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**ROMA, PUBLIC POLICY AND ETHNIC MOBILISATION  
IN NATIONAL AND TRANSNATIONAL CONTEXT**

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# ROMA, PUBLIC POLICY AND ETHNIC MOBILISATION IN NATIONAL AND TRANSNATIONAL CONTEXT

## ABSTRACT

*Three strategies of political organizing of Roma can be identified in the 1990s. First, the advocacy of human and minority rights leading to Roma policy change. Second, attempts to seek meaningful trans-national recognition in a form of a non-territorial state or Romani nation. Third, attempts to seek political representation in legislature and executive within the state. The first strategy, using advocacy mechanisms of the international system and trans-national political processes such as the OSCE and the Council of Europe could be classified as the most successful. The second strategy, despite support from some states, stagnates in the moment and its inconclusiveness raises appetite of Romani agitators to campaign for trans-national representation alternatives, such as a Romani Rights Charter or trans-national policy advisory body. Third, political representation of the Roma within the political mainstream in each state is one of the least successful strategies. Consequently, we have seen trans-national mobilization of Roma diaspora networks to establish trans-national political representation. With the human and minority rights agenda being most successful we have seen a development in a direction of widening a gap between policy approach resulting from an increased responsibility of the state and on the other hand full integration of Roma within societies. Increased interest in policy change does not bring increased interest in Romani issue inside mainstream political parties, which remain unchallenged with the calls of the international community or governments' obligation to preserve diversity within the state. Hence the integration of Roma into societies and policy development follows the line of social policy approach. The trans-national organizations, conceptualizing Romani policy have viewed the Romani issue as a matter of improvement of few technical legal aspects, such as for example adoption of anti-discrimination legislation. Within the functioning of international system, they have called upon states to improve policies towards Roma. Improvement of technical aspects has consequently taken place in policy change towards Roma and the administration of Romani issues at the level of state bureaucracy. Yet, social policy has not increased inclusiveness of societies Roma have felt to be excluded from. Political representation, one of the principle requests of Romani elites remains unrealized within national constituencies, which accelerates motivation for trans-national political organizing.*

In their policy paper published in 1997 'Roma in the twenty-first century', Andrzej Mirga and Nicolae Gheorghe, both sociologists and Romani activists wrote and I quote:

“The Romani community needs new ideas to govern and mobilize itself, and it is the Romani elites who must fashion those ideas. Which notion will embody the will to self-determination and the demand for political recognition of the Romani People - a Romani nation in diaspora, a Romani transnationality, a Romani nonterritorial European minority, or even a Romani nonterritorial state? Should the Romani elites support the idea of Romani ethnic groups, each developing its own politics and strategies within the borders, legal frameworks, and limits of a given state? Should they struggle for specific rights as envisioned in the concept of a charter of Romani rights? Is the human rights approach, demanding equality and non-discrimination, the one idea than can overcome all the problems facing the Roma? Or should the Romani elites focus on the notion of a Romani enlightenment, a Romani emancipation, and a Romani integration as an avenue for overcoming humiliating Romani position in society? Should it turn toward social and economic rights a strategy for their own community? Should the elites 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” (Mirga and Gheorghe 1997)?

This paper seeks to address three strategies of the Romani political organising: **human and minority rights advocacy, nation building and political representation**, with reference to the development in the 1990s. How came these strategies into being and how well have they coexisted with each other? How has the policy making towards Roma, taking place in the capacity of national governments addressed Roma's attempt to seek meaningful (particular) trans-national recognition and inclusion in the political process in each state. Does the functioning of democratic system and structure of wider international society, increases tendency for success of one of the strategies, regardless of wishes of its undertakers? Will those policies promoted at the trans-national level improve integration of Roma?

Roma have been identified as the largest and the most impoverished European minority, living at what some called “margins of societies” without access to political power for centuries (Barany 2001). European minority is an aspect of their trans-national existence, whereas they have lived dispersed throughout most European countries, without forming a titular nation in any of them. Hence, some authors also called Roma trans-national minority (Wolf 2003: 3). While official estimates of their number in Europe range between eight to ten million with the two thirds of Roma living in the Central and Eastern Europe, one cannot with certainty confirm the number of Roma in each European country. Hence next to official census statistics, qualified estimates are given to illustrate the real number of Roma living in each country. Today, Roma are dispersed throughout all European countries. Even a low-ball estimate of the number of Roma in Europe exceeds the respective populations of Albania (3,364,571), Bosnia-Herzegovina(3,482,495), Croatia (4,676,865), Cyprus (754,064), Denmark (5,356,845), Estonia (1,408,523), Finland (5,158,372), Ireland (3,632,944), Latvia (2,353,874), Luxembourg (429,080), Macedonia (2,022,604), Malta (381,603), Moldova (4,460,838), Norway (4,438,547), Slovakia (5,396,193), and Slovenia (1,970,570), or in other words, 1/3 of the states of the Organisation for Security and Cooperation in Europe.<sup>1</sup> In many countries, such as Slovakia or Bulgaria Roma are reported to be the fastest growing ethnic group. For example, the 1992 Bulgarian census indicated that 23.2 percent of the Romani minority was under the age of nine, compared to 12 percent of the ethnic Bulgarian population (Mann 2000b: 19; Vaňo 2001: 12).

In the early 1990s, when first anti-Romani pogroms occurred in most of post-communist states, Romani agitators in response called for using three concepts of Romani organising: (1) national human rights (2) nation and (3) political representation . It was hoped that combination of all these strategies will lead to improvement of situation of Roma, emancipation and enlightenment of the Romani *Volk* and both participation on political life in their home countries as much as an unification across borders. I will summarise debates and development around three strategies: rights, nation and representation.

### **Roma Rights – Roma Policy**

During the 1990s, the policy towards Roma, discussed at trans-national and national levels and connected with broader development surrounding international norms, has been pulled between minority and human rights concept. While the first mostly concedes positive rights to group the later assigns negative rights to individual. In light of the unique situation of Roma, identified by not having a kin-state, both concepts run into limitations. In most of the post-communist countries in Europe, Roma were recognised as a national minority only with the fall of Berlin wall and continue to experience growing level of hostility and discriminatory treatment in their home countries.

National minority concept, bound with territoriality principle, applied on analysis of situation of the Roma, especially in the early 1990s does not fully apply on the situation of Roma, because it limits their attempts to build trans-national Romani solidarity. Acton and Gheorghe (2001) mention an example of a Romani group *Kalderasha*. Hardly, they argue, one can imagine, when *Kalderasha* from New York, Paris, Warsaw, Berlin, Vienna etc. meet would lead discussion about their situation using minority rights concept as a reference point. Human rights concept with its universal appeal to equality, on the other hand, does not accommodate the aspiration of some Romani politicians for meaningful particular political recognition. Some argued, that Romani people are to be viewed as a world-wide diaspora, connecting five continents, sharing citizenship and multitude of state while lacking a territory of its own (Acton and Gheorghe 2001: 55). European Romani diaspora, linking western Europe with the Eastern Europe have effectively cooperated on improving policies towards Roma and on trans-national building of the Romani issue. Especially human rights campaigns against forced return of Romani migrants such as the campaign for *Bleibrecht* of the Roma from Yugoslavia and Poland in the late 1980 in West Germany and recent *Bleibrecht* campaigns of Roma and Sinti for Roma refugees from Kosovo and Bosnia and Herzegovina have set of style of organizing and agenda for growing Romani movement in the 1990s. As Gheorghe argues, the Romani migration is the only truly trans-national theme in Romani political organizing (Gheorghe 2001: 14-17).

At the level of trans-national organisations the issue of national minorities and human rights was defined a matter of international security and therefore no longer an internal concern of a state. Rights approach was especially emphasised and need for improving legal framework and implementation of existing laws.

Yet, the approach of states took direction of developing social policy. None of the post-communist Central European states, for example, saw matters of national minorities and human rights as an issue of national interest and mainstream political parties generated negative discussion around Romani issues rather than taking a positive integration approach.

How states come to change their approaches to Roma is an important and timely issue, especially in the current debate over a beginning era of ‘post-national constellation’,<sup>ii</sup> where by “[...] expanding the parameters of implementation of human rights, the nation state made possible [...] more abstract form of social integration beyond the borders of ancestry or dialect” (Habermas 2001: 61).<sup>iii</sup> Principle of people holding power within the states – and there also legitimate sovereignty within international society – reinforces the duty of states to respect human rights, which consequently becomes a norm of international society, enshrined in international law. No government is now willing to admit that its domestic policy aims at the denigration of human rights, which is a significant modification to international society (Vincent 1986).<sup>iv</sup> Ideas have played a role on the international scene in the same way as interests do (Postel-Vinany 2001).<sup>v</sup> States have chosen different paths of policy of Roma integration. States have radically changed their approach to Roma and now pursue policy addressing Romani social exclusion. Yet, these incremental policy adjustments to accommodate Roma rights, but have avoided altering the ideas of nationhood or provide effective structures for political participation of Roma.

The forming Romani trans-national elite used the medium of advocacy of human and minority rights and lobbied the Roma rights high on the agendas of trans-national organisations, such as the OSCE and the Council of Europe in the early 1990s. Through this strategy they gained power to shape the multilateral international agendas and *ipso facto* the agendas of national governments. Consequently, inter-governmental and domestic agendas went from general topic of democratisation to detailed attempts to identify social, housing, employment, educational and health discrimination of Roma as the cause for action. Gheorghe argues that trans-national networks of the international organisation are better to use as a tool for achieving equality and universalistic identity (Gheorghe 1997).<sup>vi</sup>

#### Adding legitimacy

The most remarkable development in Roma policy change around 1998 was the shift in norms, which opened up space for new voices by altering contexts and making new types of action possible, such as campaigns for Roma rights, which in a deeper sense of rights, emerged virtually out of nowhere. For example, in the absence of any norms about Roma and/ or about discrimination, Roma claims about discrimination and racially motivated violence cannot be heard. Once norms are developed stating that Roma have a right not to be harassed, Romani claim can be heard as coming from legitimate voices. With norms about equality in place, marginalized actors or their advocates can harness the rhetoric of equality to make their case for different treatment and to call into question the “naturalness” of the dominant, racist and mostly non-written norms.

Public policies in order to become human rights policies had first to brake away from the pre-1990 policies, where the dominant trend has been that of assimilation of Roma, either by forced administrative measures or by softer milder ways such as ‘assimilation plus social integration’ and second, firmly reject the perverse nature of policies right after the end of communism: where most of the political parties used either nationalism to exclude Roma as legitimate members of the society or extreme interpretation of republican democracy, which sort became a model for the countries in transitin to follow. Consequently, arguments of protecting the “moral citizen” and reducing “level of Gypsy crime” could have been heard in Poland, the Czech Republic, Hungary, Germany and Slovakia.

Before norms have been used instrumentally in Roma rights politics, they had to create first possibilities for their use by (1) adding actors and (2) adding meaning.

(1) Adding actors: It is essentially governments who define agendas and actions of human rights research, monitoring and reporting and even advocacy by having/ or not having policy stand.

(2) Adding meaning: To understanding rapid policy development requires seeing the political importance of meanings—perceptions of what a thing, person, policy, or action *is*.

To summarise, there are two notable factors, which caused shift in meaning during 1990s:

**First, Roma have been increasingly seen as national minority.** In some states this new meaning/ definition, was received with hesitation – as the states did not view and did not want to see Roma as national minorities – arguing that because of lack of distinctive factors – Roma do not qualify as national minority. In this sense, debates on “special situation of Roma” and “unique status” were going on, with governments tending to recognise Roma as ‘social strata’ and/ or ‘ethnic group’. Not to forget about certain type of academic writing, speculation on a design of good policies towards Roma – whether policies should be drafted as towards national, ethnic minorities or immigrants (Barša 2001: 243-258).<sup>vii</sup>

**Second, the policy makers, drafting policy towards Roma have increasingly emphasised fostering non-discrimination in the treatment of the Roma.** However this development has not taken place until the pressure from the European Union and their effort to demand real compliance with the Copenhagen (entry) criteria for EU Accession states.

Hence, we can conclude that ethnic status of a national minority, which emerged in the 1990s is more a consequence of policy that a determinant of it. The same time, because the campaigns of for Roma Rights uses human rights treaty based processes and political processes anchored within the international space, one has to claim national minority status for sake of having impact in the process of rights advocacy (Acton and Gheorghe 2001: 63).

#### Mechanisms

Two types of mechanisms in policy change have been utilized: first, the human rights treaty based processes under the UN and European Convention system and second the mechanism of political processes under OSCE, Council of Europe and EU.

Under the political processes, which greatly influence the policy making towards Roma, falls the work Contact Point for Roma and Sinti Issues, housed within the OSCE Office for Democratic Institutions and Human Rights, established in 1994 and High Commissioner for National Minorities, with a seat in Den Hague established in 1992. The Council of Europe offers the European Commission against Racism and Intolerance (ECRI) and number of committees where policies have been discusses (family, social matters etc.).

#### Policy change

As a consequence of policy lobbying and Roma rights campaigns, governments of CEE states faced with the process of EU enlargement and Copenhagen criteria, requiring rule of law, democracy and minority protection, drafted policies towards Roma and included them in the process of policy formation. In other words, they moved on the spectrum of exclusion, assimilation, coexistence and multiculturalism.

Under a model of **exclusion**, the intent of state policy is to minimize the entry of Roma into politics and to exclude Roma from any form of integration. The Czech Republic, Slovakia in the period 1993-1997, Poland until 2001, Hungary between 1990 and 2000 fit into this category. In each case state policy involves temporarily letting Roma in few meetings with the government, the assumptions being that Roma will back down when they feel no real space for their political participation. Only minimal rights are extended to them, and there is an explicit policy of preventing them from integrating, expressed in policies that as a result turn large Romani populations into socially dependent and as it was in the case of the Czech Republic and Germany stateless.

States with an **assimilation** ideology and policy accept Roma but expect them to subordinate their culture and language to the majority culture and language and to adopt the behaviour of a dominant group. Acceptance of Roma is often determined by perceived levels of assimilability. For example, the Czech Republic, Slovakia, Hungary, Poland had explicit assimilation policies in the past. In all states Roma were accepted based on the perception of their ability to assimilate to the majority cultures, and they were expected to do promptly.

In states with a policy of **co-existence** Roma and minority groups are not required to subordinate their own language and culture, but their culture, and diversity in general are not seen as contributing to a larger whole. The Czech Republic's, Slovakia's, Hungary's current approaches to Roma fit this pattern. It is now accepted that Roma will reside in their respective countries and they have fairly extensive social policy formulated. Yet there is little attempt to re-think the Czech, Slovak and Polish nations in such a way that non-ethnic Czechs, Slovaks and Poles could be included in a fuller sense.

Finally, in state with a **multicultural ideology**, policy of diversity and Roma culture are seen as contributing to the identity of the state. Multiculturalism can take the form of various cultures melting into one framework (as long as the process is two way), or a mosaic framework where many cultures coexist but see themselves as forming a greater whole. Such recommendation was made by the European Union, OSCE and Council of Europe, yet, none of the states examined reached that level of development.<sup>viii</sup>

Roma or their advocates increasingly speak the language of political and civil rights. In the early 1990s, both governmental and Romani representatives tended to speak of Romani problems as "social and economic" - both sides acknowledged the high unemployment rate among Roma. This kind of rhetoric very much reflected the success of fifty years of communist indoctrination. Today, although government officials still routinely deny that Roma face human rights violations, Roma demonstrate a new understanding that unremedied work place discrimination and *de facto* segregated schools are the true cause of high Romani unemployment. This new understanding has carried over into the community's ability to self-organize. A good example comes from Bulgaria: in 1999, some 70 Romani non-governmental groups banded together, wrote a policy platform for Roma that included a demand for anti-discrimination legislation, and then effectively forced the Bulgarian government to adopt their platform instead of the watered-down version drafted by the government.

Policy becomes politics (Dye 1972:2). Policy making towards Roma has established the issue of Roma as a matter of policy and reinforced this understanding by the majority non-Romani populations. Policy formation, a matter for administration of the state reinforced the formulation of the Romani issues as a sole matter of social policy, hence distance in terms to the concept of nation or political representation. More participation of the Roma in rights advocacy will probably improve policy in a long term though, the limits of what can be achieved through Roma rights strategy lay in the definition of state and state administration. Issues such as political representation or trans-national recognition lay outside the scope of public policy.

### **Romani Nation - Attempts for Unification**

One of the biggest dilemmas of the Romani movement today seems to be the decision whether to seek political recognition as a unified group across borders, or seek political representation within each political system. (Barša 2000). According to Barša the Romani migration to the West, especially to Germany contributed to reformulation of Roma identity. The debate in Germany whether the Roma and Sinti are one of 'Volksgruppe', that is a German ethnic minority, or they are part of pan-Romani and pan-European nation has been paradigmatic of the last decade' discourse among Romani leaders in Europe. As he points out "The fundamental dilemma faced by the Romani population of central, east, south-east Europe, but also by the governments of this region consists in the question of whether to approach Roma as one nation dispersed around various nation states or whether the various Roma populations should be understood as ethnic groups belonging to individual nations and their territorial states." For some governments and Romani activists alike however, there is no dilemma whatsoever to hold both position; the Czech's government recognized the existence of Roma nation in signed memorandum with the International Romani Union and, at the same time, treats legally the Roma as national minority within its borders. Similarly, in a policy formation towards Roma and in a response to the increasing criticism of the European Union, the Roma policy makers have proposed Europeisation of the Romani issue. Using a reference to Indian context, a country, which is the ancient homeland of Roma, they called for "sanskritisation of the Roma", meaning address policy, position of Roma from trans-national level.

Conceptualisation of the Romani issue at the trans-national level as a matter of policy formation process and consequent updating of national policies towards Roma, caused rising level of trans-national Roma issue building. While some trans-national Romani actors have limited themselves to lobbying for improvement of Roma Rights, such as the Hamburg based Roma National Congress, some, such as the Prague based International Romani Union have taken the concept of "nation," advancing their political interests at trans-national level, calling the attempt "an emancipation process of Roma." The Romani People, the Romani nation in diaspora, Romani transnationality, Romani nonterritorial European minority, or even Romani nonterritorial state were all ideas of Romani leaders driving their attempt for unification of the Roma. However, Romani elites are divided as regard the prime Romani interest, or even more, that it remains 'elusive', difficult to define and agree upon (Project on Ethnic Relations 2002). Competing visions have been presented that of the International Romani Union (IRU) and the Roma National Congress (RNC), two clearly leading trans-national Romani NGOs.

The RNC in its Report on the Condition of Roma in the OSCE Region recalls the principle of self-determination; "Instead of taking the demands of independent Roma NGOs seriously, an aiding industry was created that does not care about the Roma's right of self-determination", and on p. 19; "The current development in Europe however clearly shows that Roma, regardless of their social status, are confronted with overt, Antigypsy hostility. Such hostility cannot be abolished through welfare or development projects. In order for social development projects to succeed, Roma must be granted guarantees for protection of civil liberties. This means a change in the political status of the Roma toward political, social and cultural self-determination" (Belkin 1996: 2).

The IRU in its declaration of a nation without a state refrains from referring to this principle. In the statement of the IRU President expressing his position towards the Finish President initiative he openly contests it by underlying: "[w]e are not in search for a self-determination of the Roma in Europe)". Despite this declaration however, its an open question how to interpret the very fact that at its last Congress the IRU established a whole new structure resembling a state (President, Parliament, Court, Government with its ministers - Commissioners). To this we shall add existing symbols of the Romani nation - flag, hymn and language.

Both organizations also operate with the concept that the Roma are a nation and that is a base for specific claims to attain or be granted with political status only a little bit short of that of a state. At least requests to become a subject of international law, in the case of the RNC through the legally binding Charter of Romani Rights signed by the states, and in the case of IRU through recognition of the Roma nation without the state, suggest that. Both organizations seek seats assigned to Roma representatives in international organizations and that is another sign of a will to self-determination or a wish to attain equal status with member nations of those international bodies.

Recommendations for the NGO Forum at the World Conference Against Racism in Durban (2001) contain similar demands, in this case however, the request or wish to have Roma treated on 'equal footing with other nations of the world' has been spelled out. The final document from Durban - Declaration and Action Plan did not include those recommendations (see points 39 -44 of Action Plan).

The 'Romani Activists' Network on Legal and Political Issues - RANELPI', a Belgium based federation, took the initiative of drafting so-called 'Moral Charter of the Romani nation in the EU'. In chapter 6 of this draft is stated the following: "The European Union acknowledges the existence on the territory of its Member-States of a Rromani nation without a compact territory. The definition of the said nation is one, which the nation gives itself (...) the EU declares the Rromani nation living on its territory (is) one of the constituent nations of Europe, in full equality (...) with other nations (...) irrespective of their relations with States and territories". Obviously the draft builds on the IRU declaration of a nation but by limiting its notion to the Romani population of the EU falls short of the IRU's universal perspective. Nevertheless the demand to have this Charter recognized by the EU and its member states (including its future members) represents the same drive to self-determination as in the case of the RNC and IRU.

The RNC proposed Charter demands as well both - political recognition of Roma as a national minority (p. 22 of the Report) and elected representatives of the Roma nation (p. 26). Usually international

organizations refrain from referring to Roma as a nation. That is not the case with the Romani and non-Romani nongovernmental organizations which are less concerned how to categorize the Roma.

There is an increasing gap between Roma involved at the national level and Roma calling for trans-national recognition in a form of nation or Charter of Romani Rights. While Roma, involved in policy formation process have to some extent feedback to real Romani constituencies, Roma active at the trans-national level, by rules of game forced to use references and language of the human rights advocacy have no such feedback from Romani grassroots. And this has become the most troublesome point in Romani organising. What is more important, symbolic organising or real-life organising, seeking recognition of nation or having real impact on improvement of lives of Roma in their countries? Here the third and most underdeveloped or least successful strategy, the political representation of Roma is an missing element in successful integration of Roma within societies.

### **Political Representation – Missing Element of Integration**

While in the early 1990s, Romani political representatives were elected into legislature in former Czechoslovakia, Romania and Hungary in the national Parliaments, revolutionary euphoria to which many Romani leaders ascribe this momentum, ran out quickly. For most of the 1990s, Roma remained political underrepresented in legislature and consequently executive. By the end of the 1990s, mainstream political parties, on which tickets Roma attempted to run for office had been absent to the discussion about diversity, minority policy or human rights. Whether the Romani activist want to see this or not, the Romani issue remains predominantly a concern of state administration and social policy. The trans-national processes of rights advocacy and domestic rights advocacy reinforced so far this development.

The political representation of minorities in the legislative and executive levels of the state has been identified by various types of organisations, operating in national security, conflict prevention and/or human rights paradigm as prerequisite for healthy functioning of a democratic political system and a measure for increasing security.<sup>ix</sup> In the Resolution on Roma Education in the Berlin Declaration of the OSCE Parliamentary Assembly and Resolutions adopted during the eleventh annual session in Berlin on July 10, 2002, Parties agreed to develop anti-discrimination legislation and welcomed the Finnish initiative to set up a democratically elected European Roma Consultative Forum that can articulate and transmit the voice of Romani individuals and communities.”

Similarly, the mission of the Council of Europe recommended on political representation of Roma, in the Recommendation 1557 of 2002. The Recommendation 1557 reads:

*“Member states of the Council of Europe should encourage Roma to set up their own organisations and participate in the political system as voters, candidates or members in national parliaments. **Incentives should be provided to mainstream political parties to include Roma on their electoral lists, in electable positions (emphases added).** States are encouraged to devise and implement policies aiming at the full participation of Roma in public life, and at all levels of administration, as well as the strengthening of democratic Romani constituencies. Romani communities, organisations and political parties should be given the full opportunity to take part in the process of elaborating, implementing and monitoring programmes and policies aimed at improving their present situation.”<sup>x</sup>*

Instructive is also Article 2(2) of the Framework Convention on National Minorities, stating: “Persons belonging to minorities have the right to participate effectively in ...public life” and Article 15, which reads: “Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.”

The larger illusion that is definitely to avoid to promote here is that human rights is above politics, a set of moral trump cards whose function is to bring a political disputes to closure and conclusion. At best, rights create common framework that can assist parties in conflict to deliberate together. Common language, however, does not necessarily facilitate agreement. Rights conflict, and as there is no unarguable order of moral priority in rights claims, we cannot speak of rights as trumps. The idea of rights as trumps implies that when rights are introduced into political discussion, they do serve to resolve the discussion.

In fact, the opposite is the case. When political demands are turned into rights claims, there is a risk that the issue at stake will become irreconcilable, since to call a claim a right we call it nonnegotiable, at least in popular parlance. Therefore it is necessary to find out how to express basic values currently expressed as rights in ways, more closer to what constitutes public/ common good.

While advocacy of rights has been instructive in policy change, political representation of Roma rests on organisations separated from the state – political parties, which to large extent have generate negative debate over Romani issues, calling them matter of “crime prevention” or “increasing order to protect a moral citizen”. Political parties in post-communist states have not been tied in any way to the discussion on policy formation at the trans-national level. Consequently, they did not react to appeals of international community to increase presence of Roma in public life. Roma remain under-represented in legislature and executive.

Reflections on political representation lead us directly to the central questions about the nature of government (Birch 2001: 104). Abraham Lincoln described democratic government as a government “of the people by the people and for the people“, presumed to be citizens. Question ‘who constitutes the category of people?’ has changed over time due to minority and human rights revolutions and development in international law after the Second World War. General agreement on the political rights as human rights, frames the concept of equal access to representation and there is no dispute that people of colour, women, and people with disabilities have a right to be equally represented in legislature and executive of representative democracies as well as in the state administration structures, taking part on the policy making process.

Political theorists from Rousseau onwards have either urged or assumed that a proper system of government must provide opportunities for political representation by ordinary citizens (Birch 2001: 104). T. H. Marshall describes citizenship as three sets of rights: civil rights to liberty and equality before the law, the political right to vote and to participate in the political processes, and the social rights to participate fully in the way of life that is shared by citizens as a whole (Marshall 1950). However, in modern times, the concept of citizenship has been applied insensitively to groups with diverse backgrounds (women, ethnic minorities, homosexuals etc.). Campaigns for equal representation, which escalated in the social movement of underscored groups during the 1960s and 1970s in the Unites States, echoed in the Romani movement in the post communist countries during the transition period in the 1990s. Still, by 2002, improvement of political participation and representation of Roma appears in policy recommendations of trans-national organisations – the European Union (EU), the Organisation for Security and Cooperation in Europe (OSCE) and the Council of Europe (CoE) and remains to large extent unfulfilled.

The most up to date general statement of the Council of Europe on political participation and representation of Roma in the Recommendation 1557 (2002) reads:

*“The Assembly calls upon the member states to complete the six general conditions, which are necessary for the improvement of the situation of Roma in Europe: [...]*

*to involve representatives of Roma at all stages of the decision-making process in developing, implementing and evaluating programmes aimed at improving the conditions of Romani individuals and communities. This involvement should not be limited to consultation only, but should take the shape of a real partnership; [...]*

*in. encourage the presence of Romani members in national parliaments and encourage the participation of elected Romani representatives in the regional and local legislature process and executive body; [...]*”<sup>24</sup>

Disadvantage of the Roma in relation to their political representation was identified as having double and in the case of Romani women triple intensity (Recommendation 1557: 2002). Consider combining this fact with racially motivated crime, discrimination in various areas of life that Roma experience and we have a reality that violates the principle of citizenship as formulated by the political theorist T. H. Marshall. Roma have been largely excluded from the process of equal participation on public issues (*res*

*publica*), what James Tully called ‘the empire of uniformity’, an imaginary social contract between the body of citizens as a whole (Tully 1995).

Governmental policies towards Roma, formulated during the 1990s are ambivalent on the issues of increasing representation of Roma. While in the Czech Concept<sup>xiii</sup> defines political representation of Roma as one of its main objectives, Polish ‘Malopolska Programme’<sup>xiii</sup> includes achieving full participation of Roma at the level of civil society, however no concrete means of promoting the participation or representation of Roma in legislature or the state administration are proposed. The Slovak Strategy<sup>xiv</sup> emphasises the need to provide opportunities for the Roma to participate in resolving “their own problems,” yet it fails in conceptualising means for reaching this objective. While the state administration, a primary implementer of Roma policy is in a position to increase presence of Romani bureaucrats it has no means to interfere in increasing Romani representation in the Parliament. In parliamentary democracies, the electoral process and the organisation of political life in political parties is the key for increasing presence of Romani representatives. Yet, so far, as we look across Central and Eastern Europe, Tully’s empire of uniformity, a social contract that presumably applies to all citizens equally, leaves out those (Roma) who fall out of the ranks of uniformity of population and continue to demonstrate many historical injustices (Hindess 1998: 100).

For democrats, however the challenge is to design a system, where political aspiration of minority groups can be expressed in more rather than less democratic and inclusive way (Shapiro 1999: 216). In other words, increasing presence of Romani legislatures has to do more with the elections and organisation of political life within each state. Political parties are the key players in the power division process within the democratic system. Comprehensive policy change in recruiting candidates on party electoral lists would increase presence of the Roma in legislative and executive bodies. However, this change requires either change in electoral laws or change in implementation of the existing laws. Moreover, it requires convincing political public, and both political party leaders and rights groups to actively promote non-discrimination in implementation of political rights of minorities in the process of electoral competition and establish equal representation of minorities a matter of national interest.

## Conclusion

Three strategies of political organising of Roma, seeking three varying ends – improvement in policy and situation of Roma, symbolic recognition and improvement in political representation have met with varying success. The most successful, the improvement of policy runs short in including questions of representation and symbolic recognition. The lack of political representation and inclusion of Roma in domestic political opportunity structures, reinforced trans-national political representation issue building and leads to variety proposals without a feedback to Romani grassroots. Hence, policy towards Roma is formed by one group of Romani elite, while the political representation model is supported by other group of elites. Mainstream political channels do not react to the calls of international community to preserve diversity within their structures and remain non-inclusive towards Romani political representatives. Full integration of Roma, however, will not take place at the level of social policy, but on the level of full integration through meaningful participation in public life. Establishment of the Romani issue as a matter of policy, reinforced by trans-national human rights networks brings paradoxical results – continuing lack of inclusion in their home countries. This confirms, that any ethnicisation of rights is not a good idea in the context of CEE and rights cannot be viewed as standing above politics as moral trumps.

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