



# Political Discrimination of the Roma in the European Union

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**Corso di diritti umani e diritti delle minoranze**

**Titolo della tesi:**

**Political Discrimination of the Rroma  
in the European Union**

**Relatrice**

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*Nashti džas vorta po drom o bango*  
*[You cannot walk straight when the road is bent]*  
*- a Rromani proverb<sup>1</sup>*

## **Introduction**

This thesis was born out of astonishment over the fate of the Rromani people in Europe. It is known that the Rroma, or Gypsies as many people call them, are often poor and that many people do not like them. Yet, a proud European when reading the Amnesty International briefing *Europe: Discrimination Against Roma*,<sup>2</sup> will soon go back to the cover page, to make sure the region he or she is reading about is indeed Europe. The level and amount of discrimination that happens to Rroma in Europe is hard to imagine and, at the same time, easy to omit.

Because of my academic background in philosophy, I tend to believe that our understanding of words and concepts, as well as the attention (or lack of it) that we pay to the conceptual and philosophical “bubble” around us, does influence reality. Because of that, I decided to write this thesis and to challenge, using available theoretical frameworks, some commonsense presumptions over the place of the Rroma in our common, European, socio-political sphere.

The presumptions which I am addressing are:

1. The Rroma are not p o l i t i c a l l y discriminated in the EU (nor probably anywhere else).

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<sup>1</sup> After: Yoors J., *Crossing*, Simon and Schuster, New York 1971, p. 98.

<sup>2</sup> *Europe: Discrimination against Roma*, Amnesty International Media Briefing, October 25, 2007, AI Index: EUR 01/012/2007. Available at: <http://www.amnesty.org/en/library/info/EUR01/012/2007> [last accessed on June 18, 2009, 21.48 CET]

2. The fate of the Rroma is all “in their hands.” The same as they may work or learn if they only decide to do so, they may also enter the political arena and they would be treated as anyone else.
3. There is no conflict between the Rroma and the non-Rroma.

The first two of these presumptions are addressed mostly in the first two chapters of this thesis. In these chapters I illustrate the framework in which Rroma have to operate when they decide to struggle for their rights using available legal and political structures. The third chapter deals with the issue of conflict. It is meant to further underline the necessity of overcoming this conflict and finding mutually beneficial and just solutions.

## **The Rroma**

I take a strong stand that there is no reason not to consider the Rroma a nation, a people, or an ethnic group.<sup>3</sup>

The main reason, argued by many academics and some politicians, to deny the Rroma possibility to use these labels is the heterogeneity of the Rromani people. Indeed, Rroma for centuries have lived in communities often isolated from other Rroma groups and as a result they have a huge range of very diverse customs, they speak a number of dialects, and have a big spectrum of identities which range from pan-Rromism and Rroma nationalism to believing to be of a completely different folk.

What do these communities have in common? Klímová-Alexander lists two prevailing issues: a historical origin in North-West India, and that they speak or used to speak one of the dialects of Romani – a language with clear roots in Sanskrit, or para-Rromani – dialects of European languages with part of the lexis originating from Rromani (e.g. Spanish Caló).<sup>4</sup> Other similarities are

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<sup>3</sup> A discussion over these terms is provided in the first chapter of this thesis.

<sup>4</sup> Klímová-Alexander I., *The Romani voice in world politics: the United Nations and non-state actors*, Ashgate Publishing, Ltd., 2005, p. 13. Concerning the language cf. Matras Y., *Romani: a linguistic introduction*, Cambridge University Press, Cambridge 2005.

also being drawn, like the ways of thinking about cleanliness or propriety.<sup>5</sup> What brings these groups together is, as Acton puts it: “common experience of persecutory and genocidal racism.”<sup>6</sup>

I believe that the mentioned common experience, traces of common language, origins, and “other similarities,” as well as the strong differentiation between the Roma and the non-Roma (*gadje*<sup>7</sup>) are more than enough to perceive the Roma as an ethnicity, a nation or a people. It is not hard to think of other groups, not less heterogeneous, which are without any questions considered nations, peoples or ethnic groups. E.g. the Polish from the south of Poland and Polish from the north speak “dialects” of Polish which are not more mutually understandable than dialects of different Rromani groups. Similar is the case with Italians and their dialects or languages. The communities of orthodox Jewish rabbis in New York or Jerusalem who would consider looking on an unknown woman an act of adultery, do not really have much in common with communities lead by lesbian rabbis<sup>8</sup> who also consider themselves Jewish. Existence of the Spanish people is not questioned on a political level even though it is known that many of Spain’s inhabitants would rather consider themselves Catalan, Valencian, Galician or Asturian than Spanish.

For this I think that considering the Rromani people a nation, a people or an ethnic group is just a matter of will.

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<sup>5</sup> Acton T., *Authenticity, Expertise, Scholarship and Politics: Conflicting Goals in Romani Studies*, Inaugural Lecture Series, University of Greenwich 1998, p. 11. For more things that different Rromani groups have in common see: Tcherenkov L., Laederich S., *The Rroma: otherwise known as Gypsies, Gitanos, Γύφτοι, Tsiganes, Ṭigani, Çingene, Zigeuner, Bohèmiens, Travellers, Fahrende etc.*, Vol.1: *History, language and groups*, Vol.2: *Traditions and texts*, Schwabe, Basel 2004.

<sup>6</sup> Acton T., *op. cit.*, p. 11.

<sup>7</sup> In Rromani language - sing. *gadjo*, *gadji*, plur. *gadje* – lit. peasant(s) – non-Rroma, different from *amare Rroma* – one’s own Rroma community and *aver Rroma* – “other Rroma” – other, but still Rromani, communities.

<sup>8</sup> Cf. Trachtenberg Alpert R., Levi Elwell E.S., Idelson Sh. (ed.), *Lesbian rabbis: the first generation*, Rutgers University Press, New Brunswick, NJ 2001. Also: Eleveld K., *Mazel Tov to Lesbian Rabbi*, at: [http://www.glbtejews.org/article.php3?id\\_article=404](http://www.glbtejews.org/article.php3?id_article=404) [last accessed on November 28, 2009, 22.08 GMT].

Not withdrawing from what I said, I have to add that there is no consensus on how this nation / people / ethnic group should be called. As Roma/Rroma is also the name of some of the sub-groups of the community in question, which are different from Sinti and other groups which carry their own names, the general term Roma/Rroma is often opposed. Yet, in the academic and political discourse Roma/Rroma is used as an umbrella term for all those who are commonly called *Gypsies*. I use this term with a reservation, citing Klímová, that this is “without the implication that such homogenization is the correct approach.”<sup>9</sup> I also, synonymously use the term “Rromani people,” much wider accepted by the Rroma, Sinti, and other Rromani groups, and often used to underline common descent and to differentiate from the non-Rromani (*gadje*).

Not to ignore completely the voice of those who I make the object of this thesis, I spell Rroma and Rromani with double “r” following the writing style of the Rromani alphabet publicly recognised by the International Roma Union since 1990.<sup>10</sup>

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<sup>9</sup> Klímová-Alexander I., *op. cit.*, p. 13.

<sup>10</sup> Mile S., *Do we say gypsies, Roma or Rroma?* at *Cafebabel*, translated by Shabbir N., Babel International, September 17, 2008 available at <http://www.cafebabel.com/eng/article/26287/expresso-rom-rrom-gypsies-saimir-mile-language.html> [last accessed on June 2, 2009, 20.45 CET]

## **1. Collective human rights, terminology, and the status of Roma**

This chapter intends to link three issues: the concept of “collective human rights,” problems connected to finding a correct name for the Roma community worldwide (ethnicity, group(s), nation, minority(ies), etc.) and finally, the legal implications of agreeing or not agreeing on this denomination(s).

### **1.1. Collective Human Rights**

One of the greatest achievements of International Human Rights system is that these rights are of every human being despite his or her belonging or not belonging to any group or collective. For this, the notion of “collective human rights” is rare in international law.<sup>11</sup> The Universal Declaration of Human Rights does not mention collective rights, but they do quite clearly appear in the 1966’s International Covenant on Civil and Political Rights - part of the International Bill of Human Rights. In the article 1 of the covenant we read:

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<sup>11</sup> Steiner H. J., Alston Ph., Goodman R., *International Human Rights in Context – Law, Politics, Morals*, 3<sup>rd</sup> Edition, Oxford University Press, Oxford 2008, p. 153.



*(1.) All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.*

and

*(2.) All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.*

and further, in the article 27:

*In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.*<sup>12</sup>

The above mentioned articles contain the most important collective human rights, that is: *the rights to physical existence, to self-determination and to utilise natural resources.*<sup>13</sup>

Other international legal acts are usually just “variations” around these rights. For example the UN’s 1986’s Declaration on the Right to Development asserts that

*(1) (...) all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized*

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<sup>12</sup> *International Covenant on Civil and Political Rights*, Articles 1 and 2, available at <http://www2.ohchr.org/english/law/ccpr.htm> [last accessed on November 21, 2009, 00.45 GMT].

<sup>13</sup> Dinstein Y., *Collective Human Rights of Peoples and Minorities* in *International & Comparative Law Quarterly* (1976, 25) pp. 102-120, Cambridge University Press. Published online by Cambridge University Press 17 Jan 2008; p. 105.

and that

*(2)The human right to development also implies the full realization of the right of peoples to self-determination, which includes, subject to relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources.*<sup>14</sup>

It is not hard to see that the words of the Covenant are simply restructured here to assert the very same rights, in this case putting stress on, widely understood, development. The subjects of these rights are the “peoples” and “ethnic, religious or linguistic minorities” respectively. It is worthwhile noting here that, as Yoram Dinstein puts it, “collective human rights retain their character as direct human rights” and it is only because of the nature of these rights that they relate to collectives rather than to individuals.<sup>15</sup> In other words – for example, many aspects of practicing a religion (building temples, religious schools, processing food according to religious laws) or using a language only happen within a group, yet if a group is denied a right to, e.g. process food according to religious law, build a temple or publish in their own language, that denial affects each single member of the group individually, restricting his or her right to profess a religion, use a language, etc.<sup>16</sup>

This nevertheless is not the only understanding of the notion of *collective human rights*. It is sometimes argued that this expression is an oxymoron. According to Jack Donnelly the entire idea of collective human rights is “extremely controversial.”<sup>17</sup> Donnelly argues that for the collective human rights to be logically possible they would have to be substantially different, i.e. not-reducible to individual human rights. What is more, in case of a

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<sup>14</sup> *Declaration on the Right to Development*, Article 1, UN General Assembly Resolution 41/28 (1986), after: Steiner et al., *op. cit.*, p. 1443.

<sup>15</sup> Dinstein Y., *op. cit.*, p. 103. Also: Steiner et al., *op. cit.*, p. 153.

<sup>16</sup> *Ibid.*

<sup>17</sup> Donnelly J., *In Search of the Unicorn: The Jurisprudence of the Right to Development* in California Western International Law Journal 15 (Summer), pp. 473-509, after: Steiner et al., *op. cit.*, p. 1450.

conflict between human rights of the individual and social goals, interests and related rights of a collective, right of the individual *must prevail*. The author does not question the importance or the existence of group rights as such, but just opposes calling these “collective *human rights*.”<sup>18</sup>

For my argument the dispute over terminology is not essential. It is in any case agreed that, citing Donnelly, “groups, including nations, can and do hold a variety of rights.”<sup>19</sup> Yet, the idea of supremacy of individual human rights over group rights can easily become an important issue in relation to rights of “peoples,” religious groups, and minorities (including the Rromani). Rights of women and children are among those which can be continuously oppressed in result of a practiced understanding of a religion or ethnic/minority traditions. This phenomenon remains a challenge in implementation of international law.<sup>20</sup>

Leaving aside this problem I will concentrate on another linguistic issue, one that is fundamental for the Rromani. In the acts mentioned above, as well as in other acts and documents stating collective rights, these rights are presented as relating to either *peoples* or *ethnic, religious or linguistic minorities*.

## 1.2. Terminology

Who are then *peoples* and *ethnic, religious or linguistic minorities*? Religious and linguistic minorities are easy to define – these are people whose first language or religion are different from their country’s official language(s) or most practiced religion(s), and who nevertheless form a group of noticeable size (e.g. Mormons would not be considered a minority in

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<sup>18</sup> *Ibid.*

<sup>19</sup> *Ibid.*

<sup>20</sup> Steiner et al., *op. cit.*, p. 171.

Poland and Jews would not be considered a minority in China, as there is “too few” of them).<sup>21</sup> It is usually not further examined whether a member of a linguistic minority (e.g. Friulano or Kashubian) really fluently speaks their language or whether a member of a religious minority is really religious. The issue is more complicated with *peoples* and *ethnic minorities*, as “nationality,” “peoplehood,” and “ethnicity” are all subjects of infinite academic and non-academic discussions and arguments and there is by no means a consensus over exact meaning of these terms.

Dinstein differentiates between a nation and a people by saying that a nation “consists of the entire citizen body of a State” while “within the compass of one State and one nation there can exist several peoples.”<sup>22</sup> This goes in pair with the contemporary common understanding of the English word “nationality” as a citizenship and “peoplehood” as relating to what is often referred as “ethnicity.” Indeed, according to Dinstein for a certain people to exist, two conditions have to be fulfilled. First, “there has to exist an ethnic group linked by common history,” and second – this group should have “a present ethos or state of mind.”<sup>23</sup> So, in other words, a people is nothing else but an ethnic group with a present self-identity. Another two problems arise here – what is ethnicity and what kind of self-identity are we talking about here?

Historically, people started seriously talking about ethnicity when talking about race became shameful.<sup>24</sup> Nevertheless, some of the first ethnic theories

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<sup>21</sup> Recognition of a linguistic or a religious minority can also be a political issue. Notably the Rromani people, despite their number and centuries of living in Italy were not considered a linguistic minority by *Norme in materia di tutela delle minoranze linguistiche storiche* [Norms concerning the protection of linguistic and historical minorities] (Act of December 15, 1999, no. 482 published in *Gazzetta Ufficiale* no. 297 of December 20, 1999). Cf. Tavani C., *Keeping the Criminality Myth Alive: Stigmatisation of Roma through the Italian Media*, European Roma Rights Centre website <http://www.errc.org/cikk.php?cikk=2168> [last accessed on November 23, 2009, 12.17 GMT].

<sup>22</sup> Dinstein Y., *op. cit.*, pp. 103-104.

<sup>23</sup> *Op. cit.*, p. 104.

<sup>24</sup> Cf. Mayall D., *Gypsy identities, 1500-2000: from Egipcians and moon-men to the ethnic Romany*, Routledge, New York 2004, p. 189.

and understandings of the word “ethnicity,” back in the 1950s,<sup>25</sup> still treated ethnicity as a “biological unit” of a human race. The difference was mainly in agreeing that there exists neither racial purity nor racial hierarchy, but the possibility of inborn differences in a way of thinking or behaving was still being taken into consideration.<sup>26</sup>

In the further development of the concept of *ethnicity* David Mayall identifies three stages: ethnographic/primordialist perspective (characteristic to the research of 1950s-60s), circumstantialist/situationalist one (late 1960s-1970s), and the recent constructionist approach.<sup>27</sup>

The ethnographic/primordialist perspective would see ethnicity as something “natural and spiritual rather than being based in social interaction, self-interest or mutual obligation.” A particular ethnicity is a “matter of sentiments, bonds and attachments” and it is a result of “a long lineage of almost unbroken identity, common origins, language and way of life, immediate contiguity and kin connection, endogamy and tribal laws.”<sup>28</sup> It is then something inherited and not changeable. This approach probably remains to be the most common one, especially in the non-academic context. What else is asked on the many forms produced by diverse bureaucratic institutions? What are the arguments when a common ethnicity of different groups or the ethnicity of an individual are questioned? Are not these the language, identity, origins, or customs? It is exactly this approach that is the basis of saying “these people cannot be an ethnic group – they do not even understand each other” or “he is not a real ..., he does not even know how to make.... ” It is also because of this approach that we would consider a person a member of a folk even if they are excluded by the group itself (don’t we consider Spinoza Jewish?)

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<sup>25</sup> Namely Ruth Benedict’s repudiation of racial classification and the UNESCO statements on race. Benedict R., *Race and Racism*, Routledge & Kegan Paul PLC, London 1942. *UNESCO Statements on Race* published 1950 and 1952. After: Mayall, *op. cit.*, pp. 189-190 and 212.

<sup>26</sup> *Op. cit.*, p. 190.

<sup>27</sup> *Op. cit.*, p. 193.

<sup>28</sup> Cf. Eller J.D. and Coughlan R.M., *The poverty of primordialism: the demystification of ethnic attachments* in *Ethnic and Racial Studies*, Vol. 16, No. 2, April 1993, p. 186. After: Mayall D., *op. cit.*, p. 193.

The circumstantialist/situationalist perspective sees ethnic groups as groups of interest (in a positive or negative sense, i.e. of profit or threat.) Their boundaries are not seen as fixed but as flexible ones formed by external conditions or internal practical needs.<sup>29</sup> This very view is the one which is employed towards the Rromani when “an emergence of Gypsy ethnic identity” is being announced and its roots are searched for in political opportunity. This approach is criticised for assuming the rationality of human behaviour and for blurring the difference between ethnicity and other interest groups.<sup>30</sup> Also Dinstein opposes a purely circumstantialist perspective by stressing that women or football fans do not yet form an ethnic group or a people just because of having much in common and sharing some interests.<sup>31</sup> What is interesting is that the same author opposes the “rigidness” of the primordialist approach. He observes that “the vicissitudes of history are such that an ethnic group may lose its territory, split up into various religious factions and speak in many different tongues.” He also postulates that “if it [the ethnic group] does not disappear in time and space, its diverse mutations must be viewed with tolerance.”<sup>32</sup>

The last of the three approaches – the constructionist one, sees an ethnicity as something imagined, constructed. In its more radical version an ethnicity is “independent of reality” it is “a collective myth or fantasy.”<sup>33</sup> Yet, in the more moderate constructivist approach while it remains constructed – “pieced together out of history, tradition, experience, myth, and a host of other sources - it is no less authentic for being a construction.”<sup>34</sup> Actually, ethnicities as constructions “cannot just be fabrications build on thin air.”<sup>35</sup> There must actually exist a common origin, history, memories, some patterns of

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<sup>29</sup> Cf. Barth F. (ed.), *Ethnic Groups and Boundaries: The Social Organisation of Cultural Difference*, Little Brown and Company, Boston 1969. After: Mayall D., *op. cit.*, p. 194.

<sup>30</sup> Mayall D., *op. cit.*, p. 194.

<sup>31</sup> Dinstein Y., *op. cit.*, p. 104.

<sup>32</sup> *Ibid.*

<sup>33</sup> Cf. Govers C. and Vermeulen H.(ed.), *The Politics of Ethnic Consciousness*, Pelgrave Macmillan, 1997. After: Mayall D., *op. cit.*, p. 195.

<sup>34</sup> Cornell S., Hartmann D., *Ethnicity and Race: Making Identities in a Changing World*, Sage Publications Inc, London 1998, p. 92. After: Mayall D., *op. cit.*, p. 195.

<sup>35</sup> *Ibid.*

behaviour, culture, an alike appearance, and maybe a discriminatory treatment by others which cement a “myth of ethnicity” and make it “a substantial measure of historical truth.”<sup>36</sup> This approach therefore combines the previous two views on the matter.

What is crucial from the perspective of politics in general and the Rromani interests in particular, is that there is no consensus over the meaning of the concept of ethnicity. Furthermore, while the academic understanding evolves, the common understanding of the word and its use does not have to change and the term may be used, still today, with all different scopes, with diverse meanings and may be plastically formed depending on the circumstance and power of the involved interest groups. Same can be said of the terms religious- and language minority.<sup>37</sup>

Further complication arises if we agree on the group’s internal right to decide who is and who is not its member. It is actually hard not to agree – why should *gadje* decide who is Rroma or *goyim* who is a Jew? As Dinstein puts it: “a people must itself delineate the purview of its common existence and settle criteria for belonging to the group.”<sup>38</sup> This idea does not imply any problems as long as we deal with endogamy or if the group’s laws of belonging are very liberal. Otherwise, what ethnicity do children of mixed marriages have (not to mention their children of maybe even “more mixed” marriages)? While some groups will happily “adopt” anyone with at least a trace of decent from “their people” or who was born on the group’s territory, other may be reluctant to “take in” people who do not speak their language or do not follow traditions. Some groups may be altogether opposed to the idea of intermarriage and not consider children of mixed marriages members of the “people,” and some may follow patrilineality (e.g. the Arabs) or matrilineality (e.g. the Jews) to decide who is and who is not a member of the folk. This

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<sup>36</sup> Cornell S., Hartmann D., *op. cit.*, p. 58. After: Mayall D., *op. cit.*, pp. 195 and 214.

<sup>37</sup> *Vide:* footnote 21.

<sup>38</sup> Dinstein Y., *op. cit.*, p. 105.

way a child of an Arab mother and a Jewish father born in Italy, will be considered Jewish by the Arabs but not by the Jews, Arab by the Jews but not by the Arabs, and may or may not be considered Italian by everyone else, probably based on how he or she will look like, how well they will speak Italian and whether or not they will start every day with a cup of coffee.

The legal act on the matter, namely the OSCE Copenhagen Document of 1990 states that

*To belong to a national minority is a matter of a person's individual choice (...)*<sup>39</sup>

Still, this idea of the specialists and politicians may not go in pair with groups' internal laws. Finally, the ideas of the group may not be homonymous. Different "fractions" may have different opinions on who is and who is not a real.... That is the case in all these places where the far right-wing movements exist with their own definitions of "ethnic purity."

On top of that, in case of prosecution of a certain ethnic group an external definition or "a non-defined intuition" of who-is-who is likely to appear and it may not take into account neither group's laws nor international acts nor individuals' identity feelings (as was the case in Poland during 1968 anti-Semitic propaganda when many young people were reminded or literally learned about their ethnicity "from the neighbours").

Who is it to decide then? In the international practice probably the ones with best and most influential lobbies...

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<sup>39</sup> *Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE* known as *OSCE Copenhagen Document of 1990*, Article 32. OSCE 1990. Available at: [http://www.osce.org/documents/odhr/1990/06/13992\\_en.pdf](http://www.osce.org/documents/odhr/1990/06/13992_en.pdf) [last accessed on November 24, 2009, 17.36 GMT].



## 1.2. Legal implications

With the above drafted context one may wonder why would any group care to be considered (or not to be considered) an ethnicity, a nation, a people, or a minority (ethnic, linguistic, etc.)? The answer, apart from sentimental reasons (“how dare they question our peoplehood?!”), lies in the legal acts mentioned above, as well as in many other local, national, and international ones which mention nationality, ethnicity, “peoples” or minorities. Let’s have a look at just the two mentioned pieces of the international legislature.

The ICCPR asserts that “peoples:”

1. (...) *have the right of self-determination*
2. (...) *freely determine their political status*
3. (...) *freely pursue their economic, social and cultural development*
4. (...) *may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law*

and that

5. *In no case may a people be deprived of its own means of subsistence.*<sup>40</sup>

The OSCE Copenhagen Document of 1990 lists number of rights of the minorities. In short: *Persons belonging to national minorities have the right freely to express, preserve and develop their ethnic, cultural, linguistic or religious identity and to maintain and develop their culture in all its aspects, free of any attempts at assimilation against their will and the states that signed the document will protect the ethnic, cultural, linguistic and religious identity of national minorities on their territory and create conditions for the promotion of that identity. They will take the necessary measures to that effect after due consultations, including contacts with organizations or associations*

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<sup>40</sup> *International Covenant on Civil and Political Rights, Articles 1 and 2.*

*of such minorities, in accordance with the decision-making procedures of each State.*<sup>41</sup>

These articles sound very general. They are nevertheless binding and can form a base for legal claims or suits. In this case though it is essential that a party claiming its rights is indeed considered a “people,” a “minority,” a “national minority,” etc. A simple questioning of any of these ambiguous terms can stop further proceedings. Similar is the case of laws protecting minorities, nations, etc. from prosecution. Mayall describes a case from England in which a legal action was taken against owner of a pub who put by the entrance a sign which read: “No Travellers.”<sup>42</sup> Since in the popular opinion, all across Europe, Rroma are believed to be nomads (which most of them are not), the sign was obviously directed against Rroma as well as against the Irish and Scottish Travellers – local British nomadic groups who are not Rromani in any sense. The legal base of the claim was the Section 29(1) of the 1976 Race Relations Act<sup>43</sup> which prohibits discriminating advertisements. Nevertheless, the very act specifies that it concerns discrimination on the grounds of “colour, race, nationality or ethnic or national origins.”<sup>44</sup> It was this very wording which was used as the line of defence and for which the case was lost in the first instance as neither Travellers nor Gypsies were considered an ethnic group by the court.<sup>45</sup>

The two examples – an international context of laws and declarations which give *peoples* rights and oblige states to respect their minorities, and a local one in which not being considered an ethnic group seriously limits tools for

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<sup>41</sup> *Document of the Copenhagen Meeting...*, Articles 32 and 33.

<sup>42</sup> Mayall D., *op. cit.*, p. 200.

<sup>43</sup> Available at: [http://www.England-legislation.hmso.gov.uk/RevisedStatutes/Acts/ukpga/1976/cukpga\\_19760074\\_en\\_1](http://www.England-legislation.hmso.gov.uk/RevisedStatutes/Acts/ukpga/1976/cukpga_19760074_en_1) [last accessed on November 24, 2009, 19.29 GMT].

<sup>44</sup> *Op. cit.*, Part 1, Point 3(1).

<sup>45</sup> Mayall D., *op. cit.*, p. 201. The court followed a primordialist understanding of ethnicity and decided that: 1. to be considered an ethnic group “a group must show evidence of a long, shared and distinctive history, of which they are conscious and the memory of which they keep alive and show that they have their own distinctive cultural traditions, which include social customs and manners (...)”, 2. neither Rroma nor Travellers fulfilled any of these criteria. (*Ibid.*)

fighting prosecution, are just small illustrations of why a group may want to fight to be recognised as a nation, a people, an ethnic group or a minority. In case of the Rromani this fight takes all different forms. While not many Rroma question the existence of the Rromani ethnicity/peoplehood which makes them different from all *gadje* peoples there is no consensus on whether it is best to be considered a nation, a people, an ethnicity, a minority or a group of minorities that have something in common. Countless opinions can be found in political statements, academic articles (written by Rroma or non-Rroma scholars), in various publications and on websites. It shall be remembered that these discussions which seem like quarrels over words, in reality concern rights of millions of people.

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Since their very arrival in Europe, the Rromani people have always had to fight for the simplest rights and respect on at least a minimal level. Yet, in the age of global integration and equality one should not see a reason for the continuation of such a situation. Changes in all aspects of our lives imply also changes in the political sphere. These changes call for breaking the paradigms and re-configuration of our international social and political space. In this spirit, the following chapter looks on a question of the political space available for Rroma.

## **2. 'Nationlessness' and right to political representation in a globalized world**

In this chapter I employ the theory presented in Helmuth Berking's *'Ethnicity is Everywhere': On Globalization and the Transformation of Cultural Identity*.<sup>46</sup> I confront Berking's explanations of changes occurring in today's world with the question of appropriate political representation of the Roma people in the EU institutions. This chapter consists of four parts. It begins with a short introduction posing the problem of the political representation of Roma (2.1.). Then it moves to paring the particular situation of Roma with the theories of Berking, concerning: spatial categories (2.2.), change in the meaning and role of nation-state following globalization (2.3.), the role of Human Rights in this change (2.3.1.), diasporas (2.4.), and ghettos (2.5.). All of this is followed by a short conclusion (2.6.).

### **2.1. Introduction**

The question of whether the Romani people should have the same representation in the EU institutions as the Polish, Italians, Slovenians, and other nations which do poses land, is more of a philosophical than of a strictly legal or logical character. It is interrelated with questions of role and

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<sup>46</sup> Berking H., *'Ethnicity is everywhere': On globalization and the transformation of cultural identity* in *Current Sociology* 51, Sage, 2003, pp. 248-264.

mandates of nation-states. How we perceive these roles and mandates, changes and is influenced by the globalization. This chapter looks at the theory of the globalization-related reconfiguration of social spaces (including national spaces) presented in the Helmuth Berking's article. My main interest here is how this theory applies to the Roma and their representation in the European politics.

To make the problem of political representation of Roma in the European Union institutions more specific, one can think of the European Parliament. Seats in the European Parliament are distributed among state-possessing nations of the EU more or less proportionally to their numbers. Since the 3 million Lithuanians have 12 seats and the 9 million Swedish have 18 seats<sup>47</sup>, the 4 to 10 million of European Roma<sup>48</sup>, would we agree that they should be equally represented, should have between 12 and 18 seats.

## 2.2. Spatial categories

Berking notes that a state territory is “the conceptual spatial unit which the social sciences use to constitute their objects: the economy as national economy, a sociology which analyses not ‘society’ but nationally organized society, a political science which perceives the nation-state as the main collective actor, and so forth.”<sup>49</sup> The fundamental meaning and the importance given to the state territory is very commonsense. Whenever we meet a foreigner, we ask where are they from, and we try to connect them to a certain space or spaces on the globe. In case we do not know where the place

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<sup>47</sup> <http://www.ena.lu/> > European Organisations > The EU Institutions > European Parliament > Composition > Number and Distribution of Seats [last accessed on May 29, 2009, 01.55 AM]

<sup>48</sup> Ringold D., Orenstein M., Wilkens E., *Roma in an Expanding Europe: Breaking the Poverty Cycle*, World Bank 2005 mentions (pp. xiv, 3) 7 to 9 million Roma in Europe (not only in the EU). For problems with counting the Roma population in Europe see: Acton T., *Authenticity, Expertise, Scholarship and Politics: Conflicting Goals in Romani Studies*, Inaugural Lecture Series, University of Greenwich 1998, p. 10.

<sup>49</sup> Berking H., *op. cit.*, p. 250.

is, we ask: where is it? or: what is it close to? Starting from that, as in Berking's examples, we would often assume that a person from X-country speaks X-language, votes in X-country's elections and may one day decide to go back to his or her homeland. This paradigm both in everyday thinking and in social sciences is disturbed by the Rroma.<sup>50</sup> With Rroma, there is no clear, boundary marked correspondence of "spatial scales" and "the corresponding organizational forms of social relations."<sup>51</sup> This in itself is not a problem. We know that both everyday thinking and social sciences can do very well without connecting the Rroma to any state, or with connecting them to one of the states with a large Rroma minority (e.g. Romania), or by thinking/talking about the Rroma of certain states or regions. Yet, the problem occurs when we decide to talk about political representation. As in social sciences, in constructing political representation's patterns and systems, a state territory seems to be a core basis.

According to Berking this fundamentality of spatial categories now changes. He talks about "reconfiguration of social spaces, in particular, as far as a relocalization of a national space is concerned."<sup>52</sup> The "subversion" of "the unity of territoriality, sovereignty and identity"<sup>53</sup> which Berking sees to be an effect of globalization, gives a new, wider, frame to the problem of political representation of Rroma. And indeed, also in the contemporary Gypsy-lore literature we can read that "the Romà challenge the modern concept of the nation-state that identifies territorial boundaries and socio-political rights with one ethnicity, culture, or people."<sup>54</sup>

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<sup>50</sup> Cf. Gheorghe N., Acton T., *Citizens of the world and nowhere: Minority, ethnic and human rights for Roma during the last hurrah of the nation-state* in Guy W., *Between past and future: the Roma of Central and Eastern Europe*, Univ of Hertfordshire Press, 2001, p. 54.

<sup>51</sup> Cf. Berking H., *op. cit.*, p. 248.

<sup>52</sup> Berking H., *op. cit.*, p. 249.

<sup>53</sup> *Ibid.*

<sup>54</sup> Vargas-Claveria J., Gómez-Alonso J., *Why Romà Do Not Like Mainstream Schools: Voices of a People without Territory* in *Harvard Educational Review* Volume 73 Number 4 Winter 2003, p. 561.

### 2.3. Globalization and the change in the meaning and role of a nation-state

Berking observes that “the unity of territoriality and sovereignty identified for centuries with the nation-state [is] breaking apart.”<sup>55</sup> “The elements and sources of power (...) are being reallocated and rearranged in sociospatial terms”<sup>56</sup> or, in other words, “state power remains extremely strategic, but is no longer the only game in town.”<sup>57</sup> This change can be very important for the Rroma. If the state is “no longer the only game in town” then the “statelessness” of the Rroma does not anymore have to impact their role and voice in the global, or in this case EU, community.

The author reminds us that the “typical arguments adduced as evidence of the loss of meaning of the nation-state are based on three interlocking processes, mediated by the media-centred technological revolution of electronic communication: (1) the globalization of the economy, (2) the institutionalization of new transnational legal regimes and (3) the globalization of media and motion, of mobile images and people in motion.”<sup>58</sup> Indeed, also in communicative-research article of Vargas and Gómez from Barcelona based Centre for Social and Educational Research, we read that “the horizontal, open, and free nature of Romaní organizations perfectly suits the possibilities offered by new information technologies. These technologies, where available, have become enormously useful tools for the functioning of these horizontal structures.”<sup>59</sup>

Nevertheless, we should pay a close attention to the “where available” of the last phrase. “The globalization of media and motion, of mobile images and people in motion” noticed by Berking could be confronted with, and in a way

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<sup>55</sup> Berking H., *op. cit.*, p. 252.

<sup>56</sup> *Ibid.*

<sup>57</sup> Nederveen Pieterse J., *Globalization as Hybridization*, in Featherstone M., Lash S., and Robertson R. (eds) *Global Modernities*, Sage, London 1995, p. 63 after Berking H., *op. cit.*, p. 252.

<sup>58</sup> Berking H., *op. cit.*, p. 250.

<sup>59</sup> Vargas-Claveria J., Gómez-Alonso J., *op. cit.*, p. 572.

opposed by, Bauman's theory of "tourists and vagabonds" presented in his *Globalization: The Human Consequences*.<sup>60</sup> Bauman notices that only part of the global community can really benefit from globalization. While boundaries are being levelled and opportunities rise ad infinitum for the fortunate inhabitants of the "first world" – the extraterritorial world of global businessman, managers of the global culture, or employees of universities and science academies, for the inhabitants of the "second world" boundaries are more and more difficult to cross; they are kept where they are by the politics of "legal immigration," "clean streets" and "zero tolerance."<sup>61</sup> Same can be applied to the Roma community. While the Roma academics or Roma activists find their way in a globalized world, making use of information technologies and global travel, many Roma still struggle with poverty<sup>62</sup> and with national and international policies which, contrary to their will, make them constant vagabonds.<sup>63</sup>

### 2.3.1. Human Rights

Berking reminds us that the International Human Rights, while first conceptualized by the American and French Revolutions, have actually been formulated only after the Second World War – first in the Universal Declaration of Human Rights, and later in the European Convention on Human Rights and their supplementary protocols.<sup>64</sup> All these, according to Berking, "strengthen the hand of non-governmental actors."<sup>65</sup> For the Roma, non-governmental organizations are nowadays<sup>66</sup> a main political force. They have a very special status, what can be seen by how they are described by

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<sup>60</sup> Bauman Z., *Tourists and Vagabonds* in *Globalization: The Human Consequences*, Columbia University Press, New York 1998, pp. 77-102.

<sup>61</sup> *Ibid.*

<sup>62</sup> Povoledo E., *Italy assailed over plan to fingerprint Gypsies* in *The New York Times* July 3, 2008.

<sup>63</sup> E.g. see: <http://www.errc.org/cikk.php?cikk=351> [last accessed on May 29, 2009, 20.00 CET]

<sup>64</sup> Berking H., *op. cit.*, p. 253.

<sup>65</sup> *Ibid.*

<sup>66</sup> Some researchers speculate that on their arrival to Europe Roma must have had "sophisticated leadership" which allowed them to safe-pass through many countries. *Cf.* Acton T., *op. cit.*, p. 7.



some authors. It is said that “the associations transcended the extended family, the organizational center of Romaní life, to gain public visibility and voice, obtain public resources, and promote a more positive and united front.”<sup>67</sup> Also Vargas and Gómez say that since there are no Rromani political structures per se, the NGOs play a fundamental role struggling for fundamental rights and preservation of Rromani culture.<sup>68</sup>

Berking cites Sassen for whom “the concept of nationality is being partly displaced from a principle that reinforces state sovereignty and self-determination . . . to a concept emphasizing that the state is accountable to all its residents on the basis of international human rights law. The individual emerges as the object of international laws and institutions.”<sup>69</sup> This two changes – the increasing role of non-governmental actors, and the shift from the univocal national law to the rule of international law and institutions can be well seen in the contemporary case of María Luisa Muñoz Díaz – “La Nena” who, supported by one Rroma NGO, and one Rroma charity, sued Spain in the Strasbourg Tribunal for Human Rights for not recognizing her traditional Rroma marriage.<sup>70</sup> For Rroma these two changes are strongly interrelated. The opportunities given by the International Human Rights framework, further influence the grass-roots activism and creation of new non-governmental institutions.<sup>71</sup>

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<sup>67</sup> San Román T., *El desarrollo de la conciencia política de los gitanos* [The development of the political conscience of the Gypsies] in *Gitanos: Pensamiento y Cultura* [Gypsies: Philosophy and Culture] 1999, pp. 36–41, after: Vargas-Claveria J., Gómez-Alonso J., *op. cit.*, p. 571.

<sup>68</sup> Vargas-Claveria J., Gómez-Alonso J., *op. cit.*, p. 571.

<sup>69</sup> Sassen S., *Losing Control? Sovereignty in an Age of Globalization*, Columbia University Press, New York 1996 p. 97 after Berking H., *op. cit.*, p. 253.

<sup>70</sup> de Rituro R.M., *La Nena defiende el matrimonio gitano en Estrasburgo* [La Nena defends a Gypsy marriage in Strasbourg] in *El País* May 27, 2009. For description of some other cases see: Pohl O., *Gypsies Gain a Legal Tool in Rights Fight* in *The New York Times*, May 7, 2006.

<sup>71</sup> Cf. Kawczynski R., *The Politics of Romani Politics in Transitions* Vol. 4, No. 4 September 1997.

## 2.4. Diasporas

In Berking's article we read that "unlike the informal communities known from ethnic neighbourhoods, some of which vanish over time into the melting pot, diasporas are (1) intentional political and cultural organizations, which (2) are dedicated to special interest policies, i.e. a struggle for recognition of their identity at the transnational and subnational levels, and (3) whose particular sociospatial quality is that they are located simultaneously within particular states and outside any state; in short, diaspora means forms of community not defined in territorial terms as well as a source of power emerging out of transnational spaces that are no longer fixed within the boundaries of nation-states."<sup>72</sup>

The question of diaspora in the context of Roma's history and experience is a topic in itself.<sup>73</sup> What is worth noticing regarding Berking's statement is that Roma in a way are, just now, becoming a diaspora. It is this intentional creation of a political front that brings various Roma groups, often different culturally,<sup>74</sup> and with different interests, together.<sup>75</sup> As Acton puts it, these groups "have in common first of all the common experience of persecutory and genocidal racism."<sup>76</sup> In line with Berking's notion of diasporas' "struggle for recognition (...) at the transnational and subnational levels," Acton adds that "there has been, more or less consensus that a common national identity has to be built to underwrite common institutions which will be strong and legitimate enough to represent a Romani people internationally."<sup>77</sup> According

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<sup>72</sup> Berking H., *op. cit.*, p. 254.

<sup>73</sup> Cf. Renard S., Manus A., Fellman Ph. V., *Understanding the Complexity of the Romany Diaspora*, paper presented at International Conference on Complex Systems, October 30, 2007 Boston, MA, available online at <http://necsi.org/events/iccs7/papers/8914dd21fd6c18ed5437d025a87d.pdf> [last accessed on May 30, 2009, 00.30 CET]; also: Gay y Blasco P., *Gypsy/Roma diasporas. A comparative perspective in Social Anthropology* 10:2, Cambridge University Press, Cambridge 2002, pp. 173-188; also: Toninato P., *The Making of Gypsy Diasporas*, to be published in *Translocations: Migration, and Social Change* at <http://www.translocations.ie>, summary available at: <http://www.diasporas.ac.uk/assets/Toninato.pdf> [last accessed on May 30, 2009, 00.45 CET].

<sup>74</sup> Guy W., *op. cit.*, pp. 55-56.

<sup>75</sup> Acton T., *op. cit.*, p. 11.

<sup>76</sup> *Ibid.*

<sup>77</sup> *Op. cit.*, pp. 11-12.

to McGarry, especially in the case of Rroma social movements – identity and interests are “insoluble.”<sup>78</sup>

## 2.5. Ghettos and conflict

Yet, “diaspora” seems to be too much of a word for many Rroma communities. An Italian researcher Laura Fantone calls Rroma an “underdiaspora” and says: “Recent Italian policies aimed at the social integration of new immigrant populations seem to have affected the Roma by shifting them to levels of marginality below even the various immigrant groups. They are fundamentally not recognized as a diaspora, not refugees nor migrants.”<sup>79</sup> This goes in line with Berking’s observation: “Until now, we have been talking about tendencies of the ethnicization of cultural identities and a context in which the ghetto apparently does not fit. As a ‘place of decay’, the ghetto represents for mainstream society the outmost outside.”<sup>80</sup> Indeed, many Rroma establishments could be considered ghettos. Another Italian researcher, Elisabetta Di Giovanni, calls Palermo “a town in south Italy, where three groups of ‘Gypsies’ have lived for fifty years, in ghetto conditions.” She continues: “This nomad camp constitutes a world out of the city, better an encompassed microcosm, without contact with citizenship nor public administration (...). This means that there are no interrelations between the camp and the rest of the external space. On the contrary, the three different groups represent for the outside a generic nebulous whole, confined in a green area, surrounded by a high wall.”<sup>81</sup> Berking calls this attitude of the

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<sup>78</sup> Cf. McGarry A., *Ethnic Group Identity and the Roma Social Movement: Transnational Organizing Structures of Representation in Nationalities Papers*, Vol. 36, Issue 3, Routledge 2008, pp. 449-470.

<sup>79</sup> Fantone L., abstract of *Roma Underdiaspora: Neither Refugees nor Migrants* paper presented at The Gypsy Lore Society 2007 Annual Meeting, available at <http://www.gypsyloresociety.org/conf07abstracts.html> [last accessed on May 30, 2009, 9.45 CET]

<sup>80</sup> Berking H., *op. cit.*, p. 260.

<sup>81</sup> Di Giovanni E., abstract of *Gypsy People in South Italy: An Anthropological Perspective* paper presented at The Gypsy Lore Society 2007 Annual Meeting, available at <http://www.gypsyloresociety.org/conf07abstracts.html> [last accessed on May 30, 2009, 9.45 CET]

outside world towards those in the ghetto, an “imagination of a territorially limited evil, a ‘locus of evil’, that forces its exclusion.”<sup>82</sup> Berking’s “ghetto” is thus an equivalent of Bauman’s “second world.”<sup>83</sup>

Further, Berking notes that “were one to accept the perspective of its constructors, the new underclass would now have to be seen as populated by those who have been marginalized, because of their habitual incapacities and social pathologies, which means that they must rightly be excluded and kept apart from participation in the social intercourse of mainstream society.”<sup>84</sup> The mentioned attitude is more than often applied to the Roma community and used as an “excuse” for its centuries long persecution and marginalization. It is strongly opposed by contemporary gypsylorists. Acton and Gheorghe say that “this prosecution cannot be explained by any special characteristics of the Romani community, as Gadjó historians claim (...). The stereotypes of thieving and fecklessness are the *consequences*, the post-hoc legitimations (...), not their *causes*.”<sup>85</sup>

## 2.6. Conclusion

In his article, Berking does not really invent any new paradigms. He rather interlinks series of observations and analysis of the contemporary global society. His analysis is interesting from the point of view of the Roma – a stateless, transnational community, unique in its multiculturalism. The very change in understanding the role of nation-states, the meaning of global and local spaces, and the new roles of diasporas described by Berking seems to create a “turning-point” time for the Roma. As Berking says, the new geography of power “necessitates not only elementary deterritorializations, but equally elementary reterritorialization processes with respect to cultural

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<sup>82</sup> Berking H., *op. cit.*, p. 260.

<sup>83</sup> Bauman Z., *op. cit.*

<sup>84</sup> Berking H., *op. cit.*, p. 261.

<sup>85</sup> Gheorghe N., Acton T., *op. cit.*, p. 60.

identities and local and transnational forms of communities.”<sup>86</sup> What will happen now, how the Rroma will be included in the global “reconfiguration” and “rediversification” of power, depends not only on the efforts of the Rroma themselves but also on the will and efforts of the global powers.

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Meanwhile, we may say there is an ongoing conflict between the Rroma and the *gadje*. The following chapter applies one of the existing conflict theories to illustrate it on the example of the European Union.

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<sup>86</sup> Berking H., *op. cit.*, p. 261.

### **3. The EU – Rroma conflict**

This chapter is composed of three parts: an introduction of actors, analysis of EU-Rroma conflict according to Galtung's conflict theory systematised by Fossati<sup>87</sup>, and a short summary.

#### **3.1. Actors**

Two main actors are sides of this conflict: the European Union and the Rromani people. By the EU I mean EU institutions, as well as people who live in the EU. Later in the text I sometimes say 'Europe' instead of EU. This is not only a colloquial abbreviation but also to show that problems of the EU – Rromani conflict are very much characteristic to all European countries. Nevertheless, I limit the discourse of this chapter to the EU, as the EU as a political body can indeed be claimed responsible for some actions, laws or policies and has a power to act as one actor. That would not be possible for Europe – a geographic entity. By the Rroma or the Rromani people I mean members of the Rroma nation of ethnicity<sup>88</sup> – people who are colloquially

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<sup>87</sup> Fossati F., *The Concept of World Order and Conflict Resolution Processes After 1989* presented at ECPR – SGIR's Sixth Pan-European Conference on International Relations at University of Torino, September 12-15, 2007, available at <http://archive.sgir.eu/uploads/Fossati-ecprorderff.pdf> [last accessed on June 6, 2009, 15.30 CET], p. 6-7.

<sup>88</sup> For the discussion over what is ethnicity and whether the Rroma are one see the Introduction and the first chapter of this thesis.

called *Gypsies* and who differ themselves from the *gadje* – the non-Rroma. Again, for the clarity of the discourse we may limit and talk only about the Rroma residing in the EU, yet the problems and the challenges discussed in this chapter will be pretty much the same across Europe.

### 3.2. Conflict

The first question is: is there a conflict between Rroma and the EU? If a conflict is “a relationship among social groups and/or political actors whose objectives are incompatible”<sup>89</sup> then, what is the incompatibility of objectives between the Rroma and the *gadje* in Europe? For many of the non-Rroma, the main problem is that the Rroma ARE in Europe and somehow fail to “integrate” and be similar to other Europeans. Furthermore, they represent the most unproductive or even “parasitic” part of the society. As the Central Committee of Romania's Communist Party put it in its report in 1983, the Rroma are people “persisting in retrograde traditions and mentalities, [who] tend to lead a parasitic way of life, refuse to work, and live in precarious conditions... [They] resist hygienic and sanitary steps... and refuse to take part in activities for the welfare of society.”<sup>90</sup>

For the Rroma one of the main problems is that they are continuously marginalised, not given equal opportunities and forced out of the “European social space.” It is this “social space” rather than any physical space what is base of this conflict. Resources are also part of the problem. After hundreds of years of persecution and marginalisation most Rromani people live in miserable conditions. Fonseca, in her book *Bury me standing* gives a short list: “(...) Gypsy poverty, illiteracy, unemployment, ill health, early death, and stupendous birthrates – [are] all record-breaking for a European population.”<sup>91</sup>

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<sup>89</sup> Galtung J., Jacobsen C.G., Brand-Jacobsen K.F., *Searching for peace: the road to transcend* (2. ed.), Sterling: Pluto Press, London 2002 after Fossati F., *op. cit.*, p. 6.

<sup>90</sup> After: Fonseca I., *Bury me standing: the Gypsies and their journey*, Vintage Books, New York 1996, p. 280.

<sup>91</sup> Fonseca I., *op. cit.*, p. 301.

All these require attention and serious investments. At the same time for many Europeans it seems not just to provide Roma even with benefits that are standard to “native” Europeans.<sup>92</sup>

So there is a conflict here, or as Galtung puts it, an “*unresolved conflict*, leading to frustration because of blocked goals, and a potential for aggression against parties perceived as standing in the way.”<sup>93</sup>

This conflict may seem latent to the most ignorant Rromophils who, having in mind romanticized image of the Gypsies, believe that the Roma are “poor but free” and do not realise the level of marginalisation and basic existence problems these people face. The conflict is nevertheless manifested (even if not always, or usually not, called “conflict”) by those who are officially anti-Roma, those who create or implement anti-Roma policies, those who do not consider themselves anti-anyone but say (usually asked in surveys) that they would not like to have Roma neighbours, and, on the other side – by the Roma – those active in politics or NGOs as well as those who simply mistrust or are even afraid of the *gadje*. Finally, it is violently manifested by skinheads, other far-right-wing groups and sometimes, without “ideological background,” by local mob.

This conflict has crystallised centuries ago. It is known that the Roma were considered a “plague” in early 15<sup>th</sup> century Bologna and that they were expelled by law and by pogroms from the late 15<sup>th</sup> – early 16<sup>th</sup> century German territories.<sup>94</sup> Still, these are just random examples which survived to our times thanks to historical documents. There were surely many more expulsions, pogroms, and persecution at that time in many European countries. Linguistic research tells us that Roma resided in Greece for a

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<sup>92</sup> Cf. de Rituero R.M., *La Nena defiende el matrimonio gitano en Estrasburgo* [La Nena defends a Gypsy marriage in Strasbourg] in *El País* May 27, 2009

<sup>93</sup> Galtung et al., *op. cit.*, p. 3.

<sup>94</sup> Ficowski J., *Cyganie na polskich drogach* [Gypsies on Polish roads], Wydawnictwo Literackie, Kraków 1985, pp. 13, 21.



relatively long time before entering the rest of Europe.<sup>95</sup> What was it that made them leave that country? Maybe a search for a better place, or maybe a first “crystallisation” of “incompatibility” of objectives or, probably even more - cultures. Anyway, this is a “highly crystallised conflict” - one which “manifests itself in a repeated manner.”<sup>96</sup>

This is therefore a continuous conflict characterised by intents of unilateral violent resolution (from the *gadje* side) or by a long lasting status quo.<sup>97</sup> Fossati, basing on Galtung, identifies twelve modalities of conflict resolution (or avoidance):

- 1) *Transcendence. Both actors simultaneously reach their objectives.*
- 2) *Persuasion. Only one actor reaches its objective and the other one renounces its own, whether through coercion or not.*
- 3) *Compromise. Neither actor reaches its own objective; both agree on an alternative and complementary solution.*
- 4) *Exchange. Each actor has two goals and only one is achieved.*
- 5) *Separation. The actors cease to interact or divide the territory, object of their incompatibility.*
- 6) *Integration. There is a fusion in which the actors unify their territory.*
- 7) *Diversion. The actors overcome the conflict and start a new relationship: negative (second conflict) or positive (cooperation).*
- 8) *Multilateralization. The actors forget their conflict and start to interact with a new actor: together (old two versus new one) or not (old one versus a new one and one old together).*
- 9) *Segmentation. One actor divides the other one into two actors and has a positive interaction with only one of them.*
- 10) *Subversion. One actor promotes a change of élites in the other one and has a positive interaction with the new élite.*

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<sup>95</sup> *Op. cit.*, p. 14.

<sup>96</sup> Fossati F., *op. cit.*, p. 6.

<sup>97</sup> Cf. Fossati F., *op. cit.*, p. 7.

11) *Incapacitation. One actor eliminates or physically neutralizes the other one.*

12) *Domination. One actor imposes its objective and the loser does not agree.*<sup>98</sup>

For the conflict in question transcendence (1), has definitely not yet been achieved. Nor we can talk about diplomatic persuasion (2) here. Though, if we consider ‘persuasion through coercion’ or violent persuasion to be a kind of persuasion, we may then see ‘persuasion’ in this conflict. The Rroma are ‘persuaded’ to live in the ghettos, or to move from one place to another. As long as we do not hear Rroma complaining, or rebelling, this could qualify to be ‘persuasion through coercion’ even though it would be more fair to call it domination (12). Compromise (3) has in my opinion not been achieved in this conflict, as there was no “complementary solution” on which two sides would agree; nor there has been an exchange (4). Separation (5) does take place in case of Rroma as many, if not most, of them indeed live in ‘urban ghettos’ or ‘isolated rural settlements’<sup>99</sup> and there is often vary little interaction between them and the rest of the society.<sup>100</sup> It should be remembered though that territory is not a real object of incompatibility in this conflict and that, especially in this case, separation is a modality of avoidance rather than of resolution.

There can be no territorial integration (6) here as the Rroma as a group do not possess land.

According to Acton, history of the Europe-Rroma conflict is “cyclical” - “with crises of persecution which lead to new adaptations by Gypsies, new symbiotic relations with a host community, until fresh economic or social

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<sup>98</sup> *Ibid.*

<sup>99</sup> Rivkin A., *Doctor struggles to understand Roma ghetto after 25 years* in *The Slovak Spectator*, January 22, 2007, available online at: <http://www.spectator.sk/articles/view/26349> [last accessed on June 9, 2009, 23.13 CET].

<sup>100</sup> Di Giovanni E., abstract of *Gypsy People in South Italy: An Anthropological Perspective* paper presented at The Gypsy Lore Society 2007 Annual Meeting, available at <http://www.gypsylloresociety.org/conf07abstracts.html> [last accessed on June 10, 2009, 0.01 CET].

changes undermine that symbiosis and produce a fresh crisis.”<sup>101</sup> This repetitive “symbiotic relations” could be considered a diversion (7) with a positive relationship (‘cooperation’) outcome. Nevertheless, depending on understanding of the two words, “symbiosis” and “cooperation” may actually mean two different things. Intuitively ‘symbiosis’ is less positive than ‘cooperation’ even though it would be naïve to expect a very positive cooperation as an immediate following of any one conflict. In any case the repetitiveness of persecution mentioned here shows that the conflict has not really ever been ‘overcome’ but it was rather ‘put to sleep’ for periods of time.

In my opinion this conflict has never been multilateralized (8). Even if more actors would enter, especially during wars, the conflict between the Roma and the native population would remain and one could not say that the conflict was ‘forgotten’, i.e. since part of the Roma-Europe conflict is that the Roma are ‘constantly forgotten’ it would be difficult to judge if they were ‘forgotten even more’ in a situation that could potentially be considered a multilateralization of this conflict.

Segmentation (9) would be very possible in this conflict in which both sides are very heterogeneous. The EU (or even Europe) is a legal-political construct reflecting rather common businesses than any unity, and the diversity of the Roma population is one of the reasons for which their common ethnicity is constantly questioned.<sup>102</sup> It is argued that “the homogeneous Romani identity is a political project rather than a reality.”<sup>103</sup> Still, since segmentation in the applied classification implies ‘a positive interaction’ of one of the actors with part of the other one and, so far, a ‘positive interaction’ between the *gadje* and the Roma remains to happen as an event rather than as the everyday practice, we cannot talk about segmentation here. The heterogeneity of the actors also implies that segmentation in bad faith – following the *divide et impera* rule

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<sup>101</sup> Acton T., *Authenticity, Expertise, Scholarship and Politics: Conflicting Goals in Romani Studies*, Inaugural Lecture Series, University of Greenwich 1998, p. 7.

<sup>102</sup> Mayall D., *op. cit.*, p. 188. See also the introduction of this thesis.

<sup>103</sup> Klímová-Alexander I., *op. cit.*, p. 13.

could be impossible to implement. Nevertheless, this ancient rule may be used for subversion (10). Indeed, it is not a secret that the known from history ‘Gypsy kings’, ‘barons’, etc. were usually either self-called or nominated by *gadje* kings or governments and were never a genuine Rromani leadership.<sup>104</sup> Some Rroma activists claim that also today “governments continue trying to establish and support ‘their’ Romani organizations and ‘their’ Romani chiefs.”<sup>105</sup> It is of course arguable whether the choice of partners by international institutions or governments is a conscious subversion or simply an effect of ignorance or insufficient research. Also, again because of the heterogeneity of the Rromani people, finding a legitimate Rroma leadership might be a task in itself.<sup>106</sup> The fact that some Rromani groups strongly believe that Rroma should not at all mingle into *gadje* politics,<sup>107</sup> makes the issue even more complicated.

Incapacitation (11) of Rroma was intended number of times in the history of Europe. The most infamous is the Nazi led Holocaust (called *Porrajmos* by the Rroma), which through starving people to death in the wartime ghettos<sup>108</sup> and killing thousands in death- and concentration camps, indeed resulted in extermination of a huge part of the European Rroma population.<sup>109</sup> Yet, specialists call this a second Rroma genocide, the first one being in the mid 16<sup>th</sup> century. At that time legal systems across Europe made it a capital

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<sup>104</sup> Fonseca I., *op. cit.*, pp. 288-290. Also: Kawczynski R., *op. cit.*, p. 4.

<sup>105</sup> Kawczynski R., *op. cit.*, p. 5.

<sup>106</sup> This topic should be explored more in forthcoming McGarry A., *Who Speaks for Roma? Political Representation of a Transnational Minority Community*, Continuum, New York 2010. Cf. McGarry A., abstract of *Who Speaks for Roma? Representation of a Transnational Minority in the European Union* paper to be presented at The Gypsy Lore Society 2009 Annual Meeting, available at: [http://www.ling.helsinki.fi/ykiel/GLS\\_2009/GLS\\_abstracts.pdf](http://www.ling.helsinki.fi/ykiel/GLS_2009/GLS_abstracts.pdf) [last accessed on June 11, 2009, 12.46 CET].

<sup>107</sup> Fonseca I., *op. cit.*, p. 299.

<sup>108</sup> Cf. e.g. Baranowski J., *Zigeunerlager in Litzmannstadt - Obóz cygański w Łodzi / The Gypsy Camp in Łódź, 1941-1942*, Archiwum Państwowe w Łodzi, Łodz 2003.

<sup>109</sup> *Roma - Europe's forgotten victims of the Holocaust*, Minority Rights Group International, January 25, 2007, available at: <http://www.minorityrights.org/679/press-releases/roma-europes-forgotten-victims-of-the-holocaust.html> [last accessed on June 13, 2009, 17.47 CET]. Also: Lewy G., *The Nazi persecution of the Gypsies*, Oxford University Press, New York 2000. Also: Lutz B.D., *Gypsies as Victims of the Holocaust in Holocaust and Genocide Studies* 9, United States Holocaust Memorial Museum 1995, pp. 346-359.

offence just to be a Rrom.<sup>110</sup> According to Acton “the systematic killing of Gypsies can be seen as the defining *rite de passage* in the maturation of the European nation-state.”<sup>111</sup> Apparently, till now, some Europeans tend to believe that incapacitation is a way to resolve conflict with Rroma. One of the more known examples is that of the Rromani women being forcefully sterilised in Slovakia – a contemporary practice discovered in 2002.<sup>112</sup> These are unfortunately just some examples.

### 3.3. Summary

Conflict between the Rroma and the peoples of Europe existed practically since the very arrival of the former ones into Europe. Various modalities of conflict resolution or avoidance were implemented in different forms, times, and places all around Europe. Nevertheless, for centuries these were rather many similar (or even analogous) conflicts than one bilateral struggle. With the formation of the common European and the common international Rromani institutions, led by pan-Europeanism and pan-Rromanism, but even more by common interests, these conflicts may be now grouped and considered as one. The challenge of our times is to overcome the unjust and ineffective ways of conflict resolution and avoidance and to *transcend* this conflict.

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<sup>110</sup> Liégeois J.P., *Gypsies and Travellers*, Council of Europe, Strasbourg 1987, pp. 90-94, after Acton T., *op. cit.*, p. 8.

<sup>111</sup> Acton T., *op. cit.*, p. 8.

<sup>112</sup> *Romani Women Subject to Forced Sterilization in Slovakia*, Center for Reproductive Rights 2003, available at <http://reproductiverights.org/en/press-room/romani-women-subject-to-forced-sterilization-in-slovakia> [last accessed on June 9, 2009, 21.40 CET].

## Conclusion

It would be not only naïve but also very ethnocentric for one to say that active participation in Western democracy can heal problems of the nations. However, we tend and want to believe that the European Union is a common socio-geographical area where everyone is equal, at least on a political level. The situation of the Rroma challenges this belief. It is often argued that the Rroma do not want to participate in politics or even that they should not as this may destroy their culture. That kind of attitude is just an escape from the problem by use of relativist arguments<sup>113</sup>.

I believe that it is not for the *gadje* to decide if the Rroma should or should not participate in their politics. Yet, I think that the lack of a proper political environment, in which the Rroma could be treated as equals among other European nations, is a shame. One, that should be challenged.

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<sup>113</sup> Cf. Vargas-Claveria J., Gómez-Alonso J., *op. cit.*, pp. 569-570.

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