, and probably even

more afraid than everyone else. Is this *political angst* the main reason why the Roma do not express their true political will?

Fear is a sad reality in the Roma community and makes it difficult to move forward into an intercultural society. How else would one interpret the result of several studies according to which every third person is in one way or another afraid to speak their political mind? ("We're better off staying at home minding our own business", "Everyone knows everyone else and is afraid of them", "If I vote according to my real preferences Government will make life difficult for me.") Fortunately, over one half of the Roma have shaken off this fear. Those who are still living in fear are certainly not to blame. They should be patiently told that getting involved in politics and taking free political decisions is not a punishable offence; and that, on the contrary, it is the only way to build a society in which nobody need be afraid. Also, it should be made clear to the Roma that the majority of their compatriots, kinsmen and neighbours have left their anxiety behind, have become politically mature and are now "mercilessly" putting forward their political demands.

Political trust

Some recent studies suggest that most Roma tend towards a conservative and authoritarian attitude and will not criticize the state, the government and their own representatives who collaborate with those in power. One explanation for this behaviour may be the experience of the many centuries during which the Roma had to find survival strategies in states run by other ethnic majorities. They consider themselves as being in a transnational position and feel a constant need to adjust themselves for the sake of their own survival. But *is* this really their situation, and need things stay this way for the Roma?

Meanwhile, many things have changed for our Roma. They, too, have founded political parties, or have joined other political parties, they have their own political leaders, their intellectual elite is growing, they are setting up alternative societies and non-governmental organisations... Who do the Roma trust the most? Or do they trust nobody when it comes to politics?

Roma no longer believe anybody blindly at all, and this is good for them. They do have a slightly greater tendency to trust state authorities. Their remaining trust is distributed between various other organisations: Some traditional organisations have forfeited

this trust (one of them being the umbrella organisation of Serbian, or Yugoslav, Roma Societies) and the newly emerged organisations have not earned their trust yet (such as alternative Roma societies and NGOs).

Potentially there are three types of political/societal players that could in the long run benefit from the improved situation provided they have patience and a good program to offer: the alternative Roma societies and non-governmental organisations, the Roma's own political parties, and the democratic opposition. The first type of organisation currently has the best chances, the second one has only little influence, and the third category is lagging far behind and should give this some serious thought.

The political parties of the mainstream population

The problem is that the more relevant political parties on the one hand would love to have a strong influence on the Roma population but on the other hand are not willing enough to listen to their specific problems and needs. They realise that the Roma share in the electorate is not to be underestimated. After all they add up to several hundred thousand voters, and in some areas, villages, towns, constituencies, they actually form a majority.

Although the Roma are not aware of these implications, they sense their power as voters and know that they are being neglected by the political parties. They probably wonder why they even the democratic opposition is ignoring them in their party manifestos. The Roma have punished these parties by either not voting at all, or by casting a surprise vote for one of the candidates of the governing parties.¹ The Roma are developing more and more of a critical mind, and are deeply convinced that modern political parties in their "lust for power" are neglecting the interests of the common people. They also know that *the mainstream political parties* could make much of a political difference if they honestly tried. What the Roma ought to do is, through their own political elite, put more pressure on the political parties of the majority population, assert their claims more radically, and participate in political life with greater responsibility.

¹ The Serb Radical Party has enormous influence on the Roma, which is an incredible paradox.

The Roma's non-governmental organisations

In Europe many governmental authorities and foundations have long ago understood the Roma problem. They do everything in their power to help this desperate people. There are hundreds of programs for the Roma and thousands of projects are being funded that cover a great bandwidth from child welfare to education and science programs, carried out by innumerable volunteers and enthusiasts, professionals and Roma-friendly experts, people of humanist virtue who offer their time to the Third Sector of non-profit humanitarian NGOs. Unlike our government, these organisations have understood that the future belongs to the Third Sector.

The number of so-called *Roma non-governmental organisations* has become confusingly large. The influence of these organisations which often confirm the Serbian saying "Wherever there is a Roma there is an NGO" is ever growing. The Roma have an undeniable right to found organisations. However, what would be even more useful is if these *one-man NGOs* could set up a network and become more integrated. Together they could put real pressure on political decisions.

The Roma approach to politics in its current form has never been studied in detail, nor have the political parties taken much notice of it. The Roma deserve greater interest and political attention. The majority of Roma *live in the cities. Their number is much greater than that of the Roma in rural areas.* As opposed to a scattered rural community, *urban concentration makes the Roma a significant part of the electorate.* Hence, if the right kind of political action is taken this could achieve two things. On the one hand, it would encourage *a more intense study of the complexities of the Roma polity*, while on the other hand a democratic process would *enable the Roma to express their political will freely.*

People are in politics for a variety of reasons. Some do it exclusively for their own interests, while others do it out of care for the needs of a specific social or ethnic group, while yet others are concerned about the higher national or state interest.... They all have their motivation, like the Roma do; only, by definition, it appears that the Roma are expected to present some specific additional justification to participate in politics.

As opposed to their compatriots in other parts of Europe, our Roma are not in the fortunate position that the limelight is on them. The government always has more important business to tend to, and if it does offer help it does so very selectively, treating the Roma more like an exotic folkloric dance group. To the political parties who benefit from Roma illiteracy and lack of organisation they merely serve as disposable objects – an extension of their electoral base.

This is why the Roma should only rely on themselves and "*use their own potential* ", become united and organised politically, and use their enlarged power base and assign a more sophisticated job to their own elite. They must also reach out to the NGOs operating in their vicinity, collaborate with them, join their programs and offer their own inexhaustible potential. They must find "friends" among the academic community especially those from the humanities and get them interested in their issues. It is only in this triple approach that the Roma visibility could increase and to ensure that the government can no longer refuse to acknowledge them.

In my integration model and on *its legal and political map* there will be no success without a distinct political culture and a strong political role. ***Power is not something you get for free; you earn it by fighting for it.*** It is now the Roma's turn to take action. Their lack of a political culture and a wider reaching political influence has been their own fault. This is now where their great opportunity lies, or, as some believe, their greatest opportunity ever. "*Politics is the only field in which the Roma can make a big difference for themselves.*"

4. The political Roma parties and their view of the problems

The following major parties of the Roma currently exist:

Nr.	Name of party	Chairman
	Party of Roma Unity	Žika Mitrović
	Roma Social Democratic Party	Dragan Jovanović
	New Democratic Party of the Roma of Serbia	Dragan Ristić
	Social Democratic Party	Muharem Muja Alijević
	Democratic Roma Party	Nenad Vasić
	Democratic Party of the Roma	Sevdedin Haliti
	Roma Social Democratic Party of Serbia	Srđan Šain

Roma party leaders were interviewed after the last local elections in Serbia which took place in September 2004. These interviews resulted in the following critical conclusions:

- All leaders shared the view that there was a lack of experts capable of participating in the political race.
- The existing political parties have not clearly defined their political ideas, their political goals, their election platforms and their campaign action plans. The reasons given included the lack of knowledge as to how such plans need to be drawn up, as well as a lack of funds.
- Another problem identified was the parties' inactivity in the period between elections. Parties are only active in the run-up to elections.
- All interviewees also mentioned the problem of party finance. Examples were mentioned of party members or other individuals making private gifts during election campaigns. This had clear implications for the outcome of an election.
- Roma candidates clearly ascribe the low turnout among the Roma community to the lack of trust in the Roma parties and in the Roma's traditionally apolitical attitude.
- Cases were mentioned in which registry staff had behaved in a discriminatory manner towards representatives of

Roma election committees and other party bodies as they came in to register.

- The relationship between Roma and mainstream parties is such that no one wishes to enter into a coalition with the Roma thinking that a pact with the Roma could be politically damaging.
- The media take an unfavourable stance vis-à-vis the Roma parties, which, often as a result of a lack of funds, have had no chance to make themselves known.
- The need was mentioned for more communication between political Roma parties in order to discuss the options of joining forces and forming coalitions.

The problems identified above are not new. They only illustrate the fact that the problems have not been solved, have not become any smaller or fewer, and that the number of Roma who would like to participate in the election process is on the increase. Another important fact is the lack of communication between parties, and of joint appearances in public, which would be much welcomed by all as a way of improving Roma participation in the election process.

After all these years a path has become visible which we should use to structure our political interests by building coalitions between Roma parties. The idea of creating more social justice and a strong political party is still far away from being implemented, our efforts are still unspecific and unsystematic. What is also lacking is a long-term perspective of Roma participation in power as well as the definition of our long-term goals for the time after the elections.

5. Recommendation:

To political parties:

- Education programs for the political parties should become available as soon as possible to teach party leaders to develop policies, organise campaigns and handling political management functions. In this manner Roma parties could build more trust among the Roma population. This would lead to a more participation of young people and intellectuals.

- Communication between political Roma parties should be encouraged. The basis of this communication should be the voter majority and the political platforms.
- Mechanisms must be created for the communication between Roma parties and candidates on the shortlists of mainstream parties.

For Roma NGOs and Roma media

- Roma NGOs should assume the role of educators in the Roma community, explaining to people the importance of elections and encourage them to go to the polls.
- Roma NGO activists should become involved in the supervision and management of elections.

Authors

Osman Balic, Rom, born in 1957 in Nis, Yugoslavia. In 1978 he completed his education at the University of Nis, graduating as an engineer for safety at work. He then started working, researching and publishing in the field of information systems. In 2001 he was appointed adviser to the Federal Minister for National and Ethnic Communities. From 2000 to 2004 he was Deputy President of the Nis District Administrative Council. Furthermore he was a member of the City of Nis Employment Council and head of the city's partnership group for the "Employment Promotion Project" run by the World Bank and the Ministry for Labor and Social Affairs. Since 2005 he has been President of the Nis District Council for Local Economic Development Mediana and author of the plan for the economic development of the district, "Mediana for EU". Between 1998 and 2005 he was a member of various boards of the Open Society Fund and is President of the Administrative Council of the Roma "YUROM centar" NGO as well as Chairman of the Panel of Experts for Labor, Social Policy, Children and Primary Medical Care of the Democratic Party of Nis and a member of the Executive of that Party. From 1999 to 2005 he was a member of the Presiding Council of the International Romani Union and responsible for organization and the information system.

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Claude Cahn, attended college in Oberlin, OH, USA, graduating in 1990 with a B.A. In 1995 he was awarded a Masters degree by the Central European University in Budapest. Since 1996 he has held various functions at the European Roma Rights Center (ERRC) in Budapest, and is currently its Acting Executive Director. He is executive editor of the quarterly journal "Roma Rights" published by ERRC. He has authored countless articles and edited numerous publications focusing on racist disadvantaging of Roma and Roma rights.

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Rajko Djuric, Rom, born in 1947 in Malo Orasje, nr. Belgrade. He studied at the University of Belgrade, where he graduated in philosophy, and went on to do a Ph.D. in sociology. He is a writer and journalist, and worked until 1991 as editor-in-chief of the cultural section of the Yugoslav journal *Politika*. He was then forced to emigrate to Germany and lived until 2004 in Berlin. He then returned to Belgrade and works there as Deputy Director of Tanjug. – He was President of the International Romani Union (IRU) and is Secretary General of the Romani Center of the International PEN Club. In 2002, the Swedish PEN Club awarded him their Tucholsky Prize for his commitment as a writer to the history, language and culture of the Roma. His publications include: *Die Literatur der Sinti und Roma*. - *Roma und Sinti im Spiegel der deutschen Literatur*. - *Ohne Heim – Ohne Grab*.

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László Fórika, Rom, born in 1968 in Vásárosnamény, Hungary. He is a legal expert in the Office of the Parliamentary Commissioner (Ombudsman) for the Rights of National and Ethnic Minorities in Hungary. He is curator of the Roma Versitas Foundation.

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Günter Grass, author, graphic artist and sculptor, was born in Danzig in 1927. He was a member of the “Gruppe 47”, before whom he had his first public reading in 1955. His first novel “The Tin Drum” came out in 1959. This work, which took the myth out of the contemporary descriptions of the Third Reich and thus changed it permanently, made him famous overnight in Germany and earned him great international recognition. His wide-ranging oeuvre is influenced by his experience of the Nazis and is related to his political activities, in particular on behalf of Willy Brandt and the German Social Democratic Party he represented. In the wake of numerous prizes and awards inside and outside Germany, in 1999 he was awarded the *Nobel Prize for Literature* for his oeuvre. – Because unlike any other people other than the Jews it was the Roma and Sinti who were the victims of Nazi persecution and because the injustice against them continues, in 1997 together with his wife he founded the *Stiftung zugunsten des Romavolkes*; its purpose: “to promote an understanding of the unique character of the Roma people and inform about its cultural and social position today and in the past”. This foundation awards the *Otto Pankok Prize* to self-help initiatives for outstanding cultural achievements and for journalistic or scientific analyses focusing on the social position of the Roma people.

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Jenő Kaltenbach, born in 1947 in Ófalu, Hungary. As of 1970 he studied at the Faculty of Law at the József Attila University in Szeged. Awarded a doctorate in law in 1975 and then a Ph.D. for a thesis on local administration in 1989. Since 1990 he had been Head of the Department of Administrative and Financial Law at the university in Szeged. From 1990 to 1993 he was part of the Hungarian Republic Constitutional Court, and then through to 1995

General Director of the Hungarian Administrative Institute. As a member of the German minority in Hungary in 1995 he was the founding president of the new Self Administration for Hungarian Germans and that same year Parliamentary Commissioner (Ombudsman) for the Rights of National and Ethnic Minorities in the Republic of Hungary. He was re-elected in this capacity in 2001. As a founding member of the so-called "Minorities Round Table" and the Commission of Experts he participated in drafting the Hungarian Minorities Act. Since 1996 he has been Hungary's Permanent representative on the Commission against Racism and Intolerance of the Council of Europe. From 1998 to 2003 he was Vice-President of this Commission. Since 1997 he has been proxy member of the Advisory Council of the European Monitoring Centre on Racism. He has authored countless books and scholarly articles on human and minority rights.

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Andrzej Mirga, Rom, ethnologist. First Romani student of the Jagiellonian University in Cracow and, later on a teaching staff member of the Department of Ethnography of Jagiellonian University (1981-1992). Cofounder of the Association of Roma in Poland and its first president (1991-1995). Consultant to Polish government and many international organizations. Member of the Project on Ethnic Relations, Princeton, US based non-governmental organization and the chair of its Romani Advisory Council. In 1994, together with three other Roma members of PERRAC, testified in the US Congress on the situation of the Roma in central and eastern Europe. Later on he testified at US Congress several times, so in 1999 on Roma from Kosovo. Member of the Council of Europe Specialist Group on Roma and Travellers (established in 1995); its co-chair and since 2003 its chair. In 1996 he attended the Council of Europe' fact-finding mission on the situation of the Roma in Bosnia and Herzegovina. While serving to the Group, he produced a number of reports. His paper on 'Human Right Problems Faced by Roma/Gypsies in Europe' became a basis for adoption of a Memorandum on this subject to the Committee of Ministers; another on 'Strategic Elements of Education Policy For Roma Children in Europe' has been adopted as Memorandum to above mentioned Committee. Both gave birth to recommendations adopted by the Council of Europe later. Fellow of the Kosciuszko Foundation at the Rutgers University, New Brunswick, US (1999-2001). Actually is teaching at the Pedagogical Academy, Cracow. His Publications

include *Odmienność i nietolerancja. Przypadek Cyganów* (Difference and Intolerance. The Case of Gypsies, with L. Mroz, 1994), *The Roma in Twenty-First Century: A Policy Paper* (with N. Gheorghe, 1997), *Romowie - proces kształtowania się podmiotowości politycznej* (The Roma - formation of political subjectivity, ed. Piotr Madajczyk, 1998). Author of a dozen articles in Polish and in English and of several PER Reports; *Roma and the Law: Demythologizing the Gypsy Criminality Stereotype*, PER Report, Princeton, 2000; *Roma and the Statistics*, PER Report, Princeton, 2000; *Leadership, Representation and the Status of the Roma*, PER Report, Princeton, 2001; *Roma and the Question of Self-Determination: Fiction and Reality*, PER Report, Princeton, 2002.

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Peter Thelen, born in 1942 in Berlin. He graduated from the University of Cologne in economics in 1968 and started work in the research institute of the Friedrich-Ebert- Foundation. As of 1973 he was engaged in various international functions for the Foundation in Bonn and was also director of its Brussels office (1973-78), in Budapest (1990-2003) and in Skopje (2003-5). In 1994 he started working with Roma as part of an ongoing education project for members of the local Roma self-administrations in Komitat Tolna in South Hungary. He launched a similar program, focusing on defining education content for the Roma participants, for young Roma in Macedonia in 2004.

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