Romani mobilities in Europe: Multidisciplinary perspectives
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Romani mobilities in the context of the new EU - what could or should the EU be doing?[1]

The fall of communist regimes in 1989 and the rise in attacks on Roma during the subsequent economic liberalisation and restructuring process prompted many Roma to seek asylum in western European states. Opportunities for movement of Roma across Europe were further enhanced with the 2004/2007 enlargements of the EU which provided free movement for Roma, as EU citizens. However, high profile cases (e.g. Italy 2008 and Northern Ireland 2009) provide evidence of increased tensions within host communities and heightened levels of general intolerance towards migrant populations.

Some activists and scholars (e.g. Amato and Batt 1998; de Schutter 2005; Xanthaki 2005; EU Roma Policy Coalition 2008) have argued that given the geographical spread of anti-Romani sentiment and discrimination, compounded by increased Romani mobility following EU enlargement, the EU should be the natural choice to lead policy developments to tackle such prejudices. Others argue against this discourse, on the grounds that the EU is not equipped to deal effectively with questions of minority rights and thus these should be left to member states or institutions such as the Council of Europe and OSCE (de Witte 2004; Klimova-Alexander 2005). This debate is important and not just for the identification of solutions to the problems of discrimination faced by Roma.

It is argued in this paper that this debate reflects a much larger political discussion about EU responsibility and identity. The failure of the EU's reform process over the past ten years, including the Constitutional and Lisbon Treaties, to capture the hearts and minds of the European public emphasises the stagnant nature of the EU *vis-à-vis* its market oriented versus social dimensions. This highlights a crisis of identity for the EU. The Romani migration issue is one case which has the potential to force scholars to think afresh and confirm the social functions/responsibilities of the EU. This is important because until the EU clarifies its position as a 'social' actor it will never be in a position to (1) move forward as a political entity or (2) play an active role in the development of Roma rights, thus prolonging the debate Romani activists are currently engaged in and preventing active solutions to the problems faced by Europe's Romani population.

While is it is impossible to know exactly how many Roma are now EU citizens, 10 million is the number most cited by researchers and policy makers, albeit with caution (DG Employment and Social Affairs 2004 p.6; European Parliament 2008; however, Cahn and Guild (2008) estimate a lower number between 4.5 and 7.5 million). The 'Roma' category remains problematic but we use it in this paper as an umbrella term, much in the same way that it is employed by EU policy makers (European Commission 2003: 4; DG Employment and Social Affairs 2004: 6; Commission of the European Communities 2008: n3). Roma suffer from extremely high levels of social exclusion in most EU member states, unemployment levels are high and participation in education, particularly secondary and higher education is too low for states that base future

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[1] Work-in-progress. Please do not cite without permission of authors. For a more detailed paper please contact the authors:

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growth on the development of a knowledge economy. The fears of 'old' member states of mass migration of Roma once their 'home' states joined the EU have been realised to an extent. The attempts to delay accession until the social exclusion problems at home were resolved failed, and the immigration of Roma to the UK, Ireland and Italy in particular, increased tensions and exacerbated existing anti-Romani sentiments.

Following the 2004 enlargement many states refused to open their labour markets immediately to citizens of new member states. However, this was deemed to be a fear of an influx of the so-called 'Polish plumber', as much as of Roma. The 2007 accession of Romania and Bulgaria saw 'old' states become even more reluctant to welcome migrant workers; but it was in Italy that the influx of Romanian migrants (Romani and non-Romani) reached such levels in 2008 that it constituted a political crisis. When Italy threatened to block all immigration from EU member states, on the basis of a threat to public security, it effectively undermined the free movement of persons – one of the core principles or four freedoms of the EU as an internal, common market with free movement for persons, goods, services and capital. Although member states can withhold these freedoms on the basis that individuals threaten public policy, public security or public health, the use of Romani migration as the threat in this case clearly emphasised a growing intolerance that has major implications for the EU *vis-a-vis* the relationship between national and supranational levels of governance.

Nonetheless, the framing of Romani migration/mobility and Romani social exclusion as a European problem had begun long before the Italian crisis of 2008. In 1998 the Reflection Group on the Long-Term Implications of EU Enlargement recommended 'direct EU involvement where a minority issue transcends the borders of member-states' (Amato and Batt 1998: 1). As noted above, during the accession negotiations significant pressure was exerted on applicant states (and much financial support was provided through programmes such as PHARE (see: European Commission 2003)) to develop strategies to integrate Roma better into their societies – and thus reduce the likelihood that they would seek to emigrate once the possibility was available. A good deal of research has been published on the influence of the EU accession negotiations on the development of Romani integration policy (Guglielmo and Waters 2005; Guy 2001; Kovats 2001; Ram 2003; Vermeersch 2004). Recently, Spirova and Budd (2008) published a study which attempted to measure how the socio-economic status of Roma changed during the accession process. However, throughout this process it was clear that responsibility for implementing integration programmes lay with member states and not with any central EU body. This is based on the long standing EU tradition of not interfering with how member states manage the national or ethnic minorities living within their borders. The fact that this approach ultimately failed to significantly improve the living conditions of Roma in new member states led many to debate whether it would be better to shift responsibility away from the state level and introduce new instruments at the EU level to better address the problems.

In May 2004 the EU Network of Independent Experts in Fundamental Rights published its 'Report on the situation of fundamental rights in the European Union for 2003'. They called for a 'Directive specifically aimed at encouraging the integration of Roma' to complement and extend existing EU legislation such as the Race Equality Directive, which was not, they argued, 'specifically aimed at achieving the *integration* of groups that are traditionally excluded, such as the Roma.' This prompted some debate among scholars.[2] Xanthaki (2005) put forward a strong

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[2] We have struggled to find much of this debate in print and would welcome guidance from members of the audience.

case in support of such a directive, arguing that the only way to ensure that member states dealt with Romani exclusion was to force them to take it into account using legal measures:

> The Directive on Roma Integration would provide an extra level of protection to Romani European citizens. As it would be explicitly on Roma integration, it would leave no space for alternative, reductionist, interpretation by states (p.525).

Using EU laws in this way was also supported by the former Hungarian MEP, Viktoria Mohacsi, who proposed the introduction of a Desegregation Directive (focusing on education, housing and health) in 2004 (ERRC 2005). In addition to these legal instruments, there were also calls for a new agency at the EU level to coordinate Romani integration projects and to monitor progress and manifestations of anti-Gypsyism. Among others, the Austrian MEP Hannes Swoboda called for the appointment of a Commissioner for Romani Affairs in 2004 (Swoboda 2004).

However, the idea that the problems facing socially excluded Roma could be best resolved by the EU in a direct and legally-based manner was not universally accepted. Nicolae Gheorghe in a TOL online discussion in 2004 called for an EU-wide Roma policy including all Roma, Sinti and Travellers but was reluctant to endorse an 'agency' specifically for Roma arguing that separate institutions dealing with Roma tended to be marginalised in large institutions (Krauthamer 2004). Klimova-Alexander, writing in 2005 wondered whether adding to the EU bureaucracy was the best way to spend the limited resources available, given the deprivation suffered in so many Romani communities.

In 2007 and 2008 the emphasis shifted away from calls for legally binding directives and the focus instead was on a 'policy' for Romani integration. Judging by the recommendations published in reports by the European Parliament (2008), the Fundamental Rights Agency (2008) and the 'EU Roma Policy Coalition' (2008) an umbrella organisation representing the key NGOs focused on Romani rights, there is now agreement that more monitoring at the EU level is required, that stakeholders at every level should be involved and that EU support and coordination is necessary because states will not manage to deal with these problems on their own. In response, the Commission published a report in 2008 arguing that existing instruments and institutions were sufficient but following the first EU-Roma Summit in September 2008 it provided the necessary support to establish the European Platform for Roma Inclusion. This Platform is effectively a forum for discussion of the problems facing Roma and sharing of best practice. It has no powers of enforcement and to date it is not clear how it can help Roma in practical ways. Nicolae and Rorke (2009) summarise its achievements thus:

> a year after the summit, officials' rhetoric has improved, but there has been a steep rise in popular prejudice, violence and intimidation against Roma [...] Right now, nearly five years into the decade of Roma inclusion, EU institutions-as well as European governments-are still falling short.

There is a problem when it comes to dealing with Roma rights. The problem, however, is not mobility/migration *per se*; and it is dangerous for us to make assumptions to that effect, although it is compounded by migration. Rather, the real problem, as we see from the discussion of the literature above, lies primarily in the context of finding solutions. To understanding this, we need to look deeper and engage at a more conceptual level in terms of the actors, in this case the EU, and what it can realistically provide by way of solutions. Failure to do this will prevent solutions from being developed and the continued perpetuation of the 'passing the buck' schism / syndrome between those advocating Roma rights.

As said, the problem when it comes to dealing with Roma rights is actually linked to our understanding of possible solutions. This can be clearly seen in the literature which highlights a divide between those who advocate a national solution and those who advocate an EU solution to Roma concerns. The reason the EU is brought into the equation is twofold. Firstly, as mentioned above, Roma migration across the EU following enlargement and the expansion of the right to freedom of movement implies that the Roma question is no longer confined to a singular or small group of countries that can deal with it on a national basis. The social injustice and discrimination felt by Roma is now an EU-wide phenomenon. This argument is not justified on its own – the geographical spread of Romani discrimination (albeit aided by the EU guarantee to freedom of movement) compounds, but is in no way a sole justification for EU involvement in Roma issues. As such it is right that national governments retain a role. As it is, few people would probably advocate that national governments give up this function (as tempting as it may be). The question then becomes 'how can you justify EU involvement?' This is the second and, in our opinion, more important reason why the EU is part of the equation and it refers to the fact that there is an argument that the EU is a 'social' actor. These 'social' intentions can be traced back to the origins of the EU. For example, the preamble to the EEC Treaty of Rome (1957) clearly states that it is the intention of the Community to:

> ...lay the foundations of an ever closer union among the peoples of Europe, resolved to ensure the economic and social progress of their countries by common action to *eliminate the barriers which divide Europe, affirming as the essential objective of their efforts the constant improvements of the living and working conditions of their peoples* [emphasis authors' own].

As the EU has developed and grown, its involvement in social matters, albeit often disguised in the language of the common market, has also expanded. This includes a strong commitment to fundamental rights (which includes the rights of minorities) developed through a framework of policy and institutions and is embedded in the Union's treaty system (see Articles 6, 7, 13 of the Treaty of European Union). This provides a stronger justification, but it is one that is not always sufficiently nuanced and needs careful quantifying. To date this has not been achieved and this forms the basis for the continued schism in the national versus supranational debate on Romani rights.

The EU does define and implement certain fundamental rights, albeit mainly in an economic capacity – some of which are of a 'social' nature (e.g. gender/age/race equality etc) and which mainly relate to issues of employment, and to a lesser extent, education (two key areas where social exclusion of Roma is profound). This implies that the EU is indeed an actor with a clear social dimension. The question stemming from this, however, is to what extent the EU is a true social actor that can deal with the multitude of problems and types of discrimination faced by Roma, many of which are not of an explicit economic nature. This is the crux of the problem and it is here that the knots appear in the arguments of both sides about EU involvement.

Essentially the EU's function as a social actor is limited and in a state of flux. There are those who argue that it is restricted by its role as a single/free market entity. There is legislation/policy in place (e.g. Racial Equality Directive) and the EU is actively engaged through its Open Method of Coordination (OMC) policy to promote Social Protection and Social Inclusion across member states. It is right that these methods are pursued, however, they relate specifically to issues connected with the common market and are often weak in terms of supporting Roma. The reality is that the issue of Romani discrimination actually goes much deeper than purely being economic in nature. Recognition of this fact is what Roma Rights activists seek to develop at the EU level.

They claim that the EU's social actorness includes a wider range of ability on fundamental social rights. In part this is backed up by certain EU actions of late (Charter for Fundamental Rights, EP actions, Fundamental Rights Agency etc) which seem to suggest that the EU is developing/has developed an identity as a comprehensive social actor. Much of this is based on the neoliberal notion of European norms and values that are often used to drive forward policy development and provide a rationale for the EU's being (see Manners 2002). The problem here is that this expanded social actor remit, particularly in terms of fundamental human/minority rights, is very weak precisely because the foundations of norms and values are near impossible to qualify, and are not commonly accepted. This is an explicit problem of the EU and is one that is most evident in critiques of its foreign policy (see Hyde-Price 2006; Merlingen 2007), but is equally valid in terms of internal integrationist social rights policy development.

What we advocate in this paper is actually the need to re-evaluate the very basis of the EU as an entity built on certain European (though really global) norms and values that go beyond those tied to a functionalist single/free market identity. Roma activists should be engaging in this debate and lobbying for a more comprehensive debate that will set definite parameters of the EU in terms of its remit and function, and in terms of the extent to which norms and values should play a role. This will have the added bonus of forcing an end to the perpetual debate over who is responsible for dealing with Romani issues. This allows for two possible scenarios as a means to end the schism:

1) Either norms and values are important and the EU, as a guardian of these norms and values, becomes a comprehensive social actor, moving beyond the open method of coordination (OMC) role it currently advocates, thus making it the focal point from which to tackle the problems of Romani communities through a wide range of legitimate and compatible policies and rights based legal initiatives,

2) Social norms and values do not have a place in the EU project and the EU should concentrate on being a market/economic actor, with no remit to deal with social problems beyond those that relate to market based concerns. This opens the way for nation states as social actors to readdress their Roma/social policies in a constructive manner within a decluttered arena where the EU is not an actor or a policy developer.

Such a debate is not going to be easy and will face many hurdles because it asks fundamental questions about the EU's existence and the purpose of the integration project. It is easy to ignore this debate, but in doing so there is a danger of developing a hotch potch of undeveloped policies and legislation that fails to do what it should and allows for arguments for and against EU involvement to continue. An example of how complex this is can be seen through the Convention negotiations where delegates tried to engage to some degree in this debate but failed. This resulted in a protracted and unsightly debate where social norms and values are not fully adopted and yet are not disregarded – thus leaving the EU in an effective state of limbo as to what its *real* social function is.

Conclusions

- Accept that a Romani problem of discrimination does exist, but migration is not the defining issue of this problem, at least in terms of finding a solution.

- Schism exists about how to deal with the Romani crisis/problem of discrimination. Solutions, as they are currently advocated, are competing and effectively cancelling each

other out and preventing nuanced debate and solution making. The EU and EU membership becomes an effective excuse for not dealing with the initial problem of Romani discrimination.

- Impossible to resolve the schism until the question over EU functions as a 'social' actor is addressed.

- This is only possible through a higher/macro level debate on the place of social norms and values within the EU. However, this is not forthcoming as things currently stand – the failure to include the CFR in the Lisbon Treaty is an example of this.

- Roma activists need to engage with / lobby for such a debate to clear up what the EU is in terms of it social actor-ness. Until this is done the EU will remain in a state of limbo about whether it has a remit/duty to act on Roma rights or not. This debate diverts attention away from the need for real action to resolve the problems of discrimination and intolerance. This does not augur well for solving Romani issues/problems.

As authors we acknowledge that some will state that such a debate is not feasible or that it would take too long. Nevertheless, it is our view that until it is dealt with there will be no opportunity to move forward and resolve the micro-level problems faced by the Romani community. This paper was not intended to be an account of the migration crisis. The crisis as far as we see it, is not migration *per se*, but rather the lack of understanding about the key actors involved and their functions in terms of finding solutions to general intolerance towards Roma, an issue compounded by migration.

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I. Clough Marinaro

Life on the run: biopolitics and the Roma in Italy3

Introduction

In June 2008 the newly-elected Italian government headed by Silvio Berlusconi announced its intention to collect the fingerprints of Roma living in camps and deport undocumented ones. Coinciding with the seventieth anniversary of the Fascist regime's introduction of racial laws, many Italian and international observers interpreted this as a return to the explicit persecution of a vulnerable minority. However, following a series of declarations of concern, public attention quickly receded, leaving the situation of Italy's Roma largely unaltered.

I argue that, although the policies of Italy's current government are certainly an escalation in official anti-Roma discrimination, these recent events are not original; they are a coherent progression in a strategy of biopolitical control and gradual stripping of Roma's rights which has been evolving in Italy for nearly thirty years. This control is primarily being applied through pressures for them to live in state-built camps alongside the systematic destruction of the unauthorised encampments in which many have resided in recent decades. Although the illegal settlements often involve dire living conditions (powerpoint), many have also provided families with some stability, privacy and integration in local neighbourhoods. The new camps being created by municipalities such as Rome can instead be considered states of exception; spaces where the normal rule of law is suspended and inhabitants are stripped of rights enjoyed by those on the outside. However, these camps are officially portrayed as spaces of privilege and only individuals who have met stringent bureaucratic criteria may live there. Many Roma willingly move into them because they provide protection from what is increasingly the only alternative for many: life on the run. The Italian government has threatened immediate deportation for the many foreigners who have not overcome the complex bureaucratic obstacles to obtaining residence permits. Thousands of individuals are condemned to live in hiding from the police and Italy's rising numbers of vigilantes. Roma are thus becoming trapped into a dual predicament of rightlessness; confined within the biopolitical space of the official camp or forced into constant flight from violence.

I base my argument particularly on developments in the capital, Rome, for various reasons. Firstly, it is the city with the highest number of Roma inhabitants - estimates range between 7,200 and 15,000 – and it is a main destination for rising numbers of Romanian Roma. Secondly, until 2008 there was no concerted attempt to create a national policy for Roma in Italy and thus any study must recognise the specificity of individual municipal or regional policies. Most importantly, I argue here – drawing on my long-term fieldwork research in Rome - that the government's new policies echo strategies which have been applied locally in the capital in the last two decades.

The Italian political philosopher Giorgio Agamben's discussion of biopolitics provides a useful framework for analyzing the situations of rightlessness in which Roma are being pushed. Agamben argues that the Ancient Roman figure of *homo sacer*, a criminal who was punished by

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being stripped of all political and citizenship rights – who could be killed without his death being considered murder– is frequently reproduced in contemporary individuals, such as refugees, who lack the rights which citizenship confers. *Homo sacer* is bare, biological life and his fate is to live constantly on the run since he has no juridical status to protect him from violence or death. Agamben argues that contemporary governments frequently resort to introducing states of exception, removing the legal status of certain people for political reasons, leaving them in a space of indistinction between the law and bare life. In Agamben's analysis, camps are the key spaces within which this contemporary biopolitics is enacted; where threatening groups are confined and where the normal rule of law is suspended. Anything can happen there and 'whether or not atrocities are committed depends not on law but on the civility and ethical sense of the police who temporarily act as sovereign' (Agamben 1998: 174).

This elimination of rights often occurs when a social crisis leads to the declaration of a state of emergency. Of course, crises need not be real, perception is enough. I argue that the systematic political construction of a 'Roma crisis' (*emergenza nomadi*) in Italy has justified containing them in state-created camps where their rights and freedoms are suspended to protect the surrounding population from the threat that they allegedly pose; where their physical lives become hostage to their political role. Those who refuse or are not eligible to live in authorised camps are condemned to life on the run as modern day *homo sacer*.

Contemporary Biopolitics

Since Italy's economic and urban boom of the 1950s and 1960s, it has no longer been logistically viable for many Roma to be nomadic and they have become increasingly concentrated in halting sites and slums on the outskirts of major cities, frequently along river banks, under motorway bridges, in unused parking lots.. These groups are made up of Italian Roma and particularly foreign ones who have immigrated in various phases since the 1960s from the Balkans and Eastern Europe, with rising numbers particularly since the early 1990s and most recently since Romania's EU membership in January 2007.

In 1993 Rome's then left-wing mayor, Francesco Rutelli, officially recognised the need to provide some Roma with better living conditions while simultaneously deterring foreign ones arriving from the Balkans. He initiated a census of Roma camps, which included collecting photographs of individuals who lacked identity papers. This represented the first gathering of ethnic-specific data on Roma in the capital. Although the results were unreliable, the statistics were used to classify them into two categories: those with clean criminal records and documents qualifying them to live in authorized camps; and those without appropriate papers who had to be expelled. Thus began a strategy which is now being applied nationally: the presentation of Roma as a statistically and ethnically-defined enemy of the city, a 'nomad emergency', to justify containing them in approved camps or eliminating them for the benefit of the legitimate inhabitants.

Rutelli's successor, Walter Veltroni, was mayor between 2001 and 2008. His mayorship focused largely on investing in working class peripheries and simultaneously fostering positive multiculturalism and respect for minorities. These two aims proved contradictory, however, where Roma were concerned. The often unhygienic and overcrowded conditions in the encampments, exacerbated by new arrivals from Romania, intensified local residents' demands that they be shut down. In anticipation of local elections in 2006, Veltroni's administration demolished various camps, publicising these actions as evidence of improving conditions for voters. Encouraged by the evident electoral success of this approach, Veltroni stepped up the

camp demolitions in 2007 and in May unveiled a 'Security Pact for Rome' in partnership with national and regional government. The pact proposed to advance Roma's social inclusion by building four heavily policed 'Solidarity Villages', each able to accommodate a thousand people, and to demolish all illegal settlements. It stated that city residents had a right to security and quality of life which people in unauthorised camps were undermining; they therefore had to be removed from view and strictly controlled. To quote Agamben, 'the *police* now becomes *politics*, and the care of life coincides with the fight against the enemy'. It became clear that integration was not a serious goal when the mayor announced that the four 'villages' would be located outside the city's ring-road where '*they will have the least impact on the city's social fabric*'. Meanwhile, the city's Prefect declared that the estimated ten thousand illegal Roma would have to 'leave the city and act like [proper] nomads'.

By the end of the year, demolitions reached a peak of one settlement destroyed every two days. By the time the April 2008 national elections took place, Rome city government could boast that it had evicted fifteen thousand Roma from their homes, six thousand of which just in 2007. The evictions followed the pattern which has been repeatedly condemned by human rights organisations: the Roma receive little, if any, warning of the arrival of hundreds of police officers with dogs and bulldozers, usually at dawn. Within a few hours, their homes and personal possessions are reduced to wreckage. Nevertheless, mayor Veltroni repeatedly commended the police for their 'peaceful and humane' methods and presented these demolitions as benefiting Roma by removing them from their terrible conditions. What was rarely addressed was the question of the conditions Roma faced afterwards. Homes for approximately 800 people were built, but the vast majority of the fifteen thousand evictees faced two alternatives: move into overcrowded camps which would soon also be demolished, or disappear into the most hidden spaces of the city where they might escape further police raids. Thousands thus effectively became *homo sacer*. The heightened police controls did not, however, protect Roma from violent attacks against them by members of the public. For example, the Ponte Mammolo encampment was assaulted in September 2007 with firebombs, iron bars and knives – a preview of the much larger attack in Naples six months later which made international news.

The Roma who were instead afforded the relative safety of a home in an authorised camp were exposed to a much more structured form of control. Although the four mega-camps planned by Veltroni were not all built, one 'Solidarity Village' was created in 2005 and can be considered a model for the thirteen which the current city government claims will exist by the end of this year. It is useful to briefly examine conditions in this camp as an indication of how large numbers of Roma will probably be forced to live if the new ones are created. It is home to over eight hundred people and is located at Castel Romano, thirty kilometres from the centre of Rome, beside a deadly high-speed road. It takes about two hours to reach the city centre with public transport, and the nearest bus-stop is one and a half kilometers away. The camp is in a nature reserve and is entirely isolated from residential areas, shops and other services (powerpoint). It consists of poorly insulated prefabricated metal huts, laid out in a grid and surrounded by high metal fencing, with no shade or greenery, or areas for socializing (powerpoint). During my fieldwork there, large parts of the plumbing and sewage system were defective and there was only one well which was insufficient for the needs of all the inhabitants. The water is undrinkable and some residents have contracted scabies and hepatitis.

This 'village' provides a clear example of how the policies of previous left-wing administrations laid the foundations for the biopolitical control of the Roma which the current right-wing city and

national governments are building upon. The camp originated as a space in which to contain the physical bodies of a socially undesirable group, exerting public power over their private lives. From the outset its grid-like structure has denied any possibility to lay out homes according to extended family networks and to create communal living spaces. Although there are official community spokespersons, the camp's day-to-day management is delegated to a publicly-funded non-Roma organization, drastically limiting possibilities for Roma's agency over their environment. Moreover, its spatial isolation makes it difficult to maintain regular employment and take children to school. Many residents therefore spend most of their days in the desolation of the camp and levels of vandalism and drug addiction are rising. There is an almost constant police presence (powerpoint) and the residents' personal and vehicle documents – as well as their homes – are regularly checked.

From its conception, therefore, Castel Romano incorporated various features of the camp as the space of biopolitical control: spatial and social isolation, police surveillance, public control of the private domain. However, it is under the new right-wing national and city governments that it and many similar spaces have taken on the full characteristics of the state of exception. In particular, on 18 February 2009 a new set of rules was introduced for authorised camps in Lazio, the region around Rome. It included: twenty-four hour police guards on the perimeter and inside the camps; permission to enter only for authorised residents; a log recording all movements in and out; no guests after 10 p.m.; the introduction of video surveillance. Permission to live there is granted by city government and is valid for two years for Italian citizens and legally resident foreigners. Breach of regulations results in expulsion, as does, ironically, a 'nomad's' absence for longer than one month. Based simply on their ethnicised label as nomads, Roma are contained in spaces where the normal rule of law is suspended. People who are innocent of any crime are stripped of their constitutionally guaranteed freedoms of movement, association, choice of residence, and the inviolability of their homes. Now that only authorized individuals may enter, the possibility for observers to document abuses is drastically reduced.

In 2008, Gianni Alemanno, a member of the post-Fascist National Alliance party, became mayor of Rome. His election campaign, like that of Berlusconi's coalition at the national level, claimed Roma were causing a security emergency and promised to crack down on them. Since then, Roma policies in the capital and in national government have become closely intertwined. Shortly after its election, Berlusconi's new government declared a state of emergency regarding 'nomad communities' in three regions including Lazio (and was later extended to two further regions), and appointed extraordinary Commissioners with special powers to monitor and, if necessary, demolish camps, carry out censuses, collect personal data including photographs, and expel undocumented persons. A month later, it announced that the censuses would include fingerprinting Roma, including children; an unprecedented form of ethnic-specific biopolitical control which generated widespread indignation.

The process of eliminating all spaces where Roma escape surveillance is now underway in Rome. Mayor Alemanno has declared that by the end of this year the only option for 'nomads' to legally reside in the capital will be in thirteen 'villages' like Castel Romano; all other settlements will be destroyed. He also claims that the city can only accommodate six thousand Roma – the other legal ones will be moved to nearby towns. This drive to replace all spontaneous encampments with publicly-built and heavily-policed camps is now also a key element of national policy and the initiatives in Rome have been described by the Interior Minister as a model for other cities.

This evolution of anti-Roma measures entirely conforms to Agamben's analysis of the processes through which contemporary democracies begin to resemble totalitarian states. One type of 'knowledge' about the Roma - that they are nomads who constitute a major public safety threat – has been advanced by politicians on both the left and right. This alleged threat has informed every major policy initiative in Rome since the early 1990s and each successive failure to make the Roma disappear has resulted in an escalation of repressive measures. The recent official declaration of a state of emergency, taken to the national level, is the logical culmination of this trend. The Berlusconi government, acting as the sovereign, has circumvented parliament and the normal legal process and has granted local and national authorities extraordinary powers in relation to an entire group of people defined as an enemy of the state.

The implication of this conclusion is that a change in government would be unlikely to involve a radically different and more effective policy approach. I would argue that behind the apparent determination to make the Roma invisible lies a political interest in maintaining their visibility which inspires the authorities to persevere with such blatantly unsuccessful attempts to solve the 'Roma problem'. In a society in which real security threats have become delocalised, a visible enemy is needed against which politicians can be seen to be fighting. What is currently important is not the solution to a problem but the performance of sovereign power. It is important to stress, though, that most of the management of Italy's Roma populations is still left to local authorities. Thus, the process that I have discussed is not occurring throughout the country homogenously and there are certainly cases where Roma have more freedoms and possibilities for agency and their Vulnerability occurs in multifarious ways and Roma experience a broad range of conditions which are still evolving in Italy.

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Immigrant and Native Romani women: Building alliances and developing shared strategies

Abstract

This paper analyzes the alliances and strategies that Romani women, both immigrant and native, have built to resist the widespread anti-Gypsyism found in Spain. Anti-Gypsyism affects all the Roma in Spain, whether migrants or native, but it is far more intense for the migrants. The fact that this group is largely associated with poverty and marginalization only reinforces the rejection and discrimination they face: the negative images and stereotypes that are applied to the Roma migrant community are mostly associated with women (e.g. traditional clothing, begging). The multifaceted stigma these women suffer places them in a highly vulnerable position when discrimination is translated into barriers to basic rights. Drawing on a qualitative research project funded by the Spanish Ministry of Science, the authors first analyze the specific gendered elements attached to the stigma associated with Romani women migrants. Second, given that Romani migration is usually a family-based strategy, with many children among those migrating, we also analyze the role these women play within the family's migratory project and in the process of settling down. We argue that far from fitting the prevalent stereotypes, many Romani women hold feminist ideas; as a result they are changing their gender and family relations, creating new understandings of their identity, making their own decisions, and generating new opportunities to fully participate in society, through their work or education. Third, we explore the fact that Romani migrant women often participate actively in initiatives together with native Roma associations. We present evidence on how Romani women, both migrant and native, are building alliances and developing shared strategies to fight back against the anti-Gypsyism so widespread in Spain. We provide examples of these strategies and alliances, and the transformative dynamics found in their social contexts and their individual lives.

Introduction

In the last decade, Spain has become a destination for many immigrants who seek new labor opportunities. Thus it has been transformed from a country perceived as sending out emigrants to one that takes in immigrants. Only estimates are available on the numbers of Romani immigrants. The LUNGO DROM observation project (2004-2007) is the most comprehensive attempt to provide insights into the presence of Romani migrants in Spain. While it cannot provide a general description of Romani immigration in Spain due to a lack of ethnic data, it has estimated the size of the Roma migrant population living around the Mediterranean arch as between 5900 and 7100 people. The majority of them are of Romanian origin (mostly from Tanderei and Bucharest), and only in the areas of Valencia and Murcia is a significant presence of Bulgarians reported.

In this context, the Roma migrants who settle in Spain join the native Roma experience in many ways. Given that the native Romani population has suffered great exclusion and public rejection, migrants are no exception to this. The Eurobarometer on Discrimination and Social Inequality (EC, 2007) reports that in Spain, discrimination based on ethnic origin (which includes the Romani population) is considered to be above the European average. In comparison to the situation five years ago, ethnic-based discrimination has increased the most, followed by gender-based discrimination.

Ian Hancock (2002) has theorized about the social and historical construction of these images, calling it anti-Gypsyism; the European Parliament (2005) calls it Romaphobia. The images that justify and perpetuate the systematic discrimination against this group not only continue to exist, but are accentuated for the immigrant Romani population, who are seen as causing social problems and having trouble coexisting with other groups. Although the immigrant Roma are only a small part of the total Romani population, they receive far more negative coverage in the press. The negative images and stereotypes applied to the Roma migrant community are mostly associated with women (e.g. traditional clothing, begging). The multifaceted stigma these women suffer places them in a highly vulnerable position as the discrimination is translated into barriers to basic rights.

To critically analyze the treatment of the immigrant Romani population, we must first consider details of their historical, social, economic and even political experience. Recent events in Italy, along with many similar unfortunate events in other nations, demonstrate the need to consider the many situations this group must face in accessing social services and the way they are portrayed in the media. The immigrant Romani population faces greater barriers than the overall Romani collective or immigrants in general. The combination of these conditions points to the need for a specific empirical analysis of this social reality, one that also makes it possible to define some actions to prevent discrimination and to end the racist violence against them.

Responding to this challenge, the present paper analyzes the strategies of Romani women, both immigrant and native, and especially their alliances, which allow them to resist the widespread anti-Gypsyism found in Spain. We focus particularly on how they have created bonds of

solidarity. First, we discuss the positions that different groups take on the ethnic boundaries among Romani groups, by arguing for the existence of a pan-ethnic Romani identity. Second, taking as a framework the *other women* approach, we discuss the importance of recognizing the actions and contribution of *all* women and moving beyond analyses that ignore or dismiss a large part of women. Third, we analyze the particular strategies of Romani migrant and native women, and the roles they play in their families and in actively promoting civil society organizations. The paper ends with a general conclusion drawn from the analysis.

All the findings and conclusions presented in this paper are based on two research projects conducted on Roma migrants in Spain. The first one is a concluded one, funded by the OSCE-ODHIR Roma Contact Point (Sordé et al, in press); the second one, ongoing until December 2011, is funded by the Spanish Ministry of Science and Innovation. Both projects include a gender dimension, and one of the selected cases analyzed in depth is the Romani Association of Women *Drom Kotar Mestipen*. This paper has been based on the analyses that have been made from this case. All the data can be consulted in the publications that are in preparation for the two mentioned projects.

Crossing Boundaries: Native and Migrant Roma

Gender studies tend to become gentrified and to marginalize feminism (Puigvert 2001, Fahy Bryceson, Okely and Webber 2007). This situation becomes especially difficult when academics consider Roma people, and strong negative stereotypes emerge (Oprea 2004). Thus it is necessary to update the ivory tower perspective from which some intellectuals have described the situation of Romani women, by describing the experiences of contemporary Romani women and their interactions. This paper tries to shed some light on this situation, which Robert Merton (1987) called *specified ignorance.*

A similar situation arises among comparative social scientists, who have long emphasized the important role that historic/national context plays in the social construction of ethno-political group boundaries. The ways that ethnic groups are represented publicly depend largely on their social position vis-à-vis other groups (Barth 1969), and those may, in turn, be shaped largely by each country's unique history of social policy. But globalization and immigration have affected this national or subgroup outlook, especially in the case of the Roma, because various subgroups of Romani immigrants are now living in many parts of Europe. While much of this comparative work has focused on the way that national context influences popular understanding of ethnicity, it has virtually ignored an increasingly dominant alternative form of ethnic representation and interaction: pan-ethnicity.

Ethnic comparativists focus on the various ways that groups constrict and police their ethnic boundaries in different national contexts, but they often fail to examine how and when groups might relax and expand their group boundaries. In other words, the focus has been on the maintenance of tightly knit constricted collectives and the role of national context in this process,

rather than on how and when groups choose to relax their boundaries and develop a pan-ethnic form of public representation with common alliances and strategies.

In the Roma case, theorists tend to emphasize the differences among existing communities more than the characteristics they have in common through interactions and alliances. Writers working from this perspective recognize that differences will always exist and believe it is impossible to talk of Romani interactions and shared strategies; instead they focus on different family clans or sub-groups, such as the Kalderash, the Lovari, the Sinti or the Baiesch, emphasizing their nomadism and marginality and creating a ethnic identity that is opposed to mainstream society (i.e. Nagel 1979, Okely 1983, Formoso 1986, Sutherland 1986, Stewart 1997). In a study on Roma immigrants from Eastern Europe in Barcelona, Peeters (2005) also used this divisive viewpoint, concluding that the only element they have in common with other Roma sub-groups is the etymological denomination of Romanian Roma, ascribed to them by the majority society.

On the other hand, other writers emphasize the existence of a Roma pan-ethnic identity, and show how Roma people working in transnational organizations are reflecting it. For example, some authors have pointed out the value of their non-territorial, trans-national perspective, which has promoted the interaction of Roma activists with European or international institutions, and the creation of Roma non-governmental organizations (Kovats 2001, Vermeersch 2003, Klímová-Alexander 2005). Although both of these contradictory perspectives are reflected in evidence at the grassroots or transnational level, few studies have explored how Roma people from different national subgroups interact in everyday life, whether a common identity does exist, and whether enough evidence exists to proclaim an expansion of the pan-ethnic boundary and the creation of pan-ethnic institutions (Prieto-Flores and Sordé-Martí forthcoming).

Finally, several studies have demonstrated the existence of close relationships between immigration and discrimination, especially when people are received negatively in their new country (Massey and Denton 1993, Portes and Rumbaut 1996). This situation is accentuated when immigrants are also members of the Roma people (Bancroft 2001, Crowe 2003, Sigona 2005, Gamella 2007). In the next section, using the *other women* perspective, we highlight the need to introduce a gendered analysis of these interactions that promote pan-ethnic identity, and also to recognize the agency of migrant and native Romani women in promoting social and personal change.

The Other Women: Migrant and Native Romani women

During the 20th century, feminism was pursued mostly by middle-class white women in academia or holding academic degrees. This situation has affected the capacity of the social movement, as it has ignored the needs and claims of the great majority of women who do not fit the profile above. As a result, a mainstream model of feminist liberation has been imposed on a wide range of women, making them outsiders. This has been especially true for most Romani women, who have low academic achievement, low income, and belong to a cultural minority. Lídia Puigvert (2001) uses the term *other women* to refer to groups of women who suffer from imbalances in power relationships and discrimination because they lack an education. This perspective leads to a demand to recognize the key role that non-academic women play in everyone's lives, and their struggle to develop equal relationships between men and women.

This approach is also recognized by *dialogic feminism,* an effort to develop and analyze scenarios or dialogues involving different types of women, avoiding any discrimination among them on the basis of education, culture, social class, SES etc. This kind of feminist thinking begins by recognizing the validity of these women's contributions to the global feminist debate and it sees solidarity between women as the way to move forward toward gender equality. From this perspective, it is easy to see how some Romani women have transformed gender relationships without leaving behind their own values and cultural traits. And, like other women who do not fit the hegemonic models developed by traditional feminism, they develop ways to enrich the process of female empowerment without giving up their own multiple identities. Along these lines, Montse Sánchez (De Botton, Puigvert and Sánchez, 2005) has listed the contributions that Romani women have made to feminism in breaking with the gendered stereotypes that women, feminist or not, have had of Romani women; for this phenomenon she has coined the term *Romani Feminism*.

The *other women* framework reveals women's strategies that would otherwise be ignored; this makes it possible to see the complete inaccuracy of the gendered stereotypes affecting Romani women as passive and/or submissive to the will of their parents or husbands, and as having no interests beyond the domestic sphere. These interactions and dialogues and the strategies that result are helping these women overcome the discriminatory dimensions of the intersection between gender, culture, and immigrant status. In Spain, some structural and cultural changes within the Roma people are revealing the key roles women play. For instance, of the Romani people gaining university degrees, 80% are women (Sánchez et al. 2005). Furthermore, Romani women's associations are pointing out facts and promoting debates within Roma culture in order to counteract the stereotypes about them that involve ethnicity, gender, and education (Sordé-Martí, 2006). In the following section, we describe some of the common and shared strategies we have observed in the everyday life of non-elitist Romani women's associations.

Common Strategies, Building Alliances: Opening Up Spaces

Today, Romani woman are considered to be the key agents of social and cultural change among the Roma people (Beck-Gernsheim, Butler & Puigvert, 2003; Sánchez et al., 2005, Sordé, 2007). Romani culture is dynamic; it has been changing and developing throughout history, as people have interacted with the various societies where they have lived. This process has produced and reproduced specific forms of gender relationships within Romani culture, but has also transformed them. Historically and through the lenses of traditional approaches, Romani women have been seen as exclusively dominated by males. Traditional research on Romani women has tended to observe how women's child-bearing roles are produced and reproduced; by identifying these processes as intrinsic to Romani identity and culture itself, they have fallen prey to an inaccurate determinist theory. Little attention has been paid to the cultural changes within Roma culture that Romani women have brought about. In fact, women have played a key role in maintaining various aspects of the culture: they have been the axis of existing relationships between different members of the community, the bearers of information, experience and traditional knowledge, and the initiators of councils and movements. Romani women are considered to be a crucial agent for the Roma people, as they have enormous capacities for social change and the power to generate transformations within their own community.

An example of this emerging role is the Romani Association of Women *Drom Kotar Mestipen* (Road to Freedom), which was founded in Barcelona ten years ago. Drawing on the data collected through the research projects mentioned above and activities conducted by this association, it is possible to describe several strategies in which immigrant and native Romani women participate. These strategies are of two types: some relate to the role these women play in their families and in gender relations, and some to the Romani women's rights movement.

Strategies related to Family and Gender Relations

An intrinsic value in the lives of Romani women is their ability to transmit their culture to others. In the family, Romani women are central to family coexistence and also the focus point of conversations and dialogues among various family members. As in most societies, the women are in charge of supporting and monitoring family members. But this situation is not incompatible with a changing society. In today's society, people are reflecting on their lives more than ever and arguing productively about how to live their lives. In this context our research shows that Romani women are making important contributions to their culture. Throughout history women have developed communicative skills within their families and they have been and are the key agents for transmitting values. Today, they are discussing and promoting new positive role models in their social movement and their personal actions.

The Romani association of Women *Drom Kotar Mestipen* organizes immigrant and native Romani women encounters in order to generate solidarity networks to support each other in entering the labor market and education. The group organizes these encounters periodically to create a space where immigrant and native Romani women can exchange Romanó knowledge. In practice, however, the women have used the meetings to create working relationships and alliances and promote solidarity within the group. At these informal meetings, all the women feel

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free to talk about and discuss whatever they want. These encounters between native and immigrant Romani women have three aims. First, they aim to destroy the stereotypes and prejudices that native Romani people hold about immigrant Roma. Second, to promote equality, they aim to create social capital for both native and immigrant Roma, by interacting with civil society and finding services that promote access to citizenship. Third, they aim to transform gender relationships within the Roma community based on their respect for the common cultural traits that are part of Romani identity. Romani social relationships are established through network organizations that greatly value the coherence of the Romani way of life (Rromipén), especially the values of compromise and solidarity. These encounters have been showed to promote a process of mutual and self-empowerment among Romani women in many different ways.

These encounters lead to solidarity networks in which women develop new strategies to overcome inequality. When a Romani woman is working to gain access to education or to the labor market, everyone in her network will collaborate with her, because her career will benefit them all; thus they are establishing a reciprocity that gives them more possibilities for action. Some of the groups led by Romani women are working to promote changes within Roma culture and to defend the rights of both women and the Roma people.

Strategies related to the Romani women's rights movement

Since the early 1990s, the work of *Drom Kotar Mestipen* has focused on creating public spaces for action and on promoting the organization and participating in conferences, seminars and policy projects at different levels (regional, state and European). These actions have succeeded in affirming the work done by the Roma people and by mainstream institutions. These actions reinforce the idea that Romani women are key agents of social and cultural change.

Organizations of Romani women in Spain are not substitutes for mixed Romani organizations but complementary to them; they contribute to the goals of plurality and of including all voices, in widening actions that reach all sectors of the Roma people. Romani women organize all their actions, constantly making use of their networks and making agreements based on both their Romani identity and their sense of responsibility as the first organization to develop this type of network in Spain. At the same time, these actions focus on improving the living conditions of all the Roma. Two activities have especially promoted the joint participation of both immigrant and native Romani women: the vocational training courses and the meetings of Romani women.

Drom Kotar Mestipen has organized various vocational training courses, aimed at helping women find work; these are voluntary and not linked to any kind of welfare payment. Thus they avoid the assistance-focused approach so common to the welfare system. Their success disproves the stereotype that Roma do not want to work or are only interested in living on welfare. When women have the opportunity to interact and they see feasible choices, they will take the one that offers empowerment and autonomy. These courses have been training immigrant and native Romani women to work at school canteens. This both gives the women access to the labor market and allows the schools to hire personnel of Romani descent. The program has succeeded as it

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accomplishes these two objectives at the same time (Oliver, Soler, and Flecha, 2009). The results are clear after having organized more than five editions of the course, more than 80% of all women participants are working in schools.

The second activity analyzed is the Romani students meetings. Many Romani associations are strongly committed to seeking strategies and initiatives that open up opportunities for Roma to overcome their social exclusion. One part of this strategy is improving school completion rates among younger students. The idea of meetings among Romani students arose in 2001, during the first working session of the *Drom Kotar Mestipen*. Participants identified two barriers that Romani girls face at school: isolation, and the lack of Romani women who have achieved higher levels of education and thus can serve as role models. The main goal of these meetings is to help the younger girls see more opportunities and potential for themselves, drawing on the strong intergenerational and intragenerational solidarity to better support them in persisting in school.

Since then, meetings of Roma students have been held each semester to create a space where Romani women and girls of both origins can reflect on their experiences. They talk about their impressions and feelings and build a sense of solidarity that will reduce isolation and thus help them stay in school. Each meeting is held in a predominantly Romani community, and is organized by a women's group. For a Saturday afternoon the grandmothers, daughters and granddaughters have the leading role, not the educators, or other professionals, or men. Those people all have other spaces where they can discuss their own lives and professions. This recognition allows the voices of Romani women to predominate in all the working groups. Men are not allowed in, and female educators and other professionals are invited to stay but not to take over the conversation. They are specifically requested to respect the space and to accept that Romani women always have the priority in speaking.

Each participant can freely express her opinion, fears, aspirations, etc. Intergenerational interactions are crucial within the Romani culture. At these meetings, the reverence given to the elders and to persons of respect is used to encourage the girls to complete their schooling. It is impressive to see the girls' faces as they listen to grandmothers telling them to stay in school or younger mothers explaining their own experiences as dropouts. The respect for traditional role models (Romani women of respect) is combined with the new roles that emerge.

Another space is dedicated to describing and celebrating academic successes and turning them into a collective experience. At each meeting, various role models are invited to speak about their own personal experience: lawyers and high school and college students have spoken about their journeys. All these interactions help the girls feel more empowered to move on to high school, and to become somebody, not only for themselves, but also for the sake of their families and their community. At the end of each meeting they experience an explosion of solidarity and motivation and that precedes a final spontaneous celebration, as at any other Romani party.

Conclusions

The analysis of the activities promoted by the Romani Association of Women *Drom Kotar Mestipen* serve as an illustration of the shared spaces that are created among Immigrant and Native Romani women. Through the two research projects, other examples have been found in other spaces from around Spain. The importance of these spaces relies on the development of the strategies that through the *other women* approach can be illuminated as not only fighting back the specific negative images on Romani women but also building common alliances and opening up spaces for participation for *all* Romani women from their own social location. Through the Immigrant and Native Romani women encounters, the school canteen vocational courses and the Romani students meetings, all these women are enhancing their opportunities and social inclusion.

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M. Conte, A. Rampini and O. Marcu
Cash cash: young Roma and strategies for social prestige

There are various lines of rhetoric that contribute to the definition of Roma social identity. The rhetoric of human and minority rights, coming from institutional positions, sheds light on attributes of cultural difference, and thus legitimates discriminatory practices that should have been long overcome, like the 'nomad' camp policy in Italy. The same difference is reproduced when underlining a unique mythical origin, when reconstructing ethnically defined traditions, occupations and behaviors. The rhetoric creates categories, but it also creates difference. In a language of relationships, social identity attributes are contextual and relational, and can become reasons of pride, but they can also build stigma, as Goffman[4] puts it.

In line with Piasere[5], we see the category of 'the Roma' as a polythetic concept, socially built, that can show the traits of a virtual social identity, and even stigma. As various groups only share some attributes, thus lacking a common core of defining traits, the Roma seem to be defined by being identified or identifying themselves as such, thus giving space to the imposed, virtual social identities. A space of ambiguity that allows for individual choices of identity, belonging, sharing of life spaces, but which forces to adopt life scenarios that push persons to the margins.

The stereotypical identity scenarios have a strong impact on the life paths of young Roma and compete dynamically with personal claims for self-determination and empowerment. Migration processes further de-localize essentialist ethnical beliefs, and reveal large spaces of identity negotiations and tradition transformations.

We aimed to explore the social space created in the context of Roma migration from Craiova to Milano and Rome, with a research that started in October 2007 in the large open square in front of Milan's Central Station, and it fascinated us to such degree that we became part of it. *Cash Cash* was the three months pilot-study commissioned by Save the Children Italy, carried out by three researchers among the pick-pockets of Central Station in Milan. *Cash Cash,* all through 2008 and 2009, gradually involved an extended team of educators and researchers, photographers, peer researchers, partners, NGOs and aimed at working with all stakeholders (youth, adults, public institutions, social services) in an action-research framework, in order to achieve goals of equal opportunities and empowerment for Roma youth involved in illegal and informal activities.

We became part of it as our ethnographic field exploration favored an approach focused on experience, linked to immersion, focused on learning the world of Roma youth from young Roma. Our field experience was carried in the life contexts of adolescent and young Roma, aged from 12 to 25 years. The life spaces included the home neighborhood in Craiova, Romania, the streets in Milan and the camps in Rome. The level of participation requested good eyes and good memory, good emotional management for tense situations, and didn't spare our muscles either – when dancing, playing soccer, swimming or just walking for hours in the city.

The area of illegality and child exploitation remained our main interest, as it is one of the central attributes of the stigma associated to Roma in Italy – criminality as an ethnic trait. We think that

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[4] Goffman, E. (1983) (2003, new revised edition) *Stigma: l'identità negata* Milano: Giuffré, Ombre corte.

[5] Piasere, L. (2004), *I rom d'Europa. Una storia moderna*, Bari-Roma: Laterza.

by exploring the social processes by which 'criminal careers' are constructed and contested, we can shed light on the ways in which stigma leads to many self-fulfilling prophecies, but also on the way youth seek to enhance their social prestige and overcome social constraints.

In Craiova we explored the everyday life and the significant relationships of adolescent and young Roma and carried out 14 semi-structured or informal, unstructured interviews with representatives of institutions (local offices of national agencies for the rights of children or minorities, NGOs, Roma community representatives, and public social assistance services).

In Milano, during our initial field exploration we met 30 adolescents, among which 8 girls. Apart from the moments of participation during the breaks in the pick pocketing daily schedule, while the boys and girls were in the area of the Central Station (eating together, playing, and talking), we followed them in various social, penitentiary, medical structures when they were taken in care. We carried on regular visits, letters exchange and meetings with other social assistants and educators, and occasional visits in the places they lived, mostly in *camps*.

In Rome too we met young girls and boys aged between 14 and 20, and frequented together the leisure spaces created in the 'Orizzonti a Colori' project, carried out by Save the Children Italy. These services and spaces built a community of boys and girls with different life stories: Italians and migrants, born in Italy or newly arrived, students or workers, in families or in various residential structures; among these, Romanian Roma coming from Craiova area. The participation of the field researcher further extended to other life spaces, like the city, services and the camps, accompanied and guided by participants themselves. The research team also carried out 28 structured interviews with representatives of camp management associations, school and social services institutions, NGOs).

Craiova

Craiova, the home city of many Romanian Roma met in Milan, is situated in the south west part of Romania, in a region that counts 2.330.792 inhabitants, out of which 2,6% officially declare themselves as Roma, a number close to the national average. Local representatives, instead, estimate much higher numbers of Roma inhabitants that would situate the city of Craiova first on a national level.

Poverty, 'mentality' (understood as cultural, difficultly changeable sediment that marks the way of thinking and acting of all Roma) and discrimination are areas identified by most institutional interviewees as the main cause for the problems of Roma communities. Institutions have different positions: some seem to voluntary ignore the phenomenon of child exploitation, some choose not to address it because of difficult access to the field, some build thick networks of common interests and favors with the only goal to control resources directed to the poor communities. Thus young people from some Roma neighborhoods never came in touch with social services, although living extreme difficulties.

Actors in a segregationist dynamic, the Roma are majority population in neighborhoods like Faţa Luncii, Catargiu, Brestei (west outskirts of the city) and Romaneşti (south outskirts of the city). Between Roma neighborhoods, there are tensions: the aim might be group belonging, differentiation and prestige, revealing a continuous definition of social identities. There is no conception of 'us, Roma', as different Roma neighborhoods are assigned different statuses. Faţa Luncii, a neighborhood of conspicuous richness, is described by those in Romaneşti as the home

of 'Roma mafia', while Romaneşti by those in Faţa Luncii as a place of street violence, small criminality and of 'the worst tribe among the Roma'.

Romaneşti is a neighborhood situated in the southern outskirts of Craiova, along the road that carries to the border with Bulgaria. Some of the reference points of daily life in the neighborhood are the market (*Târg*), the widest bazaar in Craiova. Open all days, it is mostly animated on Monday mornings, when people from all over the county gather here for the horse and animal market. Besides horses, there is a market for merchandise of any provenience: from hardware to woodwork, from car parts to hi-tech, from dozens of second hand cars aligned in the central parking to clothes and shoes sold in the roofed area of the bazaar. It is a place of economic exchange and sociality, but also for pick pocketing and score settling.

Another central point in the life of the neighborhood is Romanescu Park, the biggest of the city, which is a place of socializing and fun for adolescents in their spare time, for the football pitches or the long walks. Another crossroad of stories and affairs is the *Peco,* the gas station at the extreme south of the city, where the roads to Bechet and Calafat split. Between bars and car repairs, restaurants for weddings, paid hitchhiking and private cars stop, it is the unmistakable place of any appointment with boys, girls and adults in Romaneşti.

In the range of few kilometers the neighborhood presents a wide variety of living and social conditions; just looking around the corner is enough to see significantly contrasting situations. The western part, facing Romanescu street, is made of bungalows, apart for a couple of houses belonging to the famous neighborhood characters – and the architectural structure and cure for details – gates, shutters, courtyard statues, glaring paint – are signs of the prestige of the family that lives in it. The streets are paved near the road, but covered of mud and dust on the inner streets, unviable with bad weather. The more you immerge yourself into the neighborhood, you lose the initial feeling of order, as its thousand faces become obvious. Besides a wide majority of Roma inhabitants, there is an increasing number of non-Roma families that choose to build their build small palaces with lawns and metallic fences far from the overpriced central areas and a growing area of public housing buildings.

The extreme opposite area of the neighborhood, behind the railroad and a large graze that looks like a scrap-yard, is made of uncolored bungalows, wooden doors, and precarious brickwork. On the dusty streets there are dozens of half-nude, bruised children. The hygiene conditions are definitely worse than in the rest of the neighborhood, and the atmosphere is more tense and aggressive. It was here that we met the boys that we knew from Central Station in Milan.

An important social moment in the neighborhood are the weddings, these too an occasion for strategic relationship building. Traditionally, the spouse is negotiated by the father, and its price depends on its purity and beauty, but also on the status of her family. The wedding is an occasion for all to gain social prestige and status. It is an occasion for parade, for finding a partner, for sociality and exchange. The singer, the volume of the speakers, the clothes, the impressive offers called *cinstea*, the arrival of the spouses - sometimes in an airplane or helicopter – are all reasons to be proud of and save money for years. Just like a young pick pocket that spent 40.00 euro for his wedding, all gained on the streets of Milan and Rome.

'Conspicuous consumption' as Veblen[6] called it, but rightful as it leads to getting your story told: mythological stories of success or 'golden' weddings fill the imaginary of the boys and girls that we met in Milan.

Conspicuous or not, it is definitely a mix of cultural styles strongly influenced by migration abroad (in which boys and girls feel more free than at home) but also by a global youth culture. Examples are the *manele*, a musical genre born about 10 years ago, very popular in Romaneşti as in all Romania. It combines elements of traditional Romanian, Turkish, Arabic, Serbian music, in an original, 'Balkan' sound. Bit by bit, it incorporated influences from all musical genres of what we call mass culture, from pop to rap and dance. A certain style is promoted, it includes villas, cars, star clothes but the lyrics also talk about love and life problems. The fusion of styles is nothing of what most imagine for 'traditional' Roma, and some very up to date details (clothes, jewelry) are visible at the wedding ceremonies. It follows a new urban style, often made of low-budget articles and replicas, shiny brand names and low neckline t-shirts. At the same type the Roma culture is reenacted, including some caricaturized traits of the stereotype, as it happens with the well-appreciated soap-opera 'Gypsy Heart', where main characters enact scenes involving a rich gypsy family. In this soap, women wear long red skirts, coins in their braids and read the future, while men wear stylish silk suits and hats and handle dirty affairs.

In the relationship network of Romaneşti there are significant groupings that structure the dynamics of interest and power in the neighborhood. Some structured 'clans' appear that openly and violently oppose to others for reasons of prestige and identity differentiation, as for economical local hegemony.

In most nuclear families, the authority figure of the father is at the center of the family. In the same family, though, the relationship with the sons can be very different: the oldest son, famous as smart and bully, is well looked after, while the youngest one, laughed at and unrecognized. Both sons are strongly involved in street pick pocketing in Milan.

Daughters' relational worlds seem, instead, much more affected by the variations in the degree of control and attention exerted by parents, associated to their gender status. Transgression of female gender scenarios (divorce, loss of virginity before matrimony, infertility) significantly impact on life and movement choices; still, they are present and tolerated, although associated with stigma. Tragic scenarios of domestic violence are also present, and sometimes dramatically lead to family dissolution.

As families are organized around patrilocal residence, with youthful marriages, the new relationships in the family of the husband are of major interest for married girls, while they enter the economy of husband's family. In some cases, it determines the choice for illegality: some girls abandon traditional home-related roles, go abroad and become main breadwinners in family pick pocketing.

The involvement in illegal activities (like pick pocketing) can fit into different family scenarios among those presented here: it can be a temporary test of alternatives in a family without major conflicts, a desperate solution for paying dice game debts, a plea for independence of the minor

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[6] Veblen, T. (1899), Theory of the leisure class: An economic study in the evolution of institutions, New York: Macmillan.

himself or an economical agreement between partners (family, intermediaries) that rarely includes him.

The social space of the neighborhood also reflects the frequent departures and returns of the migrants towards the west, mostly Italy and Spain. Families are often separated between different countries or spend periods of the year abroad and periods at home. Camp evictions in Italy, periods of extreme harshness, illnesses, but also religious and national holidays, weddings, baptisms are occasions to return home. Thus, a transnational space is created, where relationships are lived at distance, thus enhancing the importance of the communication technologies (from phones to photography, DVDs of wedding ceremonies, instant messaging). Some of the bonds loosen, some build their future in Italy, and cross-generations have to deal with another space of meanings, in migration.

Milano and the Roma

In Milano our direct experience was linked to the Central Station, a node of informal and street economies not only for Romanian Roma. Various groups coming from Romania were carrying on activities from begging to selling sunflower seeds or beer, from pick pocketing to dice games. A particularly large group was that of the pick pockets, that carried out thefts in first person, while walking alone or in couples or in the areas around Central Station, with most coming from Craiova and the region. A group of adults was almost always present nearby, among which parents and camp neighbours. The girls (sometimes older than the boys and pregnant) had a direct participation and companionship role. The same group (some of the youngsters were well known to other social services operators for similar minor offences) got famous in Rome and Venice, but youngsters' travel stories reveal mobilities all over Europe, directly determined by choices inherent to the nature of the illegal activity itself (e.g. legislation, police harshness, population consumption styles).

Pick pocketing is not the only activity that associates Roma youngsters to deviance and theft. Processes of urban segregation facilitate a proliferation of other informal activities, such as stolen supermarket objects selling (clothes, hi-tech, food, cosmetics) in the camps, for buyers from outside and inside the camp looking for low prices.

During the last two years the changes in the political scenery of Italy led to an increase in the security measures associated to potentially criminal places of the city, and thus to a fragmentation of the groups involved in street activities. Boys involved in pick pocketing now move around the city to avoid authorities, which marks their experience of places. While in Central Station a thick network of conational underage and adult fellows were present, nowadays pick pockets are constrained to move in couples, and have little time to build relationships with other 'actors' on the territory (Italian or immigrate commercial activities, hygienic or medical facilities, social services). Although they allow less permanence in one particular place, the new trajectories still follow some regularity, as some places become more familiar than others, thus contributing to the knowledge and abilities of the youngsters (of the territory, language, social network).

A similar result follows forced camp evictions: periodically, local authorities decide to evict inhabitants of an abusive camp (as it happened 166 times in Milan), and thus among these there is a general feeling of insecurity and panic. Families need to reorganize life projects every few months, and thus new conflict situations get born (as for example one abusive camps physically disposed in successive layers of groups that arrived from other evicted camps), but also

opportunities (as some families and young people choose to change harsh living conditions in the camps and separate from the reference group opting for rented houses). For example in 2007, the main residence of young people involved in street robbing and mugging was one particular abusive camp in Milan, thus clearly specifying a migration and social network path that linked Romaniști and that particular camp. Camp eviction annulled the achievements the camp NGO regarding scholastic and labor integration, and, combined with the militarization of the streets, dissolved the groups organized around pick pocketing towards other countries of Europe, other cities of Italy, camps, apartments and Milan hinterland, thus determining loss of contact with social services.

The stories of the boys and girls we met in Italy convinced us that the same situation of participation in illegal and informal activities of sons of minor age appears on a complex background of individual, family, migration and policy factors. While common perception links ethnic characteristics to social consequences, our experience showed that in the same life context different life paths can develop. While some families prefer to keep their sons away from illegality in order to protect them from the 'negative' influence of deviant peers, and send them to school, work, or beg, others children are clearly victims of exploitation and trafficking. Some youngsters say they were 'rented' or 'sold' to work in illegal activities, enforcing our belief that at least in part we are dealing with exploitation situations.

Still, one of the first operations to be done was to deconstruct the concept of 'exploitation', as the types of relationships that boys and girls had with their 'exploiters' (the main beneficiaries of their illegal/informal work) were situated on a continuous, ranging from close family ties of affection, financial, affective and moral debt, desire for financial independence, to physical punition and compulsion.

What about all the situations in-between? The social identity at stake needs to take in consideration, for many, going to Italian public school in the morning while doing the beggar in the afternoon, or working as a promoter but living in a camp with no hygienic facilities. Is it possible to rob food from the supermarket while wearing Air Max?

The complexity of deviant young Roma's situations and the social distance induced by criminalizing media discourse and urban segregation often leaves social workers with nothing more than typical, 'cultural' elements of the cognitive scheme regarding the Roma. The relationship with Italian social services is often marked by reciprocal mistrust and closure, thus creating a 'culturally special treatment', difference. Identity and documents confusion, practiced by some underage Roma as a necessity of criminal activity, introduce another diversion that goes together with difficult international and local bureaucracy to render the transnational monitoring of cases impossible.

To conclude, a first line of challenges that young Roma face in migration refers to the social inclusion paths that are actually available to them, in Romania or in Italy, when social and political actions often fail to implement equal opportunities, adequate living conditions, multicultural education and urban spaces for all. While social inclusion paths are difficult to pursue, youth participation in public school and leisure spaces, along with interaction with migrants of different origin or Italians, often lead to intergenerational gaps, as symbolic universes mutate and traditions are contrasted.

A second line of challenges refers to the weight of the stigma of being 'gypsy' or being identified as one. It often limits the freedom of social identity construction for young people and when

associated to extreme poverty conditions, loose family ties and marginal living conditions, a wide spectrum of fragilities arise; one of these is child exploitation and involvement in illegal activities, a process that often builds criminal careers and confirms limitative prejudice.

Y. Erolova

Labour migrations of the Bulgarian Roma in Poland (A case study on Roma from Balchik)[7]

It is a well known fact that since 1989 as Bulgarian population as whole, many Roma have emigrated from Bulgaria to Western European countries, mostly because of the socio-economic crisis and high level of unemployment. I will pay attention to the less popular case of Roma mobility from Bulgaria to Poland, following the example of Roma from the town of Balchik. The first migrations to Poland started in 1991 and continued until today.

Research methodology includes two-three weekly ethnographic field work studies on Roma from Balchik every last 3 years. A number of conversations have been conducted with men and women migrant workers, their relatives and neighbors at different age (from 12 to 60 years old).

The migrations of Roma from Balchik to Poland have different aspects. In the present paper the emphasis is put on social and cultural consequences of migrations and their impact on identity and development of local Roma community. The aim of the study is to cover several points: 1) Balchik Roma migrants in Poland 2) Roma, living in Balchik 3) 'new' non-Roma members of the Roma community in Balchik.

Balchik is situated on the Northern part of Bulgarian Black sea coast in historical-geographical region of Dobrudzha, borderland with Romania. The town is a developed tourist destination, which was one of the preferred resorts by Polish tourists in the period of socialism.

Roma living in Balchik are representatives of communities of the so-called Turkish Gypsies and Tatar Gypsies, who are Muslims by religious affiliation. They live in three Roma neighborhoods/settlements ('mahala') – Dolnata (the Lower) or Dere mahala, the Old Roma and the New Roma mahala. The Roma from Balchik identify themselves as Turks (the Lower settlement), as Tatars (the Old Roma settlement) and as Gypsies or Roma (the Old and New Roma settlements). The tentative number of the Roma in Balchik is approximately 12 % from the total number of population in the town (12 322 persons) according to official data from the Population Census in March 2001.[8]

The Balchik Muslim Roma speak Turkish and part of them - the Balkan dialect of Romani, as well as all of them speak the national state language Bulgarian.

During the period of socialism all Roma had permanent employment in the spheres of tourism (as serving personnel – cookers, cleaners and so on), industry (as low qualified workers in the local factories) and agriculture (as permanent or seasonal workers in state cooperative agricultural farms) in Balchik and the surrounding settlements.

Since 1989 the Roma in Balchik are affected by the economic crisis and high unemployment in Bulgaria, which leads to orientation to new labor occupations. The trade of dress (buying cheaper and re-selling Turkish and Chinese on higher prices) and construction (workers) have become the most popular. These activities are practiced on local level, but they are more profitable abroad in the 90s.

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[7] Dr Yelis Erolova, Ethnographic Institute with Museum at Bulgarian Academy of Sciences

[8] This official number of the Roma in the town of Balchik according to the Population Census does not include the Roma from surrounding villages who reside in Balchik, as well as the Roma with preferred Turkish and Tatar identity.

In the 90s, some representatives of Roma community from Balchik went to work as constructors in Russia and Israel, as service staff (cleaners and washers in restaurants) in Germany, but the majority of migrants went to Poland to work in the clothes retail. At first, they used local Bulgarian firms that ensured travel and job.

Poland has become preferred destination for the Balchik Roma, because 'it is a former socialist country, the (Polish) language is not difficult, the Polish people accept them well'. Moreover, Poles are not alien to the Roma from Balchik. Thirty-four thousands Polish tourists had rested during the tourist season in this part of Bulgarian Black sea coast in the 80s.[9] Many contacts were established between local Roma and Polish tourists at that time. On the one hand the Polish tourists were selling goods, which were more expensive and luxurious for Bulgaria as underwear, umbrellas, 'Bić Može' perfumes, 'Nivea' face cream, etc. On the other hand short-term personal relationships have been established between local men, including Roma from Balchik and tourists Polish women. One of the stories, which still can be heart in the Old Roma settlement, is about the time before 1989. There were doubts for cholera epidemic in this Roma neighborhood (although it was proved that there was no cholera epidemic). To prevent spreading of the epidemic, the local authorities restricted the access to it by placing milicia (police) guard men and nobody was allowed to enter or exit. Then a few Polish women were found in the Roma settlement.

Today Poland continues to be a preferred country for labor mobility of the Roma from Balchik. The crossing of Polish border was difficult for one to two years after the accession of Poland in European Union on 1st May 2004. Some Roma, who were working illegally, obtained black stamps on their international passports and prohibition to enter Poland. Now as representatives of the Roma community explain 'everybody who wants can go to work in Poland' after the accession of Bulgaria to European Union on 1st January 2007. Poland does not apply any restrictions for access to its labor market to Bulgarian citizens. They do not need permits to work and have the right for free access to the labor market of Poland.

Balchik Roma organize to Poland on their own travel with mini-buses and cars. Later they use the developed regular transport lines from Bulgaria to Poland. Men and women go to Poland to work primarily as street-traders. Usually the clothes are purchased at cheap stores ('hurtovni') in Warsaw and resold within the country, mostly in villages, parks and open markets in and around Kielce (Central Poland), Poznan (Western Poland) Slubice (Western Poland on the border with Germany), Opole and Wroclaw (Southwest Poland near the Czech border), and others.

The migrations are group (family) or individual. Most often Roma family, presented by husband and wife, migrate. Upon arrival in Poland they rent living place. It is often two-three families, in close social or kin relations, who travel together and share price for an accommodation in terms to save money.

The Balchik Roma identify in Poland by their citizenship as Bulgarians, while in Bulgaria except by their ethnic belonging, they stress that they work in Poland especially in their relations with non-Roma. Usually the Roma migrants stay in Poland whole year and come back to Bulgaria on occasions of weddings, funerals, after Christmas to celebrate New Year's Eve with their families, and rarely in the summer. Most often they come back after Christmas, because they have lots of work in Poland around the Christmas holidays.

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[9] According to Krassen Roussev, director of the European Institute of Cultural Tourism.

At first the children of the Roma migrants remain in Bulgaria and their grandmothers take care of them. While they are little they live and study in Balchik. The Roma migrants take their children with them after they find a suitable accommodation and adapt to Poland, being a foreign country to them. Children usually go to Poland after they grow up and can help their parents. Currently there is no data on Roma migrants' children who study in schools in Poland.

In Balchik the Roma children at school age are speaking Bulgarian, Turkish or/and Romani. The migrants' children change their language characteristics as a result of their rare returns to Bulgarian home. They learn Polish language and forget Bulgarian, but the usage of mother language (Romani or/and Turkish) is preserved, because they speak on it at home and they do not need to use Bulgarian language.

In some cases Balchik Roma migrate to Poland individually. If the Roma community perceives the family migration as normal, the same cannot be said for the migration of women (single, married or divorced), who go to work alone in abroad. Most often the community accuses them that they are involved in prostitution. 'When you see the woman alone – works abroad, returns with gold (jewels), and goes (to Poland) again - this means that she is chacharka'. This definition, derived from name of the main character from the Italian novel 'La Ciociara' by Alberto Moravia (1957), known from the homonymous film directed by Vittorio De Sica (1960), is used as synonym for a woman with immoral behavior.

The men-migrants (often young), who are not married are perceived by the community in a different way. Some of them marry to Polish women during their stay in Poland. Even the men, who are considered to be involved in pimping, are not 'condemned' by the community which reflecting the gender relations in community.

Mixed marriages with Polish women are one of the most obvious consequences of the Roma migrations to Poland, reflecting on the common group marital endogamous model of the Roma community in Balchik. The Roma men believe that Polish women prefer darker men (as them).

Nowadays there are about ten Polish wives in the Old and New Roma settlements in Balchik and similar mixed marriages can be found in other towns in Bulgaria with Roma migrants to Poland – Dobrich and Kavarna. The marriages with Polish women are perceived positively, although the Roma from Balchik keep endogamous marriage relations. The community considers the first mixed marriage for unsuccessful and the following marriages for smooth ones. The first marriage with Polish woman had a fatal end. A man went to work in Poland, while his Roma wife and two children remained in Balchik. In Poland he fall in love with a Polish woman and started to live with her. He left his Roma wife and took the Polish woman in Balchik. He created a new family with the Polish woman and they had two children. According to the members of the Roma community, the Polish woman could not used to live in the Roma settlement and left her husband. She took her children and returned to Poland. Then he committed suicide.

The representatives of the Roma community think that the other marriages between Roma men and Polish women are successful, because 'the Polish daughters-in-law are good house holders, they help their men's business in Poland', 'they respect their mothers-in-law'. The Polish daughters-in-law observe the common group moral norms and their new Roma families are very satisfied and talk about them with pride.' When the Polish women come here, they learn Turkish and sometimes Romani'…'Some of them organize their weddings in Bulgaria', including the custom of Kinna gecesi (Evening of the henna). This is a custom, in which the women from the community gather, sing and dance. The hands of the bride are colored in red with henna. 'The

Polish women are dressed modestly' as the other women in the Roma community. If the Polish women resided as tourists in Balchik during the summer in Socialist time, today their presence is due to their marriage relations with local Roma. Although Balchik is seaside resort and the first contacts between Roma men and Polish women were established at the beach, today the Roma wives – Poles, as well as all women from the Roma community, do not go to the beach, because it is considered for shameful.

The Polish daughters-in-law preserved their Catholic religious belonging and do not convert to Islam – the religion of their 'new' families. One of the Polish women told me that she visited the local mosque once, but she preferred to remain Catholic. The children from the mixed marriages are brought up as Muslims, not as Catholics, following the father's religion. The Roma community appreciates the fact that the Polish wives do not impose their religious beliefs on the future generation. 'They do syunet (circumcision) of their children (of the boys)', which further strengthens the good attitude towards them, although professing a religion, foreign to the community.

The children from mixed marriages between Roma men and Polish women develop mixed identity that has several dimensions: self-consciousness of belonging to Bulgaria and Poland as native countries, as well as Roma (respectively Turkish) ethnicity under paternal line. They speak Polish and Romani (or Turkish) language. They speak their father's language (Romani or Turkish) when they are in Bulgaria and Poland and their mother's one – in Poland. The children still do not go to school, because they are little, but probably when they start to study in Polish schools, their Polish identity will be enhanced.

The marriages between Balchik Roma and Polish women are not appreciated by the Polish families of the wives. The parents of the Polish wives do not come to the weddings and do not visit the 'new' families of their daughters in Balchik. Although the Roma share that this reaction is only in the first years of the marriage, closer contacts with the parents of the Polish wife are not established even later, when the family life goes to live in Poland.

The life-style of the Roma migrants has improved as a result of their labor activities, which brings them a higher position in the social hierarchy of the community. The migration to Poland is considered as a sign of prestige in their relations with non-Roma. In the frames of community, the better living conditions and their demonstration in public have become an object of competition. The earned finances are invested in purchase of cars, construction and reconstruction of migrants' houses, which can be seen in the changed outlook of the Roma neighborhoods in Balchik in the last two years. The houses of the migrants are distinguished by their color mineral plaster. Also the Roma migrants purchase golden jewels from Poland, which traditionally are prestigious in their community.

In conclusion, I would like to summarize that the migrations of the Roma to Poland led to changing of their social and ethno-cultural characteristics. The material living conditions, the marital model and the language characteristics are mostly affected. In Poland the Roma migrants continue to recognize and respect the Roma common group moral values. The mixed marriages with Polish women, who are new members of the Roma community in Balchik, indicate breaking of the marriage endogamy, but at the same time continuity of the community' traditions is expressed by preservation of certain ethical norms, as well as by the family education of the children in the paternal culture mainly through language and religion.

Roma migrations from Balchik to Poland repeat the Balkan model of 'gurbet' (temporary labor migrations), when the earned finances are invested in the native place, not in the country of migration. Although migrants live abroad, and return to Bulgaria for a short time, they still continue to consider that their home is in Balchik and maintain the attitude that one day they will return to Bulgaria forever.

M. Greenfields

Settlement & anti-Gypsyism: 'if you know someone hates you before you start, you puts up the barrier'

Introduction

This paper explores the theme of community relations and the nature and quality of the social relationships which exist between Gypsies and Travellers (both resident on sites and in housing) and their sedentary neighbours. The findings on which this presentation is based are drawn from a series of research studies undertaken by the presenter and colleagues from other UK academic institutions[10]. The primary data sources consist of re-analysed responses to qualitative questions pertaining to satisfaction with present accommodation and experiences of discrimination drawn from Accommodation Assessments. In addition quotations have been extracted from focus groups with housed and sited Gypsies and Travellers on topics relating to the nature of wider community and attachment to a particular locale. In total it has been possible to consider data relating to over 700 research participants.

Whilst in the time allotted it is only possible to present a very broad-brush approach to key themes, a significant and consistent finding across the vast majority of study locations has been the high percentage of respondents (over 70% across all age ranges), who report a lack of meaningful social contact and communication between their families and the surrounding 'settled' population. This finding holds true whether respondents have lived on a particular site for many years, reside in housing amongst relatively diverse populations or have relatives who are of 'mixed' (inter-married) heritage. Whilst, as will be discussed, for many participants avoidance of social contact with *gorjes/countrypeople* other than in closely prescribed (or externally enforced e.g. school) settings, may operate as a form of explicit ethnic boundary maintenance (Lee, 1997; Barth, 1969), for a not inconsiderable number of respondents, such separation is predicated by personal or familial experience of overt hostility and racism and hence an expressed desire *'not to mix with them… as soon as they know who we are they hate us and the trouble starts up'* .

Accordingly the implications for community cohesion where such 'parallel lives' exist (Cantle, 2005) are profound, with the decreased opportunity for the development of intercultural understanding which results from mutual hostility and suspicion potentially diminishing many Gypsies' and Travellers' access to a full range of capitals which may enhance their social mobility and life chances (Loury et. al., 2005).

In addition a significant narrative strand found across a range of datasets pertains to strength of ethnic identity and the impacts of adherence to an idealised conceptualisation of Gypsy and Traveller culture, (with declaration of such identity often acting as a synecdoche for nomadism and thus being 'outside' of mainstream (sedentary) society). For many participants tensions thus exist between recognising the need for a stable base which is not subject to the vagaries of eviction, coupled with a reluctance to remain too rooted to one location, particularly when this is perceived

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[10] Specifically, findings from a series of Gypsy Traveller Accommodation Assessments undertaken with Robert Home (Anglia Ruskin University); Jo Richardson (De Montfort University); Sarah Cemlyn (Bristol University) and research into the experiences of housed Gypsies and Travellers carried out with David Smith (Canterbury Christchurch University).

of as compulsory residence in 'bricks and mortar' housing, a form of accommodation frequently articulated as being symbolic of policies of enforced sedentarism and wide-ranging anti-Gypsyism.

Accordingly, and perhaps most noticeably amongst some young interviewees who have grown up or spent the majority of their lives in housing, adherence to an approximation of their elders' internalised world view and the importation of their own experiences and expectations of hostility towards Gypsy and Traveller culture can lead to an inward-looking model of *'being a Traveller'*, dependent upon highly-bonded social networks with members of their own communities, often avoiding interactions with agencies and individuals which could enhance their 'bridging capital' but which are identified as leading to a risk of becoming *'gorjified'* (Greenfields, 2010, forthcoming). In this, young Gypsies and Travellers are not dissimilar to many other members of minority ethnic communities (Reynolds, 2010, forthcoming) although the history of near universal anti-Gypsyism (Hancock, 2000; Guy, 2001; Kenrick, 2004) and a concurrent tendency for Gypsies to remain protectively clustered in low-income urban neighbourhoods for longer than other minority groups (Kornblum, 1975) as evidenced by urban anthropologists' reports of Gypsy communities in London and other urban centres remaining largely extant over several generations (Mayall, 1988; Griffin, 2008) may potentially exacerbate a tendency to remain in cultural-socio-economic statis.

In the remainder of this paper a discussion is presented on the context of and barriers to inter-cultural communication and Gypsy and Traveller perceptions of their relationships with their surrounding neighbours in the light of widespread Anti-Gypsyism.

Finally, to enable discussion on whether recognition of a similar histories and experiences of exclusion and discrimination can create a locus of contact, a brief consideration is given to early emerging findings on points of social interaction and the potential for political engagement between recent Roma migrants and Gypsies and Travellers in Britain.

Site residents' experiences of anti-Gypsism

Evidence from Gypsy Traveller Accommodation Assessments has consistently found over 95% of respondents reporting that they have experienced incidents of racism and discrimination from surrounding populations. Of these, individuals who have undertaken nomadic travelling (and particular dwelt on unauthorised or roadside sites) are frequently victims of unprovoked assaults and verbal abuse from passers-by. Typical reports include *'rocks thrown at the trailer' 'driving by shouting filthy words and hooting late at night' 'calling us dirty names'* and on occasion significant criminal attacks *'windows blown out with shotgun – the chavvies were asleep – we'd had threats for a while, people telling us to get off and then that night…lucky no-one was hurt – we pulled almost before it was light'.* Less dangerously, but still a cause of significant local friction and complaints received from local authorities after trailers have moved off are the frequent reports of *'fly-tipping – get up and found they have done a drive by - people thrown their rubbish down near the trailer – they knows we'll be blamed for the mess'.*

It is noteworthy that narratives of abusive treatment whilst on the roadside often explicitly referred to the dichotomy between hostile treatment meted out by sedentary peoples and concepts of 'authenticity' and 'romanticisation', both of which are perceived of as offering some protection for Roadside Travellers.

> Being a Gypsy isn't just wagons and horses, [but] that is what the gorges want to see – that is safe – not who we really are. They don't want to know the rest of it, the back-breaking work in fields, the moving on in the winter with sick kids that my grandparents and parents had and having your windows took out of the trailers by passing drunks. Oh no, they [non Travellers] only want the long skirts, the violins and dukkering and then only when **they** want to see it.

The misrepresentation of Gypsy and Traveller culture and reification of a mythologised image which takes no account of changing realities or plasticity of Gypsy/Traveller culture (Kabachnik, 2009; Richardson, 2006) is, ironically, one which enables some New Travellers who have adopted 'authentic' practices (and long abandoned types of accommodation formerly used by ethnic Gypsies and Travellers), to reap the benefits of public tolerance. As noted by one 'horsedrawn' New Traveller[11] who participated in a focus group:

> they let us alone, we are picturesque with a horse and bowtop, nobody will bother you stopped on a Green Lane or big verge for a day or so – they want their photos taken and look at your wagon and off they go happy but they see a big site with buses and scrapping and dead cars about and look at it and it's all a bit Mad Max and they get scared and want you off double quick time.

Roadside Travellers therefore (even more explicitly than permanently 'sited' Gypsies and Travellers who despite their apparent static placement in a local area are still frequently perceived of as 'temporary residents') operate within a double-bind of popular pre-conceptualisations pertaining to lack of trustworthiness, expectations that they will come and go whilst taking no responsibility for their actions, and an assumption that they somehow have no attachment to a local community or area, even if they are explicitly seeking to remain in an locale as a result of familial and historical connections. Thus as noted by Sway (1981) Simmel's concept of the 'stranger' a marginalised, despised and (apparently) socially disengaged individual who espouses alien loyalties to a pan-national ethnic community of 'outsiders' (Simmel, 1950) can thus be seen to resonate with commonly held images of members of nomadic communities. This conceptualisation of 'outsiderness', (as noted below), also has some currency amongst Gypsies and Travellers themselves who appear to frequently operate within a field of merged and blended genres, a métissage comprising fluidity of both place and strategy within a hostile world but within which loyalty to family and community remain paramount '*I don't know many Travellers that mix outside our own community other than for work reasons*', '*the only time we are really comfortable is with each other. That's the only time that we feel safe*', '*we stick together*'.

For residents on caravan sites whether 'authorised' or 'unauthorised developments'[12] the role of the both the media in continually publicising racist and discriminatory representations of

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[11] New Travellers are not a distinct ethnic group but a loose-knit community of people who may have grown up in conventional accommodation but who have lived 'on the road' for a considerable period of time. Although New Travellers have popularly been associated with 'alternative' and 'festival movements' from the 1980s onwards an increasing percentage of New Travellers have been individuals who have left care or the armed forces or who became nomadic as a result of inability to find employment. For some of those who were at risk of social exclusion during the major recessions of the 1980s-1990s opting to become nomadic was identified as a 'more positive form of homelessness', offering the opportunity to undertake field labour and associated work whilst living cheaply in vehicles as a member of a supportive community. Although a relatively high percentage of New Travellers have returned to conventional accommodation, a significant number were born 'on the road' and have parents and even grandparents who have followed the same way of life since the 1970s.

[12] 'Authorised sites' are those with formal planning permission for a 'Gypsy/Traveller Caravan Site' and may be owned by either a registered social landlord or the residents. 'Unauthorised developments' are sites which do not possess planning permission and which are typically self-owned by those residing on the land who in the absence of adequate pitch provision then apply retrospectively for a site licence/planning permission for residential use.

Travellers (Morris, 2006) and local level campaigns against the granting of planning permission for sites often citing grounds of increased criminality; lowering of house prices and the unsuitability of placing a site in a local rural area (Richardson, 2006; Cemlyn et. al., 2009) can often lead to perception that not only are Gypsies and Travellers hated by all local residents, but that they are significantly less valued as members of their community. In turn, experiences of relentless hostility have been found to *'damage [young women's] self esteem...[and] reduces their feelings of safety when amongst settled communities. This makes it harder for them to participate in education and leisure activities and creates a barrier to their participation in public life'* (YWCA, 2006, 3). Respondents to focus groups reported in that *'we've been fighting for permission [for a private family site] for nine years... they keep going back to court to try to get it overturned' 'we took four attempts to get planning permission – did it all right – spent everything we had on the cases – kept getting turned down but up the road – well no problem for permission to put up new houses or stables' 'that is the difference between you and us.. we always have to try to prove ourselves we've been labelled, judged because of what we are and how we want – need - to live'*.

Even where site applications are granted and residents have lived at a location for a significant period of time both the physical placement of sites (which are often distant from local amenities) and the frequently appallingly bad conditions on public sites which are often located on land which would be deemed unsuitable for housing as a result of proximity to polluted areas, (Greenfields, 2009; Cemlyn et. al., 2009) emphasises the rejection of Gypsies and Travellers by much of sedentary society, and their relegation to the margins of modern life. Richardson, (2007) theorises that the deliberate location of (public) sites in unsuitable locations is an act of hostility which when coupled with the negative discourse pertaining to members of these communities permits of the continued othering and neglect of civil liberties of Gypsies and Travellers in the face of incontrovertible evidence of their social exclusion and exposure to unlawful inequalities. As one focus group respondent noted, even when *'it's all over – we've got permission and they've got to get on with it - you know they are watching your every move to see if you break any regulations'* and in the face of apparent friendliness from local residents, a sense of caution remains and a conceptualisation of *'being divided – you shouldn't have that divide.. that line where you've got one community there and one community here and they don't communicate'*

For many Gypsies and Travellers the sense of isolation and separation is exacerbated by the fact that hostility from the surrounding population exists alongside a widespread belief, (often based on personal experience), that complaints of racism will be ignored by local authorities, social landlords, schools and the police. One man commented during an interview that 'we have to put up with racist comments because nobody takes the complaints seriously but the gavvers (police) are always banging on our doors', while another (housed) respondent called that 'The people always ready to call the police on me and they always come. If I call them about my neighbours' racist abuse or throwing stones at the window they never come.'

The common perception (apparently adhered to by in excess of 65% of respondents in the sample reviewed) that 'the government let the police and council discriminate against us from the day we're born. We're rejected because they don't want anything to do with us' can result in avoidance of dealings with non-Travellers, a mistrust of officials and defensively hostile behaviour that increases already poor relations between Gypsies and Travellers and professionals from a wide range of disciplines (Parry 2004: 49-50).

Gypsies and Travellers in Housing

It has been estimated that there are approximately 300,000 Gypsies and Travellers in the UK (CRE, 2006). Of these, the percentage living in housing may be as high as two-thirds. The pace of transfer from sites into (largely) public sector housing in the past five decades has been driven by relentlessly assimilationist policies that have sought to outlaw the culture and lifestyle of travelling. These include the closing off of and subsequent decline in 'stopping places', draconian policies for unauthorised camping, inequities in the planning system, a shortage of official site capacity and a desire by those with no legal stopping place to avoid constant harassment and eviction (Clark & Greenfields, 2006). Evidence exists that in certain locations with a high population of Traveller families that up to half of every generation have transferred into housing throughout the latter half of the 20th century (Richardson, et al., 2007).

Although little research has been conducted into the psycho-social impact of residence in housing for Gypsies and Travellers who have in essence, been forcibly settled, it has been recognised in law that requiring someone who expresses a strong 'cultural aversion' to 'bricks and mortar' accommodation to move into a house is as unreasonable as requiring a house dweller to reside in '*a rat infested barn'.*[13] Parry et al's (2004) Department of Health funded research found that Gypsies and Travellers have the lowest health status of any other BME group in the UK with particularly high rates of depression and anxiety. Psychological ill-health was associated in particular with residence in housing, findings further supported by Matthews (2008). Evidence suggests that racism and anti-Gypsyism/hostility from sedentary communities profoundly exacerbate the negative impacts of settlement for members of these communities (Cemlyn et. al., 2009).

In common with sited Gypsies and Travellers, housed respondents reported a tendency to '*not have much to do with [them]'* when asked to discuss their contacts with settled (non-Gypsy/Traveller) neighbours often citing concerns about racism should their ethnicity be known, or entering into discourse on why and how mixing with *gorgers* was detrimental to the well-being and morality of Gypsies and Travellers. Interestingly, narratives on 'otherness' and moral inferiority of sedentary populations echoed the derogatory stereotypes utilised by non-Gypsies when they wished to characterise Travellers, with such characterisations actively encouraging social distance and division. One woman commented '*I can't stand the gorgers most of them round here are filthy dirty and would argue over a penny piece'.* The seemingly lax disciplinary standards of their neighbours combined with their inability to control their children were subject to particular criticism and provided a symbolic marker of difference with which Gypsies and Travellers distinguished themselves from the settled population. By contrast, it was felt by many respondents that the existence of strong kin and ethnic based networks that operated in their own communities acted as a form of social control and surveillance of their children. One female respondent reported, '*I don't get on with them* [gorgers] *at all. They're the dirtiest people I have ever met, they should all be under social services for the way they treat their children.'* Another argued that she '*hated everything'* about where she lived and could not find one favourable aspect about living in housing adding, '*The families here can't control their own kids there's no respect and too many drugs. No freedom for mine to play free outside'.*

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[13] *Clarke v SSETR [2002] JPL 552*.In this case the Court of Appeal held that when a Gypsy sought planning permission for a caravan site and had a 'cultural aversion' to bricks and mortar, it could breach his human rights to take account of an offer of conventional housing that had been made to him

While discussing social and community relations in a focus group one respondent who had been housed for several years remarked that he concealed his identity from his neighbours acknowledging that *'they don't know so they're none the wiser and they won't point at me whenever anything goes missing or stop their lads playing with ours.'* The wife of a family housed for eight years after being evicted from a family owned plot of land commented that after a difficult adjustment period she was 'very happy' in housing, adding tellingly, that *'We never get any trouble from the neighbours but then they don't know we're Gypsies so that helps.'*

Inter-Cultural Communication and Contact

Although narratives of 'parallel lives' featured prominently in a significant number of interviews and focus groups, further probing revealed a clear class dimension overlaying the elements of ethnic and cultural difference and anti-Gypsyism. Respondents in one locality made clear distinctions between the longer established working class community and newcomers to the area. It was frequently noted that *'some gorgers is alright. If they're not stuck up and think they're too good to talk to us.'* A lack of interaction and mutual suspicion was not such a problem with 'locals' in peri-urban areas with whom the Gypsy and Traveller community have a long history of working together in seasonal agricultural work and thus historically living in close proximity. Stereotypes can only go unchallenged when there is minimal interaction and a long process of contact along with increasing rates of intermarriage had led members of both communities in those areas to recognise that there is *'good and bad in all, Gypsy or gorger'.* One man noted that *'I live with mostly Travellers, up the same road as me, but I live with some gorgers as well. I get on quite well with them actually 'cos I've been brought up with them. I've known them all my life. Most of them live up my road anyway.'* Rather, the trend of 'parallel communities' tends to be more prominent among newcomers to the area who are moving into new private housing developments. Savage et al (2005) utilise the concept of 'elective belonging' to highlight how the middle classes concentrate in areas with people of their own class and spatially exclude those who do not belong. In one locality newcomers moving into a new private housing development were reported to have wanted a wall built to separate themselves from the (Gypsy and non Gypsy) residents of an adjoining housing estate and during a social event designed to increase community cohesion and relations between the recent arrivals and social housing residents, not one of the new arrivals attended the event.

> 'A lot of it is because of outsiders moving into our community…you've got Londoners moving in…and all our locals, all the original old locals that we grew up with, the outsiders well their children have never had that opportunity to grow up [together]. All they've grown up with is these Londoners coming in and everyone else from up-country and cities, saying how bad we are. How do they know? They've never lived with us.'

One consequence of the long established presence of Travellers in certain housing estates is that over time a considerable degree of social and cultural convergence between housed Travellers and their non-Traveller neighbours appears to be occurring. Despite the rhetoric of separateness (and indeed strong cultural preference amongst older people) for marriage between community members, there are signs of increasing rates of inter-marriage (or parenting relationships) with non-Travellers amongst both the current young adult generation and in some cases, their parents. Indeed a number of young focus group participants were themselves in, or a born as the result of, 'mixed' relationships.

> 'My Mum and Dad are Travellers - not my sister's [Dad] though. We have different Dads'.

'There are various mixed marriages on the estate between Gorges [non-Gypsies] and Travellers and I think it is quite healthy'.

Despite the increasing rate of mixed relationships and the changing conceptualisation of 'Gypsy and Traveller identities' which is emerging from this demographic shift such relationships are not always without their problems and cultural tensions. As one focus group participant commented:

'It can be hard and I for one feel sorry for them, they've got the Mum's family having a go about 'those dirty Pikeys' [derogatory term for Gypsies/Travellers] and the Dad's family slagging off 'those bloody Gorjes' and the kid's stuck in the middle pulled both ways'.

Interestingly, young people in two localities (and regardless of whether one or both of their parents were of Gypsy or Traveller origins) reported that youth resident on their estates despite public incidents concerning racist discourse, had a highly ambivalent attitude to Traveller culture:

'People say 'oh they're - Travellers that, Travellers this, Travellers the other' [mimicking a derogatory tone of voice] but really deep down inside they'd love to **be** a Traveller, 'cos they dress up like Travellers, they wear gold earrings and they talk like us'

One young woman - resident on a 'mixed' estate divided roughly in half between Travellers and gorjers - who analysed her personal situation in terms of having to make a choice between a romanticised, culturally 'authentic' but increasingly untenable life of travelling - (such as she had enjoyed intermittently with her grandparents until their death) or settlement into housing and marriage to someone from a similar background to herself; offered a perceptive insight into the changing cultures of house-dwelling Gypsies and Travellers

'What I think is happening is that because we have 3rd, 2nd and 1st generations on the estate, there is a culture - to use the term - that is evolving. So where you had the original, it's becoming it's own culture on the estate. So you've got the Travellers of 30, 40 years ago that originally came onto the estate all those years back, and now you've got the generations coming on. And the culture is evolving'.

Roma/Gypsy/Traveller other migrant contacts

In two recent focus groups in which Gypsies and Travellers have been asked to contemplate their social relationship with surrounding populations the opportunity has arisen for participants to consider the potential for political and social engagement with other excluded populations, most specifically recent Roma migrants. Whilst evidence is currently sparse that the majority of non-politically engaged Gypsies and Travellers have contemplated their position in relation to broader dimensions of racism and social exclusion, a small minority of participants indicated awareness of the potential for social and political solidarity.

'It's all about this political correctness.. the problem you have all of these organisations that's been given a banner to sort out the ethnics, sort out every sort of person, your religion, like everything and it's driven a wedge... suddenly we all become labelled... we've become divided, slowly segregated... we are all becoming Britain's untouchables'

'we had a book about the Roma and we were going through it and this Indian woman said 'can I borrow this?'.. all these young girls were laughing and I said 'what's up with you lot' and she said 'you ain't going to believe this but that is our language too' and every word in that their language was in the Indian language so somewhere, we've lost what is actually our mutual heritage.. so by rights although we don't mix with them we should be mixing with them because they could teach us back our own right way of life'

Although the majority of respondents reported that *'we ain't got nothing against them – but they aren't like us'* or even reported that *'they are giving us a bad name – people think we are like them from Poland and Czechoslovakia what sell our daughters and beg and steal'* a strand of respect for a shared heritage could be noted in some comments *'they come here because they are hated like us and discriminated against in their own countries. Not that I'm saying everything they do is right now some things I don't agree with - but they get it* [trouble] *like us for being Gypsies – Roma'*

Amongst the most politically astute and organised participants – those who had perhaps had greatest contact with individual Roma/Sinti activists or Pan-Roma organisations through experiences of participating in Gypsy, Roma, Traveller History Month events or international (EU sponsored) events - an increasing awareness of the value of inter-cultural contact and political engagement with Roma/Sinti was noticeable, with both a tendency to identify links between their own organisations and European Roma agencies and also articulation of shared experiences of discrimination, common history and goals. Whilst this emerging theme has yet to explored in detail, the tendency towards contact between Gypsies/Travellers and Roma which is particularly noticeable in the South East and urban areas with a relatively high rate of Roma/Sinti migration will provide yet another strand in the developing narrative of inter-cultural communication, settlement and resettlement in the light of widespread 'anti-Gypsyism'.

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Institutional inertia and international initiatives: debilitating for Roma activism?

This paper using the case examples of Macedonia and Serbia discusses the role of institutions as viable avenues for Roma claims-making. International organizations have focused on domestic institutions in order to implement Roma-related policies and programs. To some extent this has hindered Roma activism as implementation is lacking and change is slow to occur. Furthermore, international initiatives such as 'capacity building' and 'small scale projects' are inadequate measures to effectively address Roma-related issues. This paper argues that international organizations should adopt a programme oriented approach, and also fund structural reform within political institutions to ensure implementation of Roma-related policy in Macedonia and Serbia. Finally, it may be encouraging to focus on the current process of decentralization that would support local initiatives and grassroots activism to promote Roma claims-making in the respective states.

Does international influence matter?

One qualifying component for EU membership among Eastern European nations has been the status of the Roma community. European Commission reports discuss the situation of the Roma population and the steps that are required to improve the social, political and economic rights of the community.[14] Macedonia and Serbia as post-Communist states in the process of democratization are seemingly receptive to international influence to gain EU membership. Serbia as an 'EU-Ascension country' and Macedonia recognized as an 'EU-Candidate country' are recipients of numerous international projects and initiatives that will apparently support the integration of the Roma population within these states. Additionally, international projects are occurring alongside the 'Decade of Roma Inclusion,' to which signatory countries have made a commitment to improve the situation of the Roma community.[15]

International institutions such as the OSCE, UNDP, Council of Europe, Roma Education Fund, and World Bank have attempted to influence domestic state policy and programs on Roma issues. Although many international initiatives exist, to what extent can international organizations influence Roma-related policy and programs within a state if there is reluctance on the part of domestic actors and institutions? In 2008- 2009, Serbia presided as the chair of the 'Decade of Roma Inclusion.' The mayor of Belgrade as an initiation to the 'Decade,' evicted a Roma community from the centre of the city and demolished the settlement.[16] The 'Decade of Roma Inclusion' like many international initiatives appears as a conduit to strengthen the Roma movement, but as other Roma-related policies have demonstrated, what appears on paper is lacking in implementation. As former presidential advisor in the province of Vojvodina, Serbia

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[14] EC Progress Report, 2008

[15] Decade countries include: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Hungary, Macedonia, Montenegro, Romania, Serbia, Slovakia, and Spain. See www.romadecade.org for further information.

3 See www.hrw.org for further information on the eviction of the Roma community from Block 67

4 Interview with Dusko Radovic, Date: June 2, 2009

noted 'the Roma issue is not high on the priority list of the Serbian government, even if it is on the agenda.'[17]

International organizations are committed to working with government bodies to address Roma-related issues. While this approach seems to be conducive to national governments taking responsibility for minority related concerns, a major problematic is institutional inertia within post-Communist states. Roma activists as well as international organization representatives noted the lack of implementation as an issue of institutional reform in both Macedonia and Serbia. Institutional reform in post-communist states is especially a concern as with the creation of Roma-related departments and positions within Macedonian and Serbian political structures, institutions have become the main avenue to address Roma issues. Channeling Roma activism through state institutions has led to few achievements concerning the implementation of Roma-related policy and national legislation.

In Macedonia and Serbia, institutions have remained relatively unchanged despite democratization. One would expect that democratization would allow for institutional innovation and discontinue previous patterns of institutional conduct.[18] However, many empirical studies demonstrate that 'institutional arrangements that developed in Eastern Europe before and under Communist rule remain salient even after the disjuncture of 1989 and continued to shape distinctive trajectories in the post-Communist period.'[19]

As described by Thelan, institutional survival is often dependent on institutional transformation in order to adapt to the changing social, political, and economic context.[20] However, institutional transformation does not necessarily point to institutional innovation. The National Strategies and Action Plans are limited amendments to create the appearance of Roma inclusion in Macedonian and Serbian societies and political structures.[21] The inclusion of Roma-related departments and positions within the Macedonian political structure is a way to appease EU human rights regulations in order to join the European Union and international community.[22] Comparatively, in Serbia, one former politician commented 'the pressure of the EU upon our government doesn't bring any influence; it only causes the need to resist among Serbian people.' Specifically, in regards to EU-Serbia cooperation he noted 'the problem is that Serbia is structurally unprepared to cooperate with the EU because institutions are not ready to initiate projects with the EU. The government would prefer to just get the money and do what they want with it.'[23] Macedonian and Serbian political institutions are a construction of old and new structures and policy legacies that have only transformed *slightly* to accommodate changes within the external social and political context. These structures are now shaping opportunities and threats for protest group and government action in the contemporary period.

Change within Macedonian and Serbian political institutions is difficult but not impossible. In order to conform to international human rights norms and become an EU member state, changes

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[18] Thelan, 209

[19] Ibid, 210

[20] Thelan, 211

[21] To review the National Strategies and Action Plans, refer to the Decade of Roma Inclusion website, www.romadecade.org

[22] Interviews with Ljatif Demir, Date: January, 2009 and Ramiza, Date: January, 2009

[23] Interview with Dusko Radovic, Date: June 2, 2009

proposed by international organizations have been accepted to some degree regarding the formulation and implementation of Roma related policy and programs within political institutions. But, there has been a lack of initiative and will to implement major structural reform and have real impact within Roma communities.

'Capacity building' and 'Small-Scale Projects' debilitating Roma Activism?

Institutional inertia is one factor accounting for the lack of implementation concerning Roma-related issues. However, it also important to analyze the kind of influence international organizations are exerting as mediators between government bodies and Roma activists. What other factors can account for the lack of sustainable and effective change concerning Roma-related issues? Sikkink refers to the 'spiral model' as the transformation of state structures as a result of social movement impact. One of the main aims of building international alliances is to increase activism domestically in 'closed' regimes that suppress social movements. As a congruent process, it would follow that as the communication path between activists and domestic governments is impeded, activists in 'closed' regimes, have no alternative, but to make international links. Thus, 'closed' regimes become more 'open,' by transforming both the domestic and international opportunity structures by improving human rights and promoting democratization.[24] As argued by Sikkink, 'international institutions offer international opportunity structures, which interact with domestic political opportunity structures to produce particular types of environments for transnational collective action.'[25]

While this is an elegant and effective argument, what remains to be analyzed is the impact of international organizations as effective mediators and allies of the protest group. Macedonia and Serbia as 'closed regimes' will not become more 'open,' unless the strategies of international organizations are amended. One of the main strategies employed by international organizations is through the development of 'small-scale projects' and 'capacity building.' In the post-1999 period, subsequent to the Kosovo conflict, many organizations contributed to the building of a 'thriving' civil society in the South Eastern European region. 'Capacity building,' would resolve all challenges in post-communist states, especially in regards to ethnic/minority problems. There has been a proliferation of Roma-related NGOs funded and affiliated with international organizations that 'voice' the concerns of the community and advocate for their claims, acting as the main agent between domestic governments and the community. International organizations by providing financial and technical support, organizing conferences and meetings with domestic government representatives are a cheap alternative to helping democratize state structures, and contributing to the political participation of minority groups. Roberto Belloni, using Bosnia as a case study refers to a similar argument regarding the involvement of international organizations, and the development of civil society as a less expensive alternative to extensive institutional and economic reforms. As Belloni states 'one is led to believe that the discourse on civil society is the new ideological antidote for the failures of official aid and the resulting diffuse sense of pessimistic attitudes toward the Balkans.'[26]

Roma politicians and activists have observed how international funding has supported the proliferation of NGOs that seek to create a 'Romani industry' based on the humanitarian needs of

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[24] Sikkink, 163

[25] Ibid, 171

[26] Belloni, 178

a severely marginalized population.[27] Some have vociferously criticized actions of the international community in regards to NGO funding. One politician stated 'to be honest the Roma minority never really benefitted from those funds. If Roma problems were solved previously by these funds – it they were directed correctly toward the Roma issue, Roma people still wouldn't be living in cardboard boxes or in unhygienic conditions.'[28] There are over 1000 Roma organizations within Macedonia and Serbia, with very few effectively serving the needs of the community.[29] Furthermore, some NGO activists criticized international organizations for working on initiatives that did not correspond to the needs of the Roma community in Macedonia and Serbia. Civil society organizations were not solicited for information regarding the actual needs of the community, nor were their ideas taken into account.[30] Many international organizations adopt a top-down approach, with Roma activists merely acting as field workers implementing short-term projects with limited effect on the community.[31] If an NGO did have an effective program in place, at times, international organizations would withdraw funding, as it had been decided that other issues were a priority. The NGO would then draft an extensive project proposal in response to abstract 'project proposal calls' attempting to fit international organization objectives rather than meeting the needs of the Roma community.[32]

One of the fundamental problems concerning how the Roma issue is addressed is how funds are provided for small project based initiatives rather than a program oriented approach. Project oriented activities are generally short term and only have impact on a small segment of the population. A long term, programme structured approach that incorporated Action Plan activities within all government departments would allow for better implementation and have wider impact on the general Roma community. For example, in Macedonia the Health Department has a comprehensive programme for socially marginalized people. However, the Action Plan on Health for Roma was not considered while formulating the programme. More funds may be allocated to Roma-related issues if all action plans were incorporated into current governmental programmes.[33]

The Decade of Roma inclusion – as an international policy and the national strategy/action plans on Roma in Macedonia are implemented project by project – not as an integrated policy that would support structural changes within government departments and thus wider reforms to enable implementation on a macro level to benefit the Roma community. The project-oriented approach to addressing Roma concerns is *partly* a result of government agencies adopting the practices of international and non-government organizations. Many departmental staff members have previous work experience in international and civil society organizations concerning Roma issues. The method by which the National Strategies and Action Plans are implemented may be reflective of this perspective.

As discussed by many NGO and international organization representatives, what is lacking on the part of international actors is long term strategy and vision. Too often short term guidelines dictate Roma-related policies and programs that are changed frequently. The lack of monitoring

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[27] Interview with Vitomir Mihajlovic, Date: June 6, 2009

[28] Ibid

[29] Interview with Andrea Colak, Date: May 7, 2009

[30] Interview with Milena Cuk, Date: May 18, 2009

[31] Interviews with Jasna Kronja, Date: May 18, 2009 and Nadja Kocic, Date: June 5, 2009

[32] Interview with Milena Cuk, Date: May 18, 2009

[33]Interview with Elvis Ali, Date: March, 2009

and experience in the field is a major limitation of international organizations. The over-emphasis on paper work creates a very deceiving impression that Roma activism exists, but without implementation it ceases to be a social movement. As stated by a member of CARE International 'there are too many politics involved, not only on the side of political parties, but also the international community.'[34]

Challenges within Roma Civil Society

Currently, with the simultaneous processes of subsiding conflict in the SEE region, democratization and EU ascension status, Macedonia and Serbia exist in a 'vacuum' where the international community is retracting funds concerning humanitarian and Roma-related issues. In Macedonia, limited international funding is having the consequential side effect of creating increased conflict and jealousy between Roma political representatives and Roma civil society. Comparatively, the Roma civil sector has been advantageous in building contacts with international organizations and receiving training on lobbying, project development and implementation. Roma political representatives believe that NGOs are corrupt, receiving international funds without serving the needs of the Roma community. In contrast, NGOs argue that Roma political parties are only interested in personal interest and ambition.[35] In response, some Roma political representatives have actively tried to suppress the Roma NGO sector from obtaining international funds, and attempted to take ownership of Roma organizations and activities. This has created a tense situation; the government needs the input of the Roma civil sector in order to gain access and information concerning the Roma community, but at times, the Roma civil sector is not supportive.[36]

In Serbia, activists have noted the monopolization of Roma issues once positions have been created within government institutions. For instance, the Office for Roma Inclusion in Novi Sad, Serbia since its inception has become the main information centre concerning Roma-related issues. As international organizations require institutional cooperation for NGO projects, many NGO project proposals now have to be accepted by the department head before funding is received. Roma related issues are decidedly 'important' based on the views of one individual. Another issue is the re-instatement of patriarchal organizations common within Roma communities in government structures. This has led to the exclusion of different perspectives and de-prioritization of concerns such as those related to Romani women.[37]

The development of Roma activism has been inhibited by the withdrawal of international funding, conflict between major actors, but also the inclusion of recent Roma university graduates and civil society representatives in Roma political parties and government structures. This is a problematic development and may lead to the lack of constructive criticism regarding Roma-related policies. The Macedonian and Serbian governments have been slow in implementing the National Strategies and Action Plans, but there will be no critical civil sector to effectively lobby and instigate change. An additional problem is the lack of cohesion and networking among existing Roma NGOs. The lack of international funding has increased competition among Roma NGOs, but more importantly, the inability to coordinate and agree on a common platform has debilitated

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[34] Interview with Jasna Kronja, Date: May 18, 2009

[35] Interview with Eben Friedman, Date: February, 2009

[36] Interview with Ramche, Date: March, 2009

[37] Interview with Svenka Savic, Date: May17, 2009

Roma activism. However, successful examples of NGO networking and coordination do exist such as RNVO 2002 in Macedonia. The network is a composition of two lobby groups including representatives from state institutions.

De-centralization as an Avenue for Grassroots Activism?

As noted previously the institutionalization of Roma activism at the federal level has not been conducive to promoting Roma-related issues. International initiatives promoting capacity building has not led to significant progress on Roma-related issues. The current process of decentralization in Macedonia and Serbia may induce greater levels of activism at the local level. Although this may occur in cooperation with local organizations and political structures, it could create opportunities for grassroots activism that promotes community consciousness and the implementation of programs that can effectively serve the needs of the community.

The process of decentralization initiated in 2005 is unfolding slowly – additional time and finances will be required until local structures are able to manage independently and effectively. In the last two years, the central government has devolved responsibilities in the areas of social services, education and urban planning. This has led to the approval of Roma-related local action plans in some Macedonian and Serbian municipalities. However, monitoring and implementation of local action plans is impeded as limited funding is provided by the central government, but does not necessitate complete withdrawal of support for programmes by local governments.

Other activities that have been implemented concerning the integration of Roma related issues in Macedonia are the establishment of Roma information centres within NGOs.[38] This signals progress in terms of community development and interest in Roma-related issues, but has some limitations as the purpose of creating Roma information centres is not to provide greater support to civil society in communities, but to ensure funding and continuous communication with municipal governments so that Roma issues are not marginalized. Roma information offices could be established as autonomous units within local government structures to ensure a distance from local politics, while having an input in the decision making process.

Although a new 'political space' has opened in creating positions for local Roma councillors within information centres at the municipal level, many of the challenges that exist at the central level of government regarding monitoring and implementation of actions plans, NGO/political party conflict, and the priority of personal ambition threaten effective engagement with the Roma communities in Macedonia and Serbia. The position of Roma councillor within municipalities should be an independent post without taking into account the interests of political parties and coalition members.[39] Local initiatives in Skopje such as the community centre SUMNAL, located in the Roma settlement of Topaana that provide educational support and extracurricular activities to elementary and high school students are very successful. Through cooperation with the municipal office and international funding, the NGO has been effective in meeting the needs of the community.[40]

In order to implement Roma-related policy and programs, domestic institutional reform is required to provide viable avenues for Roma claims-making. The 'Decade of Roma Inclusion' and

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[38] Interview with Ljatif Demir, Date: January, 2009

[39] Ibid

[40] Interview with Fatma Bjram, Date: March, 2009

similar international initiatives and projects are temporary actions, not having real impact within communities. International organizations as mediators and partners with Roma civil society organizations, activists and government organizations should take into account local initiatives and context in order to implement effective change. Many challenges within Roma civil society were discussed and need to be overcome in order to realize a Roma movement. Finally, decentralization can only support activism if there is cooperation among Roma actors and international funding is channelled effectively.

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A new European issue for the French Republic: the schooling of the migrant Roma pupils and the Traveller children

Both of us are teacher trainers of French as a foreign language for non French speaking pupils, as well as experts of the schooling of pupils newly arrived in France and Traveller children. We both work for the representatives of the Ministry of education in two different Regional education authorities called 'academies', in Besancon and in Reims. They correspond to two Regions, the Franche-Comté and the Champagne-Ardennes, both situated in the East of France. We belong to Academic centers which are identified with the same mission: to provide expertise, educational material and advice to the local educational authorities. We also initiate strong relationship with the institutional and university partners of our administration. This is for those reasons that we have an access to a large data base. We can thus provide an analysis of the reception and the schooling of the pupils newly arrived in France and of the Traveller children.

Our action is governed by a series of decrees which all appeared in the official gazette of the Republic published on April 25, 2002[41]. These texts affect two different categories of population. On the one hand, the newly arrived pupils in France who need to learn French to integrate the

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[41] B.O. spécial n°10 du 25 avril 2002: « Scolarisation des nouveaux arrivants et des enfants du voyage » (The Schooling of the Migrant Roma Pupils and the Traveller Children)

French education system, and on the other hand children called by the French administration '*Enfants du voyage*', that is to say Traveller children, but we will describe this category later on in our speech.

An analysis of the administrative prescriptions will show how difficult it is to give an adapted educational answer to such a variety of populations. The study of the irregular schooling of the Traveller children born in France as well as of the more regular one of the migrant Roma non French speaking pupils coming from the Kosovo provides interesting sources of comparisons and gives judicious clues as to the impact of the different prescriptions. Finally, some explanations will be given about this very specific situation by questioning the position of the pupils and their family, but also of the institution and their representatives.

The decrees governing the schooling of migrant non French speaking children and of Traveller children

Since 2002, all migrant children from any country as well as all Traveller children with the French nationality have benefited from a very specific educational support intended to integrate them in mainstream classes. The first two decrees deal with the administrative registration of foreign pupils and the schooling of pupils newly arrived in France with linguistic and learning needs.

The French Republican School has to provide a compulsory education to children aged from 6 to 16 whatever their nationality, their ethnic origin or their parents' administrative status. Education is compulsory until the age of 16. What is more, the French Republican School is responsible for providing pupils with knowledge and skills to ensure equality of access to ordinary schooling in order to foster a personal as well as professional success. That is why an appropriate scheme for developing the mastering of the French language is developed in the primary and secondary level of the education system. Most of the time, it does not consist in segregated classes for these pupils with specific needs but rather in sorts of open classes the aim of which is to enable the children and the adolescents to integrate mainstream classes progressively[42].

It is interesting to notice that those decrees, as most of the official texts, call these young people 'pupils', which implicitly refers to the fact that they master all the necessary knowledge and skills on their arrival in France. However, the fact that they may not have been educated before their coming to France is mentioned in the following expression '*élèves non scolarisés antérieurement*', that is to say 'pupils who have not been provided with schooling before'. These children benefit from a special plan of action. However School remains voluntarily blind to the question of ethnic origin and culture. The aim of the integration inside mainstream classes is to cast these children coming from different communities into the same Republican mould, speaking the same language, sharing the same universal values[43]. Everything remains in the scope of the French way of integration, the aim of which will be achieved when every pupil will be considered as totally transparent, identical to the others. In the case of our two administrative Regions it is thanks to these decrees that several hundreds of migrant Roma children expelled from the Kosovo since

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[42] Read Bertrand LECOCQ, « Scolarisation des ENAF et enseignement du FLS – Des dispositifs ouverts ou fermés ? », Les Cahiers pédagogiques, n°473, mai 2009 for further information about these classes. The article is available on the following address : http://www.cahiers-pedagogiques.com/spip.php?article6074

[43] Régis GUYON, « Les Elèves nouvellement arrivés en France ont-ils droit à toutes leurs chances ? », Les Cahiers pédagogiques, Dossier : Egalité des chances ou école démocratique ?, n°476, novembre 2008, p.31-33

1999 have been totally integrated in the educational system but never have the questions of their cultural background and its close link with writing skills and Yugoslavian schooling been evoked.

The third decree deals with the schooling of Traveller children and mobile families. The semantic redundancy used in this excerpt indicates the difficulty the drafter had to state the complex situation of the Republic when trying to avoid mentioning an ethnic origin. The only solution is to use the expression '*du voyage*' -'Traveller' which dates back to 1972 and refers to the commercial law and the decree governing the practice of itinerant economic activities – and also the expression '*non sédentaire*' -'mobile' which refers to the non sedentary way of living of these families.

You will have noticed that the terms 'Roma' or 'Gypsy' are not used. Anyway, they could not represent the variety of communities concerned by this decree: people can move because of their job and not be Roma or Gypsy, bargees for example; on the other hand, people can be members of Gypsy or Roma communities and live in housing. However it is the euphemism of the term 'du voyage' –'Traveller', which is used by the French society to identify all these groups: Roma, Yénishes, Gypsy, without having to call them by their proper name even when they have been sedentary for ages. Finally the use of the term 'children' infers a more extensive meaning including the family factor which also shows that Traveller children are not considered as pupils yet, contrary to the non French speaking pupils who are immediately recognized as such.

Unlike the two previous decrees, this one does not involve an accelerated speech and school language development. Its main objective is to promote access, attendance and achievement to groups who generally have a low access rate to education. Another objective is to promote the need for mutual respect. That is why the enrolment always leads to an inclusion inside mainstream classes. Finally, the decree clearly states the difficulties for these children to achieve academic results. Few of them manage to reach secondary education and too many of them are educated at home or follow distance learning.

That is why the drafter indicates how mobile Traveller children should be enrolled, how their schooling should be organized and assessed and also how each Region should get organized to provide access to education to Traveller children. Targeting support through itinerary members of staff to encourage schooling in mainstream classes is mentioned. These members of staff are often issued from the private educational system. Opening a segregated class on a caravan site for a while is also mentioned, the aim still being the same: enrolment in mainstream classes. However there is no mentioning of the use of other languages for pupils and the opportunity for teachers to learn about the Gypsy culture and lifestyle.

The Traveller children and the School of the Republic

When migrant Roma are welcomed in such a way that they find housing in an urban community they are not concerned by the decree. Such is the case for the Roma expelled from the Kosovo who arrived in our two Regions. They benefited from a special housing scheme for asylum-seekers set up these last years. The youngest have all been enrolled in schools. However the decree about the Traveller children is applied when there is no proper housing provided. This is often the case in suburbs where temporary shelters are available. That explains the fact that groups who used to be sedentary in their own countries such as Rumania, Bulgaria or Croatia swap to a mobile way of life when they arrive in France. The children and adolescents face the same difficulties as to the access to education as Traveller children living in France, most of them being Gypsy. According to

current data, the Roma and Gypsy population living in France could amount to between 280,000 and 340,000 people[44] but the difficulty the Republic has to deal with the term as well as the statistics forbids any more precision. Nor have recently arrived Roma groups been included in these data. However it is easier to have current data about the schooling of Traveller children. In these families, the proportion of literate children enrolled and attending classes regularly is highly inferior to the national average. Besides, when registration in primary school is effective, one can but take note of absenteeism, irregular school attendance and dropping out when reaching secondary education. That is when families turn to distance learning and only a minority of these pupils goes on with their studies after the age of 16.

Viriginie Repaire draws up a list of the obstacles to schooling which explain this situation: no secure place to stay, school registration refused by local authorities, racism between pupils, gaps in pupils' learning from missed or interrupted schooling, career advice limited towards vocational training, enrolment in segregated structures, etc…[45] These remarks also concern sedentary or urban communities who are no longer mobile but whose way of life is associated with travels by the different institutional members. Thus, the status of this community remains marginal when confronted with an institution based on exclusive values where written assessment prevails and the spatiotemporal organization of which corresponds neither to the families' economic strategies based mainly on permanent or temporary moves nor to their proper educational concepts. This relationship subscribes to a fearful ecosystem. First of all, families who remember the nasty way majority societies treated them dread seeing the same maiming procedures being inflicted to their own children. They are not clearly aware of the school rules or of the goals of learning, the previous generations having no personal or positive experience of them. Then, the Universalist virtue of the Republican school system makes it blind to the diversity of languages, origins and cultures. For proof the reserve emitted by the French Republic in the 30th article of the International Convention on the Rights of the Child[46]. The very small schooling rate of Traveller children could be raised by setting up new inclusive strategies but these would put the historical model into jeopardy by making the presence of this minority obvious inside the institution itself. That is why the financial and structural means set up in the country to make up for this discrepancy remain insufficient even locally where efforts are made.

Of course positive procedures do happen: there is actually a rise in the attendance at primary classes, some teachers decide to follow training courses, local guidance groups are set up to accompany the development of learning and skills throughout the curriculum, the multi-linguistic competences of the pupils are sometimes assessed positively, the official network of camping sites has been improved, which makes contact with the institutions easier.

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[44] Jean-Pierre LIEGEOIS (dir.), « L'accès aux droits sociaux des populations tsiganes en France. Rapport d'étude du Ministère du Travail, des relations sociales et de la solidarité », Paris, Editions ENSP, 2007, 266p. and more recently Jean-Pierre LIEGEOIS, « Roms et Tsiganes », Paris, La Découverte, Collection « Repères », 2009, pp.28-29.

[45] Virginie REPAIRE, « L'accès au droit à l'éducation » in Jean-Pierre LIEGEOIS (dir.), L'accès aux droits sociaux des populations tsiganes en France. Rapport d'étude du Ministère du Travail, des relations sociales et de la solidarité, Paris, Editions ENSP, 2007, pp.91-117

[46] 'In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language'.

However the consequences of these procedures and the school rules are such that in fact, we are deprived of many elements to analyze the set up of the resolution of the European Cabinet in 1989 about the schooling of the Gypsy and Traveller children.[47]

The Roma Pupils from the Kosovo and the School of the Republic

But, as mentioned before, pupils from Roma families from the Kosovo attend the classes of our two Regions and thanks to the analysis of the evolution of their schooling situation we can now evoke a few elements of comparisons. Contrary to mobile Gypsy children, their family didn't use to travel but came from Mahala Mitrovice, a district of family buildings now totally destroyed[48]. Between 1989 and 1999, when the national situation was very strained, no children of this urban Gypsy minority could attend school. This community, one the best integrated ones in the Balkans before the war, benefited from a strong family network to come and live in Besançon and Troyes. They live in local authority housing. Most of the parents can't read. During the last ten years, the children enrolled segregated classes implemented to develop their French linguistic skills as has been prescribed in the first two decrees. To teach adolescents how to speak, read and write French has been a real challenge and teachers have improvised a lot. However many of them questioned the children's real abilities. Some pupils did not make any progress; they kept forgetting what they had learnt the day before. A lot of them were sent to classes for pupils for special needs. A few years later, when children who were born in France started integrating directly mainstream classes, the same remarks could be heard. The administrative staff testifies of their difficulty to communicate with families who have a strange relationship with authority and rules. Many of the pupils cannot develop proper writing skills and their intellectual competences are often in doubt. A lot of them are sent to classes or structures for children with special needs. According to the career advising service or to the social workers, the rate of absenteeism in secondary school is very high. Most of the pupils never attend school after the age of 16 nor get a qualifying diploma. However, the services guiding people in their job search often notice that this category of people looks for training courses and basic skills courses. And yet, the decrees about foreign pupils favored school inclusion when allowing young Roma people to register normally without being called Traveller children as happens almost every day to young Rumanians living in suburban slums.

As a conclusion

Let us remember that for the migrant Roma pupils as well as for the Traveller children born in France, the main school integration tool is the mastering of the French language, which remains the jewel of the Republican model. It prevails on the national territory as mentioned in the 2nd article of the 1958 Constitution which makes it a constitutive instrument of the French people sovereignty. It is often said that French is a difficult language: to speak French is not more difficult than to speak another language of Latin origin, but to write it is a real challenge because of its many irregularities, its complex forms and the pitfalls resulting from numerous mutations. We can clearly state that writing French and speaking French are not at all isomorphic activities. And

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[47] Journal Officiel des Communautés européennes. Résolution n°C 153/3 du 22 mai 1989.

[48] Michaël RIGOLOT, « Les enfants roms à l'école française. Hôtes et cultures en présence. », Diversité, n°153, juin 2008, pp. 183-187

that is precisely this mastering of the writing skills which is assessed in the French educational system[49].

It is accordingly obvious that the goals of the school integration of Gypsy pupils or Traveller children is not just a question of mastering the French language as a communicative tool but above all the mastering of the writing skills of the French school language which is what is clearly stated in the decrees. Children must integrate a school culture dominated by the writing form, taught by teachers who are themselves unconsciously cast in the same mould. As a consequence some situations can get totally stuck as if the singularity resulting from this duality paralyzed any movement, including a cognitive one.

However these children own a linguistic patrimony founded on a complex oral pattern which cannot be reduced to a negative opposition with the writing system or with the dominant language. We have noticed among some pupils surprising capacities resulting from new strategies, which makes us think that a vast number of them develop very active learning skills.

The cognitive and linguistic facts induced by the meeting of this 'internal flexibility' [50]inherent to the Gypsy culture with the modes of recording knowledge and abilities developed at school would be worth a linguistics as well as a socio-linguistics study.

To describe the consequences of this original immersion would allow us to measure the real impact of school in terms of knowledge and capacities on populations very different from the Republican model. It could also be the opportunity to question the best ways to help the Republic to answer the needs of every family.

When made clearly obvious through a real school registration, the presence of these pupils initiates a large scope of questions and research about institutional practices, about the training of the people involved and the strategies of the Region educative policies. It is thanks to the successful way these children tackle otherness that we can develop new educational techniques, build new teaching curriculums in the respect of others and yet defend our own values. The quality of the French system will be assessed through its capacity to welcome the most important ethnic minority of the European Union.

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[49] Bernard LAHIRE, « Culture écrite et inégalités scolaires. Sociologie de l'échec scolaire à l'école primaire ». Lyon, Presse Universitaire de Lyon, 1993, 310 p.

[50] Patrick WILLIAMS, « Langue tsigane, le jeu romanes » in Geneviève VERMED (dir.) « Vingt-cinq communautés linguistiques de France », Tome 1, Paris, L'harmattan, 1988, pp.399-401 quoted by Marc DERYCKE, « « Le Grand partage » entre oralité et écriture : déplacements critiques », in Marie CANNIZO (dir.), Modes et stratégies d'appropriation des savoirs. L'exemple des enfants tsiganes, Actes du colloque de Lyon, novembre 2000, p. 116.

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R. Humphris

How UK asylum and migration policy has affected Roma mobility - a historical perspective[51]

The politics of the UK migration system are subject to many forces. The often conflicting demands of the country's roles (as a European island, a liberal democracy and a free market welfare state[52]) have shaped how migration policy responds to Roma mobility. By placing these policies in their historical context, I will explain some of the reasons behind decisions that affect Roma mobility and how Roma identity has been constructed. The constructed identity of Roma in the UK is generally negative and shows little sign of understanding the complexities of living as a marginalised outsider. I shall argue here that no interest or attempt has been made to accommodate the specific vulnerabilities of Roma in UK policy and therefore they are often more adversely affected by phenomena that affect all asylum seekers and migrants. Furthermore, due to the rapid change in the UK migration system regarding European accession, Roma have been adversely affected by structural changes beyond their control[53]. This added to the negative representations and perceptions in the UK press and public mindset, which further contributes to failures of UK immigration policy to provide due support for the Roma.

Roma were constructed as 'undesirable immigrants'[54] from the outset of migration policy in the UK which has contributed to negative perceptions. Contemporary debate was already very concerned with immigration, particularly from Jewish groups, at the time of the 1905 Aliens Act when newspapers began to report the progress of a number of 'Gypsy bands' from Germany. The sudden rise in apparent animosity towards this group lead MPs to successfully reduce the number of steerage passengers required for classification as an immigrant ship from twenty to two[55]. When this did not halt migration, the government undertook deportation proceedings of the Roma back to Germany under section 3 of the 1905 Act. The next reported migration of Roma to the UK, in 1911, did not receive such media attention or similar blanket deportations, demonstrating how important the political context was to government policy and constructing the identity of Roma migrants[56].

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[51] Rachel Humphris, University of Oxford, rachel.humphris@anthro.ox.ac.uk

[52] Gibney M 2004 The politics and ethics of asylum- liberal democracy and response to refugees CUP p108 and Stevens D, 2004 UK Asylum Law and Policy: Historical and Contemporary Perspectives. London. Sweet and Maxwell p160-1 for concise conclusion examining the international pressures on UK Governments from 1905 to 1980's.

[53] This paper is informed by the experiences of Polish and Romanian Roma. However, decisions that have been made regarding Roma asylum cases may have had effect on the Roma cases from other countries. Therefore examples have also been included of Czech and Slovak Roma where it illustrates the climate surrounding migration policy.

[54] Aliens Act 1905 Section 3 http://www.uniset.ca/naty/aliensact1905.pdf

[55] Holmes C 1980 'The German-Gypsy Question in Britain, 1904-1906' In Lunn ed. *Hosts, Immigrants and Minorities Historical Responses to Newcomers in British Society 1870–1914* Folkestone: William Dawson & Sons Ltd p 148

[56] Other groups that migrated to the UK were not subjected to this kind of treatment such as group of Kalderaśa who migrated to the UK between May 1911 and October 1913. Winstedt E O 1912 ' 'The Gypsy Coppersmiths' invasion of 1911-13' *Journal of the Gypsy Lore Society* 6:244-303.

Knowledge of Roma history is consistently missing from their perceived identity in the UK. In 1933, a special committee was created to examine admission of Jews during the Nazi regime.[57] Not then (nor ever) was the persecution of Roma in the Holocaust given sufficient attention in migration policy. This vital part of their history is missing, alongside widespread discriminatory policies across Europe from the 16th century, enforced sedentarisation from the 18th century, their enslavement in Romania in the mid 1800's , and assimilationist policies under Communism.

Some Roma did benefit from the UK post war immigration system in the context of the Cold War, which meant a migration system which largely relied on executive discretion favoured them simply by virtue of their provenance in Communist Eastern Europe. However, this was rarely connected with consideration of Roma as a marginalised group in those countries, as they had been for centuries, but rather was part of moves to support populations fleeing Communist regimes. Therefore this did not contribute to a more positive construction of Roma in themselves, or an understanding of their lives or history in Central and Eastern Europe.

Roma migration increased after the fall of Communism from 1989 and as asylum seekers they were faced with many of the same difficulties as others in the UK asylum system. However, as I will show below, ignorance of Roma history; misunderstandings regarding Roma identity; the importance of the family unit to the Roma; the disengagement with politics; and the political context surrounding accession has made the Roma particularly vulnerable to increasingly harsh migration policies.

Three separate periods in recent Roma migration can be identified and each are characterised by different rights and restrictions. As a result of the different conditions placed on migrants over time, it is now the case that apparently unitary Roma communities in UK may include people whose status, legal entitlements and consequent opportunities differ greatly. The present legal categories of Roma are: those who were granted asylum before 2004; those from A8 accession countries[58] who were caught in the asylum system in 2004 and were granted amnesty; those from A8 accession countries who migrated after 2004; and those who migrated from A2 accession countries[59] after 2007.

During the first period, categorised as 1989-2004, Roma migrants' only viable route to settlement in the UK was through the asylum system. Roma were constantly faced with non-belief of their asylum claims. Due to the ignorance about Roma in the UK it was easy for the UK press to brand the Roma as purely economic migrants hiding as refugees. This began from 1997 when the Roma 'invasion' was blamed on a documentary about the benefits of life in Western countries for Roma asylum seekers, which was broadcast on 30th September 1997 on an independent Czech TV station, Nova (even though there is no evidence that the increase in asylum application in 1997 had to do with increased Roma applicants, which had in fact peaked two years earlier from Poland and Romania[60]). Little or no space was given in the UK press to counterarguments about the real difficulties of life for Roma in the Czech Republic and Slovakia.

Roma migration was a sensitive issue as there was an obvious conflict within the government given the forthcoming accession of Central and Eastern European countries to the European

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[57] Wasserstein B, 1984 ' The British Government and the German Immigration 1933-45', in G. Hirschfield, ed., Exile in Great Britain – Refugees from Hitler's Germany Leamington Spa: Berg, p.66

[58] A8 Accession countries include Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovakia, Slovenia and Hungary.

[59] A2 Accession countries include Bulgaria and Romania.

[60] See Table 3 in Appendix.

Union. Appearing to condemn these countries' human right records by accepting asylum applicants would have been politically difficult. The Home Office therefore acted quickly to dispel any problem in response to pressure in the media, reducing the period in which asylum seekers had to prove they suffered discrimination at home from 28 to 5 days. Restrictions were also increased on carrier liability and visa restrictions were introduced on Slovakia[61]. It can also be seen from comparison with overall asylum statistics (table 2) that asylum applicants in general began to rise significantly from 1997, putting increasing pressure on the UK Borders Agency and further exciting public opinion on the issue of migration as a whole. The public were therefore more easily disposed to negative perceptions of asylum seekers at this time, making Roma particularly vulnerable to media attack.

The ambiguous position of Roma, who did not fit the legal category of refugees defined by the 1951 Convention, further enabled them to be presented as making false asylum claims. Many Roma asylum claims were based on the deprivation of certain rights in their sending country because they were members of a group marginalised in general[62] rather than as persecuted individuals. The argument that Roma needed protection from continued group discrimination appeared invalid in relation to the key precedent (the Horvath case), and several other key legal cases which tried to define what protection Roma in general could legitimately seek in the UK[63]. This was undoubtedly a sensitive area when the sending country of the asylum seeker had assured the European Union that they were taking steps to protect their Roma minorities. For example with regard to Romania the Immigration Appellate Authorities consistently found that there was no failure of the state to provide protection particularly in light of the National Strategy and the training of police to respect the rights of the Roma. Consequently, it could not be accepted that Roma as a group were persecuted and there was no obligation under international human rights law to provide them with surrogate protection[64]. For associate EU members, such as the Czech Republic, there was real danger that applications were not being decided according to the facts as the country was officially considered safe and stable. Consequently during this period, removal rates for Czech Roma migrants were one hundred per cent (Chart 2), even though an EU accession report had highlighted cases of police abuse and racially motivated violence against Roma, segregation of Romani children in schools, and discrimination against Roma accessing employment and social services in the country.

At this time, most asylum seekers in the UK were dispersed across the country to relieve pressure on south eastern Local Authorities. This often left families without support networks, legal advice,

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[61] Reuters 9th April 1998. Euro Star was also made subject to Carrier Liability; criminalising those without documentation. Tuitt 1996 *False images: Law's construction of the refugee* Pluto, London p74

Czech Roma especially are unlikely to hold valid passports since many of them were deprived of citizenship rights by the 1993 Citizenship Law. Czech Citizenship Law (40/1993 of the Czech National Council) See O'Nions H 1999 'Bonafide or Bogus? : Roma Asylum Seekers from the Czech Republic' *Web Journal of Current Legal Issues in association with Blackstone Press Ltd.*

[62] Although Arthur Helton, Director of the Open Society Institute's Forced Migration Project, argues that Roma may come within the wider definition of persecution. Helton, A (1997) 'Romani Refugees Deserve international Protection' Forced Migration Project (Budapest: Open Society Institute)

[63] Horvath v. Secretary of State for the Home Department (2000) 1 App. Cas. 489 (appeal taken from the Immigration Appeal Tribunal); Koller v. Secretary of State for the Home Department, (2001) EWCA Civ 1267 (appeal taken from the Immigration Appeal Tribunal); Harakel v. Secretary of State for the Home Department, (2001) EWCA Civ 884 (appeal taken from the Immigration Appeals Tribunal).

[64] This opinion is reflected in the refusal and removal rates for Romania. See Chart 3 in Appendix.

language assistance and interpreting. The voucher system that was in operation did not cover the cost of phone calls, stamps or visiting extended family. New arrivals were rarely aware of services available in the UK and were often anxious and confused, especially if they had previously suffered discrimination or bad experiences in their sending country. In 2002, when employment rights were withdrawn, asylum seekers became more isolated and dependant, especially as there was also no entitlement to English language classes. These policies were often most detrimental to Roma because of their reliance on family members for support. The heterogeneous nature of Roma meant they were less likely to rely on others from different Roma groups or families already within the system for support and information on accessing services; and because their experiences of persecution from within state services in their sending countries often meant they were distrustful of the limited provision that was available in the UK.

The dependence on the National Asylum Support Service for subsistence meant that many Roma did not access any broader public services and in all respects 'disappeared' from the community[65]. The fear of discrimination and deportation added to the isolation of families to the extent that some would not open the front door or read letters[66]. There was little interagency collaboration, so when support services did exist, many were overlooked. Some Roma still experience mental health problems due to the uncertainty and stress of the asylum process, creating barriers to accessing services, engaging with the wider community and gaining employment[67].

The negative construction of the Roma in this period was strengthened in a particularly high-profile act when UK Border Controls were stationed at Prague airport in order to catch potential asylum seekers before they reached the UK. Again, this was particularly to do with the political context, as the number of Roma claiming asylum from Central and Eastern European 'safe countries' was increasingly contradictory to the appearance that they were ready to join the European Union[68]. This was a political move from the UK government to prevent problematic asylum seekers from entering their system from sensitive accession countries, but the only impression in the UK media was the extremity of the Roma migrant problem and apparent unfounded nature of their claims for asylum. Though this policy was subsequently deemed discriminatory by the House of Lords, the ruling had little impact on the effects of the events of July and August on the construction of Roma identity in the UK.

In the 2002-2004 period prior to accession there was a dramatic increase in the removal of applicants from EU accession countries. It seems there was ambiguity over the status of asylum seekers claiming persecution from countries considered EU members. Almost one hundred per cent refusal rates and increases in detention and removals were seen for Polish, Romanian and Czech applicants[69]. Roma were therefore seen as unfounded asylum seekers and this view prevailed in the construction of their identity in the UK.

In the second phase of migration, from 1st May 2004 to 31st December 2006, Roma in the UK changed status from asylum seekers to EU migrants (Table 2). By 1st May 2004, the British

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[65] TESS support worker Interview 13.11.09

[66] Conversation with Polish Roma mother 2.11.09

[67] Mental Health Support Worker for Roma Charity 29.10.09

[68] Safe Countries of Origin are countries which are considered to have adequate human rights records. Many countries that have large Roma populations were considered safe countries. Being from a country on an SCO list raises the standard of proof needed to gain asylum status.

[69] See Charts 1,2 and 3 in Appendix

authorities terminated the asylum procedure for Roma already within the system, granting them Amnesty with Indefinite Leave to Remain. These Roma were expected to find work and support themselves immediately, and were often simply unable to do so. Eventually some limited support was provided through Local Authorities following pressure on NASS from various charities and the threat of an upcoming High Court hearing, which eventually found that 'there had not been sufficient time for the thousands affected to make the change from welfare to work'[70]. Though these Roma were exempt from the Workers Registration Scheme, there were countless cases of errors and misunderstanding of this change by Local Authorities, resulting in erroneous withdrawal of social support. Again, many Roma were unable to represent their case to the authorities when there were problems.

Accession and therefore the right to free movement led to an increase in Slovak and Polish Roma migrants[71]. Those who were deported before 2004 returned to the UK to their families or previous area of residence[72]. As economic migrants, they were now subject to the Workers Registration Scheme (unlike those who had been in the system during Accession, above), which required them to work continuously for 12 months before receiving benefits. Illness or other events could prevent this, and there is anecdotal evidence of employers exploiting the situation by requiring such employees to take interrupted short-term contracts, meaning that many became destitute. Again, the extreme lack of education and social support among Roma migrants meant they were often most vulnerable to such a turn of events. As had happened to Czech and Polish Roma before 2004, this period saw increased removal of Romanian Roma in the run-up to A2 accession in 2007.

The third phase of migration, which pertains today, began with A2 Accession on 1st January 2007. The subsequent rapid increase in Romanian Roma migrants and the restrictions on employment caused extreme poverty for some, with no recourse to public funds. This created a number of visible problems within Local Authorities provoking a series of interventions from Councils and third sector organisations. The most pressing problem is multiple occupancy in rented accommodation, which has caused neighbour disputes and anti-social behaviour orders. There is also a marked increase in squatting and fake tenancy agreements. These incidents add to the negative construction of Roma. There is little consideration of the structural forces that are beyond the control of the Roma migrant. The right to free movement but also the restrictions placed on A2 migrants make living in the UK without employment, even for a short while impossible[73].

Furthermore, new migrants still face much bureaucracy and long delays when applying for assistance. Roma are more vulnerable than other A2 migrants in these cases in part because they have fewer independent support networks to rely on in the wait for services, and because they are

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[70] O'Kane P 2004 *Applications from EU Accession Countries* ALG Housing Steering Group Meeting

[71] See Chart 4 in Appendix. Six London Boroughs include Camden, Waltham Forest, Tower Hamlets, Southwark, Lambeth and Greenwich. Some caution needs to be taken with regard to the numbers that are recorded on the graph above. It can only give an idea of how many Roma were in the six London boroughs as it measured the number of children that are known to the TESS. It must be assumed that before 2007 Roma were residing in the UK without their children attending school. It also must be assumed that some of the increase in the number of children is from births in the UK from those who have migrated.

[72] Interview with Support Worker 3.12.09 and informal conversation with Polish Roma migrants.

[73] For the regulations that A2 migrants are subject to and the confusions that have arisen see http://www.migrantsrights.org.uk/downloads/newsletters/MRN_Newsletter_Jan09.pdf

particularly vulnerable to bureaucratic delays given their personal barriers to interacting with state services and the many different and confusing regulations they are subject to as a result of the rapid changes in their migration status (detailed above). Even after completing the application process, Child Tax Credit and Child benefit take up to 20 weeks to receive, with parents living on crisis loans and unable to get free school meals or help with uniforms for children. Despite this, support workers in London have noted a real willingness on the part of Roma to engage in education, with parents increasingly proactive in relations with schools and teachers[74].

However, support services for Roma are severely limited. The Traveller Education Service is the only unit at local authority level with a designated role to support A2 and A8 Roma families and this service does not exist in every Local Authority in the UK or are subject to recent budget cuts. Adult services targeting Roma communities are virtually non-existent, especially for employment. Models of good practice do exist, such as the Roma Support Group in Newham, but need far exceeds capacity. Advice and support is a lengthy and intensive process as each individual suffers from unique and complex circumstances and problems that are due to the many changing regulations they face. Little attempt seems to have been made to provide for Roma vulnerabilities, perhaps in part because the history of negative construction of Roma in the UK means political support for new services is rare and, for local councils, budget cuts are often most easily begun with Roma and Traveller support services since there will be few political repercussions.

Nationally, particularly in areas of benefits and employment, no visible effort has been made to accommodate Roma workers and their dependents, apart from the Gang master's Licensing Authority, the Citizen Advice Bureau and a few welfare rights organisations. For the majority of Roma, accessing even these services is difficult because little signposting is available. According to European Dialogue, many Roma interviewees had experienced problems using Job Centre services, partly because of language difficulties but mostly because they found the system complicated and staff unhelpful. They further reported that some advisors were unclear about the status of A2 and A8 citizens[75]. This is understandable due to the myriad rights and restrictions applicable to Roma (detailed above), meaning that advisers may be confused about what support is due.

In conclusion, how and why Roma identity has been constructed is clear from the history of asylum policy and concurrent developments in Roma mobility. Historically, Roma did not fit the normal category of 'refugees', which does not include collective social marginalisation. During the politically sensitive accession process Roma from associated EU states were subject to higher standards in proving their claims. Roma were increasingly branded as economic migrants rather than refugees and a lack of attention to Roma history and social context has made such negative constructions in the media particularly easy.

Post-2004, new challenges emerge. In addition to the many problems detailed above, the fact that public service usage is often used as a key indicator in measuring poverty and deprivation means that the barriers to service access among Roma groups often excludes them from such measures.[76] Furthermore, even though local authorities are responsible for protecting minorities under the

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[74] Although there is still some friction most often with girls attending school after the age of 14.

[75] European Dialogue 2009 'The movement of Roma from new EU Member States: A Mapping of A2 and A8 Roma in England' Report for Department of School Children and Families

[76] For example, the recent London's poverty profile does not include Gypsy/Roma as an ethnic category and therefore they are not included in the report (they are lost under 'white').

Race Relations Act 2000, few record complete statistics of minorities in their jurisdiction, putting socially marginalised groups, and especially Roma, at even greater disadvantage. For these reasons, the repeated problem of Roma falling through the gaps of service provision may itself perpetuate their marginalisation, since they are often not represented in local and national measures of poverty and exclusion and therefore there is little apparent need for political action.

Appendix

Chart 1 UK Asylum Statistics for Poland
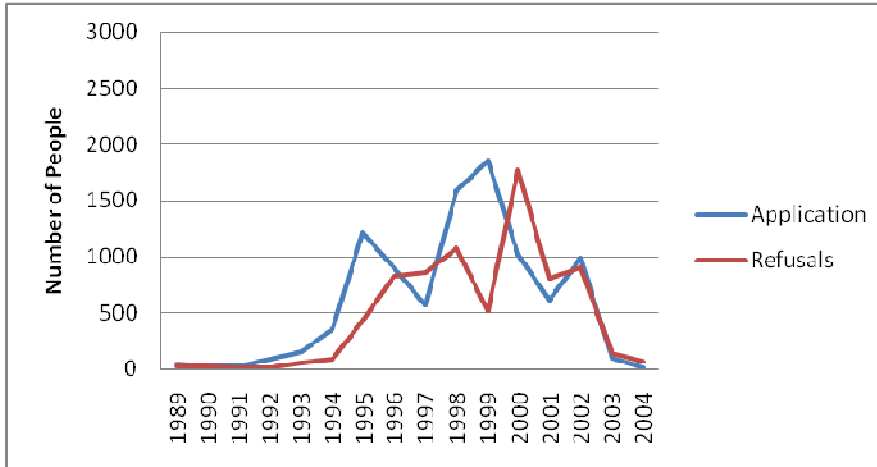
Chart 2 UK Asylum Stats for Czech Republic
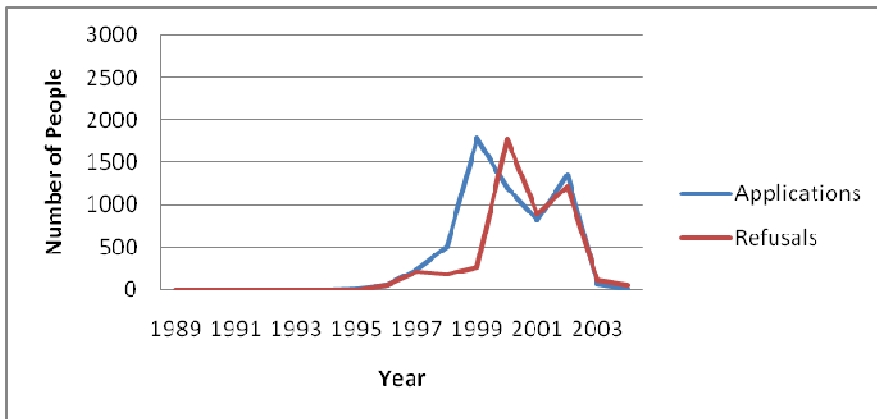
Chart 3 UK Asylum Statistics for Romania
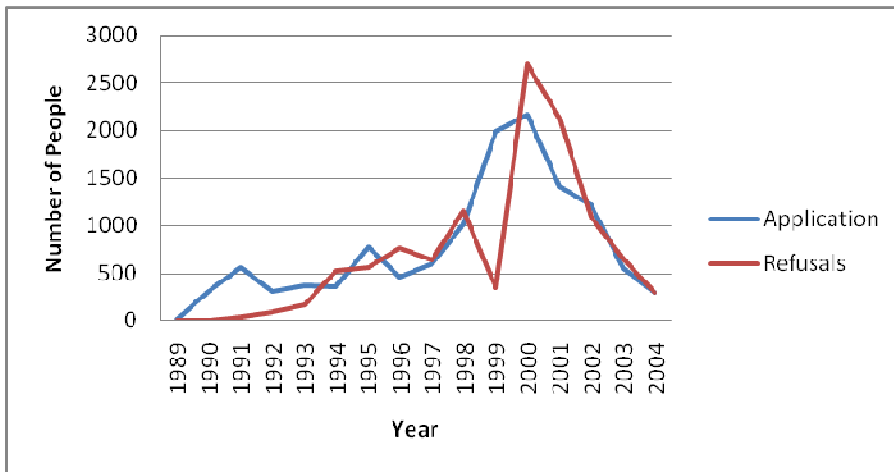
Chart 4 Number of Roma Children attending school in 6 London Boroughs
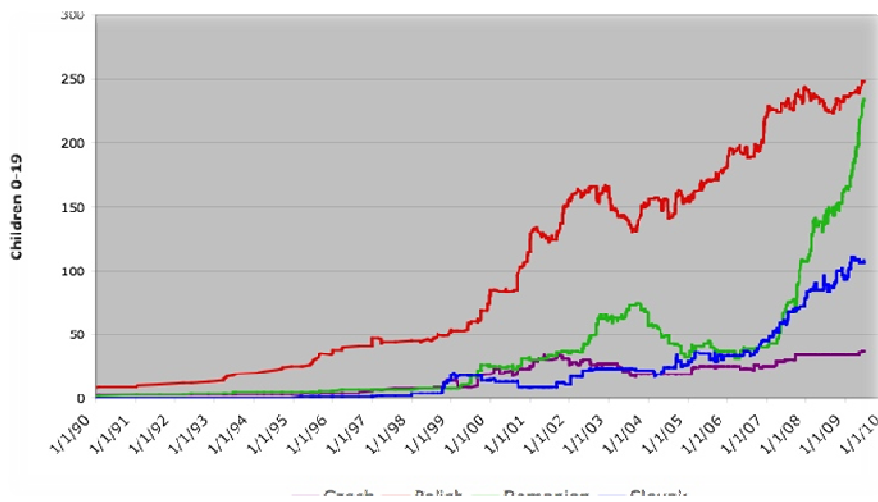
Table 1 Asylum seekers (including dependants) supported by the National Asylum Support Service

Nationality	December 2003			December 2004		
	Supported in NASS accommodation	In receipt of subsistence only support	Total	Supported in NASS accommodation	In receipt of subsistence only support	Total
Albania	735	325	1060	560	195	755
Czech Republic	1180	275	1460	40	10	50
Macedonia	145	60	205	95	35	130
Moldova	90	85	175		45	75
Poland	775	675	1450	30	50	80

Romania	700	595	1295	400	360	760
Russia	465	135	600	410	115	525
Serbia & Montenegro	1785	1095	2875	1265	685	1945
Turkey	3275	3500	6780	2570	2180	4750
Ukraine	130	115	245	115	90	210

Table 2 Applications received for asylum in the United Kingdom

	1994	1995	1996	1997	1998	1999	2000	2001	2002
Albania	75	110	105	445	560	1310	1490	1065	1150
Czech Republic	5	15	55	240	515	1790	1200	825	1365
FRY	..	..	400	1865	7395	11465	6070	3230	2265
Macedonia	..	..	15	20	50	90	65	755	310
Moldova	5	10	5	20	25	180	235	425	820
Poland	360	1210	900	565	1585	1860	1015	615	990
Romania	355	770	455	605	1015	1985	2160	1400	1210
Russia	..	..	205	180	185	685	1000	450	295
Turkey	2045	1820	1495	1445	2015	2850	3990	3695	2835
Ukraine	..	..	235	490	370	775	770	445	365
Other Former USSR	590	785	960	1325	2235	2460	2275	895	1245
Other Former Yugoslavia	1385	1565	620	375	535	2625	2200	85	90
Europe Other	535	770	1035	1575	1260	200	415	335	300
Europe Total	5360	7050	6475	9145	17745	28280	22880	14215	13235
Grand Total	**32830**	**43965**	**29640**	**32500**	**46015**	**71160**	**80315**	**71025**	**84130**

Table 3 Developments in UK legislation affecting migrants

Year	Legislation
1905	**Aliens' Act** with clause permitting entry of persecutees
1914	**Aliens' Restriction Act** suspension of above clause
1919	**Aliens' Restriction Act** abolition of above clause
1946	**European Volunteer Forces Scheme** 100,875 labour recruits
1948	**Nationalities Act** permits entry to Britain of Commonwealth Citizens
1962	**Commonwealth Immigrants Act** restricts entry of Commonwealth citizens
1968	**Commonwealth Immigrants Act** removes right of entry from those without patriality
1969	**Immigration Appeals Act** creates Immigration Appeals Tribunal
1970	**Immigration Rules** first mention of persecution since 1914
1971	**Immigration Act** subjects Citizens of New Commonwealth to further restrictions
1973	**Immigration Rules** easy entry for EEC nationals
1981	**British Nationality Act** restricts British citizenship even further
1984	**Immigration Procedure Rules** provides for appeals to be heard by a single adjudicator
1987	**Carriers' Liability Act** fines of £1,000 introduced for carrying passengers with false or inadequate documentation
1988	**Immigration Act** repeal of right of men settled in UK pre - 1973 to be joined by their families
1993	**Asylum and Immigration Appeals Act** fast-track procedures for swift deportations, restricted appeal rights, increase in detention, reduced social security
1996	**Asylum and Immigration Act** reduced access to social services and legal aid
1998	**Human Rights Act** incorporated 1951 Convention into UK law
1999	**Immigration and Asylum Act** introduced voucher system, dispersal and one-stop appeals
2000	**Race Relations (Amendment) Act** explicitly exempted immigration and asylum
2001	**Race Relations (Immigration and Asylum) (No2) Authorisation** authorisation for immigration officials to discriminate against certain ethnic groups (including Roma).
2002	**Nationality, Immigration and Asylum Act** removed employment concession for asylum seekers and certified that asylum claims from accession states were unfounded
2004	**Asylum and Immigration (Treatment of Claimants, etc) Act**
2004	**Allocation of Housing and Homelessness (Amendment) Regulations** EEA nationals require 'right to reside' in CTA in order to be treated as habitually resident

Å. Jansson

Deviance and Diversity: Zigenare *and* Romer *within the Swedish* Minoritetspolitik

Introduction

This paper constitutes an attempt, albeit a very preliminary one, to discern how Swedish official discourse on human rights and racism functions in regards to one of the country's official national minorities, the Roma, and how this group has performed separate discursive functions first as *zigenare* and more recently as *romer*.[77] The paper will very briefly map out the discourse from the early 1990s until 2007, noting how it has transformed in relation to the domestic economic and political environment as well as under the influence of intra-European discursive developments. As official discourse has changed, so has the stereotyping of the object onto which it projects itself in order to achieve legitimisation. It will be considered, thus, how *zigenare/romer* have been formed as discursive objects through official reports and statements on human rights, racism/discrimination and the *minoritetspolitik* (minority politics) which emerged as a result of Sweden's ratification of the European Framework Convention on the Protection of National Minorities in 1999.

It will be argued that *zigenare/romer*, rather than constituting a single, and real, representation of a group of people living in Sweden and identifying as Roma, in fact comprise two separate stereotypes which have performed specific functions in different temporal moments within official political discourse. Z*igenare* as understood here is a century-old stereotype, often synonymous with '*tattare*', and has attached to it a number of features such as 'thieves', 'criminals', 'dirty', and 'dishonest.' *Romer*, conversely, is a relatively recent feature of official discourse, one which emerged as part of the new *minoritetspolitik*, and more broadly in the context of a revamped language and legislation on human rights and specifically anti-discrimination of the late 1990s and early 2000s. I will argue, however, that the adoption of the term '*romer*' as a substitute for '*zigenare*' did not signify a move away from official stereotyping of Swedish Roma; rather *romer* came to serve as the token object needed to legitimise this discourse.

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[77] A few notes on terminology: (1) The Swedish terms '*zigenare*' and '*romer*' (or '*rom*') are used here to denote two separate stereotypes which perform certain discursive functions in a particular place at particular moments in time, and are not in any way intended as observations about the actual bodies where the attributes of these objects are inscribed. It should also be noted that the Swedish language does not capitalise the first letter of names which refer to national/ethnic groups of people. Thus the spelling here is simply in line with the Swedish linguistic tradition and is not intended to indicate any particular view on the part of the author. (2) The English term 'Roma' is applied when signifying individuals who through culture, language and self-identification consider themselves as belonging to a trans-European group of people who share the common characteristics of a modern nation. The author does not in any way purport to speak for this group of people. (3) The term '*tattare*' occasionally appears throughout the essay. This label has often been used interchangeably with *zigenare*; however, it denotes a way of life – nomadism – rather than ethnic affinity. Historically the term functioned in much the same way as 'travellers' operates in the United Kingdom and Ireland. It should be noted as well that while *tattare* has always had a derogatory resonance, in contemporary Sweden the word is seldom used unless *intended* to offend and denigrate.

I

In the new millennium, social politics within the European Union have arguably been forged against a backdrop of strong human rights language. The EU, in this context, is presented as a human rights defender, a protector of vulnerable minority groups, as well as a space wherein racist violence and verbal abuse is unacceptable and unaccepted.[78] One of Europe's largest minority groups, the Roma, frequently feature in this discourse.[79] These European discursive trends are, it is argued here, mirrored on a domestic level in Sweden, a country which in addition has its own reputation, rooted in recent history, of being an avid defender of universal human rights, a feature which is demonstrated both through its commitment to international institutions, particularly the United Nations, and through the creation of a welfare society which is the envy of many in its attempts to concretise concepts such as equality and diversity.

For centuries the stereotype *zigenare* has served as an object of official and public Swedish discourse as a representation of otherness. As such it has functioned as a location for anxieties about both external and internal threats to white Swedish bodies. However, despite growing nationalism and xenophobia in several EU countries, human rights language began to play a prominent role in official discourse within the union in the 1990s. It will be argued here that certain developments in human rights policy and language, both in Sweden specifically and within the realm of the EU, produced a climate where the need for *zigenare* as discursive object and the meanings attached to this term decreased during this time. The new rights language, embodied in the 1995 European Framework Convention on the Protection of National Minorities, called for a different type of object for its legitimisation. The *minoritetspolitik* resulting from Sweden's ratification of the Convention used language and concepts which presupposed a minority in need of protection.[80] Moreover, a revamped nation-wide rights policy adopted the postmodern language of an inclusive and pluralist society: *jämnlikhet* (racial equality), *jämnställdhet* (gender equality) and *mångfald* (cultural diversity).[81] These developments occurred in conjunction with several consecutive changes to Swedish anti-discrimination law, ensuring that the celebration of diversity and the promise of equal rights would be enforced in the courts.[82]

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[78] This interpretation of human rights discourse in the EU is the author's own, and is based on political developments within the union since the end of the Cold War. Such developments include the strong importance attached to issues of rights, freedoms, and democracy in negotiations with prospective members, as well as the many initiatives set up between the European Commission and 'civil society', an example of which is the 2005 project 'Capacity Building of Civil Society Dealing with Anti-Discrimination', geared towards educating nongovernmental organisations in the member states who acceded to the union in 2004, as well as candidate countries Bulgaria, Romania, and Turkey: Directorate-General Employment, Social Affairs, and Equal Opportunities, *Combating Discrimination: A Training Manual*, European Commission, 2005 & 2006.

[79] Discourse is here understood in the Foucauldian sense, i.e. not just in terms of language/communication but as entire bodies of knowledge, pervasive and dispersed, anchored in institutions and inscribed onto bodies. For an example of Roma in EU human rights discourse, see Directorate-General Employment, Social Affairs, and Equal Opportunities, 'Part II: Improving the Situation of Roma in the EU', in *Equality and Anti-Discrimination: Annual Report 2005*, European Commission, 2005, pp. 25-36.

[80] Regeringens Proposition 1998/99:143, *Nationella Minoriteter i Sverige* [National Minorities in Sweden], Stockholm, Regeringskansliet, Kulturdepartementet, 10 June 1999, pp. 10-18.

[81] See, for instance, Marie Granlund (ed.), *Alla är lika olika: Mångfald in arbetslivet* [Everyone is equally different: Diversity in the working life], Stockholm, Näringsdepartementet, Regeringskansliet, December 2000, pp. 21-23.

[82] Between 1999 and 2006 a number of laws relating to discrimination were passed. Two are of particular relevance to the present study: *Lag (1999:130) om åtgärder mot diskriminering i arbetslivet på grund av etnisk tillhörighet, religion eller annan trosuppfattning* [Law relating to measures against discrimination in the working life on the grouds of

II

Zigenare has functioned as an Other in Swedish society for centuries.[83] The stereotype has often been used interchangeably with *tattare* and has arguably been applied to denote individuals or groups of people perceived to pursue a nomadic way of life and whose physical and cultural attributes were markedly different from those of people perceived as 'ethnic' Swedes. The terms *zigenare* and *tattare* have strong derogatory overtones, and while sometimes intended to refer primarily to a way of life, with the emergence of racial hygiene as a nineteenth century concept the persecution of *zigenare* and *tattare* took on a distinctly racial character. Beginning in the years between the two world wars, forced sterilisation was employed to combat the perceived 'problem' of this group.[84] More recently the term *tattare* is rarely used unless deliberately intended as an insult, whereas *zigenare* has continued to be used both as a racial slur and in official language to refer to a perceived 'ethnic' group of people. As a stereotype it has arguably adapted to suit the anxieties of ethnic Swedes at various moments in time.

A brief example of the meanings attached to '*zigenare*' as a stereotype in the recent past can be found in a 1991 report by the Swedish National Board of Health and Welfare (*Socialstyrelsen*) evaluating its 'social work with *zigenare*', and addressing the 'problem' of *zigenare* in regards to housing. The Board had overseen several projects across the nation aimed at making it easier for *zigenare* to find adequate housing, to solve issues of 'disturbance', and to prevent situations which would lead to the eviction of *zigenare* families from apartment blocks. Complicating matters was according to the Board 'the propensity of *zigenare* to move around'.[85] It is implicit in the report that this behaviour has cultural roots and cultural 'deviance' is stated as a central component to the 'problem'; it is not considered whether the tendency to 'move around' could in any way be related to the discrimination faced by people labelled as *zigenare* in the housing market, or to negative attitudes towards *zigenare* which were according to the Board frequently exhibited by neighbours. Amongst the complaints of 'deviant' behaviour made by other tenants the most common were 'running in stairs', 'being loud', 'littering in relation to outdoor parties and barbeques', 'children playing noisily' and 'the laundry room problem' (*tvättstugeproblemet*). The latter refers to a perceived tendency of *zigenare* to 'more or less permanently occupy' the common

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ethnicity, religion, or other beliefs], Stockholm, Sveriges Riksdag, 1999; *Lag (2003:307) om förbud mot diskriminering* [Law relating to the prohibition of discrimination], Stockholm, Sveriges Riksdag, 2003.

[83] The documented history of Roma in Sweden begins in the sixteenth century, and at the start of the new millennium approximately 20 000 Swedish residents identified as belonging to this far from homogenous group, which includes *kelderasha*, *kalé*, *lovara*, *sinti*, and *xoraxane*. The author makes no attempt to speak for the people identifying as Swedish Roma, nor to trace their history through the past 500 years. The present paper is concerned with the stereotypes created within official language; thus the people interpellated by the state and media as *zigenare* and later as *romer* may or may not identify as Roma. However, the raison d'être of this discussion is of course that the stereotypes operating in public discourse have had very real consequences for Swedish Roma. Significantly, the longer history of policy aimed at people labelled *zigenare* in Sweden has been characterised by hostility, ranging from segregation and/or exclusion to direct violence, sterilisation, and murder.

[84] Margareta Wadstein (ed.) Diskriminering av romer i Sverige: Rapport från DO:s projekt åren 2002 och 2003 om åtgärder för att förebygga och motverka etnisk diskriminering av romer [Discrimination of romer in Sweden: Report from DO's projects in 2000 and 2003 regarding measures to prevent ethnic discrimination of romer], Stockholm, Ombudsmannen mot etnisk diskriminering, 2003, pp. 8-9.

[85] Sos-Rapport 1991:47, *Socialt arbete bland zigenare: En utvärdering av zigenarprojekt 1985-91* [Social work with zigenare: An evaluation of zigenare-projects 1985-91], Stockholm, Socialstyrelsen, 1991, p. 35.

laundry room (*tvättstuga*) with which the basements of most Swedish apartment blocks are endowed.[86]

III

In 1995 European heads of state under the auspices of the Council of Europe signed the Framework Convention for the Protection of National Minorities. This event arguably marked a turning point in official Swedish discourse on rights and thus also affected how *zigenare/romer* would need to perform as discursive objects. A national debate ensued at the level of government on the need to develop a clear *minoritetspolitik* to protect the country's vulnerable minority groups from discrimination and racial prejudice. This endeavour called of necessity for a decision on who these minority groups were, how they could be defined and identified, and what their specific needs entailed. A central feature of the policy and the language associated with it was the role of the state as protector of vulnerable minority groups, and as guardian of their rights. Thus, while the stereotype *zigenare* still performed an important function in public discourse on contemporary anxieties (unemployment, crime, immigration), in the mid-to-late 1990s this stereotype was at odds with official language on rights emerging in Sweden in particular, as well as in the wider EU context.

In 1999 Sweden ratified the Framework Convention, and the same year a series of laws were passed in the *riksdag* (parliament) with the articulated purpose of creating stronger protection against all forms of discrimination in the workplace and employment market, while at the same time the national authority which deals with complaints of ethnic discrimination, *Diskrimineringsombudsmannen (DO)*, had its powers boosted.[87] The *minoritetspolitik* was formally introduced as a special policy area in 2000.[88] Five groups were identified as official national minorities, entitled to protection of their culture and language: *judar* (Jews), *romer*, *samer* (the Sami), *sverigefinnar*, (Swedish Finns), and *tornedalingar*, (the Tornedalers).[89] Three of these groups, *sverigefinnar*, *samer*, and *tornedalingar* are indigenous to the Nordic countries and issues of social, cultural, and economic integration of members of these groups which were manifest in the past rarely arise as topics of discussions in contemporary Sweden. And while antisemitism arguably had a reasonably foothold in some segments of Swedish society historically, it arguably became politically unacceptable after World War II and is now largely confined to extremist right-wing fringe groups. Significantly, these four minority groups share one significant feature – the *absence* of perceived characteristics distinguishing them from mainstream society.

However, the new *minoritetspolitik* required for its legitimisation a minority to help and protect. Of the five minority groups identified in the policy directives, only one could feasibly be made to

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[86] *Socialt arbete bland zigenare*, pp. 34-35. The Swedish *tvättstuga* is more generally an infamous source of tension and conflict between neighbours, and it is almost customary to complain to one's friends and family about the particular problems arising from the sharing of the *tvättstuga* in one's apartment block. The people who are most frequently the targets of such complaints are those who are seen as unversed in Swedish *tvättstuga*-etiquette, often non-European immigrant families.

[87] *Lag (1999:131) om Ombudsmannen mot etnisk diskriminering* [Law relating to the Ombudsman against ethnic discrimination], Stockholm, Riksdagen, 1999.

[88] *Nationella Minoriteter och Minoritetsspråk: En sammanfattning av regeringens minoritetspolitik* [National Minorities and Minority Languages: A summary of the government's minority policy], Stockholm, Regeringskansliet, Integrations- och Jämställdhetsdepartementet, 2007, p. 1.

[89] Ibid.

fit the category of a weak Other in need of assistance. Thus it is argued here that *romer* filled an essential function for the human rights policy which emerged in Sweden at the turn of the millennium. This policy, including the *minoritetspolitik*, took upon itself to 'save' *zigenare*, the feared Other, from misguided prejudice, and from themselves. Thus, *zigenare* were lifted from the periphery of society and inserted into the discourse of diversity and equality of the 2000s. However, in order to fit into this discourse; in order to become one of the pieces of the Swedish puzzle of multiculturalism, *zigenare* had to be transformed into *romer*. Thus, the dirty, dishonest, criminal Other of the past became a threatened minority in need of protection from above. *Romer* would also function as an Other, but one which was able to be part of the multi-coloured quilt of twenty-first century Swedish society.

The following year the Ministry of Enterprise, Energy, and Communications (*Näringsdepartementet*), published the report '*Alla är lika olika: Mångfald i arbetslivet*' (Everyone is equally different: Diversity in the working life).[90] The paper argued that increased diversity in the workplace and the job market would generate immense social and economic advantages to be reaped by both employers and employees.[91] The new millennium equally began with a discursive focus on human rights more broadly: a working group was appointed to 'map' the human rights situation across the country, and its concluding report was in 2002 presented to the *riksdag* alongside a 'national plan of action' on rights and freedoms.[92]

The refurbished and reoxygenated human rights language, together with the *minoritetspolitik*, arguably requested that Sweden be perceived in a certain way, both domestically, within the EU, and as a member of the global community. Internationally, this discourse could be seen to reclaim Sweden's position as an avid human rights defender around the globe by exhibiting exemplary behaviour through its respect for international conventions. At a regional level it presented Sweden as a good and obedient EU member, one which embraced European values of rights, democracy, and freedom. Domestically, the discourse informed Swedish citizens that they lived in a country where everyone belongs and everyone matters. It is a place where difference is not only tolerated – it is celebrated.

IV

A central theme in the discourse is diversity, or more specifically the idea of Sweden as a pluralist society, a colourful and eclectic mosaic where difference is celebrated and everyone enjoys equal opportunities in life. Thus, whereas *zigenare* were associated with cultural 'deviance' – difference in the negative – *romer* came to function as culturally *enriching* Swedish society. *Sydsvenskan*, a southern daily, followed the development of a *romskt* museum and cultural centre in Malmö, aimed at 'highlighting the culture and history of *romer* as a national cultural heritage'. The message of the story is clear: 'It's time for the multicultural to take centre stage'.[93] What is essential

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[90] *Alla är lika olika: Mångfald in arbetslivet*. The Swedish title is a play on words: '*lika*' can mean both 'equal' and 'the same'; thus while the primary reading of the title would be 'everyone is equally different', it can also be read as 'everyone is the same (but) different'.

[91] *Ibid*, p. 91.

[92] Britta Lejon (ed.) *Mänskliga Rättigheter i Sverige: En Kartläggning* [Human rights in Sweden: A Survey], Stockholm, Justitiedepartementet, 2001; Britta Lejon, (ed.) En nationell handlingsplan för de mänskliga rättigheterna [A national plan of action for human rights], Stockholm, Regeringskansliet, 2001.

[93] Kennet Johansson and Eva Hansen, 'Aktuella frågor: 'Av romer för romer'' [Current topics: 'By *romer* for *romer*'], *Sydsvenskan*, 22 April, 2002, p. 2.

about these developments is that whereas *zigenare* represented something alien and incompatible with Swedish culture, *romer* became the embodiment of the catchphrase 'everyone is equally different'. As a stereotype it came to represent something exotic, but nonetheless *Swedish*. Its existence is evidence of a tolerant and pluralist society where being Swedish allows for cultural variations with equal rights retained.

However, most important to the revamped human rights discourse, and the *minoritetspolitik* specifically, is the presence of a vulnerable minority to protect. Thus, beginning at the turn of the millennium, the discursive concept of *romer* as victim emerged. The *zigenare*-projects of the 1990s tried to conquer 'problems' arising from the cultural 'deviance' of *zigenare* as criminals and trouble-makers. In the following decade the emphasis shifted towards the *virtue* of culture, it became something to be *utilised*. This discourse gave rise to initiatives including meetings aimed at facilitating 'dialogue' between the police and *romer*; a special secondary college program for *romer*; and a government funded civil society project, 'Roma In Work', aimed at 'improving the potential for young *romer* so that they can actively participate in the employment market'.[94]

Within this context, Swedish media criticism hardened against the Czech Republic and Slovakia, now members of the EU,[95] whose continued persecution and segregation of Roma was perceived as at odds with official EU discourse portraying the union as a human right paradise, an organisation of free and democratic countries all adhering to the same standards. Conversely, in Sweden *romer* as a discursive object helped legitimise this discourse. It functioned as proof that Sweden approached its responsibility as member of the EU and the global community, and its role as a beacon for human rights both domestically and internationally, with the utmost gravity. As an official national minority *romer* were entitled to have their culture and language protected. As victims of discrimination they possessed the right to be defended by Swedish law. As socially and economically disadvantaged they were seen as in need of official assistance. Thus, by protecting the language and culture of *romer*, by enforcing ethnic discrimination law in the courts, and by providing economic and social assistance to projects aimed at improving the opportunities of *romer*, Sweden could be seen to fulfil its duty on all counts, thus being an exemplary member of the international community, a good European, and a country where diversity and equality are truly embraced.

Concluding Remarks

The aim of this paper has been to provide an introduction into how *zigenare* and *romer* have functioned as objects of official and public discourse in Sweden between 1990 and 2007. It has been suggested here that *zigenare* and *romer* performed distinct functions as different discursive objects, at times existing in parallel with each other. *Zigenare* is a stereotype with strong roots in the past, and has historically functioned as a 'deviant' Other toward whom Swedish anxieties have been directed, particularly during times of economic hardship. As such the *zigenare* has traditionally been assigned attributes such as 'criminal', 'dishonest', 'dirty', 'primitive', and 'nomadic'. However, beginning in the mid- to late 1990s official discourse within the EU increasingly placed strong emphasis on human rights, particularly the protection of vulnerable

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[94] Andreas Persson, 'Unga romer får 2,3 miljoner' [Young *romer* receive 2.3 million], *Sydsvenskan*, 10 January 2007, p. 6.

[95] Irka Cederberg, 'Kan EU agera mot muren?'[Can the EU act against the wall?], *Göteborgs-Posten*, 8 August, 2005, p. 54; Tommy Svensson, 'När tänkte Europa avskaffa apartheid?' [When will Europe abolish apartheid?], *Aftonbladet*, 17 December 2007, p. 17.

minority groups. This language was taken on board by the Swedish governing authorities; the country's ratification in 1999 of the European Framework Convention on the Protection of National Minorities resulted in a *minoritetspolitik* complimented by stronger laws against discrimination, movements which took place within the larger framework of a refurbished domestic human rights policy which embraced a postmodern language of diversity and equality.

Such measures arguably allowed Sweden to exhibit itself both on the world stage and domestically as a protector of human rights and as an obedient and exemplary member of the EU. However, this discourse required for its legitimisation a new object. The *minoritetspolitik* in particular presupposed a vulnerable minority in need of protection. Thus the historical stereotype of *zigenare* was increasingly losing value in official discourse, soon to be replaced by *romer*. With this transition, the attributes which previously disqualified *zigenare* as full members of Swedish society ('criminal', 'dishonest', 'primitive', 'culturally deviant') were replaced by features more suitable for the human rights language of the twenty-first century ('victim', 'disadvantaged', 'persecuted', 'vulnerable'). Significantly, there was no longer talk of cultural 'deviance', but rather cultural 'difference', a virtue to be celebrated in a pluralist society.

In conclusion, then, it has been suggested here that *zigenare* and *romer*, rather than representing a real group of people in Swedish society, are constructed objects, or stereotypes, which were needed to perform essential discursive functions in particular locations at certain moments in time. Crucially, when Swedish officials have pointed to real bodies and interpellated these as *zigenare* or *romer*, this has had real economic, social, and political consequences for people living in Sweden. Thus, by beginning to recognising how a particular discourse operates, what it requires in order to sustain itself, and what functions the objects of the discourse are needed to perform, it may become possible to discern how the human beings which serve as the physical representation of discursive objects may be released from this function and command an identity of their own choice.

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P. Kabachnik and A. Ryder

Nomadism and New Labour: constraining Gypsy and Traveller mobilities in Britain

Introduction

> 'We cannot toughen up the law to move Travellers on if there is nowhere for them to go. Recently, in the neighbourhood of Wortley in my constituency, 12 caravans were parked on the Oldfield Road football pitches, which were moved off. They moved to Farnley Park over the Easter weekend, making local football and cricket impossible. They were evicted and moved down to Hunslet, where they were evicted again and moved to another public park, Western Flats, in Wortley. They have been driven off the Western Flats and are now at Wortley recreational ground. They have received a notice to move on Friday. Those 12 caravans belong to one family, who have lived in Leeds for generations. The family group includes an elderly man with Alzheimer's, a young child with pneumonia, a two-month-old baby who has never received appropriate medical attention because of the constant movement of the family, and a mother who recently collapsed and was in hospital for two days. Some of the children go to local schools in my constituency and are taken there every day by the Travellers education support unit. Since January, the caravans have been moved 50 times, so the children do not know where they are going home to after school. That is quite apart from the fact that the caravans are on sites without water or toilets, and are thus insanitary and quite inappropriate for families. The endless round of court notices and eviction enforcements mean that families are pushed from pillar to post. Everybody, from settled neighbours to Travellers and their families becomes totally exasperated, and council officials and the local police are caught in the middle of many angry conflicts. The cause of the problem is the shortage of sites or pitches on which the caravans can stop' (Hansard 2004).

The opening quotation, by MP John Battle, catalogues the misery suffered by Gypsies and Travellers in Britain that is caused by eviction, as well as the futility of greater enforcement if there are no available caravan sites to go to. Different policies and laws illustrate the spatial strategies enforced against Gypsies and Travellers to control and constrain their mobility and confine and exclude them (Sibley 1981, 2003; Bancroft 2005). The 1994 Criminal Justice and Public Order Act, which removed the duty placed on local authorities to provide caravan sites, essentially criminalized nomadism. Due to the shortage of 4,000 caravan sites, tens of thousands of Gypsies and Travellers found themselves with no legal place to put their mobile homes and trailers. These policies have resulted in forced sedentarization and the enduring of harsh circumstances and discrimination for many Gypsies and Travellers. In fact, the idea that Gypsies and Travellers should lose their identity and way of life are often found in cultural discourses about them in Britain (Kabachnik 2009).

Racism, intolerance and exclusion continue to be directed at Gypsies and Travellers in Britain. Gypsies and Travellers are regularly seen as out-of-place, as having no place where they belong (Sibley 1981, Halfacree 1996). These negative attitudes and how Gypsies and Travellers are conceptualized in the popular imagination, which are highly influenced by media representations, help to shape public policy (Richardson 2006). Laws designed to deal with Gypsies and Travellers and regulate nomadism have had particularly pernicious affects on Gypsy and Traveller communities. Historically, policies have attempted to constrain and eradicate nomadism, as well as exclude and/or assimilate Gypsies and Travellers.

The harsh laws that Gypsies and Travellers in Britain have had to face from their initial arrival in the 15th century, through to the end of 20th century, have been well documented (Mayall 1988, 1995; Fraser 1992). Indeed, the two most critical pieces of legislation, the 1968 Caravan Sites Act and the 1994 Criminal Justice and Public Order Act, have been analyzed repeatedly, highlighting the constraining affects of these policies on travelling communities as well as acknowledging the assimilationist logic underpinning them (Sibley 1981; Clark and Greenfields 2006). Despite some calls of qualitative shifts in the harshness and intolerance of British laws dealing with nomads (Hawes and Perez 1995), others suggest that repression is a persistent theme that unites these various laws (Clark and Greenfields 2006). It has been argued that repressive measures such as these have made nomadic Gypsies and Travellers vulnerable to the effects of exclusion. A number of studies have revealed this group to experience poor health and low educational achievement and participation, compounded by poor access to services (Cemlyn et. al. 2009). Few in-depth studies have been carried out on this section of the Gypsy and Traveller community but the emotional and psychological effect of being subjected to a constant cycle of eviction is believed to be profound (Richardson and Ryder 2009).

The purpose of this article is to follow up on the key legislation and policies that emerged after the 1994 Criminal Justice and Public Order Act. In the mid-1990s, New Labour, led by Tony Blair, pledged to tackle social exclusion (Levitas 1998), including that experienced by Gypsies and Travellers (CLG 2006a). We review New Labour's record on nomadic Gypsies and Travellers and assess the impact of its policies on this group and evaluate whether New Labour has departed from the earlier framework of punitive measures as outlined above. This allows us to illustrate whether or not laws affecting Gypsies and Travellers have become more repressive, stayed the same, or are becoming more accommodating of mobile ways of life. We focus specifically on New Labour's main policy contribution,[96] the 2003 Anti-Social Behaviour Act, which has been instrumental in shaping Gypsy and Traveller ways of life for the past seven years. The 2003 Anti Social Behavior Act promotes new eviction powers against Gypsies and Travellers, placing nomadic Gypsies and Travellers in the 'Respect Agenda' (CLG 2006a). Together with a new policy framework that favours sedentary Traveller site development (Housing Act 2004; Circular 1/2006), campaigners argue that this could lead to a greater cycle of eviction (Wintour 2002), especially if the Government fails to use its powers of direction to compel reluctant local authorities to proceed with site development (Richardson and Ryder, 2009). Our paper will consider the ramifications for nomadic Gypsies and Travellers and the rationale behind these policy initiatives.

In the next section, we offer some background information regarding Gypsy and Traveller groups in Britain. Then we provide an overview of British legislation that has impacted upon Gypsies and Travellers. The next two sections focus on recent policy initiatives brought forth by New Labour. In particular, we address the issue of transit sites, documenting cases where transit sites were proposed and what the local communities' responses were. In closing, we highlight the issues that will affect future policy directions.

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[96] This is by no means to suggest that it is the sole policy. There are several other notable pieces of legislation, for instance the Housing Act 2004.

Historical Background and Current Context

Defining Gypsies and Travellers as a group is a difficult task. The two predominant Gypsy and Traveller communities in the UK are Romany English Gypsies and Irish Travellers; other groups include New Travellers, Welsh Gypsies, and Scottish Gypsies and Travellers.

It is important to distinguish between English Gypsies and Irish Travellers. Linguistic evidence suggests that Gypsies left India over a thousand years ago and arrived in Europe in the fourteenth century, where the reception by locals   included persecution and exclusion, and their nomadism propelled their movement (Fraser 1992; Hancock 1987; Kenrick and Bakewell 1995, 14). The first record of Gypsies in Scotland was in 1505 and in England in 1514 (Fraser 1992, 111-112; Bancroft 2005, 12; Mayall 1995).

The terms Gypsy or Roma exclude the Celtic nomadic groups, such as Irish Travellers. Robbie McVeigh states:

> Irish Travellers have their roots in a Celtic (and possibly pre Celtic) nomadic population in Ireland. They are very definitely not Roma (or Gypsies). Neither are Travellers the product of An Gorta Mor or the 'Great Hunger' of 1843-50. While the original Irish nomadic population may have been supplemented at various times in Irish history by dispossessed labourers and other marginalised people, there was clearly a distinct Traveller population before the famine (McVeigh 1997).

In this article we use the umbrella term 'Gypsies and Travellers', but in so doing we recognise the imposition of a simplistic eponym on a wide range of differing travelling communities.

Although Irish Travellers have travelled within the UK since at least the nineteenth century, their presence increased significantly in the post war period as they migrated to the UK because of the high demand for manual labour in large infrastructure projects and building programmes (Power 2004; Niner 2002, 7). The size of Britain's Gypsy and Traveller population is also an estimate, with the Council of Europe figures putting it at about 300,000, with approximately 200,000 in settled housing. Furthermore, legislation has established that English Gypsies, , Scottish Gypsies and Travellers, and Irish Travellers are ethnic groups for the purposes of the Race Relations Act 1976 (as amended by the Race Relations (Amendment) Act 2000)and thus worthy of protection from discriminatory practices.[97]

Legal Constraints on Nomadism in Britain

Since the sixteenth century the British state has restricted the mobility of Gypsies and Travellers in Britain (Clark and Greenfields 2006). Repressive laws including expulsion, imprisonment and a ban on immigration, were encompassed in a series of acts starting with Henry VIIIs 'Egyptian Act' of 1530.[98] A succession of acts followed including measures to restrict nomadism. In 1551 an act forbade all 'tinkers, peddlars and such like vagrant persons' to travel from place to place without license (Hawes and Perez 1995). Queen Mary decreed that 'Egyptians' who entered the country and remained for more than one month could be subject to capital punishment but could escape such penalties if they abandoned a 'wandering life'. Restrictive measures against nomadism and

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[97] For Gypsies, see Commission for Racial Equality v Dutton 1989. For Irish Travellers, see O'Leary v Allied Domecq 2000. For Scottish Gypsies and Travellers, see K MacLennan v Gypsy Traveller Education and Information Project 2008.

[98] 'Egyptian' being the common term for Gypsies at that time, probably based on the assumption that they came from Egypt (Fraser 1992).

the travelling way of life continued in the seventeenth, eighteenth and nineteenth centuries. In 1822 the Turnpike Roads Act imposed a fine of 40 shillings upon any Gypsies encamping on the side of the turnpike. By this time such measures were accompanied by more benevolent measures to induce assimilation, as the Anglican church and other missionary figures like George Smith of Coalville deemed nomadic lifestyles to be primitive and prone to immorality and believed that those who practiced nomadism could become 'civilised' through sedentarization and attending school (Mayall 1988).

In the post war period restrictions on nomadism have continued unabated. The 1960 Caravan Sites and Control of Development Act (1960 Act) provided powers to control the licensing of sites and prohibited caravans from common land (Acton 1974). This, together with increased urban development, proved to be a major blow to travelling ways of life; increasingly Gypsies and Travellers were compelled to occupy more public space which was near or adjacent to that of the settled community leading to a corresponding rise in community tensions (Kenrick and Bakewell 1995). These tensions prompted the introduction of the 1968 Caravan Sites Act (1968 Act), which placed a statutory duty on local authorities to provide sites. However, the 1968 Act also contained measures to curtail nomadism. A major goal for local authorities was to have their territory classified as 'designated', meaning that they had fulfilled their obligation by either providing what were considered enough caravan sites or not needing any caravan sites at all since no Gypsies and Travellers were deemed to frequent their area. Designation was often achieved through the undercounting of Gypsies and Travellers (Sibley 1981, 52). This meant that Gypsies and Travellers camping in these areas on unauthorised encampments were committing an offence (Johnson and Willers 2007). Even greater restrictions on nomadism were introduced in 1994, through the Criminal Justice and Public Order Act (1994 Act), as the obligation for local councils to provide caravan sites was repealed (Johnson and Willers 2007). The trigger to this measure was a growing public furore over the reported and perceived activities of New Travellers, causing moral panics (Hawes and Perez 1995). The 1994 Act strengthened the powers contained in the Public Order Act 1986 (section 39) by giving the police powers to direct trespassers to leave if they had damaged the land, if they had six or more vehicles, or if there had been anti social behavior towards the landowner.

New Labour Policy Framework on Nomadic Travellers

New Labour was elected to power in 1997. Despite its opposition to the repeal of the 1968 Caravan Sites Act, in particular the duty on local authorities to provide caravan sites, the government failed to prioritise this issue (Richardson and Ryder 2009). In 1998 the Office of the Deputy Prime Minister, the government department assigned to deal with the issue of Gypsy and Traveller accommodation, did issue new guidance on managing unauthorised encampments, which proposed that in instances where Travellers occupied suitable locations and did not cause nuisance then local authorities should consider a policy of tolerance (ODPM 1998). This position was reaffirmed in new guidance in 2004, and was further supplemented in 2006 (ODPM 2004; ODPM 2006). However, such guidance did little to address the shortage of authorized permanent transit sites. The guidance stipulates welfare checks before eviction and calls for local authorities to weigh the proportionality of eviction. Paragraph 5.8 states:

> The Human Rights Act (HRA) applies to all public authorities including local authorities...With regard to eviction, the issue that must be determined is whether the interference with Gypsy/Traveller family life and home is justified and proportionate. Any particular welfare needs

experienced by unauthorised campers are material in reaching a balanced and proportionate decision (ODPM 2006).

To date, Gypsies and Travellers on unauthorized encampments have enjoyed limited success in challenging eviction under article 8 of the Human Rights Act or appealing for alternative sites when arguing against an offer of 'bricks and mortar' accommodation under homelessness legislation on the grounds of an aversion to bricks and mortar. However, it is argued that we have now reached a point where a thorough 'rights and proportionality' approach is required. (For a more in-depth discussion see Johnson, Ryder and Willers, 2010).

Research conducted for the ODPM in 2002 estimated that there was a need for an additional 4,000 pitches of which 1,000 would be on transit sites (Niner 2002). The shortage of pitches led to an increase in unauthorised encampments and rise in community tensions. In reference to an unauthorised encampment in his constituency the Conservative MP Andrew Mackay stated in a parliamentary debate in 2002: 'They are scum, and do not deserve the same human rights as my decent constituents going about their everyday lives' (Richardson 2006). Such intemperate views were not uncommon amongst politicians often responding to furores over unauthorised encampments instigated by irate local residents and the media and were not confined to the political right. In 2003 the Liberal MP Norman Baker argued that a protest about nomadic Travellers had been prompted over anger about an earlier unauthorised encampment and that criminal elements were posing as Travellers. In a 2003 press release Baker stated:

> …there is a need for the Government to take steps to deal with the minority who use the cloak of an itinerant lifestyle to carry out crime in the expectation that they will get away with it (Baker 2003).

Baker failed to condemn local constituents who belonged to the Firle Bonfire Society, which in response to an earlier unauthorised encampment, made an effigy of a Gypsy caravan with the registration number 'P1KEY' (Pikey is a derogatory term for Travellers) and images of a Traveller family within it. After being paraded through the village the effigy was torched (BBC 2003).[99] The residents were surprised to find themselves under investigation for inciting racial hatred (Townsend 2003). Despite Trevor Phillips, the Chair of the Commission for Racial Equality, calling for prosecution, no charges were made. Another indicator of the raised tensions between Gypsies and Travellers and the settled community over nomadic ways of life occured when the National Farmers' Union issued a report entitled 'Britain's Rural Outlaws' which made the exaggerated claim that unauthorised encampments cost farmers one hundred million pounds a year. The report stated:

> Nearly 80 percent of farmers questioned by the NFU have suffered at the hands of these 'rural outlaws' over the past five years with the estimated cost to the industry a massive £100 million per year (NFU 2003).

The report was criticised for its poor methodology but also angered many Gypsies and Travellers who had worked as seasonal labourers on farms and made a significant contribution to the rural economy (FFT 2003). In contrast, the Traveller Law Research Unit estimated that eviction costs

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[99] See Vanderbeck 2003 and Kabachnik 2010 for further analysis of media representations of Gypsy and Traveller issues in Britain.

against unauthorised sites, including unauthorised encampments, was approximately eighteen million pounds a year (Morris and Clements 2002).

Within parliament calls were made for new restrictions on nomadism. Amongst these was a private members' bill tabled by MP Crispin Blunt. The Trespassers on Land (Liability for Damage and Eviction) Bill aimed to streamline and simplify the eviction procedure and the issue of liability for any damage in the favour of landowners. The proposal attempted to reduce the then current six vehicle minimum the police required in order to evict Travellers and attempted to make all Travellers on a site individually responsible for damage caused during an illegal occupation. The Bill failed because of a lack of parliamentary time. Blunt stated:

> I feel particularly sorry for the many people who will suffer as a result of the Government's decision. This one issue has caused a wider degree of heartache and distress amongst my constituents than any other single cause. This cause has overwhelming support amongst Conservatives but it also has support from Labour backbenchers, sadly it seems not yet from the Government frontbench (Blunt 2002).

In the wake of the Trespassers Bill the All Party Parliamentary Group for Managing Unauthorised Encampments established a network amongst MPs of all parties to promote legislation to tighten up on unauthorised encampments (Blunt 2002). The government did not support the Trespassers Bill because it had its own proposals on this issue. It is significant that Labour's first legislative measure on Gypsies and Travellers was contained within an act to tackle anti social behavior, the 2003 Anti Social Behaviour Act (2003 Act). The Guardian announced:

> The government yesterday responded to a storm of often media-led pressure by announcing that the police are to be given new powers to evict Gypsies and travellers if they refuse to move on to local authority designated sites...... The plan - vague in parts - appears to have been rushed out ahead of a private members bill to be debated next week and sponsored by the Conservative MP for Bournemouth East, David Atkinson. The Tory-led bill is likely to be more generous to travellers than the government's proposals' (Wintour 2002).

As noted in the above cited *Guardian* article Gypsy and Traveller campaign groups, with the unlikely ally of Conservative MP David Atkinson, were promoting the Traveller Law Reform Bill that would return a duty on local authorities to provide caravan sites and begin to redress the 4,000 site deficit (Traveller Law Reform Bill 2002). The amendments that the government inserted into the 2003 Anti Social Behaviour Act were introduced in the final stages and included a power to remove trespassers.

The amendments inserted after section 62 of the 1994 Criminal Justice and Public Order Act were as follows:

> '62A Power to remove trespassers: alternative site available
>
> (1) If the senior police officer present at a scene reasonably believes that the conditions in subsection (2) are satisfied in relation to a person and land, he may direct the person—
>
> (a) to leave the land;
>
> (b) to remove any vehicle and other property he has with him on the land.
>
> (2) The conditions are—
>
> (a) that the person and one or more others ('the trespassers') are trespassing on the land;
>
> (b) that the trespassers have between them at least one vehicle on the land;

(c) that the trespassers are present on the land with the common purpose of residing there for any period;

(d) if it appears to the officer that the person has one or more caravans in his possession or under his control on the land, that there is a suitable pitch on a relevant caravan site for that caravan or each of those caravans;

(e) that the occupier of the land or a person acting on his behalf has asked the police to remove the trespassers from the land.

Powers to direct Travellers to leave land can only be exercised where Travellers can be directed to alternative sites described as a 'relevant caravan site which is situated in the local authority's area.' Those who fail to take up the direction to another site cannot return to that particular local authority area for a three month period. Failure to comply with this order could lead to a fine or imprisonment and /or seizure of vehicles and caravans and/or arrest. Campaigners denounced the proposals as authoritarian and unworkable. Andrew Ryder, the secretary of the Labour campaign for Travellers Rights, said the measures did not go far enough to help Travellers.

> It is essential there is a good system of sites available, or else eviction leads to travellers being pushed on from one site to another. Many of the problems are caused by social exclusion from services, and the refusal of councils to give planning permission for Gypsies to live on their own land (Wintour 2002).

A Children's Society parliamentary briefing on the Anti Social Behaviour Bill voiced these concerns by expressing a fear that sites would occupy marginal space and have substandard facilities (Children's Society 2003). It was argued that these factors and being situated on a strange site with other unknown families would make many Travellers reluctant to move to such a site and they would thus be subject to a constant cycle of eviction. They would be compelled to move from one authority to another because of the threat of fines, imprisonment, arrest and seizure of vehicles. It was argued that the emotional and physical impact of such a state of affairs would be highly negative to the well-being of Travellers, particularly the young (Children's Society 2003). In a parliamentary debate on the bill Lord Avebury was highly critical of the fact that there were no vacant pitches because of the severe shortage of sites caused by the 1994 Act and that the government had no constructive plans to develop sites (Hansard 2003). Avebury went on to state:

> This clause is a shabby and deceptive little piece of theatre, designed no doubt to placate those who complain about unauthorised encampments in their neighbourhood. Residents may have good reason to protest about the nuisance that arises when there is an influx of people without any facilities for refuse collection services or sanitation, but their anger should be directed against the Government, who have failed to make adequate provision for travellers, and against the Tories, who repealed the 1968 Act. I would really prefer that the whole of Part 8 be withdrawn, and that the Government should come forward with comprehensive proposals for ending the homelessness of 3,000 travellers (Hansard 2003).

In 2003-2004, parliamentary campaigners for Traveller Law Reform, led by MP John Battle and Lord Avebury, pressed the government to insert into the Housing Bill the main clauses of the Traveller Law Reform Bill. However, the government did not adopt these measures but the pressure of the campaign in parliament and beyond which was coordinated by the Gypsy and Traveller Law Reform Coalition did lead to the government announcing new measures to increase site provision (see below).

The Impact of the 2003 Anti Social Behavior Act

Wakefield Council was the first authority to consider using the 2003 Anti Social Behaviour Act against Travellers but rather than utilise section 62 the council and police sought to utilise section 30 of the Act, which was designed to disperse hooligans, by designating five areas as 'no go zones' for a group of Travellers (BBC 2005). A statement by the council declared that the powers were being invoked to 'combat the scourge of illegal encampments' following constant Traveller invasions and anti social behaviour (Gardner 2005). However, two weeks later the police issued a statement: 'We have taken legal advice and it is the view that in the current circumstances the Section 30 authorisation cannot be used to evict these travellers from the land' (Stokes 2005).This was following the threat of legal challenge by the Community Law Partnership in Birmingham. Although section 30 was not implemented, the attempt to use this against Gypsies and Travellers to effectively create segregated 'no go' spaces reveals the measures people are willing to take. These spatial strategies seek to not only control Gypsy and Traveler mobility and exclude them from certain places, but also aims to erase them from the landscape. Gypsies and Travellers are regularly constructed as not belonging and out-of-place, and since their presence is seen as defiling or polluting (Sibley 1995), efforts are constantly made at purging all traces of Gypsies and Travellers from the area.

Additionally, section 62 of the Criminal Justice and Public Order Act 1994 as introduced by the 2003 Act was even criticised by some police officers. Inspector Mark Watson from Cheshire police described section 62 as unenforceable and stated:

> We have seen tensions in communities rise because there is nowhere for people to go...the last thing we want to see is people being evicted just for the sake of it (Traveller Times 2005).

In 2005 the parliamentary Joint Human Rights Committee issued a report responding to the UN Convention for the Elimination of Racial Discrimination periodic report on the UK (CERD 2003). The committee reiterated earlier concerns it had expressed over Section 62 of the 2003 Act and felt that given the disproportionate impact on Gypsies and Travellers that there was a significant risk of incompatibility with the European Convention on Human Rights, in particular Article 8: the right to enjoyment of a private life and enjoyment of possessions (House of Lords and Commons 2005).

Despite the criticism of the 2003 Act a number of local authorities sought to develop transit sites in order to gain swifter eviction powers, and such projects were indeed facilitated by the government which made funding available for site development (that funding now available from the Homes and Communities Agency). These proposals though were derailed by intense local opposition. In Crawley, proposals were forwarded for a residential and separate transit Traveller site. The proposed transit site location occupied a place near the runway of Gatwick airport, replicating the patterns of excluding Gypsies and Travellers and funneling them onto highly marginal space (Sibley 1981). However, it was this site which excited the most opposition. At one public meeting 1000 members of the public poured into a local leisure centre to express opposition to the proposals (BBC 2006a), which were later abandoned, ostensibly for planning reasons.

In Hastings plans to develop a transit site were also abandoned because of local opposition in which protestors took to the streets (BBC 2007a; BBC 2007b) and one local newspaper even carried the headline 'Gypsy Hell'. In a secret meeting of the BNP with its leader Nick Griffin, it was announced that the BNP was targeting Hastings as an area for future electoral success in part

because they felt the council had dealt badly with the Traveller issue by proposing sites (Morris 2008). In Southampton plans to develop a transit site were also thwarted after an intense campaign of local opposition which saw a Conservative councillor elected to represent the ward where the transit site was to be located on a platform of opposition to the proposed site. It is a matter of irony that the local MP John Denham as a Home Office Minister had championed Section 62 of the 2003 Act and was credited with its inception. A double irony is that the very fear and prejudice towards nomadic Travellers that Section 62 was designed to curtail was to prove to be the major factor which hindered the development of transit sites to allow the new powers to be invoked.

As the above examples indicate, Gypsy and Traveller issues and rights are highly politicized and elicit very little sympathetic support. Even when transit sites are proposed to be developed, this is done to help further exclude Gypsies and Travellers; yet still there is rampant opposition. We argue there are three central motivations behind this. First, transit site development is seen as formally institutionalizing Gypsies and Travellers in their community, which translates to tacit acceptance. Second, having a caravan site incorporates Gypsies and Travellers into the landscape, which runs counter to dominant landscape aesthetics and provides a permanence (even when it is a transit site) and constant visual reminder. Third, this challenges the sedentarist norm, as having a transit site upsets sedentarist values and the sedentarist order, since it facilitates the travelling way of life.

In 2004 the Government did pass a Housing Act which contained a statutory duty on local authorities to carry out an accommodation needs assessment which would identify the number of pitches needed in an area. These figures would feed into Regional Spatial Strategies and Local Development Plans and local authorities have been charged with finding the appropriate land for site development (Planning Circular 1/2006). However, this process has been long and laborious and to date few sites have been delivered (CLG 2007). The delivery of transit sites has been especially bleak with councils more reticent to identify locations than permanent residential sites and seeking to avoid such action by arguing that residential pitches must be developed first before transit ones (EERA 2008).[100] This is despite the guidance issued on managing unauthorised encampments by the Office of the Deputy Prime Minister in 2004 stating that the provision of new sites, including transit sites, was to be an important part of mapping out long term local strategies to manage nomadism (ODPM 2004b). The prospects for site delivery may be limited further given Conservative indications that if elected to power they will abolish Labour's target driven accommodation policies (Grady 2009). The upcoming elections will certainly play an important part in how Gypsy and Traveller policy will continue to be shaped and reshaped. Furthermore, even the prospect of elections are having a major impact as many local authorities are delaying implementation of most of their projects and instead are adopting a 'wait-and-see' strategy until the election results are known.

Future Impacts

Section 62 of the 2003 Act has to date failed to provide the trigger for the creation of a national network of transit sites to facilitate nomadic ways of life. However, Bristol City Council did

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[100] The East of England Regional Assembly initially asserted that residential sites should be developed before transit sites. However, following the public examination of the regional spatial strategy, they accepted the recommendation of the government planning inspector and included transit sites in their planned targets for site development.

manage, despite intense political opposition, to develop a Traveller transit site. However, even after the political consent was gained members of the settled community resorted to vigilante action to thwart the development of the site.

> A gang of vandals armed with sledgehammers broke into a travellers' site in Bristol and caused thousands of pounds of damage. Six men forced their way onto the land off South Liberty Lane, Bedminster, in the early hours of Sunday. They smashed windows, knocked down walls and damaged plant equipment, such as mechanical diggers. The land is being developed as a 12-pitch transit site for travellers, and had been due to open in July. Bristol City Council spokeswoman Kate Hartas said: 'People who are capable of this kind of behaviour have no right to judge Gypsies and Travellers.'We know that most people in Ashton Vale, whether or not they have concerns about the site, would join us in condemning this mindless act of criminal damage (BBC 2006b).

Despite the initial opposition to the site, it did eventually open and is said to have led to a dramatic fall in the enforcement costs incurred by Bristol City Council from 200 thousand pounds in the mid 1990s to 5000 pounds today (EHRC 2009). Communities and Local Government (CLG), the government department that coordinates Traveller accommodation policies, has strongly promoted the economic success of the Bristol transit site in the hope that other councils will emulate this example. Little consideration has been given to the impact on Travellers well-being and whether the transit site has improved access to services and the social inclusion of residents. The authors of this paper believe that such a study would be of critical importance to not only establish how Bristol Council notably succeeded where others failed but also to determine the impact on the social inclusion of residents and travelling patterns.

Simply providing caravan sites is not enough. Reducing the issue to the lack of caravan sites has the unfortunate consequence of prioritizing numbers and statistics, effectively effacing and abstracting the complexities of the experiences of Gypsies and Travellers. The ultimate goal of this perspective and/or policy emphasis would be to fulfill the pitch deficit. Though providing 4,000 pitches is certainly welcomed, seeing the issue as resolved after that number is reached would be short-sighted and problematic. While the site deficit is extremely important, other factors need to be addressed concurrently and after the meeting the shortfall of pitches. Site development and local council policy must also work on issues of the location of sites, site design, and physical integration of sites with the town and local area, as well as community education and outreach to lower levels of intolerance and efforts towards greater social and economic integration and access to basic needs and resources.

Furthermore, there has been a dearth of research on the impact of forced movement and restrictions on nomadism. The National Association of Health Workers with Travellers in its evidence to the ODPM Select Committee inquiry on Gypsies and Travellers in 2004 declared:

> Forced movement causes problems generally in reducing Gypsies and Travellers' access to healthcare-which contributes to late diagnosis, poor follow up and management of chronic illness and exclusion from health promotion, immunisation and screening programmes. Maintaining continuity of care, getting referrals and keeping appointments can be impossible (ODPM 2004b).

The effect of forced movement is believed to impact negatively in terms of access to education and a whole range of life chances (Clark and Greenfields 2006), but to date little official consideration has been given to these factors in terms of official reports and research. In 2004 the Government announced that its Social Exclusion Unit was to embark upon a study in which the experiences of exclusion by groups who frequently moved was to be assessed. Gypsies and Travellers were to be included alongside groups such as army personnel and sales people (CLG 2006b). However, in the

resulting report only one paragraph was devoted to Gypsies and Travellers and promises of a detailed follow up report on this group did not materialise despite detailed field work being undertaken. An important opportunity to extend understanding of the exclusion of nomadic Gypsies and Travellers was missed but also a chance to mainstream their needs into service provision and solicit understanding and support for their now precarious way of life.

The review of New Labour's policies on nomadic Gypsies and Travellers indicates limited success in challenging historic and centuries old hostilities to nomadic ways of life; at times too much emphasis has been placed on eviction and exclusion by local and national policy makers, often upholding notions and stereotypes of deviancy (Lucassen et. al. 1998)   Action has tended to be justified not only through a reduction of perceived anti social behaviour, but as in the case of Bristol, through cost effectiveness. The humanitarian arguments have all too often been neglected or secondary. Such reticence probably reflects the fact that age old suspicions of nomadism persist and the agenda of mainstream society continues to be one of assimilation and control. Under New Labour society has continued to veer towards what can be described as a greater level of monoculturalism. Young (1999) has noted that despite the greater apparent diversity of society, tolerance and diversity is in fact superficial and there is an ever greater and growing intolerance of those who are constructed as different.   As part of this process, sections of the equalities and Labour establishment have distanced themselves from a defence of genuine diversity and promoted integrationist policies focused on citizenship, nationality and conformity to 'majoritarian' values, including upholding sedentarist values (McVeigh 1997).

Trevor Philips, chair of the Equalities and Human Rights Commission, has attacked 'multiculturalism' and, in his speech 'Sleepwalking to Segregation', blamed minorities for voluntary isolation and ghettoisation rather than pinpointing poverty and prejudice as the drivers for such behaviour (Ryder and Solly 2007). It is not surprising therefore that nomadic Gypsies and Travellers have remained at the margins of society and through political and media attacks played the role of modern day 'folk devils' creating moral panics in mainstream society (Richardson and Ryder 2009). In their role as a modern day 'pariah group' nomadic Gypsies and Travellers uphold and bolster majoritarian assumptions that the values and lifestyles of mainstream society are superior to those that diverge from it, and as reflected in the political and media discourse towards nomadic Gypsies and Travellers, these outsiders are uncivilised, primitive and prone to deviancy and criminality.

These processes in the UK may be accentuated by a possible change of government in 2010. Many expect the Conservatives to win the next General Election but their stance on nomadism is even more intolerant than that of New Labour. In 2005, the Conservatives made Gypsies and Travellers an election campaign issue with attacks on unauthorised encampments and developments. The intolerance was further fuelled by a sustained and intense period of media attack, with Gypsies and Travellers being represented as 'place invaders' (Kabachnik 2010), most controversially exemplified by the Sun newspaper, with incendiary articles like 'Stamp on the Camps (Richardson and Ryder 2009). During the election campaign the Conservative leader Michael Howard accused Travellers of 'not playing by the rules' and abusing the Human Rights Act. Howard promised a 7 point charter on Gypsies and Travellers which pledged to outlaw nomadism through criminalising trespass (Richardson and Ryder, 2009). No reference was made to creating more sites and, unlike with the 2003 Act provisions for new powers of eviction were not dependent on the creation of new transit sites. Hence, New Labour's trigger for a national network of transit sites would probably become redundant if such a policy is implemented. Parliamentary debates

have indicated that the Conservatives remain committed to further criminalising trespass and will dismantle the regional spatial strategies, which are the main delivery mechanism of Labour's Traveller accommodation policies (Ryder et. al. 2009). Instead, the Conservatives will promote a policy of localism which will let local areas decide their priorities which most probably means, if previous practices are any indication, local councils deciding not to provide sites.

It should also be noted that Britain's new Supreme Court has made a new ruling that may have huge significance for Britain's remaining nomadic Gypsies and Travellers. In only the 11th judgement since the court was established earlier this year, 5 Supreme Court Justices have ruled that a possession order used against Gypsies and Travellers covering wide areas of publicly owned Forestry Commission land was wrong, but that injunctions which could result in their imprisonment and loss of assets were perfectly legal (Traveller Times 2009). This use of injunctions could undermine government guidance on unauthorized encampments which encourages toleration and even the enforcement incentives to develop transit sites as contained in the CJPOA (section 62A) as now public bodies may seek to deter unauthorized encampments through injunctions rather than through site provision. However this judgment has only just been delivered and undoubtedly there will be serious challenges to any public authorities who seek to rely on such injunctions.

Will these failed policies and the potential for more repressive laws and enforcement eradicate travelling?   The change in the symbiotic relationship between Travellers and the rural economy which came about through greater mechanisation has together with new restrictions done much to alter the patterns of nomadic lifestyles and what has been termed the 'Traveller economy' (ITMB 2007). The notion of the end of nomadism has been a persistent theme and an expected result of assimilationist and exclusionary policies for centuries. The process continues today. The linguist, historian, and activist Donald Kenrick drew much ire when he asserted at the ODPM Select Committee hearings in 2004 that virtually no Gypsies and Travellers would be nomadic within a generation (ODPM 2004b). A number of Gypsies and Travellers were deeply critical of this assertion, revealing the importance of nomadic practices for Gypsy and Traveller identity. The demise of the 'traditional' Traveller economy may not be as inevitable or certain as has been argued, and the remarkable evidence of adaptability cannot be underestimated either (Okely 1983).   Core Traveller practices of bonded social capital in extended family networks and entrepreneurialism have fused with new notions of mobility and accommodation habits that have created what could be described as 'new identities' (Hall 1991) which through cultural syncretism preserve the ideals of Traveller identity with innovative practices that are economically viable and which can sustain Gypsy and Traveller identity. Despite the harsh constraints current and future policies are expected to have on Gypsy and Traveller mobility, we cannot ignore their agency and the fact that travelling practices have continued, though always transforming and adapting, throughout the centuries, and will continue to do so.

Not all Gypsies and Travellers have been able to make these successful transitions, as spatial and social exclusion is forcing a number into cultural disintegration and or assimilation. The restrictions placed on freedom of movement primarily to deter East European Roma mobility and the xenophobic responses to new Roma mobility in Italy and Northern Ireland (Sigona 2003; Clark 2009) for example ominously hint at the power and ability of majoritarian society to equally adapt to changes in identity, mobility and economic practices by Gypsies, Roma and Travellers and devise new and as ever draconian forms of repression and control.

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E. Marushiakova and V. Popov
Gypsy/Roma European migrations from 15th century till nowadays

In recent years the topic of Gypsy/Roma[101] migrations toward countries of Western Europe (and Canada as well) sporadically comes to the front of public interest. This topic is put under different discourses (most often Human Rights), however, under guise of public scandals, the fear from mass migrations of Eastern European Gypsies, which will overflow countries of rich West, could be seen. Classification of Gypsy migration presented here is deducted in view of their historical development, however this doesn't mean linear reading of the history of the problem. Leading place in our analysis of Gypsy migration has the revealing the nature of the processes, driven by demand for collective strategies of the Gypsies in response to the ongoing political changes on bases of observance of the different reactions of Eastern European Gypsy/Roma communities to the modification of the European context. The researched processes appear in practice to be more or less non-coherent (as heterogeneous the Roma/Gypsy community/communities are and since the situation in various countries is more or less different), and in specific cases, the process may even sometimes acquire opposite directions. This non-coherency and controversy however doesn't mean impossibility of deducing of general trends in the development of Gypsy migrations in contemporary Europe, which trends we will try to present there.

In Gypsies' history after their arrival from India in Europe and their stay for several centuries on there are some big migration waves, when Gypsies cross the state borders, disperse on new territories and reclaim new social and economical space. The first migration wave starts in the beginning of the 15th century, when several Gypsy groups enter Western Europe. This migration wave is a case of successful acquiring of new territories by one nomadic community, who searches for new economic niches (successful - in spite of the strong sometimes even brutal resistance from the government and local authorities). The reasons for this first big wave of migration of the Gypsies from East to the West are completely economic, in spite the attempts to be given (at least in the beginning) a religious-political motive (e.g. the stories about their alleged state called 'The Little Egypt', which they left because of Ottoman invasion, etc.)

The second big migration wave is during the second half of 19th-and the first decades of the 20th centuries, when the countries of Europe are invaded by nomadic Gypsy groups, originating from what is today Romania and the adjoining regions of Austro-Hungary. This mass resettling of Gypsies, originating from Walachia and Moldavia, is usually explained as direct consequence from their liberation from slavery in both of the principalities and received freedom of movement. The end of the slavery of the Gypsies in Moldavia and Walachia is indeed an important factor, but it is not the beginning, nor the reason for the big Gypsy migrations. It may sound paradoxical, but the big migrations after the end of the slavery are rather escape from the freedom, and the coming from it new citizen obligations and responsibilities, which the nomadic Gypsies, who have

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[101] The word 'Gypsies' is used in our presentation in the meaning implied in the whole region of Central, Eastern and South-Eastern Europe, i.e. as a name for communities, who speaks different languages and are with different preferred or real experienced identities, designated in various countries from their surrounding population by similar names - Cikáni, Cigáni, Cigányok, Ţigani, Цигани, Цыгане, etc.). Their ancestors had migrated from the Indian subcontinent to Europe more than a millennium ago. The biggest part of the Gypsies in these regions, are from the subdivision of Roma, i.e. in this case both appellation (Gypsies and Roma) could be accepted as synonyms for contemporary epoch.

preserved themselves as a closed community, but with low level of social integration into surrounding society, are not able to take. Actually the second wave of migration is based mainly on socio-economical reasons, and the political factors only regulate the time frames of the processes.

The third migration wave begins from the 60ies of the 20th century and continues even nowadays. Some authors make differentiations (chronological, geographical and typological) or segment it into separate migration waves. Seen from the distance of time and from perspective, we prefer to talk about one common migration wave, characterized by its non-homogeny and different main characteristics along the years.

This migration wave starts during the 60ies and especially strengthens during the 70ies of the 20th century, when Yugoslavia opens their borders (formally during 1968) and encourages its citizens to work in Western Europe. These are not the typical migrations, but rather their matching with traditional forms of labour mobility, already characteristic for the Balkans in the times of the Ottoman Empire. This labour mobility is called 'gurbet'. With this notion the Ottoman administration designs specific category of population, divers in ethnic affiliations, which is working and living for certain period of time (usually one working season, depending on the type of the labour activity) far from their home places, where their families are left behind.

This model of labour mobility, more or less modified, is also preserved on Balkans during the later historical periods. The first ones going to work in Western Europe are Yugoslav citizens (according the already accepted with consensus terminology - 'the Gastarbeiter'), in the beginning they stay in frames of 'gurbet' model and do not terminate their connections with their homeland, where their family members remain. The 'gurbet' migrants return periodically at home, they help their relatives, and they even build themselves houses in their homeland for the old ages. Gradually, however, and mainly after 1972, when Yugoslavian Gastarbeiters received permissions to take their family members with them, big parts of the working in the West resettle permanently together with their families and legalize themselves in the corresponding countries, i.e. from mobile workers they turn to migrants.

All Gypsies from former Yugoslavia migrate then as Yugoslavian citizens (i.e. as an integral part of the macro-society, in which they live), and in the beginning the policy of Western governments towards them is the same as to all other 'Yugoslavians', thus the policy towards Gypsies remains in the frames of the so-called 'mainstream approach', without separating them as a specific community, that differs from all others ethnic and/or religious communities living in Yugoslavia. During the 70ies, under the influence of 'external' factors their separation as a differentiated community, which requires a special policy, starts. In the end of the 80ies in Germany, under the active influence of human rights organizations a public campaign starts, in order to legalize the statute of the Roms, migrants from Yugoslavia, however not as Yugoslavian Citizens, but as a separate community. This campaign is accompanied by protest marches, hunger strikes, and even several court cases in Bundesgerichtshof in Karlsruhe. The initial idea of the human rights organisations, that insist for special approach towards the Gypsies (already called politically correct *Roma and Sinti*) is to prove, that they are discriminated minority in their homelands, where their human rights are constantly violated. Such a thesis, however, could not be accepted without doubts, particularly when the policy of Yugoslavia is under the question. Yugoslavia already in the First Congress of that what is later called International Romany Union in London 1971 is declared to be a country - positive example and model to follow for all other European countries. Thus a new argument was invented, that Gypsies are a priori bearers of specific type of

culture, connected to their nomadic way of life, for them their civic status is not the leading one, but their traditions and that is why the approach towards them should not be the same like to all other Yugoslav Citizens.

In fact, the Gypsies in Central and especially in South-Western Europe are in their majority settled population. Even those who are nomads should be characterised only as semi-nomads, because of their specific way of life with permanent winter settlement and active nomadic season (in contrary to the Gypsies in Western Europe who are travelling in their majority for the whole year). Looking from the distance of the time the Gypsies in Central and South-Western Europe are with high level of social integration, at least in comparison to their brothers from Western Europe. From this point of view the attempts to declare the Gypsies from Yugoslavia to be 'eternal nomads' and to put them into subject of special policy are doubtful and absurd.

The situation with the Gypsy migrants in Western Europe significantly changes after the crash of the so-called 'socialistic system' in the countries of Eastern Europe in 1989-90. The theme of violated human rights of the minorities and the discrimination of the Gypsies (already called *Roma* according to the newly accepted, considered as politically correct terminology) in Eastern Europe gives new political dimensions to the attempts of Gypsies for migrating from these countries, who try to receive political shelter in different countries in Western Europe (as well as in USA and Canada) as representatives of persecuted in their countries community. These migrations (or attempts for migration) are uneven in scale, chronology, and country of origin and heading, and are in dependence of different circumstances. Such are for instance the attempts of Gypsies from Bulgaria and Romania to receive political asylum in Germany in 1991-1993; the emigration of Gypsies from Poland and the Baltic states to Great Britain during the second half of the 90ies; the emigration of Gypsies from Czech Republic, Slovakia and Hungary to Canada, which stated to receive bigger and bigger dimensions after 1997; the entrance of Gypsies from Czech Republic and Slovakia to Great Britain in 1997 and later; the wave of Gypsy refugees from Slovakia in Belgium and Finland during 1999-2000; as well as recent cases of arrival of Gypsies from Czech Republic to Canada in 2009.

The countermeasures in Western Europe on these migration currents are carried out with different means. At the beginning, the attempts are to solve the issue entirely; here the example with Romanian Gypsies seeking to migrate to Germany is especially indicative. In September 1992 in Bucharest an agreement between Germany and Rumania is signed, which settles the 'reciprocal' return of the citizens from each of the both countries that are residing illegally in it. However not so often are mentioned the circumstances, that for the cessation of the migration (or more correct - quasi-migration) wave of Gypsies from Rumania and Bulgaria towards Germany in the beginning of the 90ties more effective appeared the legislative-administrative measures of the German state, which limited the waiting time for decision on the asylum case and, almost significantly, the cessation of the financial support for candidate-political emigrants. In this respect the example with Gypsies from Slovakia, the asylum seekers in Belgium during 1999-2000 is especially illustrative. The Belgian authorities conduct several repatriation of the Gypsies, re-introduce the visa regime with Slovakia (two times, with several months period of its abolishment), but in the end the decisive step for the cessation (or at least for radical limitation) of the wave of Gypsy migration from Central Europe to Belgium was the abolishment in the beginning of 2001 of the financial support for the candidates for political asylum and guaranteeing only of food, accommodation and medical services.

It is almost not possible to doubt, that when speaking about Gypsy migration (or attempts for migration) in the 90ies of 20th century from East towards West of the Gypsies in majority of the cases it is about labour migration (or attempts for it) of Gypsies because of hard economical crisis and shortage during the period of transition in Eastern Europe towards the 'rich West', sometimes hidden behind political and ideological reasons and human rights phraseology.

The case with former Yugoslavia is more specific, when after the collapse of the country, as a result of the following wars and ethnical cleansings; big groups of Gypsies migrate westwards. The first migration currents are in the beginning of the 90ies; when during the Bosnia war many Gypsies head towards Italia. Especially huge are migrations from Kosovo after the NATO aggression in 1999 and following ethnic cleansing, carried out by the local Albanians, when between 120-150 000 Gypsies (according to the accepted now terminology - Roma, Egyptians and Ashkali) are forced to leave the province and to escape to Serbia, Montenegro and Macedonia. Many of them manage to reach Western Europe, where they are under the continuous threat to be deported back to Kosovo, in spite the fact that the international forces there are unable to assure their safety.

The Gypsy migrations from the last, third wave, should not be lowered to the cases of requesting political refugee, example of such approach could be sometimes observed in academic writings. Though in some cases (as the case with the refugees from former Yugoslavia) these migrations can have also quite big dimensions, this is only the visible part of the iceberg. In parallel with the cases of asylum seekers (without significance if they are real or fake), which are usually widely known in the public space, are also flowing 'hidden' processes, which are much more significant in their scores. Since the middle of 90ies these processes of labour mobility start, when big parts of the Eastern Europe's population goes to different countries from Western Europe (here Greece is included too). After the establishment of the Shengen system, the fall of the visa obligations, and especially for Bulgaria and Romania, the processes of trans-border labour mobility already accept mass form, especially for some countries. In difference to the 70ies, now the ones heading west work illegally or semi-legally, and fill the deficits for cheap labour in different spheres - agriculture, building, certain king of social services, etc. At this initial period of time, these illegal or half-legal forms of labour mobility repeat the well-known historical patterns of the 'gurbet' from time of Ottoman Empire. The preferred countries are various, different is also the orientation of the migrants from separate countries of Eastern Europe and the ways of legalization, but in any case the Gypsies have their own place in this common migration wave, which encompass all Europe.

In summary we could say that Eastern European Gypsy migrants in Western Europe in their majority (excluding the cases of asylum seekers and refugees from former Yugoslavia migrate as composite (though in some extent separate) part of the overall migration waves of citizens from the countries of their origin. They, as a whole, repeat in big extent the same basic strategies of labour mobility. In the frames of these flows, however, they preserve a certain distinction as a separate community, which they preserve and develop when settled in the West.

In order to understand migration strategies (or more precisely the strategies of transborder labour mobility) of the Gypsies from Eastern Europe must be kept in mind one important fact - multidimensional structure of their identity. Everywhere in the world the Gypsies have always existed at least in 'two dimensions', or in two coordinate planes - both as a separate community (or more exactly communities) and as a society (in particular as its ethnically-based integral part within the respective nation-state). In some cases, leading levels in the structure of

their identity is the community, or even group identity, and in other cases the leading one is their societal identity. From this perspective, relatively small part of the Gypsies, migrants in Western Europe, perceive and experience themselves primarily as 'Roma' and accordingly they develop on this basis their strategies for economic activities, modes of action and practices, in the new European realities, which are close to their age-old traditions for adaptation in surrounding world. Other, much larger parts, experience themselves primarily as part of the nations form their countries of origin, and accepted the overall national strategies of transborder labour mobility, without utilising another context, and their realisation in host societies is relevant to local economical realities to which they adapt.

Different West European countries implement various policies towards Gypsies arriving from Eastern Europe. In most cases the approach is the same as to all other citizens of the respective countries (the so-called mainstream approach), but they are some exceptions, when towards Gypsies a special approach is applied. In Italy in the 80ies, as a result of active lobbying from NGO's mainly linked to the Church (at the first place the Opera Nomadi) the Gypsy nomads received rights to lead a nomadic way of life and to stop in proper 'halting camps'. This was supported by quasi-scientific analysis, which 'prove' the very specific character of Roma community, which makes it impossible for Roma to live together with the surrounding population, a radical solution was found, which affected also the Roma migrants. All Roma, Yugoslavian war refugees, automatically were declared to be 'nomads' and according to this criterion they were exempt from the programs for integration of other refugees and migrants and were directly accommodated in 'camps'. Placing the Gypsies from Yugoslavia, who in their majority are settled population from centuries with high level of social integration, much of them with good education and social positions, into unknown conditions of life in 'camps' for such a long time, where already a new generation grow up, without knowing other social and cultural realities, as an end result has lead to the may be the most striking case of mass de-socialisation in Europe, results of which will be very hard to overcome. In the 1990s arrived also the first Romanian Roma in Italy (around 2000 people) and are settled, similar to later coming Roma migrants in the 'campi nomadi' too.

After 2001 the Gypsies living in legal or illegal camps in Italy are joined from new big waves of Gypsies, migrants from Eastern Europe (predominantly from Romania). Their settlement in camps is however not their desire to preserve their nomadic way of life. In fact they are not wandering, but live at one place permanently and their choice of place of living is determined from economical reasons. They use this possibility in order to save more money (which are spent later on building of rich houses in their homeland). In the same time, in other context, e.g. in Spain, the Gypsies from Romania (including close relatives of these, living in camps in Italy) live in 'normal' city conditions.

Luckily for the Gypsies from Eastern Europe, the case of Italy is more an exception than a rule for Western Europe. In some extent the situation in France is similar to this in Italy, however there the picture is much more diverse. In most cases the Gypsy migrants there are not separated especially, but not seldom parts of them (mostly coming from Rumania) voluntary or directed from the local authorities are accommodated in camping places for 'voyageurs'. About special approach towards the Gypsy migrants we can speak in many cases also in Great Britain, where a part of the Gypsies migrants (mainly from Romania and Slovakia) are subject to the care of local authorities and NGOs, in spite of the fact that they are not consider to be nomads.

If we look at the differences between mainstream and special/targeting policy towards Roma migrants in Western Europe, in terms of social efficiency the conclusions are unambiguous - much more serious problems arise there, where a special policy is the leading one. This is said not to deny totally the need for concrete policies and projects through the form of special policy towards Gypsy migrants, but these projects if they should really contribute to the good of their beneficiaries, they must always subordinate to the principles of the mainstream policy or to be a bridge towards it, i.e. they should be designed and implemented with the clear presumption that they are made only in order to make the need from them to disappear in the near future.

T. Marx

'Roma-elite' and the problem of re-presentation. First outcomes of a PhD-project[102].

Introduction

With the entrance of Romania and Bulgaria into the European Union (EU) in January 2007, Roma/Gypsies will be a significant ethnic minority group in the region of an enlarged Europe. In order to strengthen the intension of integrating/including them and to give them a chance for having a 'voice' in the EU's institutions and parliaments, programs not just funded by OSI (*Open Society Institute*) are forming and educating a 'new' group of Roma-Elite: young well educated Roma/Gypsy-students. These individuals could be the 'key-bearer' of the necessary ongoing (and coming) communication with their re-presented group(s).

A more historical view shows that in previous times, when Roma-/Gypsy-groups entered European territory, a lot of these groups brought along with them 'their' 'big men', 'kings' or persons called 'counts' or 'earls' or the like. A lot of them where old men, announced for collecting, for instance taxes or payments to Gaje-counts, or they where announced to settle down conflicts between the group they are member of, and for instance Gaje-institutions like the police. Even military (Gypsy-) leader appeared during previous centuries.[103] Like today in a few regions it seems that several Roma-/Gypsy-groups have still their 'own' old group-leaders beside the new ones.

Intensions of the project

One of the project intensions is to create a typology (*presenters – re-presenters – trans-re-presenters*) of Roma-/Gypsy-leaders or re-presenters ('new' and 'old'). The guiding question here could be as follows: 'Who are persons in the Roma-Elite?' I want to show how, and how strong these different leaders, representatives, and seat holders (for instance in parliaments) are connected with their communities according to them, their view on themselves, and the opinions of their supporters.[104]

A further intension is to see how persons in the 'Roma-Elite' perceive their positions in comprehension with their opinion of an 'ideal type' of 'leader' or 'represener'.

An 'overview' or typology of Roma-/Gypsy-representatives possibly guides us to a deeper understanding of consequences in speaking about and negotiating with the terms 'Roma-Elite', 'Roma-representers' or 'Roma-leaders'.

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[102] All data are collected during several fieldtrips to Romania, Bulgaria and Macedonia. In the text I will refer on my interviewees with the term 'Roma-Elite', 'Roma-representers' or the like. The researched areas/towns are Sofia, Lom, Skopje (Shuto Orizari), Kumanovo, Tetovo, Tirgu Mures.

[103] Crowe 2007:3; Frazer 1995:51, 58ff; Freytag 1876:460; Marushiakova 1997:16

[104] During my field-researches I spoke to more than 40 'Elite-persons' and took more than 35 interview-recordings. In over two thirds of the cases I took 'participation observations' within their communities or even families.

Data collections and methodology

The collected data are autobiographies of these very persons whom I sum up under the topic 'the Roma-Elite', including data about socialization, education, and opinions about their position in the 'outside-'and in the 'inside-world' of (their) Roma-communities or families.

However, the field of representers, Roma-activists, Roma-party leaders, NGO-leaders or priests, in short the 'Roma-Elite' is very heterogeneous but similar at the same time: the historical backgrounds of the several regions (where the researched Roma-Elite is acting or working) show us a distinct dependency on local history and politics towards Roma-/Gypsy-groups[105]. And therefore, if we want to understand the local dynamic of re-presentation of one specific Roma-/Gypsy-community or Mahala through their representers or even 'leaders', we have to understand the local conditions of the places as such too. The heterogeneity of Roma-/Gypsy-groups is going along with conditions they found and find in time and place of arrival and their relationship to their surrounding main societies throughout the time[106]. This makes the comprehension between persons coming from different regions and groups quite difficult and maybe dangerous, even in one and the same national territory like for instance Bulgaria or Macedonia. Keeping in mind these crucial facts and trying nevertheless to bring the data in an order however, we can find very interesting similarities and equalities, which are worth to classify or even to work with.

The field: similarities & equalities

Although, some of the persons in the Roma-Elite stay in close contact with their families and Mahallas they belong to and some of them do not go there for any visit at all. The degrees of contacts they maintain to their relatives and friends 'at home' reaches from: 'no contact at all', via 'normal frequently phone-call contacts' up to 'living and working in (i.e. for) the same place (Mahala or even town/city)', where they born and raised up.

Independently of place and group the biographies of the nowadays 'visible' persons in the Roma-Elite have much more in common with each other, rather than with 'their' community members.

First of all, every person that I spoke to is much more educated at mixed schools[107] than at 'segregated schools', al least from the secondary school level on. Most of them bear, or wanted me to belief, that they bear a life more like a Gaje then the average of the people from his/her family or Roma-/Gypsy-community do. In fact, this is universal for all persons of the Roma-Elite.

A further obvious fact is, that most of the persons mentioned, that they had to 'break out' in some kind or another from there everyday-life in the Roma-/Gypsy-community, if they are socialized in a surrounding like that. Just some brake the ranks in case of he/she comes from a family not living anymore (or never lived) in a Roma-/Gypsy Mahalla, and therefore renting or more common owning a house or even flat in ethnically mixed surroundings like for instance most of the Kalderash-Rom in Sofia do.[108]

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[105] Marushiakova 1997; Crowe 2007, Mirga and Gheorghe 1997:12

[106] Kovats 2001: 97; Marushiakova 1997: 29

[107] The term 'mixed-schools' here means schools with pupils from different ethnic backgrounds, not just Roma/Gypsies.

[108] According to Rumyan Russinov, Elena Marushiakova, Lilyana Kovatcheva, Ludmila Zhivkova, most of the Roma-parties in Bulgaria are led by politicians coming from Kalderash-families.

> 'This is not politics; this is a family-business of them!' I was told by a Musikanti-Romni from Sofia (Bulgaria) working at an NGO for internships for Roma-youngsters going to study, regarding my question about Kalerash activities in Bulgarian politics.[109]

And indeed, the data I was getting from the Kalderash – businessman, journalist and son of a *chema* of the Kalderash-meshere in Bulgaria, Toma, who drove me around to show me his big car, proved what the young Musikanti-Romni and NGO-activist was told: 'Here, they are all mafiosi's and political businessmen!', the 50years old Kalderash Rom from Dobric, living in Sofia was tipping his finger on a picture showing a meeting of Bulgarian Roma-party and NGO-leaders in previous years. He showed me his own head in the line and he was guffawing at me.[110]

Further on there is a huge percentage of persons in the Elite coming from families which already have a educational background or a background of some 'leadership' of a father or grandfather, who where already active in previous (i.e. communist) times[111]. Just very few instances show persons coming from groups or communities of Roma/Gypsy living on the 'bottom' of social strata.

Most of the interviewees were in the conviction that her/his father or mother took care of the education of their children and that their family was financial able to fulfil the wishes of the children. This means to a great extend, where education was possible to 'find a way inside to the family', at least over the grade of 8th class (this the most average of the ground- or minimal education almost all of my interviewees had) there we're able to find a socialization of a possible member of upcoming Roma-Elite. That also means, that the high percentage of the Roma/Gypsy-communities, to where at least the most NGO-programs are directed (because of a low educational level of the average members), are still under- or not represented at all in the Roma-Elite.[112]

A further interesting similarity is showing up when we have a look at the perceptions or understandings of 'being a leader' or 'being a represener' in previous generations and in contemporary times. Here the opinion is one fold:

> 'The Roma in 'average' communities are looking at first at the richness of a people to decide whether he/she is a 'leader' or 'represener'. If he/she has made a good income, is running a good business, is member of a large family, and has a good behavior (in terms of keeping and knowing traditional rules and values), then he/she has a high prestige for at least this very moment the topic is on discussion. But a locally legitimised long-time leadership of a settled Roma/Gypsy group (which would probably more effective in implementing NGO-programs and representing the group or

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[109] Interview with Ludmila Zhivkova

[110] Interview with Toma Nikolaeff

[111] 96% of the interviewees mentioned at least one person (father, mother, grandfather or even grandmother) in their family, who paid attention on the education of their children or supported their wish to study in universities in either financial or moral way.

[112] It is obvious that the most of the Roma-Elite persons are members of relatively big or financially rich Roma-/Gypsy-families in relation to the most of the other families of their Roma-/Gypsy-group or community.

community to the mainstream-society) has not yet appeared from inside of the most Roma-/Gypsy-communities'.[113]

Forms of leadership & levels of re-presentation

The form of Roma-/Gypsy-leadership or even the type of being a represener is more a hybrid phenomena, rather than a conservative, homogenous-traditional one, when we are thinking in terms of 'representative democracy'. It is at least an intermix of more or less tree important facts:

1. The very expectations from the represented side of the members of the different Roma-/Gypsy-groups vis-à-vis 'their' re-presenters or 'leaders'. This concerns a cluster of values rather adopted by the 'old' local leaders.
2. The expectations of the institutions of the surrounding Gaje-societies. This regards a cluster of values in which the 'new' Elite is rising up.
3. The task and the very outcome of the task, to know both expectation sides and to combine them within one person's consciousness and behaviour as a re-presenter or a leader. This is to try to fulfil the 'ideal'-type of being a 'real' represener.

If we are following this logic, then it is fairly understandable, that many of the leaders of NGOs or Roma-parties must be seen (at least from the perspective of their group- or family members) as 'the owner' of 'their' Roma-party or NGO and they in response see themselves as runner of 'their' businesses. After running it in a visible manner of success (having money, making a good living etc) they jump in a higher posited rank in the inner-family or inner-community prestige scale. They get for some crucial points in the position of being an 'opinion-leader'. But to be a re-presenter (in the understanding of democratically Gaje-institutions), they don't have enough supporters at most of the tasks they would have to fill in. Like for instance in the topic of how and where to build a house of other families or to decide which family sends their children to school or not etc. But how strong these limitations are might be; the Elite persons are examples or even models not just for the new generations of their own families or community-members.

It seems also, that there is continuity between the performed quantity of contacts from the surrounding majority societies into the Roma/Gypsy-family or community and the person's position in the inner family or inner community prestige scale. In this connection the continuity between the level of education and position, and the contact to the family or community is remarkable: the higher the rank or the level of education of one Rom(ni) is, the outer his/her position is from the community. Her/his possibilities of 'getting back in' are about using their contacts and knowledge – almost accumulated in Gaje institutions – for 'earning' back trust and support in their families/groups/communities.

> In this sense the often heard sentence was: 'We leaders live in 'two worlds,' and not just because we often lived among Gaje.'

When they talked about 'feeling like Rom or feeling like Gaje', the answer was in the most of the cases: 'I feel like Rom, but I don't follow every 'stupid tradition like: marry early and with a virgin wife which is denounced by parents!', or that the '[…] decision is my own to whom I will marry!' Many marry after their degree in university and in consequence 'by love' and often to outsiders (not just Gaje). To express their own sovereignty, they often 'don't have to follow the father in the

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[113] Around 60% were in conviction that „old traditional local leaders' wouldn't be effective in that sense, 17% said, that they are in some way effective. Around 20% didn't have a clear opinion or didn't give any information about that topic.

house', rather that there where a discussion about decisions in the family. Some even express it in the discursive way of 'talking about sexuality', that they are coming from a 'modern' Roma-family:

'With my parents I can or do talk about sexuality! In our community the parents don't do…'[114]

The most of the partners I was speaking with said, that to get 'their group influenced' (the group as such or at least the dynamic of the group or the community), they must fulfil the expectations of them:

'All my neighbours are thinking that Soros will come with me and we'll bring thousands of Euros just like that in their houses, because they are Roma! And if I want them to do something new, which is not usually, than they expect me to pay them. It is just like that, if I want to change their lives!'[115]

And in this connection they often express their concerns or doubt on their own position:

'Representers represent just themselves. It's almost impossible to be a good representer in Gaje and in Rom way.'

Or:

'To speak about leader is bullshit! There are no leaders in the sense of the Gaje! They are the leaders for one or two days and then others are. They are the leaders of there households, that's all! There is nobody having the permission to rule other persons of the group in sense you are thinking on!'[116]

In this logic, the most of them are not re-presenting a group or even community at the expected level and stage. A further interesting and important fact is, that some made a difference with the leaders of religious communities, which are accepted as 'real' leaders because they lead and build up a group or community and give them a reason to feel like group or community.[117]

Including them into the administrative level of action has already been started and outcomes of this approach can be observed in several communities, where religion, church or the membership in a community like this, is the door-opener to overcome often miserable living conditions. To lead a religious community has probably more advances for getting a high prestige (in combination with running an NGO or another 'business') and therefore supporters, than just to lead an NGO. The religious communities are build on a discourse, which has a direct contact to the people and is not trying 'officially' to convince them to make some change of their lives or opinions as Rom(ni).[118]

In looking for a proper description: presenters, re-presenters and trans-re-presenters

For distinguishing and for classification reasons of the different types of persons in the Elite, I want here to draw a *continuum* between a *presenter-type and a transrepresenter-type via a representer-type*. The guiding questions here are: What do we talk about, when we mention 'Roma re-presenters'? And 'How are these different expectations regarding 'Roma-representers' communicated or even fulfilled?

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[114] Interview with Ajet Osmanovski

[115] Interview with Nikolai Kirilov

[116] Interviews with Lilyana Kovatcheva; Ludmila Zhivkova

[117] see also Slavkova 2007

[118] Interviews with Stefan Kolev; Peter Goranov; Ali Berat

The presenter – 'getting there'

This category is precisely the one which we can find as the most recent type: the actor is socialized in the community which he/she claims to (re-)present at other levels, like in governmental institutions or in front of decision-making councils. I cut the prefix 're-' to show its deficiency: the routines of returning back information or even support into the very Roma-/Gypsy-community. Almost the actor is reacting on some actions, made by the surrounding society. His/she and is acting at the level of representation in parties or organisations. His/her most difficult job is to turn back to the families or communities and to communicate things going on at the representing-level and bring therefore 'news' and also 'changes' into their community. But in most of the cases, like many of the outcomes of several projects show, this re-presentation is not fulfilled or just rudimentary developed.

The re-presenter – 'getting there AND coming back'

Here should follow up the 'ideal-type' of an effective and trustworthy actor, who is able to get the information about his/her community on the level of representation and getting back from there into his/her community with the possibility, ability, and legitimacy to give advise or even to lead his/her supporters to some unpopular chances, because of his/her trust getting from them. But nevertheless, the most Roma/Gypsy-communities are following up different scales of values or differentiations apart from there surrounding majority society. Some of the informations to be brought into their communities (especially the one of influencing live-style or trying to bring self-responsibility into the minds of the members of the community) have to be 'translated' or at least 'trans-contextualized' before a possible implementation. Therefore the ability of de-contextualizing and re-contextualizing has to be arranged by the very actor.

The trans-re-presenter – 'getting there, translating and coming back'

The 'Expectation' type:

Representers of Roma/Gypsy communities are, in every stage of the history, somehow expectations of the surrounding population and there institutions. The forms of adapting to these

specific conditions are then at least Roma-/Gypsy-group specific phenomena. Consequently they have different names for different regions in different times.[119]

For the most of the Interviewees the heterogeneity and complexity of Roma-/Gypsy-groups/communities in other countries and even in the country they live in, was partly totally unknown up until some crucial moment in life took place. Therefore this heterogeneity or complexity was not communicated at all in the early socializing years. The representation of a homogeneous (world) Roma-community by any of the persons in the 'Roma-Elite' is limited in time and numbers.

Following these three types of Elite-persons, we can easily distinguish between 1st. the type who is in discussion, when it comes to implementation of programs: the representer, 2nd. the type which

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[119] Names for 'leaders' of Roma communities in different regions and/or countries are for instance: Bulibasha, Woiwoda, Rom-Baro, Sherudno, Baro Manush, Ceri Bashi etc.

we can already find in the everyday reality of Mahalas and/or Roma-/Gypsy-neighbourhoods: the presenter, and 3rd. the type which is expected from the (Gaje-) institutions, when they mention 'Roma-leaders' or 'Roma-representers': the trans-re-presenter.

To come to a very first conclusion

The 'old generation'

The most of the informants from this generation is coming from prestigious families, which in most of the cases have strong ties to the Gaje surroundings and do have family-members already in the sphere of some 'upper-level' positions, not just in Gaje-institutions. They are re-presenting themselves or at least their families or a group, already included or connected to Gaje-world or their institutions, and therefore to NGO-programs, Parties or the like. Like NGO-leaders, leaders of parties or as 'local-leaders' their influence to their claimed re-presented Roma is often very limited, since they are often not accepted as 're-presenters' of other Roma-/Gypsy-groups or communities, even if they are 'their' neighbours. They are often unknown to other communities in the need of support, by whom they're called as 'more Gaje than Rom'. This was very often mentioned, when members of communities spoke about

Roma-representers, not belonging to their family or group (i.e. not socialized in the specific group).

The 'young generation'

This generation, often born in the last years of socialist times, and therefore grown up in the 'new democratic atmospheres', have studied and often went abroad (as some of the persons in the 'old generation' as well did/do). Members of the groups or Mahals they come from say often, that 'they forgot, that they are Roma', or 'they forgot about Roma'. Not having enough experience to get in deciding-positions, they feel not been understood and therefore leaving depressed the field of 'working for Roma'. Their lack of support and trust from 'their' group or community is perpetuated from these interactions. To close this communication- or even contact-gap (sometimes with strong emotional underlines) would bring them back into the 'world' of their families and/or communities. In that case their chance to be at least an 'opinion-leader' in this circle of people where they grown up and are socialized would strengthen their possible position among their community-members or at least would 'bring them back in'.

The problem of different communities

The lack of number of persons in the 'Elite' (old and young) coming from 'poor' and 'out closed' (in case of program-detection) communities, is one of the reasons, why these communities are without close contact to any kind of 'Gaje-institutions'. Instead, the more advanced communities (relatively to their geographically and historically background in the very regions) have a lot person in 'positions', which is opening more and more the gap between represented groups and under-, or not re-presented Roma/Gypsy-groups in the Roma-Elite.

The gaps

What I missed in my field-data, are persons with experiences of living in, or grown up among 'poor' or 'out-closed' Roma-communities, who are educated and have a trustworthy support of the member of the families and/or communities AND life-roots in their Mahala. This means

persons with skills and experiences of: 1st. living and growing up in such communities, 2nd. an approach to (high-) education and knowledge about Roma-traditions and/or group customs, 3rd. the support of the members of their communities, and 4th. enough power to implement programs. This is connected with the knowledge of 'both sides': Gaje-Institutions AND Rom-live in the community or Mahala. This would mean to live and to work 'with the face to their people, and not with foots in the clouds'.

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Quoted Interviews

(In brackets I write the age at the moment the interview took place, the Roma-/Gypsy-group where the person belongs to [following his/her own information] and his/her position/working place.)

Berat, Ali (32 years old, Džambazi-Rom from Skopje, main Imam of the mosque 'Amdi-Dzamija' in Shuto Orizari) in the 'Amdi-Dzamija' in Shuto Orizari on 6th of September 2009.

Goranov, Peter (ca. 40 years old, Rešetari-Rom from Lom [District Montana], priest-helper and leader of the department of religion, culture and ethnic issues in Lom) at a town café in Lom on 31st of March 2009.

Kirilov, Nikolai (40 years old, Kalajdži-Rom from Lom [District Montana] leader of the NGO 'Roma-Lom-Foundation' in Lom) at his office in Lom on 31st of March 2009.

Kolev. Stefan (41 years old, Vlach-Rom from Sofia, leader and priest of the evangelical church in Fakultäta-quarter in Sofia) in the dining-room of the church on 3rd of August 2008.

Kovatcheva, Lilyana (48 years old, Kovači-Romni from Kyustendil, responsible for project evaluation at the department for education of children with minority background at ministry of education and science in Sofia) at her office in Sofia on 5th of August 2008.

Nikolaeff, Toma. (52 years old, Kalderash-Rom, Director of the NGO 'Defacto – Roma Information Agency') in Sofia on 2nd of August 2008.

Osmanovski, Ajet (23 years old, Kovači/Barutdžii-Rom from Skopje, project coordinator at the NGO 'Romaversitas') at the office of 'Romaversitas' on 24th of March 2009.

Rumyan Russinov (42 years old, Kalajdži-Rom from Dunavtsi [District Vidin], since 2009 electoral candidate for the Socialist Party in Bulgaria) at his office in Sofia on 12th of October 2009.

Zhivkova, Ludmila. (24 years old, Musikanti-Romni, head-member of a Roma student organisation „Student Society for the Development of Interethnic Dialogue [SSDID]') at SSDID on 4th of August 2008 in Sofia.

A. McGarry

Ethnicity-blind and differentiated treatment: fine-tuning the EU Policy on Roma[120]

Transnational Roma Activism

Roma are a transnational community and constitute 'Europe's largest and most vulnerable minority' (Ringold *et al*, 2005: 3). The transnational political context has become more significant since the 1990s when the international political community focused their spotlight on Roma in Central and Eastern Europe and knowledge of their discrimination and poverty became more widespread. Roma rights have become a salient topic for international organisations particularly the European Union (EU), which has become an important site and ally for Roma mobilisation and has led to the establishment of the European Roma Information Office (ERIO) in Brussels to act as the voice of Roma across the EU. The ERIO is an international advocacy organisation which promotes political and public discussion on Roma issues by providing factual and in-depth information on a range of policy issues to European Union institutions, Roma civil society organisations, government authorities and inter-governmental bodies.[121] It was set up in 2003 to provide the Romani community in Europe with a voice by cooperating with a large network of organisations and acts to combat racial discrimination and social exclusion through raising awareness of the issues affecting Roma, lobbying and policy development. Crucially, it does not claim to represent the Romani community but advocates on its behalf. By advocating for the rights of Roma it attempts to ensure that the interests of Roma are included on the policy-making and decision-making agendas of EU institutions, and by extension, of EU member states. Additionally, it asserts that its main focus is anti-discrimination policies in the field of education, employment, health care and housing.[122] The utility of Roma mobilisation in Brussels is clear as Livia Jaroka (MEP) explains: 'It is indispensable to have a strong and united voice in Europe, so that we can articulate our demands towards the authorities and decision-makers. It is necessary to disseminate direct information among the institutions and to make them realise that Roma communities share more or less the same woes throughout Europe.'[123]

Roma activists possess both an expressive and instrumental orientation; though it is important to move beyond the restrictive binary separation of the two. Expressive activism is oriented towards the construction, reconstruction or transformation of norms, values, and identities whilst instrumental activism is oriented towards achieving certain objectives. However, while the latter is often oriented politically, it can be directed towards the cultural realm, for example when Roma activists make demands for an end to anti-Gypsism. It is expressive orientation which is of primary concern here though. Roma interests are embedded in broader structures of oppression – the assumption here is that particular social categories such as ethnic groups suffer oppression because they are seen and treated in their categorical terms. What I mean is that Roma ethnicity has negative connotations ascribed to it as a consequence of existing structures of power and

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[120] Aidan McGarry, University of Brighton, UK. Email: a.mcgarry@brighton.ac.uk [DRAFT: PLEASE DO NOT CITE WITHOUT AUTHOR'S PERMISSION]

[121] ERIO profile. www.erionet.org. (Accessed: 19.12.09).

[122] Personal Interview with Ivan Ivanov, Director of ERIO, Brussels, November 2008.

[123] Personal communication with Livia Jaroka, 18 July 2009.

oppression. The role of Roma activists is thus to challenge, debunk and reconstruct Roma ethnicity as positive through affirmations of collective group identity, though such an approach has two inter-related drawbacks.

The first is that Roma activists focus on shared interests which affect most of the Romani community, most of the time. These include discrimination, poverty, access to socio-economic provisions, and a lack of political voice. But such an approach reifies Roma and begs pertinent questions such as 'Who are Roma?' and 'Who can legitimately speak on their behalf?' Moreover, by articulating shared interests activists, whether consciously or unconsciously, contribute to the understanding that Roma are an internally homogeneous group with fixed meanings and clearly defined needs. Yet, if Roma activists do not articulate shared interests then there is a danger that others, such as national governments and international organisations will ignore Roma or assume/construct their interests in the absence of a political voice. Secondly, Roma activists engage in a process of 'strategic essentialism' (Stammers 2009: 176) in which representation structures such as the ERIO communicate identities and meanings to EU institutions. This means that expressions of collective identity are explicitly linked to issues which affect the group (i.e. shared interests). Here Roma require special or differentiated treatment through law or policy tailored to their needs such as a Roma Strategy or a Romani Rights Charter or the creation of a Roma Unit within the Commission thus this political strategy has an expressive content with tangible goals and outputs.

Roma Interests versus Roma Rights

Determining the interests of Roma is no easy feat, particularly when a wealth of information exists relating to the multiple issues which Roma face. Moreover, years of marginalisation and exclusion has resulted in a myriad of interests, some of which are more pressing at a given time and in a given space. I take a more pragmatic approach in determining the shared interests of Roma by focusing on a formal organisation which lobbies on their behalf. Through the activities, publications, and public pronouncements of transnational organising structures of representation, such as the ERIO, it is possible to build-up a picture of those interests most relevant for Roma transnationally. These do not necessarily map with domestic interests of Roma because some are more transnational in orientation such as the standardisation of language or migration issues. A note of caution is required though; Kovats (2003: 3) maintains that 'their linguistic/communal diversity and a lack of common interests, makes it unlikely that Roma could ever be politically united in any given state', the same logic suggesting that such an enterprise would prove impossible at the transnational level. Roma may not be politically united at the transnational level due to their heterogeneity but this does not preclude the formation of shared interests.

The most consistently articulated interest by the ERIO has been the need for a coherent EU policy on Roma which focuses on the twin goals of equality and meaningful integration. Roma are the most discriminated and marginalised minority community in the EU and clearly past efforts to improve the situation across the EU have failed for a number of reasons including lack of political will and ill-considered policy approaches. The EU has taken a minimal approach to integrating Roma focusing principally on the construction of anti-discrimination legislation. Whilst such legislative interventions are welcomed by the ERIO, it continues to lobby EU institutions arguing that Roma require special measures which would recognise Roma as a distinct ethnic group at the EU level. Roma must walk the tightrope between wanting to be recognised, integrated, and treated equally but also demanding the right to be different.

Minority rights theorists expend much effort debating the virtues of group-differentiated rights or special rights which minorities ought to enjoy due to past perceived injustices. The central dilemma of preferential treatment is that it appears to bestow benefits on people for arbitrary reasons arguing that anti-discrimination legislation alone is not enough to redress socio-economic and political inequalities. Ethnicity, in and of itself, does not automatically require rights claims of any sort and if such claims can be derived from ethnicity, it must be by virtue of discriminatory treatment that they endure <u>because of</u> ethnic identification. Such an argument reasons that Roma could demand rights because of how they are treated by the state and society, their socio-economic and political exclusion, and negative perceptions of Romani identity. Roma are treated differently because of their ethnic identity and thus can command certain rights from the state because of this. Even a wealthy Rom can suffer discrimination and exclusion because of the perception and negative association of Romani ethnicity.

Sometimes a section of society is systematically discriminated against on the basis of their ethnicity and/or 'race' and come to understand themselves as a targeted population or community. For instance, Simhandl (2006, 106) points out that the EU explicitly links the discrimination that Roma face to their 'way of life', that is, their ethnicity. The result of these processes of oppression can be that more attention is placed on community needs rather than on the needs of individuals or sub-groups. Human rights are universally applied and ought to be culture-blind meaning that a human rights approach must ignore ethnicity and special treatment. Thus a rights approach will be useful in securing minimal protection of Roma through international law but cannot be wielded to comprehensively address the complex situation facing Roma across Europe. Rights are conferred on communities whereas interests are intersubjectively constructed by the community in question; Roma are not allocated their interests, they must define them. Interests, like rights, are often not served on a plate by benevolent majorities eager to do the 'right thing', and we should not expect such altruistic activity. It requires ethnic mobilisation voiced through organising structures of representation to make others, such as state structures and international organisations, take notice.

EU Roma Policy

The EU's 2004 report 'Roma Situation in an Enlarged Europe' drawn up at the request of the European Commission by DG Employment and Social Affairs, states that Roma face more serious difficulties than the rest of the population in the fields of education, employment, housing, and health (European Commission, 2004). This report outlined the EU's policy framework on Roma which focused on anti-discrimination, human rights, structural funds, employment, and the impact of eastern enlargement. A key feature of EU Roma policy has been the categorisation of Roma in social rather than ethnic or cultural terms resulting in policy which focuses on the consequences of a given situation (such as health problems, poverty, illiteracy etc) rather than on their root causes (rejection, inappropriate provision) (Liégeios and Gheorghe, 1995: 13). In this report the EU clearly assumes that Roma are a social problem which must be addressed through social provisions, rather than dealing with the extreme racial prejudice and discrimination which the Romani community endure.[124] Additionally, the European Parliament (EP) delivered a Resolution in 2005 on the 'Situation of the Roma in the European Union' (EP, 2005) which acknowledged the racial discrimination which Roma face in relation to accessing health care,

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[124] For an understanding of why Roma are treated as a social problem see Thelen 2005, 29-35.

segregated schooling, and unemployment as well as recognised the need to ensure effective participation of Roma in political life.

Early EU discourse on Roma focused on the perceived nomadic aspect of their ethnic identity when reference was made to persons of no fixed abode (European Parliament 1984), and applied the exonym 'Gypsy' to these persons. With the accession of eight Central and Eastern European states to the EU in 2004 and a further two in 2007, there were serious concerns that the situation of Roma would be forgotten. The Copenhagen criteria (1993) for accession demands that states must have 'respect for and protection of minorities'. In its annual reports which monitored the progress of potential EU states, Roma were regularly singled out as deserving particular attention in the sections on minorities. The 1999 accession partnerships specified integration of Roma as a priority for Bulgaria, the Czech Republic, Hungary, Romania and Slovakia, and the Commission devoted considerable attention to its regular reports' 'minority rights' section to Roma, 'detailing infringements of their civil, political, economic and social rights, but making no reference to migration' (Guglielmo and Waters, 2005: 771). Thus the EU sought to improve the socio-economic and political situation of Roma prior to accession. However, with accession secured the message that was sent to the new EU member states was that enough had been done for Roma, and as members of the club, there was no longer the carrot or stick of EU membership to force governments to improve the situation of Roma within their borders.

In July 2008, the European Commission produced a *Staff Working Paper* on Roma which details the interests of Roma across Europe. This document begins by detailing the challenge facing the EU in integrating Roma, conceding that 'core issues of Roma inclusion – education, employment, public health, housing and infrastructure and the fight against poverty – fall mainly under the responsibility of member states' (European Commission, 2008: 4). Furthermore, it maintains that it must avoid an exclusive focus on social problems which would risk losing sight of the specific challenges that Roma face whilst at the same time avoiding 'a purely ethnically-defined approach which forgoes the advantages of mainstreaming Roma issues in the main policy strands' (European Commission, 2008: 4). It is the incoherence of EU policy on Roma which contributes to continued marginalisation across member states. The EU might regard its role as co-ordinating a supranational policy on Roma but in the absence of a targeted strategy with the accompanying resources, Roma will continue to be excluded and discriminated.

The EU has been reluctant to treat Roma as a specific ethnic group with particular interests and instead relies on mainstreaming the interests of Roma into existing community policy. The success of such an approach depends on the ability of the EU to co-ordinate diverse departments and funds.[125] Such an approach is wary of ghettoising Roma further by creating specific instruments to address the interests of Roma such as a specific Roma Unit, a Directive or a Strategy. Moreover, the benefits of creating targeted measures are not clear because it is argued that the outcome would be no different; and one Commission official enquired: 'what should be included in a Directive or Strategy that goes beyond what we have already?'[126] Another example is the European Social Fund which cannot be targeted exclusively towards Roma but can focus on issues which affect Roma such as social exclusion and anti-discrimination, thus 'people are not

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[125] Personal Interview with Belinda Pyke. Director DG Employment, Social Affairs and Equal Opportunities on Anti-Discrimination. Brussels, 4 November 2008.

[126] Personal Interview with Joachim Ott. Co-ordinator of the Roma Action Group. Brussels, 4 November 2008.

defined by their ethnicity or gender but defined because they have common problems'.[127] Such an approach misses the point though. The interests of Roma are informed by negative perceptions of their ethnic group identity therefore policy cannot detach the interests of Roma from their ethnicity because it is their ethnicity which generates hostility from authorities and society across Europe.

In September 2008, the EU held its first Roma Summit in Brussels bringing together over 400 delegates, the purpose of which was to examine measures to combat the persistent discrimination of Roma and to promote a firm commitment to tackling concrete problems faced by Roma. Whilst the event itself was symbolically significant, it was also hoped that it would yield tangible benefits, namely, the creation of an EU Strategy for Roma.[128] Such a development was not forthcoming, the EU instead announcing the creation of a EU Platform for Roma which left Roma activists and advocates hugely disappointed. What exactly is a 'Platform' and what is its purpose? In April 2009, the European Platform for Roma Inclusion, bringing together Roma advocates and representatives and EU institutions, met in Prague to decide common basic principles. Acknowledging the core values of the EU including human rights, non-discrimination, equality of opportunity and economic development, it declared that Roma inclusion policies should be integrated with mainstream policies in the fields of education, employment, social affairs, housing, health and security (Principle 1). Thus Roma-focused interventions would not be separated from broader policy initiatives (Principle 2) and would be mainstreamed (Principle 4).

Conclusion

It is too soon to tell whether increased attention at the EU level will yield notable improvements in the situation of European Roma. Roma have a presence in Brussels but EU institutions continue to pursue an ethnicity-blind approach relying on anti-discrimination legislation as a tool to address the situation of Roma. It is not clear if this approach is fit for purpose because it ignores underlying structural problems facing Roma meaning that a tailored policy with funding, objectives, deadlines, and monitoring and evaluation instruments could be the only way to meet the substantial challenges. Ethnicity and interests are insoluble in the case of Roma therefore to address the interests articulated by Roma activists, ethnicity must be recognised. Paradoxically, it requires the EU to recognise difference in order to foster integration though it would appear that the institutionalisation of identity through law is a step too far for the EU as it continues it culture-blind approach of mainstreaming.

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[127] Personal Interview with Peter Stub-Joergensen. Director of the European Social Fund. Brussels. 6 November 2008.

[128] The necessity of creating an EU Strategy is detailed by the European Roma Policy Coalition 2008.

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G. Picker

Welcome 'in'. Romani migrants and Left-wing Tuscany (1988-2007)

 'They force us to live according to their idea of Gypsy life. They have made us nomads now, in the twentieth century'. (Nomad camp resident (Italy); quoted in Szente, 1997, 52)

Introduction

At the beginning of the 1990s in Italy there has been a sudden uprising of several xenophobic groups manifestly against immigrants coming from non-European countries (Dal Lago 1999; Mura 1995; Petrillo 2000). Contrary to the model of 'neo-nationalism' (Gingrich and Banks 2006) widespread in several European starting about at that time, xenophobic discourses in the Italian context were not mainly predicated upon the integrity of the nation, nor on the defence of pan-national values and histories. Rather, neo-nationalist phenomena are mostly characterized by a discovery of local identities and the reaffirmation of 'localist cultures', or 'neo-localism' (Stacul 2006). Mostly sustained by Righ-wing, and in general conservative, political forces first and foremost by the Northern League (Lega Nord), this phenomenon can be considered as a natural 'son' of the collapse of the Italian political system of the early 1990s. In this context, one would expect that the progress-oriented side of the political spectrum, i.e. the Left, be a challenging force opposed to the radicalization of such trivial identity construction, especially since – as Perry Anderson notes –'[T]he Italian left was once the largest and most impressive popular movement for social change in Western Europe' (Anderson 2009). In this paper I will try to show that the case of Romani migrants to Italy is an evident example of the fact that neo-localism is not only a prerogative of Right-wing parties.

Based on my doctoral fieldwork conducted in 2007, I will carry out an in-depth analysis of the political imagination and the factual implementation of segregation policies vis-à-vis Romani immigrants in Florence. In particular, on the basis of emerging anthropological scholarship focusing on the new immigration and the Italian Left (Però 1999; 2006; 2007), I analyze the ways regional Tuscan political elites imposed for the first time the valuable idioms with which to frame the presence of Roma in its territory. By looking at the first two regional laws dealing with Roma the question this paper aims to answer is: What are the representations of Romani immigrants and of 'Romani culture' behind the Tuscan Left-wing government's policies throughout the 1980s, and by which specific ideologies were they sustained and promoted?

This question seems worthwhile asking for three strictly interrelated reasons. Firstly, due to a lack of integrated national policies vis-à-vis Roma in Italy, local ones are highly relevant. Analyses of the ways in which certain representations of Roma have been shaping local policies are absent from the scholarship on the Italian case. Secondly, the contemporary violent public campaign against Roma in Italy, started in May 2007 and lasted until today,[129] is largely predicated upon the

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[129] I refer here to the two pacts signed in May 2007 by the ministry of Interior and the mayor of the two larges Italian cities, Milan (*Patto per Milano sicura*) and Rome (*Patto per Roma sicura*) Texts of the pacts are available at http://www.prefettura.milano.it/varie/prot/patto20070518.pdf and at: http://www.interno.it/mininterno/export/sites/default/it/assets/files/13/2007_05_18_Patto_per_Roma_sicura.pdf (June

validity of entrenched areas for Roma,[130] as solutions to extensively reduce illegal actions in periphery areas. Shedding light on the cultural logic of one case study about the camps can help understand the social conditions of possibility of the persistence of such segregating devices. Thirdly, to frame a discussion about the rationale behind the construction of nomad camps within the political culture of a Region (Tuscany), and more broadly within the history of the Italian Left is worthwhile because traditionally Italian mass political movements and parties have not only been promoting political values, but they also shaped individual's life by creating real cultural 'worlds', the two largest ones being the Communists and the Catholics. After the theoretical framework, I introduce the Left-wing management of new immigration to Italy; then I carry out a description of the broad context of the social conditions of Roma. After that I will analyze the text of the first two regional laws in Tuscany, and I will show what representations of Roma in their texts persisted.

1. Theoretical framework [131]

Romani social life in Europe has expressed itself through adaptation vis-a-vis the changing political and economic conditions of nation-states (Bancroft 2005; Piasere 1999; Okely 1984). Since the birth of the nation-state such processes were substantially predicated upon the asymmetry of power between Roma and Gorgios in the definitions of common rules. One of the explanations of this process of adaptation throughout the nineteenth and twentieth century is the exercise of disciplinary political power of imposing definitions of 'the true Gypsies' for the sake of control, discipline, and finally elimination (Willems 1997). Although criticized in its quasi-ontological standpoint (Acton 2004), this explanation can be the point of departure for detecting few important theoretical elements in view of analysing the uses of certain representations and their links with political ideologies.

Drawing both on anthropological and psychological sources, Dan Sperber (1996) has introduced the concept of 'epidemiology of representations', explaining the macro phenomena at the level of population such as epidemics, by the aggregation of the micro processes both inside individuals and in their interaction. Cultural representations are 'fuzzy subset of the set of mental and public representations inhabiting a given social group' (ibid: 32). As since Durkheim representations have been considered within a sort of ontological realm (or vacuum), considering them anchored both to mental and social processes, allows to give them a concrete shape. This seems to be an implicit assumption, for instance in the work by Gail Kligman (2001), in which the author succinctly describes the variety and rootedness of representations of Roma/Gypsies in Romania. Yet neither the ways such representations 'work', nor the consequences that they have in terms of policies have been scrutinized by the author. In order to account for this process, Bourdieu (1991) insightfully discusses the ways in which identities become crystallized, i.e. through

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[1, 2008) I also refer to the xenophobe media and political campaign still going on in the Italian context. For a detailed explanation of this issue, see Colacicchi 2008.

[130] For example, the decision in spring 2007 by the mayor of Rome, Veltroni, to build up areas called solidarity villages (*villaggi della solidarieta*)' at the extreme periphery, in order to host 1000 Romani immigrants. See 'Nomadi, i campi della discordia. L'urbanizzazione forzata divide', in *La Repubblica*, May 19, 2007.

[131] These theoretical notes are not intended as being exhaustive. Here I only sketch the main sources I have drawn on, leaving aside the issue of the perpetuation of representations from the legal texts to nowadays everyday life. I will leave a more detailed theoretical reasoning to a publication.

struggles over ethnic or regional identity [which] are a particular case of the different struggles over classifications, struggles over the monopoly of the power to make people see and believe, to get them to know and recognize, to impose the legitimate definition of the divisions of the social world and thereby, to *make and unmake groups.* What is at stake here is the power of imposing a vision of the world through principles of di-vision which, when they are imposed on a whole group, establish meaning and consensus about meaning, and in particular about identity and unity of the group, which creates the reality of the unity and the identity of the group. (1991: 221).

Assuming that politics and culture are two strictly intersected – and perhaps only analytically separate – domains, it can be argued that the 'epidemiology of representations' can be seen as not only having consequences in terms of policies, but it can also be elicited by policy makers' representations and in general by those who hold the power of defining the social world. In both Bourdieu's and Sperber's words, before getting the stage of 'epidemics', representations are elaborated, set out, and imposed by the political power.

2. 'New immigrations' and the Italian Left during the 1980s.

In the early 1970s, for the first time in Italy the rate of immigration exceeded the rate of emigration. This phenomenon was faced by national authorities starting in the mid 1980s by setting up an immigration politics. The 943/1986 law extended equal rights to non-EC immigrants, and it was followed by a number of amnesties until 1990.At the time of the signature of the Schengen agreement, the 39/1990 law, called *Legge Martelli*, covered issues like political asylum and regularizations of immigrants. How did the Italian Left face this new phenomenon? To sketch a brief history of the main changes that the egalitarian side of the political spectrum underwent over the 1980s is now what I am turning to.

Following the death in 1984 of its beloved leader Enrico Berlinguer, the Italian Communist Party (PCI) underwent important changes, culminated in 1989 as the then leader Achille Ochetto publicly announced the need for the party to '…move ahead with the same courage demonstrated in the Resistance' (in Kertzer 1996: 3). In that year the PCI was transformed into PDS-DS, leaving its Bolshevik character behind.[132] This change did neither simply affect the 'sovrastructure' of political power, nor the mere the organization of its statutory values. More than that, it profoundly impacted on the life of Party members, being the Left in Italy not only a political force in the 'professional' meaning of politics, but one of the most powerful ideological and organizational systems shaping everyday life of its members and sympathizers (Shore 1993). This is the way the PCI has always been constructing its identity and in particular it has done so in opposition to the other political and social leading force characterizing Italian history, i.e. the Catholics (Ketzer 1996).

> Until its demise, the communist identity was generated in a narrative of who 'we' were and who 'we' were opposed to, located in a growing history of intervention in Italian political life. […]. There were still subtle and pervasive metaphors constructing political divides in terms of *progress*: the workers and their party were nearest to future, the most advanced sector of society (Pratt 2003: 82; emphasis added)

Up until the 1980s Catholics and Communists were in post II World War Italy the two main social identities shaping everyday life of people belonging to them. Therefore, following the

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[132] This was not the only change happened to PCI, as a number of members quit the PDS-DS and founded another party, i.e. Party of Communist Refoundation (*Partito della Rifondazione Comunista* – PRC) keping the symbols of PCI. Moreover, two other Left-wing parties were constituted, i.e. *i Verdi* (the Greens) and *La rete* (the Net).

important transformations in Italian politics at the end of the 1980s, people's main social identities stopped being defined by political loyalties.

Towards understanding this 'everyday influence' of the two major mass political parties and its progressive demise is important in order to analyze the ways in which new immigrants were seen, framed and thus constructed by national and local authorities. Before the fall of the Communism, the construction of immigrants by the European and the Italian Left happened alongside social class lines (Però 2006; 2007). Immigrants were defined by the Left as disadvantaged subjects who were forced by the capitalist exploitative system to flee their own countries (mostly in southern regions) in search of better jobs. Southerners were thus incorporated in the northerner working classes and this rhetoric challenged the widespread discourse that considered southerners as ethno-culturally different and thus excludible. However, such rhetoric was not reflected in everyday grassroots behaviors, in which prejudices and exclusionary attitudes were everyday practices. This discrepancy between official rhetoric and everyday practices can also be found in the post-socialist construction of immigrants by the Left, although with some new elements. In fact, the shift from the socialist to the post-socialist Left was accompanied by the rise of identity politics, namely the struggle around 'gender', 'ethnicity', and other cultural manifestations, which has replaced the accent that the Left traditionally put on class. This vividly happened in the case of the 'new immigrants' since the late 1980s in Europe.

What is important to highlight in this context is that this 'culturalist turn' in immigration politics has so far been analyzed as a distinctive Right-wing discourse, which views culture as a force capable of merging individuals in homogeneous essential entities, producing in this way incommensurability between cultures (Stolcke 1995). More generally, it uses 'culture' in a way which recontextualizes it within 'a political process of contestation on the power to define key concept' (Wright 1997: 14), with the ultimate consequence of creating difference among human beings. As I will discuss in the conclusion, there can be detected a certain continuum between Right- and Left-wing politics, and precisely in the context of nationalism and preservation of local/national values.

3. The political management of Romani groupings in Italy

Within this social and political context, the first outstanding Romani migration to Italy occurred around the mid 1980s, at the moment when the first attempts to politically regulate immigration were being carried out. Due to the novelty of such phenomenon, and to the related lack of experience to politically face it, rather than an integrated national politics vis-à-vis Roma, since the mid 1980s a number of Regional policies emerged, mostly characterized by regional laws.[133] The most influential organization which advised several regional councils about the appropriateness of *ad hoc* measures for Roma was Opera Nomadi (Nomad Work – ON), founded in 1963 and since two years later until nowadays the main interlocutor of the National Government on issues concerning Romani groupings (Marta 2000).

Being in such position of power, ON imposed at the national as well as at the regional level the first idiom that circulated in the legislative texts on Roma and had a strong impact in influencing

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[133] In Italy Roma are not a national minority. Laws on Roma were voted by several Regional councils and promoted the construction of various kinds of camps. They appeared in Veneto (1984); Lazio (1985); the autonomous province of Trento (1985); Sardinia (1988); Friuli Venezia Giulia (1988); Emilia Romagna (1988); Tuscany (1988) and others followed.

the national and regional agenda on them. In particular, the first initiatives of ON were aimed at providing a place where Roma and Sinti could stop, that would allow them to regularly attend a sufficient amount of classes in schools. These places started to appear in the periphery of big cities in the late 1960s. They were then called *'aree sosta'* (stop areas) or *'centri sosta'* (stop centres), and conceived as places where 'nomads' could have the possibility of travelling and stopping throughout the country, and in so doing not losing their own 'culture'. 'Culture' was viewed by the ON as

> a set of rites, customs, uses, elaborated within an idealised past. These elements [were] considered as at risk of extinction in the industrial and capitalist society. A culture-tradition which [seemed] to be alternatively as the cause of the 'delay' [in the process of development] of Roma or as a system from which to choose the element to preserve and those to reject. (Bravi and Sigona 2007: 865; my translation)

In the cases of Bologna (Però 1999), Rome (Clough Marinaro 2003) and Florence (Colacicchi 1996; Szente 1997) the material living conditions of Roma as well as their symbolically inferior social position since the end of the 1980s have been characterized by a permanent status of segregation and fear induced by city authorities. Police actions of various kinds, both authorized and arbitrary, such as evictions, controls and stopping cars driven by Roma to search them, have frequently occurred.

In the context of this brief discussion on the intersection between Left-wing politics and Roma immigration in Italy, it is noteworthy to notice that those three cities have a long history of Left-wing politics, and those studies were carried out when each of the three cities council was run by Left-wing mayors.[134] Interestingly, the majority of Roma in Bologna, Rome and Florence are immigrants living in the so-called nomad camps,[135] places which are the direct legacy of the *aree sosta* and *centri sosta*. Nomad camps are usually entrenched open-air areas in precarious material and hygienic conditions at the extreme periphery of cities, and strictly regulated by local authorities. Thus, for the purpose of our discussion is it probably necessary to look at the values and the ideas which constitute a continuum between, so to say, the 'ON politics' and the Left-wing politics on Romani immigrants. In order to shift to such discussion, I now narrow my focus on the case of Tuscany and in particular on the Tuscan main city, Florence, where, according to local official censuses, in 1994 there were 1100 Romani migrants living in a camp and in one isolated area, and in 2006 they were 600. Since 1970, as Italian Regional government were formally constituted, Tuscany has constantly been ruled by the Left (i.e. PSI, PCI and PDS/DS).

4. The regional laws 17/1988 and 73/1995. Drawing cultural boundaries.

In the fall 1987, some inhabitants of the Castello neighbourhood at the semi-periphery of Florence organised a roadblock in order to protest approximately one hundred people living and driving around damaged caravans without a fixed residence. On 13 October 1987, the local authorities

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[134] In Bologna, (94-95), Mayor Walter Vitali ; in Rome (1997-2000) Mayor Francesco Rutelli; in Florence (1995-97) Mayor Mario Primicerio. Interestingly, in 1993 the first national law deciding the direct election of mayors by the city population passed. This is interesting insofar as it can provide some evidence on the political affiliation of the majority of each urban population.

[135] There are several denominations and several 'types' of camps. In this paper I will use the term 'nomad camp' to simplify the discussion. See ERRC (2000) for a detailed overview of the material conditions of the residents of nomad camps in Italy. See Piasere (2006) for an anthropological reflection on nomad camps as places where the 'state of exception' becomes the everyday rule.

ordered 'the transfer of those nomads to an open-air area owned by the local council located in Olmatello Street' at the extreme periphery of the city.[136] A few months later the Omatello area was fenced by a concrete wall and caravans and containers started to appear. Little by little, the local council, in the legal framework of a regional law (75/1988) started to introduce utilities and to set rules of living together. In this way the first nomad camp was set up.

The first Tuscan law concerning Roma was voted upon on 12 March the 17/1988. The title of the law is 'Interventions for the protection (*tutela*) of Roma ethnie (*etnia Rom*)'.[137] What is interesting to note, is that since the beginning of the legislative process, there is no mention whatsoever to the fact that Roma whom are addressed by the law were immigrants. In other words, the 17/1988 law was not politically framed within a discourse on migration, but within another political discourse which was completely disconnected from immigration, namely nomadism.

In order to analyse this discourse and the context within which it occurred, it is noteworthy to mention the political debate that accompanied the proposal of the law. As it was the case in many other regional councils, ON was the organization which happened to participate in most of the decision-making occasions. In Tuscany one of those occasions occurred on October 8th, 1987, when the fourth commission on 'Health and Social care' consulted a number of civil society organizations dealing with problems related with Roma. The whole discussion (Regione Toscana 1987) is articulated in view of a clear goal: to allow the cultural preservation of this 'ethnie', through 1. education, 2. housing and 3. social services. The whole rational of the discussion is the incommensurable dichotomy between a sedentary culture (or way of life) and a nomadic culture (or way of life). This point rarely emerges, and it is always taken for granted, as it was implicit knowledge and conventional wisdom. One of the rare cases in which it was discussed is in the following dialogue between one of the consultants and the president of the fourth commission:

> CONSULTANT. One of the fundamental dimensions of the Gypsy way of life is a nomadic style. It is important to state this, also because […] there are [in the text of the law] some elements in favour of those who decide not to be nomadic any more, and thus by this, disregarding those who are still nomad. The latter do not carry out a nomadic way of life just because they haven't reached a higher degree of maturation, but because the nomadic way of life belongs to their fundamental dimension (Ibid: 14).

> PRESIDENT OF THE COMMISSION. This law is a product of our culture, and it could not be otherwise. Thus, we stem from this in order to reflect something we discussed today, because the fact that it is a product of our culture does not mean that it should overwhelm other cultures which are currently in our region (Ibid: 28).

This dialogue seems to suggest a rather radical and insurmountable difference in patterns of behaviours between Roma and non-Roma. It could thus be argued that it represents an 'insurmountable barrier to do what comes naturally to humans, in principle, namely, communicating (Stolcke 1995: 8). A closer look at the presentation of the law in the Regional council can add some elements to this analysis.

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[136] Municipality of Florence, Ordinanza 2631, dated 13/10/1987.

[137] Text of the Law available at http://www.rete.toscana.it/ius/ns-leggi/?MIval=pagina_2&ANNO=1988&TESTO=NIENTE&TITOLO=NIENTE&MATERIA=512&ANNO1=2007&NUMERO=17&YEAR=1988 (May 2009).

In April 1987 the law was proposed by a regional councilman, G.N. belonging to the political majority, i.e. the Christian Democrats (DC).[138] During his speech in the regional council G.N. supports the law by referring to the 'protection of nomads' as an ethnic and linguistic minority whose needs should be taken into account insofar as they are currently neither in the national nor in the regional legal agenda. According to G.N., the problems of the 'nomads' are the following:

> [1] We see, also in big cities like Florence, informal camps without the essential services such as water, hygienic utilities, with consequences to the health conditions of the inhabitants. [2] In addition to these disadvantages, difficulties coming from the lack of work are also present, [3] analphabetism as consequence of the lack of education […] and this situation represents a risk as for what concerns youths and their behaviors which are sometimes at the margin of the legal framework. (Regione Toscana 1987: 1)

Further, he states the goals of the law:

> 1. To promote the implementation of the camps (campi sosta) for sedentary people (*sedentatizzati*) and transit areas (*aree di transito*), and set up the health and social assistance interventions for the guests who are staying.

> 2. To safeguard the positive values of the nomadic culture and in particular the typical arts and crafts, through:

> - ad hoc initiatives aimed to the development and production of handmade production

> - financial support for the creation of handmade work activities within the camp

> 3. School education for children above 18 years old and the fight against analphabetism.

 After having defined the problems, and the intentions to solve them, just before the end of his speech, G.N. focuses on the regional community of Tuscany, referring to 'the civic tradition which has always characterised Tuscany' (quoted in Rossa 1995: 43; my translation).[139]

It is now rather clear that the purpose of the law is the preservation (protection) of Roma ethnie and the instruments in view of this goal is granting rights to a nomadic way of life and to stopping in specific areas, i.e. the camps. Notwithstanding the evident marginalization that such device (the camp) implies, during both the meeting with the consultants and the presentation of the law in the Regional council, the best intentions in dealing with problems of isolation, lack of facilities and services, and lack of education are present. What happened in practice, however, was the creation of segregated and isolated areas with precarious utilities, where with time life became hardly bearable.

Once having built up the camps, one of the most common practices carried out by local authorities was the organization of surveillance and control of persons living in the camps. These practices are exceptional measures *only for Roma*, that provide evidence of the fact that at least at the very beginning of such politics, in the in nomad camps the 'state of exception' (Agamben 2003) was the rule. Such exceptional condition within which culturally defined apolitical subjects were forcedly placed lies at the base of the later attempts to politically and legally deal with the 'Gypsy problem'.

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[138] A regional councilman is a deputy of the regional council. The role of the regional councilmen is comparable on a national scale to the role of the deputies in the Parliament: voting, proposing laws, questioning the government, and so on.

[139] Since the councilman did not give any details about the tradition he pointed to in that occasion, it is out of the focus of this paper to discuss it. However, 'civic' here seems to remind to the long history of the Florentine medieval *comune*.

In July 1991, two councilmen from the regional council proposed a discussion regarding the necessity of resolving the rules of the camp. The proposition was articulated in five points, namely a census for all the persons living in the camps; the obligation for children below the age of fourteen to attend the school; a medical check for all the persons living in the camps; a 24-hour surveillance of the camps; and DNA testing in case paternity needed to be established. This proposition highlights the political context in which the 'Gypsy problem' was gradually confronted. In November 1991, the mayor ordered the removal of all nomads who were illegal immigrants from the Olmatello camp.[140] The motivation of this order was that it would have been a necessary means to get rid of excess nomads, in order to set up another camp. It is here evident that the idiom of nomadism is the only one used by authorities.

Later, at the beginning of the Bosnian War in 1992, many more Roma fled the Balkans and found shelter in Italy. At that time, there were two areas for Roma in Florence, the Olmatello camp and the Poderaccio area, the latter not being an entrenched camp, but an isolated abandoned area at the far-Western periphery of the town. A real shanty, as Szente (1997) reports, in which Romani immigrants organized precarious housing. With the arrival of many new migrants from the Balkans, the precariousness of the two areas increased. In this context a new regional law passed.

In 1991-1992 a research (Marcetti et al. 1993) on the social conditions of Roma living in the camps in Tuscany was carried out by a think tank, Fondazione Michelucci, a private research foundation based in Florence.[141] The key element found by the researchers was that the majority of Roma in Tuscany were not nomads—only a handful of them was still carrying out a nomadic way of life.

This discovery provoked large reactions in the regional council when, in September 1993, the proposition of a new law concerning Roma took place. The 73/1995 regional law is entitled 'Interventions for the Roma and Sinti peoples'. The most important change that occurred from the first law is the linguistic shift from 'camp' to 'residential equipped areas' and 'transit furnished areas' (*Aree attrezzate residenziali* and *Aree attrezzate per il transito*). Interventions by regional councilmen who asked for a census of the population living in the camps more and more often occurred. A group of councilmen decided to go and visit the camps in order to 'concretely implement projects which could answer to the needs of the inhabitants of the camps. (Rossa 1996:94).

Indeed, the Michelucci research is a strong critique of the camp as a good housing solution for Roma. The entire document is organised around a binomial principle: on one side there is the 'Gypsy culture' (*cultura zingara*), and on the other there is 'urbanism', which can alternatively draw on a refusal (*rifiuto*) or reception (*accoglienza*). The main interest of the researchers is to provide evidence to argue that the camps are not an appropriate housing solution, because they do not fit the 'Gypsy culture', which is accurately described. Stemming from such analysis, in the conclusion the document proposes the construction of little houses within and not at the margins of urban areas. Different patterns of houses are proposed according to the exigencies of the local host society and to the Gypsy group for which the houses are intended.

Indeed, the research witnesses the first attempt to understand Roma's requests and claims, and consequently the 75/1995 law partially removes the barrier between Romani immigrants and

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[140] Municipality of Florence. Ordinanza 3529, 9/11/1991

[141] Since this moment (1993), the Michelucci foundation has been playing the role of the main consulter of local authorities on issues related to the camps. This is a foundation whose main activities concern the relationship between architecture, territory, and social life in urban context.

regional authorities. Yet, although the idiom of nomadism which was used in the first law is not the only one used in the new law, the text of the 1995 law does not employ a different idiom than the culturalist one, and this is the most noteworthy element of continuation between the first and the second law. A closer look at the 1995 law will illustrate this point with more detail.

The first section of the 75/1995 law is titled 'Interventions for the Roma and Sinti populations, and the first article states:

> This law dictates the norms for the preservation of the Roma cultural patrimony and of the Roma and Sinti identity, in order to facilitate the communication between cultures, to grant the right to a nomadic life, to the religious practice, to stop and to stay within the regional territory. Moreover the right to enjoy the access to social, health and school services is granted.

As this excerpt suggests with the second law a renewal of the culturalist standpoint occurs. Since the influential Michelucci Foundation stressed the importance of adequate housing solutions for the 'Gypsy culture', this element of novelty can be seen as a new importance attached to the territorial dimension. Therefore, in the political construction of the Romani issue, 'culture' assumes a strictly territory-based meaning. In other words, while the 1998 law was wrong in identifying all Roma as nomads, as the Michelucci's research revealed, in the 1995 law it is still upon a territorial and housing habit difference with the majority population that the 'Romani culture' is predicated.

This suggests a persistence of culturalist idiom predicated upon a difference between 'locals' and 'new comers', which although now does not officially prevent a communication between the two parts, still functions as a mechanism of constructing cultural, and spatial, boundaries. In Stolcke's words, 'Instead of ordering different cultures hierarchically [as classical racism does], cultural fundamentalism segregates them spatially, each culture in its place' (Stolcke 1995: 8). It is perhaps necessary here to clarify that what Stocke calls 'cultural fundamentalism' is not the mere recognition of cultural difference to a particular grouping. More than that, it is the use of such recognition as the only parameter for evaluating certain situations concerning that particular grouping, resulting in circularly considering cultural difference at the same time as point of departure and arrival of certain discourses and/or practices.

In sum, the passage between the first and the second law shows that the idiom with which Romani immigrants were received by the Left-wing Tuscan authorities were predicated upon culturalist fundamentalism. In the first law (17/1988), the culturalist idiom was exclusively related to nomadism, and in the second law (75/1995) it was still related to the relation between people and territory, concerning more specifically housing habits recognized as somehow peculiar and partially different from the ones of the local society/culture.

5. Implications for the present-day situation

The culturalist idiom spread in Tuscany as the main factor of the local 'epidemiology of representations' (Sperber 1996) aiming at defining who Roma are. Although the third and last law concerning Roma in Tuscany (12/2000) openly recognizes the necessity of including Roma in every decision-making process, thus granting them the status of 'political subjects', the culturalist idiom is still nowadays the most pervasive one and full of consequences in terms of local policies. The persistence of cultural fundamentalism has two main implications. First, the persistence of camps for Roma at the extreme periphery of Florence up until nowadays, and second, it can

clearly account for the discrepancy between inclusionary rhetoric and exclusionary practices such as setting up and maintaining entrenched camps for Roma at the periphery of big cities.

A clue about the persistence until 2007 of the idea that the residents of the two camps for Roma in Florence are exclusively nomads and they must be educated according to our sedentary way of life comes from my interviews with two civil servants of the two districts (the fifth and fourth district) where the two camps have been set up. In spring 2007 I carried out 21 semi-structured interviews with civil servants. According to the limited space that I have here, I am going to quote two excerpts from my interviews with two civil servants, each of the working in one of the two districts, i.e. the fourth and the fifth district, were the camps for Roma are located.

The head of the fourth district during our conversation explained to me the major problems that he and his colleagues face while dealing with Romani immigrants living in the camp in 'his' district:

> If a social worker provides social care to a family for twelve years , after which that family does not do anything, and the result of those twelve years is that the family sits down and waits for help, I come and I say: 'Stop!' I say 'No!' to the excess of assistance: people must act by themselves [*darsi da fare*]. This is the real welfare [i.e. when people act by themselves]. I give you an example. The assistance period lasts one year, and then we propose […] a project[…]well, Roma too must do something! I found you [i.e. Roma] a job, and what do you do? You abandon it only because you live at ten Km [away] from your workplace? You cannot do this!! Some of them [Roma] abandon their jobs. Of course, I understand, *they are nomad people*! I do understand this. But there are also such great workers among Roma. (Emphasis added).

The other camp is in the fifth district and directly managed by another civil servant, who during our interview explain to me one of the most significant events she came across during his activities dealing with the residents of the camp

> I was always working with Roma, and once I got impressed by one thing a Roma living in a camp told me. He said to me: 'if I will not get a job, I will go away', and he left for Germany. I could never be able to leave like that, from one day to the other. Here you are, maybe they have this travelling sense (*senso girovago*) into their blood, according to which they can easily travel.

Although not all the civil servants I interviewed gave me the same opinion on the supposed nomadism of Roma, I frequently encountered such representations.[142] Notably, Roma who have lived and/or are still living in camps in Florence have never carried out a vagrant way of life.

The second implication of the persistence of cultural fundamentalism can shed light on one of the possible interpretations of the 'Tuscan version' of cultural fundamentalism. As I highlighted in the analysis of the first two laws, the main accent is put by policy makers on the supposed way of life of Roma which is said to be different from the local population. Such difference is rhetorically constructed on the basis of two related issues. In the first law (17/1988), this is clearly about nomadism, and in the second law (75/1995) this is about cultural patterns of housing habits. What is the ultimate concern, it could be interesting to ask, upon which both issues are predicated? Such

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[142] Szente (1997) also reports the fact that in Italy Roma are perceived as nomads: 'In Italy, the issue of Roma is reduced to an issue of nomads. This means that the question that the wider populace, the authorities, and most of the activists dealing with Roma alike constantly pose themselves is 'how to deal with this socially un-adaptable, nomadic population whose traditional, indigenous lifestyle is incompatible with the conditions set by a modern, European society". (1997: 51).

concern can easily be identified in the primary attempt to discursively set up cultural boundaries between a majority – 'normal' and 'good'– culture, and a minority – deviant and to be adapted – culture, neglecting in this way the egalitarian stances on which Left-wing politics has always based its distinctiveness. The demise of this distinctiveness seems to have left the place for a culturalist idiom pertaining to both Right and Left-wing migration politics.

Conclusion

In this paper I outlined the imposition of the very first idiom to officially define Roma in Let-wing Tuscany. I argued that there has been a process of 'epidemics' (Sperber 1996) of representations of Roma intended as pure cultural subjects, with very little to do with political subjectivities and in general with the political sphere. This 'epidemics' has been working since the end of the 1980s up until nowadays, and traces of that can still be found in the minds of civil servants dealing with Roma in Florence, Tuscany's main city. Interestingly, cultural fundamentalism has not been supported by a Right wing cultural politics, but – almost unexpectedly – within a regional context in which Left-wing political culture traditionally was, and still is, the everyday dominant political force. Although the text of the first law was discussed and proposed by a Christian Democrat (DC) Regional commission and depute, it was approved with a vast majority in the Left-wing Regional council.

I contextualized this process within the progressive shift, undertaken by the Italian Left (but one could extend it to any European state), from a class-based definition of migrants to a culture-based one. However, what this particular case of 'cultural fundamentalism' suggests in is that Left-wing rhetoric on Romani migrants and Right-wing rhetoric on new migrations in Europe significantly overlapped. Perhaps in view of further research on this topic, it would be interesting to consider the presence in Tuscany of a sort of 'radicalism' (Holmes 2000), of which the Italian version has been described by Stacul as follows:

> it draws authority from a broad range of collective practices that implicate family, language groups, religious communities, occupational statuses, social classes, etc. They create political orientations that defy easy categorisation, because they recombine ideologies such as nationalism, conservatism, liberalism, as well as populism with their identity politics, and are both 'Left' and 'Right' (2006: 165)

The culturalist idiom substantially contributed to the essentialization of Romani social life considering it a mere matter of nomadism and lack of education, with the ultimate consequence of not envisaging other tools for social integration than entrenched stop areas.

One of the most influential actors in determining both the idiom of definition and the very characteristics of the implemented camps, was Opera Nomadi (ON). Although ON cannot be considered as an openly Left-wing organization, its ideological links with the progressive and egalitarian side of the political spectrum are easily recognizable. In particular, the accent put on the necessity of education for Romani children underlines the preoccupation of diminishing social inequalities. For these reasons, the segregation and isolation of Roma in Tuscany until recently can be observed as a largely unanwanted outcome, that drew on good purposes and well-thought solutions for marginalization.

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J. Richardson

Discourse dissonance: an examination of media, political and public discourse and its impact on policy implementation for Roma, Gypsies and Travellers at a local level[143]

This paper will examine the discourse surrounding Roma, Gypsies and Travellers in Europe, with a particular focus on the debate in the U.K. This builds upon previous analysis (Richardson, 2006) and ongoing research on media campaigns and their effect (Richardson and Ryder). The paper will analyse media discourse, and debate by politicians in Europe and the U.K; as well as on a very local district and county level. It is often at this local level that the immediate impact of discourse, which can include entrenched anti-Gypsyism, can be seen in the policy decisions – particularly in planning cases.

There will also be reference to discourse as practice in the decisions made by planning inspectors at appeal, with reference to ongoing analysis of 231 planning appeal cases, including examination of the discourse in the decisions, particularly the deliberations on the 'definition' of Gypsies and Travellers according to English law. This is an illuminating part of the overall debate which is had about travelling communities, often to negate the responsibilities of local authorities to help accommodate Roma, Gypsies and Travellers. Further examination of these cases will reveal some interesting findings on 'professional' discourse and can be matched to planning appeal decisions to see the dissonance between the government's publicly stated aims to help provide sites for travelling communities, and the implementation of the policy on the ground which does not necessarily increase site provision; this represents a discontinuity in public national government discourse and local social and accommodation policies for Roma, Gypsies and Travellers.

Examination of these different strands of discourse will take place within a Foucaultian framework of power and control to understand the impact on the lives of Roma, Gypsies and Travellers.

Introduction

Roma, Gypsies and Travellers are faced with growing anti-Gypsy discourse and government policy in Europe, most notably in the Czech Republic, Hungary, Ireland, Italy and Britain. In some cases this increasingly intolerant discourse leads to violent and extreme reactions from the 'settled community', such as sites being set on fire in Italy and Roma driven from their homes in Belfast. Rather than seeing a measured response from those in government, there is often a populist reaction, such as Berlusconi's attempt to fingerprint all Roma, Gypsies and Travellers in Italy (including children). Whilst these political pronouncements may boost the political popularity of those making such decrees, they only serve to further the 'othering' of Roma, Gypsies and Traveller communities, which increases social hostility and undermines cohesion. There are also everyday examples of Roma, Gypsy and Travellers facing hostility from press, politicians and local people, constant eviction and hardship on the road and social exclusion which has consequences for health, education and employment opportunities.

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Richardson (2006) examined the impact of anti-Gypsy discourse on the lives of Roma, Gypsies and Travellers in England. This was followed by work with Ryder (forthcoming 2009) which assessed government policy on the provision of sites since 1997. This paper builds on the previous work of the author, and on the current debate amongst colleagues in Europe (e.g. Andrzej Mirga, Bernard Rorke, Gwendolyn Albert and others) to explore how conceptions of 'othering' through negative discourse maintains hegemonic control and provides useful insights into the exclusion experienced by Roma, Gypsies Travellers in Britain. There is a rise of official representation of the extreme right in politics in the U.K, as in other European countries following the 2009 European elections. However, anti-Gypsyism and racist discourse is not a new phenomenon. There are examples of discursive control dating back a long way, but with recent flash points of renewed momentum in cases such as the 'Stamp on the Camps' campaign in the Sun newspaper in 2005, and the case in Belfast in 2009 when Combat 18 drove Roma out of their homes through intimidation and threats. Anti-Gypsy sentiment appears to offer 'good copy' for selling tabloid newspapers, as well as providing populist messages in local, national and European election campaigns.

It is important to examine the circular nature of anti-Gypsy discourse; that it allegedly reflects popular opinion, but also creates folk devils and moral panics (Cohen, 1980) which feed the negative discourse even further. There are examples of everyday discourse in planning decisions and local protests across the country; and this paper discusses the arguments within the discourse that attempt to justify the anti-Gypsy stance taken; such as fairness, cost and rationing. There are dangers of escalation of this discourse and direct protest, in the current economic climate. Vulnerable groups will face increasing challenges in the recession in the U.K and some of the hardest hit will be Roma, Gypsies and Travellers (Richardson (Ed) 2010 forthcoming).

In legal terms, defining Roma, Gypsies and Travellers in Britain is difficult (this is partly because different definitions apply in equalities cases, in housing law and in planning law). In this article the umbrella term 'Roma, Gypsies and Travellers' is used, but the author recognises the imposition of a simplistic exonym on a wide range of differing travelling communities. The predominant travelling communities in the Britain are Romany English Gypsies and Irish Travellers; plus also New Travellers, Welsh Gypsies and Scottish Gypsies, as well as new Roma migrants from the European accession countries. The size of Britain's Traveller and Gypsy population is also an estimate, with Council of Europe figures putting it at about 300,000, with approximately 200,000 in settled housing. The courts have established that Gypsies, Scottish Gypsies and Irish Travellers are ethnic groups for the purposes of the Race Relations Act 1976 (as amended by the Race Relations (Amendment) Act 2000) (Commission for Racial Equality v Dutton, 1989 (Romany Gypsies); O'Leary and others v Punch Retail, 2000 (Irish Travellers) and the MacLennan case, 2008 (Scottish Gypsies)).

The focus of many press articles and public discourse is on Gypsies and Travellers residing in caravans. The CLG Count data suggests that in July 2009 there were 17,437 caravans in England of which 6,603 are on local authority sites, 7,105 on authorised private sites, 2,192 on unauthorised developments and 1,537 on unauthorised encampments. This disjuncture between the number of sites and the estimated population numbers and the numbers of caravans on unauthorised sites demonstrates the continued lack of resources and sites for Gypsies and Travellers in Britain. Indeed, a variety of reports have suggested that 4000 more pitches are required (and some Gypsy and Traveller representatives say that this is an underestimation of need, indicating instead that there are at least 4,500 families with no official site to live on). It is important to note, however,

that Gypsies and Travellers either on the road or on sites represent about only one third to one half of the total population in England. It has been suggested that approximately two-thirds of Gypsies and Travellers live in bricks and mortar accommodation (Shelter, 2008). One of the principle causes of the sites shortage and growth in unauthorised encampments and numbers in housing has been a failure of policy in the past. More recent legislation and policy has sought to address the shortfall in accommodation for Roma, Gypsies and Travellers. The 2004 Housing Act created a statutory duty on local authorities in Britain to assess Gypsies' and Travellers' accommodation needs which have been used to set pitch targets through regional spatial strategies, which in turn will lead to local authorities identifying land for site development (Planning Circular 1/2006). However, progress to date on the actual provision of sites has been very slow and if there is a change of political leadership in government from 2010 then the planning and legal framework for site provision is likely to change with the potential abolishment of the regional spatial strategies.

'Moral Panic' and 'Othering': A Conceptual Framework

The negative images used to portray Roma, Gypsies and Travellers in some sections of the media, serve as a tool to highlight their 'otherness' and their so-called deviancy from societal norms. By labelling Roma, Gypsies and Travellers as 'other', society is actually making them 'other'; they are constructing their identity as different (Richardson, 2006). In old-wives' tales across Europe, Gypsies steal babies (unrest in Italy in 2008 was perceived as a result of a Gypsy allegedly stealing a baby); according to prominent conservative politician, Anne Widdecombe, they steal pets (Turner 2002) and according to the local people in a planning consultation exercise, they are murderers (Richardson 2006). The role of Roma, Gypsies and Travellers as folk devils is played out in Government policy decisions and is reinforced by the media. In addition to the role of the media in reinforcing stereotypes of folk devils, the Government can equally be seen to play a part in this by reacting to media campaigns that attract a popular impetus (as was seen in the Express 'campaign' against east European Roma, January 2004) and fuelled measures to restrict Roma entry into the UK by imposing stricter border control measures against this group, which were eventually overturned in the courts (ERRC, 2004).

Rather than the Government and the media having a unilateral relationship, it is suggested that it is a cyclical, mutually re-enforceable one. Misuse of numbers and prejudicial reporting in the press have been seen to increase fear and conflict in communities in relation to all immigrant groups, but particularly so for Roma (for example not only the Express, but a number of newspaper reports ahead of the succession countries in 2004 in England were scaremongering and proven to be incorrect). Appadurai (2006) discusses this fear of 'numbers' in the context of 'uncertainties'. He names three key types of uncertainty (pgs 5-6): (1) Census concerns – how many of 'them' are there in this geographical territory? (2) What normative characteristics are attributed to these people? (3) Are these people who they claim to be, now and historically? Appadurai suggests that these uncertainties culminate in an anxiety about the changed relationship with the state – access to services, health, housing etc – now that new people have arrived and also want these provisions.

Instead of just looking at practical government policy and legislation for answers on the treatment of Gypsies and Travellers, it is important to also examine *how* Gypsies and Travellers are 'othered' by society and controlled by governments in Britain and across Europe, and also to attempt to probe the reasons *why* they are marginalised and excluded. In understanding how Gypsies and Travellers are controlled and monitored, Foucault's (1969) work on the 'gaze' can help. The 'gaze' is the part of Foucault's work which can help explain how Gypsies and Travellers are controlled through discourse. It might best be described as the eye of power and control. In *The Birth of the Clinic* Foucault analyses gaze, thus:

> …the gaze is not faithful to truth, nor subject to it, without asserting, at the same time, a supreme mastery: the gaze that sees is a gaze that dominates.

> (Foucault, 1969: 39)

The crucial element in the gaze is the interpretive element. Foucault (1969) was discussing it in relation to doctors looking at illnesses in their patients. He explained that doctors no longer passively viewed symptoms, but instead started to actively interpret them. The gaze is not passive surveillance, but active interpretation and domination. Words and terms used in the discourse around Roma, Gypsies and Travellers are not passively describing a situation but instead they are interpreting it. The interpretation involved in discourse is based on a variety of variables including the ontology of the speaker, the listener/reader, and their social norms and characteristics.

Foucault believed that the gaze was not only exemplified in the panopticon of Bentham's 18th Century prison designs, but could be extended, through institutions, to the wider society.

> …the best way of managing prisoners was to make them the potential targets of the authority's gaze at every moment of the day. And this authoritative gaze didn't reside in a particular person, rather it was recognised as part of the system, a way of looking that could operate as a general principle of surveillance throughout the social body. This logic of the gaze, like that of discipline, was not confined to the prison, but moved throughout the various institutional spaces in society.

> (Danaher et al. 2000: 54)

Looking at Foucault's (1969) explanation of a societal and governmental 'gaze' helps to understand how, through discourse, Gypsies and Travellers are monitored through the language used about them and through discourse as practice implemented through law, policy and procedure; and how ultimately that monitoring discourse leads to control of, for example, accommodation, access to healthcare and education (Richardson, 2006).

Following on from this it is necessary to analyse *why* Gypsies and Travellers are 'othered' by society. Gypsies and Travellers are undoubtedly perceived as 'other'. There is a large body of work around the issue of 'otherness', and terms such as 'folk-devil' and deviant are used by authors including Cohen (1980). It is important to remember that the labelling of someone as 'deviant' or 'other' is not a benign statement. By labelling Gypsies and Travellers as 'other', society is actually making them 'other'; they are constructing their identity as different. Why is this done? It can be a tool to control the person(s) being labelled. It can also be seen as a tool to control society as a whole; for instance, through raising the fear of 'others' the government could make the population more accepting of political changes. This increased fear can be viewed as a 'moral panic' and it can occur around a fear of any particular vilified group.

Folk devils are the focus of moral panics. In Cohen's (1980) study these were groups of 'youth' – Mods and Rockers. Cohen helps to describe the term folk devil:

> But the groups such as the Teddy Boys and the Mods and Rockers have been distinctive in being identified not just in terms of particular events (such as demonstrations) or particular disapproved forms of behaviour (such as drug-taking or violence) but as distinguishable social types.

> (Cohen, 1980: 9)

Society needs folk devils to be different; it needs distance between 'us' and 'them'. Folk devils are created in order that the government, or society as a whole, can say 'they are not like us, they can be treated differently'. If folk devils are punished severely, or treated in an inhumane way, then their definition as folk devil absolves those involved in their treatment, of guilt. If everyone was recognised equally it would not allow people to be treated differently. If a folk devil is marked out as different then it allows 'society' to be comforted that it is alright to treat them in a different way to the way they would like to be treated. A good reference in this area of how a group of people can be treated inhumanely, without causing guilt, is the work of Zygmunt Bauman *Modernity and the Holocaust* (1989). A central theme of this work, which looks at how the Germans treated the Jews, is the issue of proximity. Bauman says that Germans found it difficult to single out Jews that were their neighbours and their work colleagues. The Nazis had to remove them from the proximity of daily neighbourliness – remove them from the social – for everyday Germans to see the Jews as different and therefore subject to the horrors that were fated by the Nazis. Similarly, the Roma were labelled as 'asocials' by the Nazis and this served to de-humanize them (Friedlander, 1997). The issue of proximity is important in understanding folk devils of all kinds, from asylum seekers to Gypsies.

> Being inextricably tied to human proximity, morality seems to conform to the law of optical perspective. It looms large and thick close to the eye. With the growth of distance, responsibility for the other shrivels, moral dimensions of the object blur, till both reach the vanishing point and disappear from view.

> (Bauman, 1989: 192)

For Roma, Gypsies and Travellers, this law of proximity can be seen to work in outcomes for the community in Britain. Gypsies can be 'moved on', according to the Criminal Justice and Public Order Act (1994). They are not allowed to 'settle' on certain unauthorised sites and yet there are not enough authorised sites to accommodate them. This bureaucracy is effective in maintaining a distance between 'us' and 'them'. The distance allows society to believe they are not like 'us' and its conscience remains clear when Gypsies and Travellers are treated badly either by the public, the press or the government. The distance created between Gypsies and 'us' has allowed them to become folk devils, and allows them to be treated differently without too much introspection and troubled conscience.

> …Gaujos[144] need Gypsies to personify their own faults and fears, thus lifting away the burden of them. This need is so overpowering that time after time, in place after place, Gaujos create situations forcing Gypsies to fill this role… the people onto whom these [problems] are projected must be clearly distinct from the Gaujo mainstream, but not utterly foreign to it: just as in cinema, the screen must be neither too close nor too distant if the image projected onto it is to remain sharply focused.
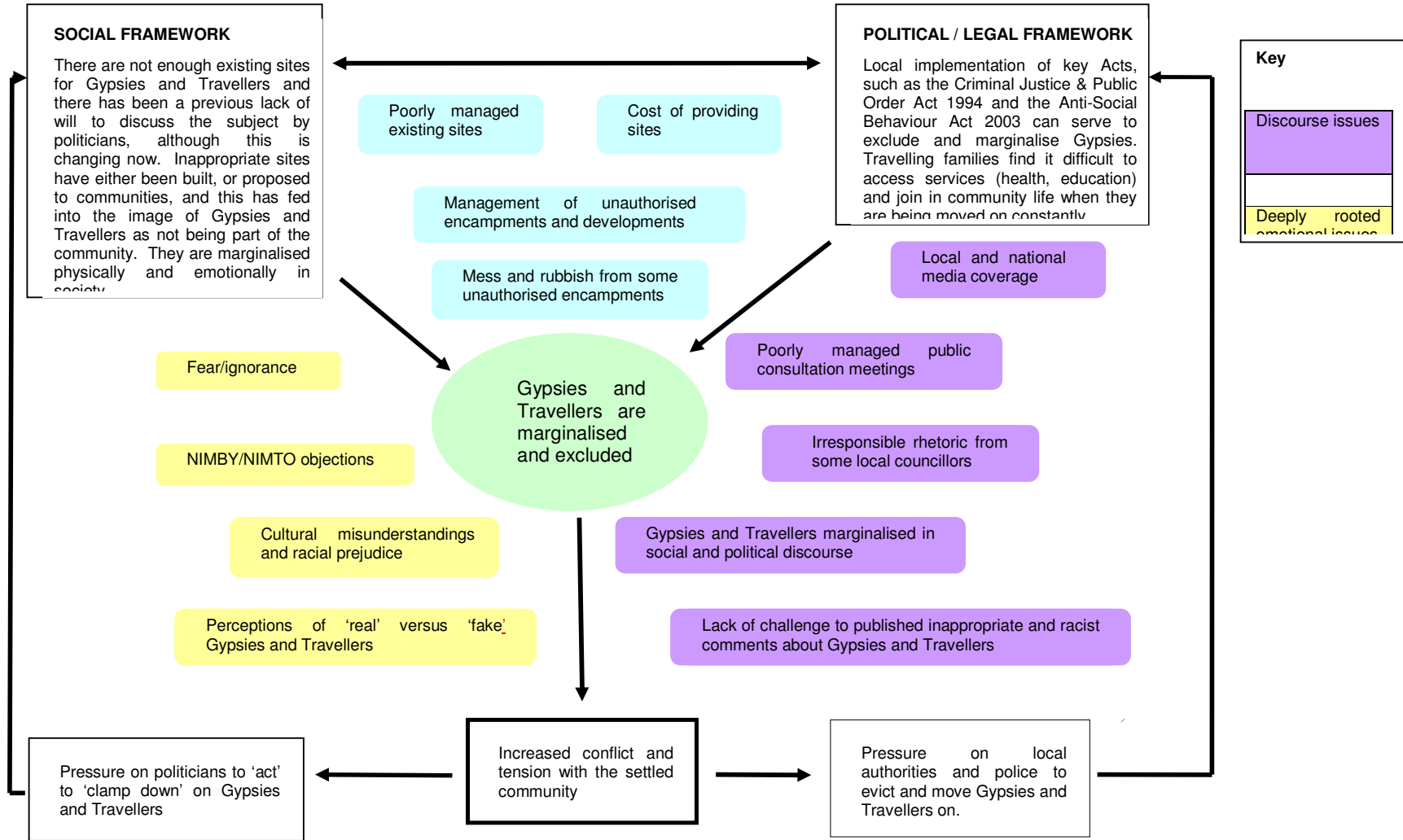
> (Shuinear, 1997: 27)

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[144] 'Gaujo' is the Gypsy/Traveller name given to 'non-Gypsies' – e.g. members of the 'settled community'

These theories propose a functionalist type of perspective, that a group such as Roma, Gypsies and Travellers is needed to take the burden of society's fears and faults. This begins to provide a motive for the control of the group through discourse and begins to answer the question of why there is a perceived need for the control and 'othering' of Gypsies and Travellers.

Cohen (1980) analyses the need for government to move a general fear into something more tangible, in order to allow for political shifts. It is possible to see the policies of former Home Secretary Blunkett (post 9/11) reflect this. The fear of terrorist attack is heightened by government rhetoric in order that policy and legislative shifts allowing increased surveillance of the whole community can be made under the guise of protecting the population. A similar motive can be found for the government in their discourse around Gypsies and Travellers. By othering them, particularly on the issue of cost (Richardson, 2006 and Richardson 2007), the theory of proximity (Bauman, 1989) means the general population is less concerned with adverse treatment of them.

This 'othering' of Gypsies and Travellers can result in a rather negative cycle of control and conflict; which is a mutually reinforcing problem (see Fig. 1 on next page). Richardson (2007) in a report for the Joseph Rowntree Foundation used a case study approach to attempt to outline good examples of how this cycle has been broken and how a positive dialogue can be facilitated. If the fear of the 'other' Gypsy and Traveller can be weakened then there is potential for less discriminatory discourse by local politicians, media and public. This might mean fewer objections to newly proposed authorised sites and Gypsies and Travellers could be properly housed, thus making them even less 'other', and so the positive cycle could continue.

SOCIAL FRAMEWORK

There are not enough existing sites for Gypsies and Travellers and there has been a previous lack of will to discuss the subject by politicians, although this is changing now. Inappropriate sites have either been built, or proposed to communities, and this has fed into the image of Gypsies and Travellers as not being part of the community. They are marginalised physically and emotionally in society.

POLITICAL / LEGAL FRAMEWORK

Local implementation of key Acts, such as the Criminal Justice & Public Order Act 1994 and the Anti-Social Behaviour Act 2003 can serve to exclude and marginalise Gypsies. Travelling families find it difficult to access services (health, education) and join in community life when they are being moved on constantly.

Key

Discourse issues

Deeply rooted emotional issues

Poorly managed existing sites

Cost of providing sites

Management of unauthorised encampments and developments

Mess and rubbish from some unauthorised encampments

Local and national media coverage

Fear/ignorance

Gypsies and Travellers are marginalised and excluded

Poorly managed public consultation meetings

NIMBY/NIMTO objections

Irresponsible rhetoric from some local councillors

Cultural misunderstandings and racial prejudice

Gypsies and Travellers marginalised in social and political discourse

Perceptions of 'real' versus 'fake' Gypsies and Travellers

Lack of challenge to published inappropriate and racist comments about Gypsies and Travellers

Pressure on politicians to 'act' to 'clamp down' on Gypsies and Travellers

Increased conflict and tension with the settled community

Pressure on local authorities and police to evict and move Gypsies and Travellers on.

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The issue of scarce resources, particularly housing and employment, in changing rural economies seems to be oft cited as a reason for racism and discrimination. An example of this rationale is cited in the IPPR (2007) report in relation to migrant workers:

> More negative views emerged over the perceived impacts of new migrants on local housing markets and the private rental sector. These were expressed across all social groups and centred on the affordability and availability of housing and rented property, which were widely believed to be reducing as new migrants move into the area.
>
> (IPPR, 2007, pg 20)

This issue of 'fairness' in the allocation of resources is also picked up on in the report of the Commission on Integration & Cohesion in its (2006) *Our Shared Future* publication:

> A new issue that we need to address is that settled communities are worried about the fair allocation of public services – with some thinking immigrants and minorities are getting special treatment.
>
> (Commission on Integration & Cohesion, 2006, pg 9)

This is not particularly a new issue; the Jay (1992) report outlined a similar view from 'settled' communities. Perhaps the numbers of new economic migrants in some rural areas, and the physical presence of their 'otherness', for example in a market town in South Lincolnshire: Polish delicatessens, dual language signs in some shops and offices, a requirement for factory managers to speak Lithuanian or Polish, all serve to highlight differences and 'newness' of some communities. The ensuing issue of 'fairness' and recognising 'long service' to a community then impacts heavily on new economic migrants. But it also impacts on perceived new and different groups, such as Gypsies and Travellers, who have often been in an area for generations, much as land-owning members of the farming community might have been. Gypsies and Travellers are perceived to be new in some rural communities, in spite of their strong connections, because of a lack of physical or social capital in an area, one could think of this as a lack of 'residence capital'.

The difficulty lies in highlighting Gypsy and Traveller connectedness and belonging to a particular area, without highlighting the 'newness' of other Black and Minority Ethnic communities and perpetuating a divisive culture, between different groups. Gypsies and Travellers and the settled community may share the concerns about new European migrants 'taking' jobs and housing from longer standing 'residents'; however, Gypsies and Travellers themselves are not even recognised as 'resident' by the settled community when they may have been living and working side by side for generations.

The explanation in this paper of 'why' Gypsies and Travellers are 'othered' by Britain, and other European states and their citizens is not an excuse to allow a status quo. By understanding the reasons for this behaviour, European states can move forward to improve the situation for Gypsies and Travellers by looking at the impact of their laws and administrative policies on this minority group; and by providing a good example to the public and media in the way the travelling community is represented in popular discourse.

Racism against Gypsies and Travellers

The murder of Johnny Delaney, a Traveller boy in Cheshire, in 2003 exemplifies the seriousness of the racism faced by Gypsies and Travellers – the discursive control goes beyond racist labelling by the media and others. He was allegedly kicked and beaten by other boys and called derogatory names, because he was a Traveller.

A MORI poll undertaken on behalf of Stonewall in 2003 examined 'profiles of prejudice' which was examined in Valentine and McDonald (2004). 64% of respondents to the poll said that they were prejudiced against one or more groups. Of those, 14% expressed a specific prejudice against Gypsies and Travellers – this was highest figure, marginally above refugees and asylum seekers. In analysing this result, Valentine and McDonald say:

> Prejudices towards travellers and Gypsies were expressed in economic terms. It was argued that these groups did not conform to the system by paying taxes, they had a reputation for unreliable business practices and they did not respect private property.
>
> They were also criticised in cultural terms for not belonging to a community and allegedly having a negative impact on the environment: for example, they are unsightly, dirty or unhygienic. A clear distinction was also made between Romany Gypsies, respected for their history and culture, and travellers or modern Gypsies.
>
> (Valentine and McDonald, 2004: 12)

This issue of 'real' Gypsies is discussed in more depth in Richardson (2006) and is eloquently analysed by Shuinear (1997) amongst others. The perceived disjuncture between 'real' and 'fake' Gypsies and Travellers, by the settled community, only serves to isolate them further and to provide the excuse for members of the settled community to participate in, or acquiesce to, racist discourse and treatment of the travelling community as a whole. There is also a challenge to the settled community to accept Gypsies and Travellers for who they are, rather than trying to assimilate them into a settled culture. Traditionally, this is where the tension between the state and travelling communities has occurred. Hawes and Perez (1996) sum up the situation between the state and the Gypsy/Traveller; they note the element of coercion to assimilate to a 'house-dwelling' norm:

> In the words of one Traveller, it is as if the Gorgio is saying: 'Of course we must cater for your interesting differences, but we must encourage you, to the point of coercion, to stop being different – or at least make it as difficult as possible'.
>
> (Hawes and Perez, 1996: 156)

The lack of physical 'residence' for Gypsies and Travellers is both the cause and effect of the conflict between local communities. Public debate over proposals for new Gypsy and Traveller sites can provoke extremely adverse and racist reactions from the local community, the media and politicians (Richardson, 2007). Some councillors, both at public meetings and in the local paper, have made highly inflammatory remarks which can only serve to stoke local conflict, and there is little done to stop or reprimand them. One example of this was in a rural district in the East of England where a local councillor suggested that if she had cancer she would strap a bomb to herself and blow up a local unauthorised encampment:

> Mrs X had told fellow councillors that X District Council would 'never get rid of the b*******' who had created an infamous illegal settlement… The independent councillor … declared: 'If I had cancer, I'd strap a big bomb around myself and go in tomorrow'. (Daily Mail, 24/01/07, pg 35)

In 2003, Cottenham had seen a large new encampment of Irish Travellers join an existing private site and the new pitches did not have planning permission. There was a great deal of local hostility and a campaign website was established. The CRE were concerned to get involved in an attempt to allay local fears and settle community tensions (see further Safe Communities case study 8 on www.cre.gov.uk).

Holloway (2006) analyses in some depth an incident in another rural area of Firle, Sussex, where, in 2003, a caravan with effigies was burnt as part of a bonfire night display. The reactions to the event, and the subsequent reports were mixed and Holloway (2006) discusses the interesting phenomenon of people denying that Gypsies and Travellers are a racial group, or are in anyway different. However, if they were not 'different' then there would be less hostility to them settling in communities. This notion of 'difference' which appears to be adapted to suit those voicing racist opinions is interesting. In his book *Multiculturalism*, Modood (2007) says:

> To speak of 'difference' rather than 'culture' as the sociological starting point is to recognize that the difference in question is not just constituted from the 'inside', from the side of a minority culture, but also from the outside, from the representations and treatment of the minorities in question.

> (Modood, 2007: 39)

In much the same way that the debate on disability has moved from a medical model to a social model, which recognises the barriers that society places on the individual, rather than the restrictions caused by a particular medical condition, so the debate on difference with regards to race and culture must recognise that 'difference' can be a social construct and that those issues and characteristics which make Gypsies and Travellers 'different' are small in number compared to those issues which make them the same as other 'settled community' members. It is the focus on, or the construction of, the 'difference' which exacerbates the excluding, and sometimes racist, discourse in newspapers and town halls.

This discourse of 'difference' and exclusion is particularly heightened during periods of consultation on new site provision, or indeed following a particularly contentious unauthorised encampment as seen in the Cottenham case above. Language has been used by local authority officers in planning meetings that would be seen as racist if it were used about any other Black and Minority Ethnic group. A particular issue seems to have arisen following publication of some Gypsy and Traveller Accommodation Assessments (GTAA) and in debates at Examinations in Public of Regional Spatial Strategies. Numbers of new pitches required to meet the accommodation needs of Gypsies and Travellers are haggled over to the nth degree by local authorities and in some cases the numbers are reduced by re-examining assumptions in final GTAAs, under pressure from the local authorities. When the GTAA pitch requirements are then discussed in a regional Examination in Public, the numbers are further scrutinised by local authority planners in a debate on 'need where it arises' versus 'need where it should be met'. In some areas, this debate may well be down to the honest intention of a local authority to meet accommodation need where it will best suit Gypsies and Travellers. However, in other areas it seems to be a debate on 'quotas' and 'fair shares'. At one Examination in Public, one local district council complained that the sub-regional GTAA had found that one pitch was required in their area. Another district in the same region understood that there was a relatively high level of need coming out of the GTAA for their area, but wanted to 'share' the provision of new pitches wider in the region because of a perceived level of unfairness of having more than their fair share of Gypsies and Travellers. It would simply not be acceptable for a local authority, in a strategic planning meeting on the provision of accommodation to say about any other minority group 'we have enough already, the burden should be shared'.

Unless positive action is taken, the cycle of this marginalisation of Gypsies and Travellers means that there is continued hostility towards the travelling community, there is a reluctance to back the provision of more sites, they continue to be moved on from place to place and are seen as outside the mainstream depictions of community and are 'other'. It has already been highlighted that 'newcomers' are discriminated against in rural communities. Gypsies and Travellers are not 'newcomers' they have just not been allowed to settle in places they have lived and worked in for generations. It is important to break this cycle and to establish Gypsies and Travellers firmly as members of the community, rather than 'newcomers' in order to stop the discrimination and marginalisation.

Racism and Community Cohesion

Community cohesion seems to be the preferred term in policy debates on society. It is a catch all, which while it predominantly concerns itself with different faith and race groups can capture societal divisions based on income and access to services, amongst other characteristics. Whilst it is appropriate to look at issues wider than race, in attempting to promote cohesive communities, the term itself is ethereal. 'Racism' on the other hand is a hard-hitting, ugly term. If a local authority is talking about planning issues for Gypsies and Travellers in 'quota' discourse then it is not promoting community cohesion, but it is also using racist discourse. To criticise a local authority for not promoting community cohesion, might negate the impact of their 'race' duties and somehow seems less serious than an accusation of 'racism'.

It is particularly important with the issues that Gypsies and Travellers face, to use the term 'racism' or there is an excuse, as with the Firle incident discussed earlier, for those saying and doing racist things to suggest that their prejudice is not based on race or culture, but on some other difference for which there is no legal sanction. Coxhead (2007) examines the notion of 'identity and hierarchy' in his research on prejudice and policing of Gypsies and Travellers:

> One significant way that Gypsy identity is pushed to the bottom of the power hierarchy is through denying the existence of racism. One justice worker asserted that it was vital 'not to lose sight it's a race issue – we need to influence practitioners out there'. One reason for the non-recognition of Gypsies and Travellers was a blurring of white European ethnicity. As one Gypsy explained, 'the figures are buried in white European ethnicity, it's not seen as racism'.

> (Coxhead, 2007: 62)

There is an issue of 'categorisation' particularly for a group who do not necessarily look any different from white British members of the community. Whilst there are census categories for 'White Irish' or 'White Other', there is no specific category for English Gypsy or Irish Traveller. The government has been lobbied to include Gypsy and Traveller categories in the 2011 census and this may help with monitoring and recording race issues for Gypsies and Travellers. Some local authorities already record race information specifically for Gypsies and Travellers, but not all do, and the probable inclusion of these categories in the 2011 census may encourage other local authorities to follow suit. However, with any categorisation promoted by bureaucratic agencies, there may be reluctance on behalf of Gypsies and Travellers to define themselves as such, for fear of adverse treatment, particularly the estimated two-thirds of the Gypsy and Traveller population who live in housing.

In order to deal with the racist discrimination that impacts on Gypsies and Travellers as a result of their lack of 'residence' it is imperative not to lose sight of the severity of the issue under a general discursive umbrella of 'community cohesion' by focusing on the fact that this is a 'race' issue.

Discourse on Roma, Gypsies and Travellers in Britain over the Previous Decade – 'Stamp on the camps'

There has been little let-up in the anti-Gypsy discursive debate in the popular press, the town hall, and in Whitehall over the previous decade, from 2000. There have been helpful and positive voices added to the debate (such as speeches from Trevor Phillips of the Equalities and Human Rights Commission, and Alvaro Gil-Robles, former Commissioner for Human Rights in Europe). However, the positive voices do not appear to have dinted the appetite for writing and reading anti-Gypsy articles in the press.

(Fig. 1: Headline during the 'Stamp on the Camps' campaign: 9th March 2005)

One of the key flashpoints in the last decade was the Sun's 'Stamp on the Camps' campaign in the run up to the 2005 general election (there were others, outlined in the table and commentary further on). The Sun ran two headlines and numerous pages over a three day period. The Daily Mail and The Express joined in the campaign with their own headlines and extensive number of pages given over to stories on Gypsies and Travellers. The media discourse resonated with many and was used unashamedly in 'dog-whistle'[145] tactics for the electorate by the leader of the Conservatives – Michael Howard backed the Sun's campaign as part of his pre-election strategy. Howard suggested that Gypsies and Travellers were a 'special interest' group hiding behind Human Rights legislation and said that the Conservatives would tackle 'illegal' sites through a Gypsy trespass law. Whilst some politicians used the campaign to what they thought would be political advantage, other key figures condemned the debate. The former Commissioner for Human Rights (Alvaro Gil-Robles) was 'truly amazed' at the headlines, and MediaWise saw reflections of the campaign against the Jews in the media discourse. The Sun's 'Stamp on the Camps' campaign was also only one year on from the Express newspaper's 'campaign' to stop Roma 'flooding' into Britain post-accession to the European Union; some of the journalists

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[145] Independent strategist for the Conservatives used this term to refer to certain issues to which voters would respond.

working at the Express newspaper voiced disquiet at the editorial pressure they were under to write such articles during this 2004 series of articles.

Fig. 2: The Daily Express illustration on the front page 20th January 2004

Both The Daily Express' and The Sun's campaigns were extreme points of anti-Gypsy discourse, but they were also part of a longer-entrenched ongoing negative political and media discourse on a local, national and European level.

Fig.3 Summary of key points in the U.K Gypsy/Traveller Discourse over the last decade

Date	Press Discourse	Political Discourse
2000	Local Newspaper article on unauthorised encampments in London: '*Local authorities say they are fighting a war of attrition, handicapped by a laborious legal process. It's a guerrilla campaign that has seen the travellers moved on from one site to another, taking advantage of open gates and legal delays to set up temporary home*' (Sawer, 2000: 11)	Continued implementation of the 1994 Criminal Justice and Public Order Act which tended to criminalise travelling. There continued to be a lack of appropriate provision of accommodation.
2003	On the Firle Bonfire (a caravan with the licence plate P1KEY was set on fire and paraded on bonfire night): '*Local MP Norman Baker said residents were upset after 'itinerant criminals' caused damage to land and property and a degree of anger was understandable. He backed the organisers of Firle Bonfire Society, who denied any racism…*' (Ellinor, 2003: 7)	At the launch of the (former) Commission for Racial Equalities strategy for Gypsies and Travellers: '*The U.K for Gypsies is still like the US Deep South for black people in the 1950's*' (Trevor Phillips)
2004	On the accession of new countries to the European Union, the Daily Express said that 1.6 million Roma migrants would 'flood in', the Sunday Times talked about an 'influx' of Roma and the Sun referred to Gypsies ready to 'flock' to Britain.	Right to judicial review on asylum and immigration cases was put under threat. Discourse in Italy and other European countries on maximum quotas for immigrants. Conservatives also talk about quota for Britain.

		On a more local level, a Conservative Councillor in Cambridgeshire stated that if she had cancer she would strap a bomb to herself and go and visit the unauthorised site under discussion at the council meeting.
2005	Sun 'Stamp on the Camps' campaign	Alvaro Gil-Robles highlights negative media reporting in UK on Gypsies and Travellers
2008	Ongoing negative media reporting in the local newspapers.	Government supports first Gypsy Roma Traveller History Month in June. Unofficial political discourse on the right suggests that 'duty' to provide sites will be abolished under a conservative government.
2009	Local newspapers continue to report in a negative discourse, with some positive exceptions in Cambridgeshire and Somerset, for example. The Daily Mail: '*It is not racist to state that gypsy camps frequently cause an increase in crime and mess – it is statement of fact*' (Harry Phibbs) Madonna criticises treatment of Gypsies at her concert in Bucharest – she is booed by the audience. Positive representation in the theatre with *Shradda* showing at the Soho Theatre and an accompanying online game called *Drom* to raise awareness. The Daily Mail: '*Are you sitting comfortably? Let's go tarmacking with Teabag, Tess and Toby*' (Richard Littlejohn) Combat 18's message to the Roma in Belfast – reflects the immediacy of on-line messaging and social networking.	The Conservatives threaten to abolish regional spatial strategies if they get into government, but the official line is that Gypsy and Traveller sites will still be provided on a local level. Continued work by local councillors on the national stage supports the need for new sites, but other councillors actively voice their dissent. Regional political discourse focuses on 'quotas' and 'sharing the burden' of Gypsy site pitch requirements. Leicestershire county councillor said 'Romanians would stick a knife in you as soon as look at you... making the Irish look like complete amateurs' (This is Leicestershire, 2009)

Recent Developments in the U.K since the 'Stamp on the Camps' campaign

 Across Europe there is growing racism towards Roma, Gypsies and Travellers evidenced from the growth of political attacks on this group by the right and new neo-Nazi groupings that are securing representation at a national and European level, as well as physical attacks and murders most recently demonstrated in the killings of six Rom in Hungary and the attacks on Roma in Belfast.

The 'Stamp on the camps' episode in UK race relations history demonstrates that even major political parties and not just those of the fringes are prepared to resort to 'anti Gypsyism' as a serious policy, this should be a cause of grave concern given the ability of such parties to form

governments and enact policies. Since 2005, Europe though has already witnessed in Italy, attempts to introduce overt anti-Roma legislation to enforce the compulsory finger printing of Roma, including children. Berlusconi announced the new approach in a response to riots and fires being started on Gypsy camps by Italians (allegedly because a Gypsy girl had attempted to steal a baby); as with the 2005 campaign in Britain this political initiative was seen to be a populist move to bring voters on board (Guardian 30th March, 2009).

A failure to secure more responsible reporting on Roma, Gypsies and Travellers has meant that negative and inflammatory reported continues unchecked. A recent example of the impunity of reporting and overt racism is evidenced by an article by Richard Littlejohn of the Daily Mail. The piece that was being commented on was 'Are you sitting comfortably? Let's go tarmacking with Teabag, Tess and Toby' which was a vitriolic attack on the publication of a book about Travellers' culture and values. Littlejohn claims he knows what the story should really say:

> 'Here in the real world, Tess would be claiming welfare benefits while pocketing the cash without declaring it to the taxman. She would be driving a £50,000 Toyota Landcruiser (running on red agricultural diesel) with a stolen lawn-mower in the boot; living on either an illegal camp site or in a subsidised council house; and running a Tarmacking gang. Toby wouldn't look like one of the gang from Scooby Doo. He'd be a snot-nosed scruff begging outside the local pound shop, accompanied by Teabag, a snarling, mangy mutt on a piece of string, rather than a playful contender for Crufts'.

> (Littlejohn, 2009)

Such reporting which is a frequent feature in the tabloid press creates the foundation for intolerance to take the form of furores and 'moral panics' like the Stamp on the Camps episode. Elsewhere in the UK anti Gypsyism has flared into open intimidation. Events in June 2009 in Belfast made their way quickly to national and international headlines and they underlined a latent racism against Roma, Gypsies and Travellers amongst a wider issue of racism more generally. McDonald reported the events in The Observer:

Combat 18's message, broadcast by text and email all over Northern Ireland last week was hate-filled and menacing:

'Romanian gypsies beware beware

'Loyalist C18 are coming to beat you like a baiting bear

'Stay out of South Belfast and stay out of sight

'And then youse will be alright

'Get the boat and don't come back

'There is no black in the Union Jack

'Loyalist C18 'whatever it takes''

…110 Romanians, including many small children, some as young as six weeks, are under armed police guard at a secret location in Belfast…' (Observer, 21st June, 2009)

In June 2009, Loyalist Combat18 in Belfast sent the above text message, openly, to Romanian Gypsies who had recently settled in the city. They fled and took refuge in a church and then were placed under armed guard. Eventually, many of the Romanians heeded the C18 warning and returned to Romania. This story shocked and shamed residents in Belfast and was met by shock

and condemnation in the U.K and Europe. The anti-immigration and anti-Gypsy discourse in the text message from Loyalist Combat18 had many similarities with the sentiments of many newspaper articles (e.g. 'Stamp on the Camps' and Littlejohn's articles in the Daily Mail) but there was a very clear and sinister threat of violence in this particular text. Whilst many Belfast residents interviewed for the news showed their shock at events, there were many who agreed that there were 'too many' immigrants. The shock then was at the open threat of violence rather than the underlying racist sentiment. Many of the Romanian Gypsies did indeed 'get the boat back' after being intimidated and threatened – discourse as control (Richardson, 2006). This example in Belfast is indeed shocking for its level of violence threatened and the unapologetic nature of the text threat.

However, there continue to be many examples of newspaper articles and speeches in Parliament which are also racist and inflammatory, but are met with very little outrage, apart from in the Gypsy and Traveller communities. Whilst the threat of violence is clearly abhorrent in the Belfast example, and this very quickly led to discourse controlling the actions of the Gypsies (they went back to Romania), other articles can also be controlling, but the resulting actions may not be so visible – instead more benign racism may result in change of leadership in local elections, high turnout to objectors meetings in planning cases and so on. There is no less a link between the news/ political discourse, it just takes place on a longer basis with a more drip-drip approach so it barely causes a stir.

Impact of Discourse on a local level – planning cases

Within a pattern of broadly negative discourse in the national and local media, there is more of a dissonance in the political discourse on Roma, Gypsies and Travellers. Official lines from the Conservative party maintain (even in the long run-up to a national election in 2010) that sites will be provided. The Labour government (see further Richardson and Ryder 2010), in spite of slow progress on delivery, still shows commitment to the provision of more accommodation for Gypsies and Travellers. Local councillors from districts in Somerset and Surrey have made a positive impact through work with the government's Improvement and Development Agency to make the case to councillors to provide sites for Gypsies and Travellers (Richardson, 2007); and in Norfolk a well-respected Irish Traveller, Candy Sheridan, holds a district council seat and has had a positive impact on the provision of a transit site in the area. Other council leaders and portfolio holders (e.g. in Milton Keynes and Fenland) have equally made positive steps locally and have got on with the delivery of sites. These pockets of good practice should not be neglected in an overall assessment of progress in both discourse and action on sites delivery; but it should be noted that these are pockets and that there are still very many areas where a negative line is taken locally on applications or plans for Gypsy and Traveller sites. There are also issues of dissonance within county areas, for example one county where a district councillor leads the debate on a positive note, but where the chair of the county has less than positive things to say about Gypsies and Travellers on an unofficial basis.

To understand a little more about the discourse in planning decisions, and the rationale behind their outcome, 231 planning appeal cases in England were input onto a spreadsheet and analysis is ongoing. The cases represent 100% of planning appeals heard from 1st February 2007 to 20th

January 2009 (a full two-year period). The outcome of these 231 cases is shown in Fig. 4 below and at first glance, the positive picture is of appeals allowed (143) far outweighing appeals dismissed. This is compared to a previous study of a six month period spanning three months prior and three months post the implementation of Circular 1/2006[146] where out of a total of 129 cases 75 were prior to the Circular, and of those 75 a total of 31 were either allowed or part allowed (41%). Of the 54 decisions made after Circular 1/2006, 33 cases were given permission, with a similar trend of temporary permissions to the period before the circular (a small rise from 55% of permissions being temporary to 57% after February 2006 perhaps gave a hint of the growing trajectory in this area).

However, returning to the current analysis of 231 planning appeal cases, an initial analysis of those 143 applications allowed, shows that 108 were given temporary permission ranging from two to five years – often with the conclusion from the Inspector that this will provide accommodation in the interim whilst councils identify and provide sites through the Regional Spatial Strategy. This represents a 21% increase (from 55% prior to Circular 1/2006) to 76% of permissions being given on a temporary basis in the two year period 2007-2009. This figure, of itself, shows dissonance in discourse as practice with headline figures showing sites being allowed, but a little below the surface the answer is a lot more temporary in solution.

Fig 4: Outcome of Planning Applications
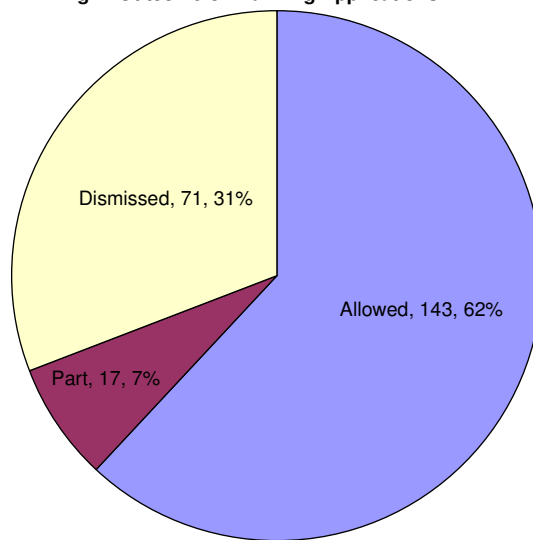
A range of themes come out of the Inspectors' discussion in each of the cases, these sometimes demonstrate a lack of understanding of Gypsy and Traveller identity and culture; and in others

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[146] A planning circular for use by councils and inspectors to assess the merit of planning applications for Gypsy and Traveller sites

there is a reflection of the tabloid newspapers anti-Gypsy discourse. An example of the former scenario is in case 46[147] where the Inspector dismissed the appeal for a small family site in Kent. The Inspector acknowledged that the family travelled widely for work but that through disability they now only travelled occasionally.

However, there were contradictory points made in the decision report. Firstly the Inspector said: '*They are said to have an aversion to living in a house although Mrs T says that she did live for a time in permanent warden's accommodation at a caravan site at...*' (para. 25). Followed by: '*That building [current day-room on site] is larger than either existing caravan and it provides most of the functions of a permanent dwelling with the caravan only used as sleeping accommodation. That undermines the Appellants' claimed aversion to living in a permanent dwelling.*' (para. 27) But then: '*I acknowledge that without planning permission the Appellants would be left without a lawful home. Notwithstanding some reportedly strained personal relationships within Mrs T's large family, I consider it likely that they would help with her accommodation needs on at least a temporary basis if she had no alternative accommodation. Otherwise, it appears that Mr & Mrs T are accustomed to spending lengthy periods travelling. The limited medical evidence does not demonstrate that they could not continue to travel.*' (para. 28).

Within the space of four paragraphs of his decision, the Inspector has demonstrated a lack of understanding about the cultural use of a day room on site. He has stated that the aversion to bricks and mortar is undermined by the fact that the family is now settled on one site with a day room because of their stated disabilities, but then directly contradicted this by stating the appellants are accustomed to travelling and there is nothing to stop them resuming travelling if they were to lose their current accommodation in the planning appeal.

In a different appeal case (38) a larger site in Epping Forest was proposed, this was dismissed by the Inspector, and subsequently in an appeal to the Secretary of State. This case is interesting because of the contentious ongoing debate in Epping Forest and the refusal to outline sites in development plan documents which led to an official direction from central government. The wider debate in the district is on 'fairness' of the numbers outlined in the Single Issue Review of the Regional Spatial Strategy (this is not a unique debate to Epping Forest, but it is a particularly intense debate in that area). The case for the objectors in the Inspector's report included: '*The need for gypsy sites should be spread more evenly, as this area has taken a disproportionate amount of such sites in the past*' (Mr Rammell, MP, para. 104); and: '*The council considers it is being asked to provide a disproportionate element of the regional and county need, and is trying to achieve a reduction in numbers.*' (Councillor Collins, Leader of Epping Forest District Council, para. 107). It is difficult to imagine similar discourse being used in a planning debate on provision of accommodation for any other ethnic group, as recognised under the Race Relations Act.

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[147] Each of the cases has been given a unique identifying number by the author for easy location, but which allows for anonymisation of details where necessary.

In addition to the debate on 'fairness' and 'numbers', the Inspector made an interesting interpretation of Article 8 of the Convention on Human Rights. He said: '*In my view Article 8 rights are not engaged as the Article only applies to an existing home, not an intended one.*' (para. 226). This interpretation makes the assumption that a 'home' is only such if recognised under planning law and would have considerable ramifications for Gypsies and Travellers whose 'home' may not be given recognition by planning authorities, and which may be moved on several times a day by police authorities. In her examination of the further appeal, the Secretary of State, whilst agreeing with the overall decision, disagreed with the human rights interpretation, stating that: '*The Secretary of State disagrees with the Inspector's assessment and considers that a decision to dismiss this appeal may result in an interference with the appellants' rights under Article 8 of the European Convention on Human Rights. However, she considers that any interference to these rights would be necessary and proportionate...*' (para. 30). Across the sample of 231 cases there were varying interpretations of the relevance of Article 8, with some Inspectors applying it to the neighbouring 'settled population' to see if the granting of a site would interfere with neighbours' rights, and others applying it to the appellant to see if the refusal of permission would interfere with the individual's human rights.

In case 38, which was heard in August 2008, there was reference made to a previous case (June 2008) also in Epping Forest. In this earlier case (62) temporary 5 year permission was granted for a site, but with strict conditions included personal named permission of those who could occupy, along with a requirement to return the site to its previous condition at the end of the period. In this case a different Inspector found that 'other material considerations' (general need for Gypsy sites, accommodation needs of occupants and alternative sites, and personal circumstances) did not outweigh the 'substantial' harm to the Green Belt sufficiently to justify permanent permission (para. 78) but in considering temporary permission said that: '*On the evidence available to me, there appears to be an immediate general need for additional gypsy caravan sites within the District. However, new sites are not likely to come forward until 2011 as part of the DPD process and the present shortage of sites to meet this unmet need should be give considerable weight in this appeal*' (para 71).

The shortage of current sites was not given the same weight in case 38, but it is possible that the outcome of case 62 had an impact on the decision in case 38 as it could be argued that more pitches had been provided in the district, albeit on a temporary basis and not directly benefitting the appellants in case 38. Different Inspectors will undoubtedly bring differing levels of experience and interpretations to each individual case and treat each application on its own merit. However, in examining the ramification for Gypsies and Travellers of discourse as practice in assessing planning appeals for sites, a number of thematic differences occurred across the 231 cases, where from the researcher's judgement the facts of some personal circumstances seemed broadly similar. For example, different opinions from Inspectors were voiced on the duty of Gypsies and Travellers to prove that they had searched for alternative appropriate sites (e.g. outside the Green Belt) – some suggested the onus was on Gypsies and Travellers to have completed a comprehensive search of the area, and others intimated that the local authority had some level of duty here. Where education of children was discussed – some Inspectors gave more weight to the need for a stable home life in order to access education, and others did not find this a significant factor to consider.

In addition to the dissonance in underlining rationale for decisions amongst the different Inspectors, there also seems to be a variance in the reasons for the Secretary of State's support for Inspectors decisions in cases. For example, in the aforementioned case 62, the Secretary of State's decision letter says: '[The Secretary of State] *agrees that the harm to the Green Belt and the countryside should be weighed against the evidence of needs and personal circumstances of the occupants of the site..., the absence of alternative gypsy caravan sites within the District and a general need for more sites within the District, County and Region to provide accommodation*' (para. 11). The Secretary of State seems to agree that the absence of sites and a general need for more sites is a mitigating factor. In Epping Forest where this particular case was heard, the Secretary of State had directed the authority to submit a Development Plan Document (DPD) to follow strategic planning procedures and yet in her agreement with the decision to case 62 did not raise ad-hoc planning permissions on individual sites as necessarily running counter to that strategic process. However in case 63, in Barnsley, she agreed with the Inspector on the principle of ad-hoc permissions outside of the DPD process, but stopped short of agreeing with him that 'prematurity' should weigh against the proposed development.   '*For the reasons given in IR47-48[148], the Secretary of State agrees with the Inspector that the ad hoc release of individual sites would run counter to the proper planning process and that the proposed development would be substantial... However, having had regard to the current need for gypsy sites.. and the failure of existing local planning policies to provide sufficient numbers of sites, the Secretary of State does not agree with the Inspector that prematurity is an issue which should weigh in balance against the proposed development in this case*' (paras 14-15).

Whilst the Secretary of State said the principle of 'prematurity' should not to be held against the planning case in this instance, there is some degree of variability in the use of ad hoc planning permissions outside of the DPD process, to meet existing accommodation need for Gypsy and Traveller sites.

The Green Belt/countryside is present as a consideration in almost all of the 231 cases and there are various interpretations on whether sites should be built in the Green Belt at all. For example in case 78 (para. 23) the Inspector says: '*Circular 01/2006 says that new gypsy and traveller sites in the Green Belt are normally inappropriate development. Whilst the word 'normally' would indicate that there may be exceptions, I can see no reason why this should be the case*'. This statement is concerning, because the Inspector appears to making a blanket judgement on the appropriateness of development in the Green Belt, in spite of the clear wording of the Planning Circular that there may be exceptions. In case 96 (para. 7) the Inspector says '*[PPG2] indicates that the making of any material change in the use of land is inappropriate development unless openness is maintained and there is no conflict with the purposes of including land in the Green Belt. There is no indication in national and local planning policy that a more relaxed or a different approach should be taken to*

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[148] Inspector's Report Paras 47 & 48 examined the fact that the site – 10 pitches – would meet a substantial number of the 48 pitch requirement and that the ad-hoc release of sites would pre-determine decisions about scale and location of sites in the DPD. In case 62, the temporary site was for a substantial number of pitches and would have gone some way to meeting requirements set out in East of England Regional Spatial Strategy for Epping Forest, and similarly was ahead of publication of the DPD.

temporary uses of land in the Green Belt'. In the opinion of the researcher, this is precisely the purpose of Circular 1/2006. Other Inspectors also clearly disagree with the interpretation in cases 78 and 96, as appeals are allowed where the harm to the Green Belt is outweighed by other considerations, such as personal circumstances and lack of alternative sites.

Variability in the discourse of Planning Inspectors also arises in the sympathy afforded to wider family networks and the well being of the community. In very few cases was consideration given to this, but there were examples, such as where one Inspector (case 90) referred to a High Court judgement in 2004 (South Cambridgeshire District Council v FSS, McCarthy and O'Rourke) which examined the need to live with other site occupants who are close family members. The Inspector found in case 90 that the benefit afforded to the family in living together on site, outweighed harm to the countryside. Several other cases referred to the consideration of the benefits of mutual support of an extended family group living together.

Some cases seemed to be just unfair on the appellant and afforded little sympathy to circumstances. One of the more absurd reasons for giving little weight to the consideration of temporary permission due to lack of alternative sites was given in case 80, in East Sussex. The Inspector said:

> 'I have given consideration to the possibility of a temporary permission. The parties thought that a period of three years would be reasonable. The process of identifying and allocating specific plots of land is in its very early stages in East Sussex and appears to have already been delayed. Indeed, for the reasons given in paragraph 17, I am not confident that new sites would become available by 2011. Such a condition would therefore not follow the advice in paragraph 45 of Circular 01/06'.

> (para 35).

In this case (80) the Inspector refers to his own paragraph 17 where he talks about the lack of progress in identifying sites, and the fact that slippage in local authority timescales has already occurred. He then refers to the Circular paragraph 45 which states that temporary permission is justified where there is an expectation that sites will be delivered at the end of the temporary period. However, the Inspector seems to be using the fact that the authorities are delayed in their plans to deliver sites as a reason for not giving temporary permission. The appellants in this case have been penalised by the lack of available accommodation in the area, and then again penalised by the Inspector because of the councils' lack of preparedness in delivering sites. This appears to be an absurd interpretation of the planning Circular, if council plans are delayed then a longer temporary period could be given, say five years, rather than dismissing the appeal altogether.

One of the most confusing areas of decision from the Inspectors is on the definition of Gypsy/Traveller status. The relevant legal reference for planning[149] is in Planning Circular 1/2006 which states clearly that 'gypsies and travellers' means:

> Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such. (Pg 6)

Some Inspector reports do not even mention status but there is an implication that both the Inspector and the local authority accept the status of the appellant. In other cases, the definition is discussed in some depth. For example in case 66, in Basildon, Essex, there was recognition from

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[149] There are different definitions of Gypsy and Traveller for housing purposes and race and equality purposes.

the Inspector that the appellant was 'brought up within a traveller family following an iterant lifestyle. She then travelled with her partner, when her main responsibilities were looking after her family. She had a nomadic habit of life' (para. 32). The appellant stated that she would not resume travelling because of the 'hassle' she had received previously. The Inspector interpreted her stated intention to stay settled on the site, even when the education of her children had finished, as invalidating her status as Traveller under the legal planning definition. This seems to be a very harsh interpretation of the definition – the appellant settled on the site and her children were able to go to the local school which would bring her under the definition as a person of nomadic habit, who on the grounds of her dependants' education ceased to travel permanently. The definition does not require a person of 'gypsy status' to give a commitment to resume travelling when their dependants' education has completed; and it appears that the appellant's frankness in the difficulties she faced on the road allowed the Inspector to take a harsh interpretation of the legal definition and to deny her 'gypsy status'.

In case 76 in West Sussex, the husband of the appellant was a 'settled' man but the wife was recognised as an ethnic Romany Gypsy. However, the Inspector surmised they did not have 'gypsy status', because the appellants had both respectively lived in houses before, there was no aversion to bricks and mortar, despite the wife travelling for fruit picking work, none of the family had travelled since settling on the site in 2006. The Inspector also referred to the lack of ownership of a towable caravan in assessing status. In case 90 (referred to earlier), despite the success of appeal and the broader consideration of family wellbeing, there was questionable discussion of 'gypsy status' in the Inspector's report. He suggested that some of the older children travelled to fairs occasionally but said that this was 'social rather than economic activity'. This assessment is erroneous as the Circular 1/06 does not state that travelling has to be for economic purposes. A small number of cases also referred to travelling for economic purposes, this was not an isolated case, albeit it not in accordance with the Circular.

One such case (93) was for 7 pitches on the Cray's Hill site in Basildon District. This case was remarkable for the 'gypsy status' discussion, which is considered in a moment, but also for the extreme lack of sympathy and understanding in consideration of the personal circumstances of some of the appellants. The personal circumstances of the appellants was detailed in paragraphs 46 to 60 of the Inspector's report; it was stated that the parents of one of the appellants were tragically killed in a caravan fire, and that she and her sister had been in the neighbouring caravan and witnessed the event. It was claimed that the appellant was very depressed and possibly suffering from post traumatic stress. In summing up the health considerations of the appellants (para. 145) the Inspector suggested that '*The cited illnesses are all things common to the general population and I give them little weight*'. The Secretary of State in her subsequent decision making, albeit in agreement with the overall decision, said: '*The Inspector considers at IR145 that the illnesses from which some of the appellants suffer are all things common to the general population. The Secretary of State considers that it is the severity of illnesses and the particular associated medical needs that are relevant, rather than their commonness...*' (para. 17)

In discussing 'gypsy status' in paragraph 124 of the decision in case 93, the Inspector referred to a small number of the appellants and said: '*There is no evidence before me to show that any of these appellants have ever travelled for an economic purpose or that they have any intention of resuming travelling.*' The case subsequently went to the Secretary of State, who, despite agreeing with the dismissal of the appeal, was unequivocal on this point:

'However, the definition in paragraph 15 of Circular 01/2006 does not include any requirement to have travelled for economic purposes, and does not require those who have ceased to travel on grounds of educational needs, health needs or old age to demonstrate an intention to resume travelling'. (Para. 9)

This is a very important clarification of the intention of Circular 1/2006 and one to which Inspectors should take heed. However, there does still seem to be variance in the interpretation of circumstances of the appellants, impact of the progress of the local authorities in providing sites, understanding of the definition in the Planning Circular, such that there continues to be lack of consistency in decisions between similar cases, and there continues to be dissonance between the stated intentions of central government, and the implementation of these intentions locally and regionally.

Conclusion

This paper has used a theoretical framework of control through discourse, particularly based on a Foucaultian notion of power, to examine a range of examples impacting on Gypsies and Travellers. An explanation of how discourse is used to 'other' travelling communities, along with an attempt to understand the motive for doing this, was offered. The issue of resources and 'fairness' in the debate on immigrants as well as Gypsies and Travellers was discussed, and it is suggested that the negative discourse on the 'unfairness' of 'newcomers' accessing resources to the detriment of the 'settled' (some refer to the 'indigenous' population) becomes even more stark in times of scarcity, such as the ongoing financial crisis. It is therefore even more important currently that academics and professionals draw attention to both the language and practice of anti-Gypsy discourse, and the ramifications not just for travelling communities but also community cohesion for the whole of society. It is necessary to recognise anti-Gypsy language for what it is – racism.

The paper examined the language used by national and local politicians and the national and local press, as well as extreme groups, such as Combat 18, and attempted to show that in some cases the impact may be longer term, but nonetheless controlling; but in other extreme cases (Combat 18) the control was violent and immediate.

To understand the impact of discourse on a local level, the paper examined discourse as language and practice through the analysis of planning appeal decision reports. The rationale behind some of the Inspectors' decisions seemed to be questionable in some cases. The outcomes represented variability in consistency of interpretation and application of Circular 1/06 – in particular the definition of 'gypsy status'. They were also a part of the 'discourse dissonance' in that the local application of planning guidance and the outcomes for Gypsies and Travellers was different to the stated intention of the centre – which is that Gypsy and Traveller sites will be provided to meet unmet accommodation need.

Discourse affects outcomes for Gypsies and Travellers on a number of practical levels: access to accommodation, education and health services. Negative discourse and continued lack of site provision in many areas also affect the cohesion and wellbeing for the whole of society resulting in stark inequalities and life-chances in different sections of the population. Research into the impact of discourse and into the policy-implementation gap coming out of the discourse dissonance outlined in this paper, will help academics and practitioners highlight the tensions and perhaps offer steps to a more positive cycle of discourse and eventually better Gypsy and Traveller

site   provision.

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I. Rostas

The responses of Romanian authorities to Roma migration

The paper analyses the fundamental rights and policy issues deriving from the current wave of migration of Romanian Roma to Western European Union (Western EU) member states. It plans to interconnect the concepts of migration, ethnicity, and human rights when analysing the policy. In doing so the paper will study the response of the Romanian authorities to the migration of Roma and its impact on policies towards Roma, the role of ethnicity in Government's reactions, and the issues related to freedom of movement within the European Union.

On August 4, 2009 the Romanian Ministry of Foreign Affairs issued the Memorandum No. 5/6380/04.09.2009[150](hereinafter 'the Memorandum') - assumed by the Government as an official position through its approval by the Prime Minister - that referred to the influence of Roma migration on the country's image in the Western EU and on Romania's relations with the countries of destination for migrants. The Memorandum No.5/6380 summarises the responses of the authorities to the migration of Roma to Western EU. This paper investigates the reasons behind this official document, the way Romanian Government constructs the issue, evaluates the Government activities regarding migration and analyses its proposals for addressing Roma migration.

The Memorandum, a little more than seven pages in length, has five parts. The first part presents the increasing role of migration of Romanian citizens on the agenda of bilateral meetings, specifying that very often these citizens are identified as belonging to Roma minority. The second part presents situations with negative potential on the Romania's image. All the cases presented (United Kingdom, Poland, Switzerland, Norway, Germany, Italy, and France) mention Roma in relation to criminality instances in these countries. The third part analyses the legal aspects of the freedom of movement in the European Union. The fourth part of the document focuses on the efforts taken by the Ministry of Foreign Affaires to clarify the migration of Roma to their EU counterparts. The last part of the Memorandum is dedicated to the proposals of the Ministry to prevent the escalation of the situation.

The document leaves no doubts that it refers to Romani migration in spite of the Ministry of Foreign Affairs formal intention to place the problem in a larger context of migration. The concern with the Roma migration is not a new issue. Dan Oprescu, a former Head of the National Office for Roma (NOR) of the Romanian Government mentions the regularity of these concerns: since its establishment in 1997 the NOR has been approached yearly by many Romanian embassies on the issue of Roma migration and policies towards Roma.[151] In 1992 Romania signed a readmission agreement with Germany that served as the legal basis for returning a significant number of Romanian Roma migrants from Germany to Romania. Such readmission agreements

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[150] The document title is 'NOTA privind implicatiile prezentei cetatenilor romani stabiliti ilegal pe teritoriul altor state europene asupra imaginii externe a Romaniei si asupra relatiilor bilaterale cu statele respective' (Note regarding the implications of the presence of Romanian citizens settled illegally on the territory of other European States on the external image of Romania and on the bilateral relations with those states). The document was issued by the Ministry of Foreign Affairs no C2-1/3316 and registered at the Prime Minister Office with no 5/6380/04.09.2009.

[151] Dan Oprescu, Un pas gresit in directia cea buna: minoritatile nationale din Romania 1990-2005, Bucuresti: Editura Universitatii Bucuresti, 2005, p. 267.

were signed and renewed with other Western EU countries. One might say that migration of Roma was a constant concern of the Romanian Government after 1990.

One important point to be made in this respect was the fear of the Romanian Government of the possible association and confusion between Romania and the Roma in the minds of Western Europeans. In an effort to establish a nation-state, Romanian intellectuals of the 18th and 19th centuries justifying their uninterrupted presence on the land, chose to present 'Rumanians' as the followers of the Romans and emphasized their link with the Roman Empire by adopting many Latin words in their language.[152] In an effort to avoid the possible confusion between Romania and Roma, the Romanian Ministry of Foreign Affairs issued a Memorandum[153] approved by the Prime Minister proposing the use of the term *tigani* (Gypsies) and avoiding the use of term *romi* by the Romanian state institutions. In November 2007 the Minister of Foreign Affairs Adrian Cioroianu made a racist statement, saying that Roma who committed crimes in EU countries should be sent to labor camp in the Egyptian desert.[154]

In this context one should not be surprised by the important role ethnicity plays in the reactions of the Romanian Government to migration. The migration of Roma is perceived by the Romanian authorities as having a negative influence on the 'external' (*sic!*) image of the country and linking Roma migration with criminality. The main concern of the Romanian Government is the image of the country. Throughout the Memorandum no 5/6380/04.09.2009 this issue is referred to for seven times!

The philosophical foundation of a government in a liberal democracy is based on the premises that the main duty of the government is to protect the rights and liberties of its citizens. The state should protect the rights of its citizens especially of those excluded as it is the case of disadvantaged individuals and groups that are in a weaker social position and lack means to access legal procedures to defend their rights.[155] Roma represent a disadvantaged minority - as defined in the Joint Inclusion Memorandum between the Romanian Government and the European Commission - and the fact that they are on the territory of another country makes them even more vulnerable to abuse. In addition to social exclusion and lack of adequate legal protection, Roma do not have political representation either.

Members of disadvantaged groups are usually in a high-risk group for becoming victims of human trafficking and of other transnational organized criminal networks. Once members of such a group migrate they become even more vulnerable to fall victims of such networks. They are also easy targets for extremist groups in countries of destination, as well as for politicians that adopt a xenophobic agenda to increase their chances to be elected in the host countries. One example is the case of the mayor of Rome, Walter Veltroni, who significantly used an anti-Roma

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[152] Sorin Mitu, *Geneza identitatii nationale la romanii ardeleni*, Bucurest: Editura Humanitas, 1997, especially p. 273-282. For a short and interesting analysis of this issue see Dan Oprescu, Un pas gresit… cited above p. 225-229.

[153] Memorandum H (03)/169 of the Ministry of Foreign Affaires and registered at the Prime Minister Office with no 5/390/NV from January 31, 1995.

[154] On November 2, 2007, the Minister of Foreign Affaires made a statement on a private TV channel Antena 3, speaking on the recent wave of anti-Romanians and anti-Roma attitudes in Italy, that Romanian state should buy land in the Egyptian desert and place there all those that commit crimes similar to the one committed by Romolus Mailat. Roma leaders have condemned his statement. Info on the statement and its condemnation by Roma leaders see http://stiri.rol.ro/content/view/90491/2/ (visited on January 3, 2010)

[155] On the role of the state in the protection of citizens rights see Wiktor Osiatynski, *Human Rights and Their Limits*, New York: Cambridge University Press, 2009, especially chapter 2 p. 70-104

agenda during the April 2008 electoral campaign when he ran for a parliament seat with the hope to become Italy's prime minister in case his party would have won the election. His strong anti-Roma campaign was built following a rape and murder committed allegedly by a Romanian citizen of Roma origin. This is the only case when the Roma immigration became a national issue. While this happened in Italy, the Romanian Government did not seem interested in documenting the situation and reacting to the allegations against its citizens abroad through diplomatic and legal channels. It chose to and it seems to continue to place the protection of the rights of its citizens abroad on a lower scale of importance compared to its image building within EU.

By singling out the Roma in relation to criminal acts committed allegedly by Romanian migrants in Western EU, the Memorandum discriminates the Roma as a group and not only condones but effectively promotes racial profiling practices[156] - the use of ethnicity and physical appearance in the decision of law enforcement and government agencies as regards potential involvement in criminal activities. The Memorandum itself thus constitutes an act of racial profiling by connecting ethnicity and criminal activities of Romanian citizens. In addition to the discriminatory character of the document, the Government commits what is called 'discriminatory omission'[157], failing to mention that crimes are also committed by other Romanian citizens.

The legality of such practice falls short of the European standards, specifically the European Convention on Human Rights and Fundamental Freedoms (article 14 and Protocol No. 12 both banning discrimination) and the European Commission Race Equality Directive (Council Directive 2000/43/EC of 29 June 2000 on implementing the principle of equal treatment between persons irrespective of racial or ethnic origin). The European Court of Human Rights addressed the issue of racial profiling in the case of *Timishev v Russia[158]*. The Court found a violation of Article 14 (nondiscrimination) of the European Convention in conjunction with a violation of Article 2 of Protocol No. 4 (liberty of movement) since the applicant was not allowed to cross an internal administrative boundary by the police officers due to his ethnicity. The court found that

> … no difference in treatment which is based exclusively or to a decisive extent on a person's ethnic origin is capable of being objectively justified in a contemporary democratic society.

> ...[S]ince the applicant's right to liberty of movement was restricted solely on the ground of his ethnic origin, that difference in treatment constituted racial discrimination within the meaning of Article 14 of the Convention.[159]

Consequently, racial profiling could be considered discrimination under the Race Equality Directive which stipulates

> Direct discrimination shall be taken to occur where one person is treated less favourably than another is, has been or would be treated in a comparable situation on grounds of racial or ethnic origin.[160]

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[156] American Civil Liberties Union (ACLU) defines Racial Profiling as 'the discriminatory practice by law enforcement officials of targeting individuals for suspicion of crime based on the individual's race, ethnicity, religion or national origin. Criminal profiling, generally, as practiced by police, is the reliance on a group of characteristics they believe to be associated with crime.' http://www.aclu.org/racial-justice/racial-profiling-definition

[157] ACLU referring to the importance of the discriminatory omissions says that 'Any definition of racial profiling must include, in addition to racially or ethnically discriminatory acts, **discriminatory omissions** on the part of law enforcement as well.' http://www.aclu.org/racial-justice/racial-profiling-definition

[158] *Timishev v. Russia*, App. Nos. 55762/00, 55974/00, Eur. Ct. Hum. Rts., Judgment of December 13, 2005.

[159] Ibidem, p.58-59.

As an Open Society Justice Initiative report puts it, 'by its nature, ethnic profiling departs from a basic principle of the rule of law: that law enforcement determinations should be based on individual conduct, not on membership in an ethnic, racial, national, or religious group.'[161] The Romanian Government failed to provide the aim of its connection of Roma with criminality. In addition, it fails to provide the sources for these categorizations as well as the procedures establishing the Roma ethnicity of those individuals that allegedly committed criminal acts. The only aim that stands out seems to be Romania's image within Western EU.

This is shown in findings from field research missions undertaken by Roma and other civil society groups. The findings consistently show that Romanian Government had regularly failed to document and provide reliable data regarding the situation of its citizens residing in other European countries.[162] In 2003, Costel Bercus, a Romanian Roma activist and then Executive Director of the human rights group 'Romani Criss', lead a team of human rights activists an investigative field mission to France aiming at documenting the situation of Romanian Roma residing there. The team found that a significant number of those that were portrayed by French media as Romanian Roma were in fact citizens of other countries. He expressed dissatisfaction[163] with the activity of the Ministry of Foreign Affairs and the Romanian Embassy in Paris for failing to document the situation and for preferring to take over media reports without checking the objectivity and reliability of the data provided to them.

The 2009 Memorandum also analyses the limitations of the freedom of movement in the European Union and concludes that there are clear and strict legal standards for limiting freedom of movement of an EU citizen. The European Court of Justice and the EC Directive 2004/38/EC of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States define these standards. In the case *C-33/07 Jipa*, the European Court of Justice established the conditions under which an EU member state can restrict the freedom of movement of its citizens: 'the personal conduct of that national constitutes a genuine, present and sufficiently serious threat to one of the fundamental interests of society and that the restrictive measure envisaged is appropriate to ensure the achievement of the objective it pursues and does not go beyond what is necessary to attain it.'

Directive 2004/38/EC stipulates the cases when an EU citizen could be expelled from other EU member states. These conditions are: residing for more than 60 days on the territory of the state without being employed, self-employed or studying and lacking enough resources to avoid becoming a burden for the social services of the hosting member state. EU member states might impose restrictions on the right of entry and the right of residence of EU citizens on grounds of public policy, public security or public health. However, strict scrutiny applies when such measures are taken. Such decisions should comply with the proportionality principle and be based exclusively on the personal conduct of the individual concerned which must represent a serious and present threat to the fundamental interests of the state. The Directive clarifies also

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[160] EU Race Directive, Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, para. 2(a).

[161] Open Society Justice Initiative, *Ethnic Profiling in the European Union: Pervasive, Ineffective and Discriminatory*, New York, 2009, p. 19. For a consistent legal analysis of the racial profiling see pages 22-29.

[162] Dan Oprescu mentions several such instances, op. Cit. p 273-274.

[163] Personal interview with Costel Bercus, January 4, 2010. The report of the mission was available on the website of the organization www.romanicriss.org. Unfortunately, following several hackers' attacks, the document was not available recently.

what does not constitute ground for expulsion: previous criminal convictions and expiration of the entry documents used by the individual. The Directive offers also procedural guarantees: written notification specifying the reasons of the decision, the possibility to appeal the decision indicating the court and the deadline as well as indicating the need for at least one month notification prior to expulsion.

Hence, the European Court of Justice jurisprudence, especially the Jipa case, and the Directive 2004/38/EC protect the freedom of movement of Roma migrants and question in fact the readmission agreements signed by Romania with different EU member states prior to its accession. It is just a matter of challenging them in a court of law having in mind that their applicability did not cease once Romania entered EU. The 2009 Memorandum mentions the readmission agreement with France based on which 804 citizens were returned by France in 2008. The so-called 'voluntary repatriation' concept should be challenged under these EU strict scrutiny regulations.

The strategy used by the Ministry of Foreign Affairs to respond to the concerns of other EU member states was to underline the necessity to socially integrate Roma and that the Roma issue is not just a national issue for Romania, but an European one. The strategy had its limitations since it was perceived by the EU counterparts as an excuse from Romanian government for its lack of success in the social integration of Roma and a transfer of responsibility for the problem to the EU institutions. The Memorandum thus proposes a change in strategy. According to its initiator, the new approach should point out the availability of Romanian authorities to cooperate on this issue and that addressing a Roma issue needs time. Thus, the proposed change in strategy constitutes rather an acceptance and postponement of the problem than a significant focus on improving the situation of Roma at home.

The Memorandum makes also some proposals to prevent the deterioration of Romania's image abroad: (1) cooperation with other EU member states in combating transnational criminality by signing bilateral agreements on readmission of persons that were convicted of crimes, cooperation at the level of police and judiciary, and establishing joint institutions for social reinsertion of the returned migrant; (2) pushing Roma issues on the European Agenda by 'sensitizing European institutions with regard to vulnerability of Roma minority'; (3) adopting measures with a deterrent effect on those that commit crimes in Romania as well as on those that committed crimes abroad emphasizing the need not to mention the ethnicity of the alleged criminals in order to avoid discrimination (*sic!*); (4) establishing a working group of representatives of ministries and government agencies to elaborate a program for social reinsertion of the returnees; (5) providing training to civil servants from government agencies in absorbing EU funds to improve the situation of Roma communities; and (6) close cooperation with civil society for increasing NGO's access to EU funds and improving the situation of Roma communities as well as 'designing programs to provide social assistance and support to the persons belonging to these communities, especially in their capacity as potential victims of social exclusion (not based on ethnic grounds)'. The most interesting proposal is a note in the document which suggests that in order to increase the credibility of the measures adopted by the Romanian authorities to combat criminality a reform of the criminal and penitentiary systems should be implemented to include alternative sanctions for petty misdeeds.

Overall the Memorandum reveals a serious knowledge gap in understanding the phenomenon of migration, a considerable lack of experience in and lack of will to address issues of migration, and

an institutionalized discriminatory approach of the Romanian authorities towards Roma in general.

The migration of Roma should be placed in a two-fold context: first referring to the general migration of Romanian citizens to Western EU countries, and second looking at the public policies towards Roma in Romania.

Following the January 2002 lift of visa requirements for Romanian citizens traveling to Schengen area, an exodus of Romanian citizens to Western EU, especially to Italy and Spain, resulted in a significant economic growth and visible development of Romania's poorest areas. Romanians used an 'exit' strategy instead of 'voicing' their demands for a better life at home.[164] This wave of migration was specific to other former communist countries, particularly Poland. Naturally, Roma became also a part of this 'search for El Dorado'. For a significant number of Roma, like for all Romanians, migration was a strategy to earn more and to improve their and their families' lives at home. According to Dan Oprescu from the National Agency for Roma, the proportion of Roma migrants does not exceed 5 to 7% of the total migrant population from Romania.[165] The Romanian government itself benefited significantly from the economic growth resulted from migration and the remits of the migrants, as well as from being relieved from paying significant social security benefits to these otherwise vulnerable members of society.

The migration of Roma is a result of many factors, including historic and institutional prejudices and discrimination of Roma, leading to and perpetuating the insignificant opportunities to improve their social status being among the most important. It is also a reflection of the Government failure to commit and implement coherent policies towards Roma. In fact, policies towards Roma have been enacted by the government rather as a result of international pressure - following migration of Roma in early 1990's and EU accession in late 1990' until 2007 - than as a result of the Government commitment to improving the status of this minority. A document of the Parliamentary Assembly of the Council of Europe emphasises this aspect from its very title: improving the situation of Roma as a way to avoid their migration into Western Europe.[166]

There is a need for a change in paradigm on the side of the Romanian Government as regards Roma migration and Roma minority in general. Protecting the human rights of its citizens should be at the bases of the government actions as regards migrants, including Roma. As regards Roma minority, the Romanian Government should rethink its strategies to combat social exclusion and go beyond the framework set by the EU. It should rethink its access to justice of disadvantaged groups, the political inclusion of these groups, including adequate political representation and/or power sharing agreements with minorities, in addition to its strategies to combat poverty and discrimination. The first step might be a withdrawal of the Memorandum no 5/6380/04.09.2009.

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[164] Albert O. Hirschman, *Exit, Voice, and Loyalty: Responses to Decline in Firms, Organizations, and States.* Cambridge, MA: Harvard University Press, 1970.

[165] Dan Oprescu, opus citat p. 269.

[166] Parliamentary Assembly of the Council of Europe, Doc. 8830 of 22 September 2000 Improvement of living and social conditions of the Roma/Gypsy population in order to decrease possible Romani migration from the countries of central and eastern Europe, Motion for a recommendation presented by Mr Tabajdi and others available at http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc00/EDOC8830.htm

C. Saletti Salza

The adoptions of Rom and Sinti minors in Italy

The research project "Rom and *Sinti* minors' adoption" aimed at an exhaustive –for what it was possible- collection and analysis of datas concerning orders of ward (tutelage) and adoption of rom and sinti minors -to be fostered by non-rom families-, emitted by Italian Juvenile Courts in the period 1985-2005. It has been lead within the wider research project "*Adozione di minori rom/sinti e sottrazione di minori gagé*" ("Rom and *Sinti* minors' adoption and *Gagé* minors' removal"). The other, complementarily with a whose other part was concerned on presumed kidnappings of non-Rom children by Rom adults, conducted by Sabrina Tosi Cambini.

The plan was to conduct a research on tutelage and adoption of rom and sinti minors based on the declarations of adoptability registered at Juvenile Courts' offices, as well as on informations about the removal of rom minors from their families collected in hospital, local and municipal social services. Thus, datas concerning declarations of adoptability produced by eight of the 29 Juvenile Courts (Turin, Bologna, Bari, Lecce, Trento, Florence, Venice, Naples) have been collected; open interviews were conducted with the social services. Altogether, the cases of rom and sinti minors declared adoptable are more than two hundred. Datas are under final analysis and the reasearch is in the course of publication.

Datas collected in each one of the fieldwork locations show relevant differences which are related to the social and historical context encountered by different rom and sinti communities. Thus, some contexts traditionally lack social services: in Lecce, for instance, in a dangerous inversion of roles, Juvenile Judiciary tends to replace local services in the exercise of social tutelage; in other contexts (as in Florence, Turin, Venice) social services make claim to a sort of specialization in working with rom communities; such claims are often accompanied by a dangerous stigmatisation of rom culture.

On the whole, the research shows how both social and civil tutelage, respectively appointed to local services and Judiciary, easily slip into undistinguishing the identity of a rom minor from that of a mistreated minor. As if a different culture might harm the child. This is what many of the operators encountered think. In such a perspective, all rom minors would turn into mistreated children. Many operators, among which many magistrates, assert that "all rom minors should be put for adoption" . Such an assertion is especially serious and significant, since it is pronounced by those who, legally, represent the guardianship of the minor's interests (thus, of all rom minors'). Magistrates refer to the rom minor as an undistinguished minor, as if all rom minors were subject to the same "prejudice". Also in this case we encounter the common place of a generic wardless rom culture. According to such interpretation, the rom minor is identified as a victim, not much of their parental education (actually, an educational model is not even acknowledged), but rather of their precarious livelihood.

In many cases the tutelage intervention turns into a removal - i.e. taking the minor from the parental context- in order to educate him. As if rom culture lacked any educational model or, at least, a valid one. A rom child would become a minor (with all the rights granted to minors) only the moment in which it is possible a tutelage intervention, consisting in removing him from his family.

The foregoing implicit concepts of such reflections, shared by many operators as well as magistrates, see the rom child as object of a prejudicial situation *only and right* because he is rom

or because he lives in that piece of land where the "*campo nomadi*" [gypsy settlement, literally camp-site for nomads] is.

Precisely, many operators' implicit presuppositions maintain that

- -rom culture should be considered as "lacking", always and in any case, towards all children

- -parenting capacities are absent in rom culture

- -infancy tutelage is absent in rom parents and/or familiy.

On the ground of such presuppositions, the intervention of social and/or civil tutelage on a rom or "nomad" minor, easily turns into warding her/him from his/her family and culture. What happens then to rom minors? The present research points out that the difficulties shared by many operators' in acknowledging the identity and educational model of a rom child leads to situations in which, *de facto*, a rom child lacks any tutelage. The examination of more than 200 cases of declaration of adoptability points out a serious "prejudice" (as conceived in civil law) pertaining, rather then to the rom minor, to the institutional context appointed to the minor's tutelage - from which, paradoxically, the rom minor is excluded!. We might say, a minor identified as abandoned "by" his culture and "to" his culture.

We should focus, therefore, on the concept of tutelage. Which is our conception of tutelage and which is the rom' conception? What is happening to a rom child, when an operator identifies a situation of mistreatment? Two issues rise from such question:

- -the first one concerns the operator's definition of the threshold, beyond which the rom child would be in a "prejudicial" condition. Such a threshold is connected to a personal standard of tolerance: for somebody it is represented by the child's bare feet, for others by theft, rather than begging or belonging to rom culture. What happens, thus, is that rom minors are reported to Judiciary according to the operator's threshold of tolerance (which, as that of many people, is quite low).

- -the second aspect, an underestimated issue in Italy, concerns an Italian juridical rule's applicability to a different cultural context. Such issue engages with the debated definition of the limits of applicability of juridical rule to a minor, whose familial context might not recognise the rule itself nor its purposes. Which are the criteria to identify the abandonment of a minor who belongs to a cultural context different from that in which a juridical rule was elaborated? Some magistrates produce interesting reflections on regard, asserting that the minor's cultural context should be always considered and decoded; this issue, however, is marginal among juvenile magistracy. The result is that few magistrates acknowledge the importance of considering and decoding the minor's cultural context, while the majority just do not consider specificity resulting from cultural belonging a relevant issue.

This is what emerges from the fieldwork carried out.

It should be underlined that, on the one hand, the legal status of many rom families implies an ulterior vulnerability, result of the the fact that their tutelage rights remain unacknowleged; and that, on the other hand, the different declarations of adoptability should be analyzed within the social and migration context of the different *Rom* and *Sinti* communities involved.

The case of the Romanian rom in Turin is especially significant. Romanian rom, who live at the margins of the city or in abandoned factories, stand in a sort of institutional invisibility: *de facto*, no municipal bureau other than the Municipal Police Bureau is appointed to the management of their presence. This implies that, if a minor were object of a judiciary tutelage procedure, no social operator would be able to inform the judge about the child's social and parental context; that is, to report on the child's relation with his parents. In the court, the minor's file will be filled with police reports on the uncertainties about his family's residence and on its hypothetical precarious conditions. Certainly, the file will be devoid of those social relations which are necessary to undertake the path of a real tutelage of the child's relations with her/his parents, as the first law article on adoption asserts.

Rom families migrated in Italy more than 30-40 years ago are in a completely different situation. Still, significant heterogeneity characterises such reality, to illustrate which I turn, once again, to Turin.

Of the total adoption cases, a half concerns Bosnian minors. Commeting the preponderance of cases involving xoraxané (Bosnian) rather that *kanjaria* (Serbian), some operators remark that social services operators carefully remove some children from the Serbians too. Somehow they imply that operators seldom intervene removing a Serbian rom child from his family since Serbian families would never accept it. In that case, the same operators would be the first to 'pay the bill'. Whether going to the settlement or remaining seated at their desks, the operators who removed a child would be literally beaten black and blue by the child's parents or the whole community.

Then, it is clear that Serbian rom' capacity to affect authorities' decisions over an eventual intervention in the "*campi nomadi*", is effective also in case of the removal of minors. The mentioned disparity in the number of adoption cases, between kanjaria and xoraxané, should not be related to parenting capacities, to a supposed major sensitivity Serbians would detain towards their children –as some operators claim- nor to the minor's suffering; rather, it should be related to the *kanjaria*'s overbearing manners towards institutions and institutional figures of the *gagé* (non-rom). Such a significant index is nevertheless difficult to discern in statistical data.

  The article 1 law n.49 of 2001, partially modifying the law 184 of 1983, entitled "Discipline of adoption and ward of minors" states

1. the title of the law of may 4th 1983, n. 184, later on denominated "law n.184", is replaced by the following: "Minor's right to a family".

2. the chapter heading of the Title I of the law 184 is replaced by the following: "General principles"

3. the article 1 of the law 184 is replaced by the following: Art. 1. – 1. "The minor has the right to grow up and receive upbringing inside his/her family"[167].

The articles 4 and 5 of the law of october 9th 1967, n. 962, for the prevention and repression of the crime of genocide, entitled "Acts directed to commit genocide by the mean of abducting minors" state:

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Art. 4.- "everyone imposing or enacting measures to prevent or limit births inside a national, ethnic, racial or religious group, with the purpose to completely or partially destroy such a group, is punished with imprisonment from 12 to 21 years"

Art. 5. – "anyyone who, for the purpose pointed by the previous article, abducts minors of fourteen years belonging to a national, ethnic, racial, religious group, in order to transfer them to a different group, is punished with imprisonment, from 12 to 21 years"

The declaration of adoptability concerns national regulation directed to juvenile tutelage and might have nothing to do with the article 5. The two regulations have certainly different starting points: on the one hand, we have acts directed to commit genocide; on the other hand, a regulation oriented to the tutelage of the minor's interests, first of all "to receive her/his upbringing insides his/her own family". However, when judges assert that "all rom minors should be put for adoption", differences seem to fade just like the tutelage of the minor. What operators declare in the interviews, or what emerges in social relations, suggests that the removal of rom minors from their families is the objective of social and civil tutelage. Thus, ackwardly, the rom minor becomes a warded (under tutelage) minor when removed from his family.

The research shows the issues's complexity, putting in evidence the several variables to be considered when facing the issue of civil and social tutelage of rom minors. Many questions, however, remain usolved. We should ask ourselves: what direction are we taking regarding tutelage interventions on rom minors? Where is the unconcern manifested by many operators leading? Where is the lack of differentiation, which makes all rom minors undistinguishable and subject to the same prejudice, leading? Which direction is pointed by the "instinctive threshold", on the ground of which operators evaluate a situation of moral and material abandonment? Besides, where is the incapacity to recognise the minor in a rom child leading? What does it mean, for us non-rom, to ward a child if the intent becomes indiscriminate?

What happened in Switzerland between 1926 and 1972, when hundreds of "gypsy"children were removed from their families to be inserted in fostering families or in orphanages, was quite clear. The government's operation "Enfants de la grand-route" was a "tragical example of discrimination and persecution of a minority which does not share the lifestyle with the majority"- Laurence Jourdan writes- In Switzerland, over the span of half a century, more than 600 jenishes children were forcedly taken away from their families by the "Oeuvre des Enfants de la grand-route", an Institution whose only mandate was in fact eradicating nomadism".

The research conducted in Turin shows that the percentages of minors declared adoptable practically is close to the percentages of minors removed in Switzerland with the operation "Enfants de la grand-route". Which is the objective of the removals in Italy? Not the sedentarisation of the rom: despite common places, most of the rom residing in Italy have been sedentary since years, in the "*campi nomadi*" or in flats. Perhaps, it is the annihilation of a culture: to remove children means to remove the possibility to reproduce culture. What is the difference between what occurred in Switzerland and what occurs in Italy? The example of the jenischen helps us to keep in mind what happened; what is happening in Italy is different but perhaps not too distant, considering the implicit presuppositions among many of the operators encountered, who identify the rom minor as abandoned by and to his culture.

To quote the article 5 of the law number 962 and comment what happens in the case of rom and juvenile tutelage, can be a bare provocation; but it might be the opportunity to watch and warn

ourselves about the undertaken path. Those judges asserting that rom minors in Italian territory must undergo Italian law have little to say when, examining cases in detail, we discover that right social and civil ward (tutelage) exclude the minor from tutelage. Facing rom children, legislation seems to blow and the margins defining the conditions of abandonement seem to assume fuzzy and subjective borders.

What about rom? How could we interpret children adoption for their families? Why do some families seem to continue making children for the *gagé*?

Why do rom continue to trust authorities, even when they well know that the authority of the *gagé* has the power even to remove children from their families?

The sum of the cases of declarations of adoptability reported in eight Juvenile Courts passes the two hundreds; but for the rom, at least for some, to count the children is not a good thing, due to a sort of apotropaic idea according to which naming their abundance might provoke their vanishing. Or, this time, by naming their amount, they might even increase. Here we find one more chance to ward them. This time, will it be fruitful?

T. Skotvedt
Romanian Roma migrations to Norway – push and pull factors[168]

Introduction

Roma migrating from Romania has been going on at a large scale since the 1990's. Romanian Roma migrants in Norway is however a recent phenomena. This paper points at the push factors for Roma migration from Romania being more or less the same for Norway as for other countries, and thus generally well known. The paper also deals with the less known pull factors for Romanian Roma going to the Norwegian capital Oslo. Reactions by the civil society and by authorities to the new presence of Romanian Roma seen in the light of Norway' treatment of its national minorities is part of the picture presented.

The paper presented is based on information from reports, conferences and seminars as well as information from key persons.

The author of the paper is an appointed expert in the Expert Committee on Roma and Travelers, Council of Europe and senior advisor in the Department of Sámi and Minority Affairs, Norwegian Ministry of Government Reform, Administration and Church Affairs. The opinions reflected in the paper are the responsibility of the author alone.

Romanian Roma [169] arriving – reactions and initiatives

Romanian Roma started to appear visibly in the streets of Oslo round 2006. They were visible partly due to their main occupations, begging and street prostitution, and partly due to their traditional way of dressing. The immigration legal framework for the temporarily visiting Romanian Roma is the Shengen Agreement to which both Norway and Romania is a part, allowing a stay of 3 months from the date of entry shown in the passport. Co-incidentally, begging was decriminalized in Norway in 2006 and selling sexual services is legal. (Buying sexual services, however, is illegal since January 2009, typically being punished by fines of almost € 3000.)

Attention by the public and the media was given primarily to the street prostitution due to the new nationality and the new ethnicity. Though legal, attention was drawn to the suspicion of the women being victims of trafficking. NGOs and shelters for street prostitutes were also worried about discrimination from the police, social workers and other professionals in contact with the Roma women.

Light was shed on the situation by a conference in Oslo in April 2008 focusing on Roma women and how apply an human rights' perspective in situations with prostitution, begging and possible trafficking. The broad interest in this subject was illustrated by the institutions organizing the conference: the Norwegian Helsinki Committee, The Norwegian Center for Studies of Holocaust

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[168] Tove Skotvedt , Senior Advisor, Department of Sami and Minority Affairs, Norwegian Ministry of Government Reform, Administration and Church Affairs. Norwegian representative in the Expert Committee on Roma and Travelers, Council of Europe.

[169] Romanian Roma referred to in this paper are those arriving during the recent years and with the occupation of begging or street prostitution.

and Religious Minorities, the Pro Center - Municipality of Oslo[170] and the Church Town Mission in Oslo. The OSCE High Commissionaire on national minorities, as well as representatives from international Roma women's' organizations participated together with civil servants at local level.

The conference has been followed up by the civil society for humanitarian reasons.

The Church City Mission in Oslo started already in 2006 to collect background information regarding the reasons for the Roma leaving Romania.

A fact finding trip to Romania resulted in a study[171] describing both the situation in Romania and reactions to the Romanian Roma in Oslo. The report states that Romanian Roma left Romania for reasons of poverty and lack of opportunities and thus as an alternative to ordinary work. Several Roma made repeated visits to Norway to beg.

Living conditions are tough; begging does generally not pay off. If renting a bed or a mattress in flat is too expensive, a bench in the park is a solution. Different NGOs and humanitarian organizations like the Salvation Army distributing free food for the needy are also visited by the Romanian Roma. Distribution of food to the Romanian Roma was questioned both by the media and by the needy ethnic Norwegian. The Norwegian Ombudsman against discrimination stated however that the Romanian Roma have the same right to these services and a refusal would be discriminatory. Ethnic Norwegian beggars as well started to be hostile to what they considered 'competitors at the same market'. Media focused on the negative effect of the presence of the Romanian Roma, accelerating the negative opinion in the public.

The climate in Oslo is not favourable for begging for long periods of time, due to rain, cold and snow. Both the climate and the immigration regulations make many of the Romanian Roma practice 'seasonal work'. Some stay on if their passports have not been stamped, and thus give no indication of the date of entry on the Norwegian territory.

However, little has been done at the political level relating particularly to the Romanian Roma. What has affected the situation, however, is the law came into force 1 January 2009 criminalizing the buying of sexual services, while **selling** is still legal.

Begging is also a legal activity and thus Romanian Roma could and can go on with their occupation. Certain initiatives were taken by the local politicians trying to restrain the begging by referring to 'aggressive marketing' or disturbing public order, both being illegal.

A discussion has been going on whether or not the Roma beggars are part of an organized activity, though legal, - or victims of trafficking. Mrs Hanne Sophie Greve, president of the Council of Europe Group of Experts on Action against Trafficking in Human Beings,

sees a possible link to trafficking and suggests to make begging illegal, whereas Mr. Knut Storberget, the Norwegian minister of Justice, is not convinced that a prohibition will help[172].

Some Romanian Roma have been involved in criminal activities, mainly stealing, leading to media focusing on the whole group as potential actors in a larger organized crime system.

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[170] Pro Center is a competence building center at national scale combined with counseling and social aid to persons engaged in prostitution.

[171] Hildegunn Brattvåg, *Folk fra Romania som tigger i Oslo,* (People from Romania begging in Oslo), Rapport fra Kirkens Bymisjon, februar 2007 (only in Norwegian)

[172] Dagsavisen, 7.12.09.

The shadow of Holocaust in the Streets of Oslo – push factors

Discrimination and racism in Romania is well known and well documented – from the time when the Roma were slaves in Romania, followed by atrocities during the Second World War. Romanian Roma now in Oslo is one of the results of the contemporary discrimination. One could wish a less discouraging picture, given the 20 years since the so called revolution took place and given the process of Romania's inclusion in the EU as well as the following up of Human rights' conventions signed by Romania.

Reports analyzing Roma migration point at causes being discrimination carried out by the majority as well as by medical authorities, the police and the government in general. Conditions leading to Roma emigration are referred to in a study in 2008 funded by the OSCE and the Council of Europe, - also including Romania.[173] The study describes discrimination regarding living conditions as frequent and emigration is seen as a solution to this problem.

The issue of Romanian Roma migration and its causes beyond a simple economic explanation is also described by the Romanian sociologist, Vasile Burtea, who states that '.. *the Roma's migration from Romania is an imposed phenomenon, a form of transforming the interethnic conflict that has structural causes: institutional and legislative dysfunctions, poor access to resources and lack of equal opportunities.*' [174].

At a conference on the security of Roma in Europe in October 2009[175], the general impression was that Roma are not safe due to increase in anti gypsism and little interest in investigating crimes against Roma. The negative perception of the majority and their violent consequences were illustrated by allegations of ethnic cleansing taking place in Romania. Roma suffering in serious ethnic conflicts were reported and filmed as late as summer 2009[176].

Though a growing number of Roma at all levels speak out on these issues, structural barriers still seem to be the cause for little political participation by the Roma. The NDI[177] concludes in its report: '*While a lot is happening on the ground, examples of success largely appear to be singular rather than systemic, individual rather that institutional.*' NDI further refers to social attitudes towards and among Roma to present significant barriers which will require a long-term commitment to address and resolve.

The Norwegian welfare state and its contradictions - pull factors :

The idea of the Norwegian welfare state, a rich society, with few legal restrictions as well as NGOs and humanitarian organizations offering some support, is seen by the Romanian Roma as the positive part of a (temporary) stay. So far these factors seem stronger than the challenges the

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[173] Cahn and Guild: *Recent Migration of Roma in Europe*, December 2008, Commissioner for Human Rights, CoE and OSCE High Commissioner on National Minorities.

[174]   - Vasile Burtea. *The Migration of Romanian Roma. Between aspiration and necessity*, Article, Revista intercisciplinare di studi sull'integrazione europea, 2009/2

[175] *Security Situation of Roma in Europe*, Conference, Bucuresti 12. – 13. 10. 2009, organized by The Parliament of Romania, Committee for Human Rights Issues; the European Roma and Travelers' Forum and Partida Romilor pro Europa.

[176] *Romani CRISS* (Centrul Romilor pentru Interventie Sociala si Studii), Bucuresti, Romania, http://www.youtube.com/watch?v=qU3QSX6qMT0

[177]   - *Assessment of Barriers to Roma Political Participation in Romania*, September 2009, NDI, National Democratic Institute for International Affairs.

Romanian Roma have to face in Norway: discrimination, no local network, unfriendly climate, modest income (if not involved in crime).

The Romanian Roma have so far not established any Roma camp or shanty town. The explanation may by the limited number of persons, or that the income, though modest, still gives sufficient for renting an indoor place to sleep during their temporary stay, or the fact that many remain in Norway only for a short period of time. Thus the authorities have not felt it necessary to act like in other towns where such Roma camps or shanty towns have been torn down. In the Nordic countries the Helsinki city council broke down a small camp in October 2009.

The Romanian Roma claim they feel tolerated by the public[178] and are given attention by the NGOs and by welfare organizations. The Romanian Roma may, however, easily be seen as a disturbing element in the reconciliation processes going on in Norway between the Norwegian Romani and Roma and the authorities. The ongoing process may also partly explain the lack of interest or initiatives from the Government regarding the Romanian Roma and the sentiment of indifference or even hostility from the Norwegian Romani and Roma towards their immigrated brothers and sisters. In order to understand the challenges these reconciliations processes represent a short presentation of this dark period of Norwegian history and its discrimination of minorities is necessary.

The history of the Norwegian Roma and Romani[179]

The indigenous peoples in Norway, the Sami, traditionally semi nomadic reindeer herders, were the first to know only too well the effects of racist ideology and the forced assimilation.

The Romani

The Romani were the next in line. The goal was to change the culture and way of life of the Romani from travelling to settling. The public explanation was to 'help' the Romani to become part of the welfare system. The underlying motives were clearly racist, considering the Romani way of life and culture as inferior to that of other Norwegians. The most dramatic and, by some called genocide efforts, was the forced sterilisation of the Romani[180]. Other measures included children forcibly taken away from the families, and families placed in working camps in order to adjust travellers to a settled lifestyle. This has caused wounds that are hard to heal. It is a long process for the authorities to admit injustice, apologize, seek reconciliation and re-establish trust. The authorities have the main responsibility for this process to be carried out in the best possible manner.

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[178] Hildegunn Brattvåg, *Folk fra Romania som tigger i Oslo,* (People from Romania begging in Oslo) , Rapport fra Kirkens Bymisjon, februar 2007 (only in Norwegian)

[179] The Norwegian Romani/Travellers/Taters (approximately 4-5000 persons), Roma/Gypsies (approximately 500 persons) are since 1999 considered as two of the 5 national minorities in Norway and covered by the Council of Europe's Framework Convention for the Protection of National Minorities. According to their own wishes the Roma/Gypsies and the Romani/tater are considered two different national minorities in Norway. The histories of the two groups differ in some significant ways. The Roma travelled and travel to and from Norway. The Romani travelled *within* Norway and this made them within easier reach for the Norwegian assimilation and persecution.

[180] *Compensation to Romani/tater subjected to coercive sterilisation,* August 2003, report, Norwegian Ministry of Labour and Social Inclusion.

An apology on 11 February 1998 from the Minister for minority affairs on behalf of previous governments was welcomed by the Romani, but considered only the beginning of the very fragile reconciliation process still going on. Money cannot compensate for lost lives and the irreversible sterilisation, lobotomy etc. Broken family ties and lives ruined by racism and lost opportunities are not remedied by a sum of money. This being said, compensation does represent for the Romani a sign of reconciliation.

The government has set up in cooperation with the Romani organisation collective and individual compensation schemes for the previous wrong-doings.[181] In spite of previous research and compensation schemes the Romani and NGO's are not satisfied. The Government therefore in November 2009 signalled its intent to set down a new commission for further investigating the history of the Romani.

The Roma

The Roma did not suffer oppression, but rather negligence and indifference, resulting in poor living conditions. To cope with this the Municipality of Oslo run during the 70's and 80's several special services for the Roma (school, kindergarten, labour market activities), mostly financed by the central government. The special measures were found to be too expensive compared to the results and were phased out. Since then their situation has deteriorated in spite of the Roma being recognised as a national minority since 1999. Marginalisation and an urgent need for improving access to welfare in general resulted in a *Plan of Action for improving the living conditions for the Roma in Oslo[182],* presented by the Norwegian Government in June 2009. The purpose of the Plan of action has been to suggest concrete measures that might combat discrimination of Roma in the Norwegian society and improve the living conditions and social welfare of the group.

Temporary Romanian Roma in a limbo situation

Interesting to notice is the fact that both the new commission regarding the history of the Romani and the recent Plan of action for the Roma clearly states well defined target groups excluding recently arrived Romani or Roma. This has not been explicitly stated in previous documents dealing with the situation or status of the Roma and Romani.

However the white paper to the Parliament in 2001[183] describing the political implementation of the European Framework Convention for the Protection of National Minorities states that the white paper 'does not relate to the immigration policy, or to the policy towards minorities recently established in Norway'. It says further that a national minority group must share common characteristics of an ethnic, religious or linguistic nature and have a long time connection to Norway. The national minority is supposed to make use of the various measures to protect language and culture as a group. Newcomers joining the group are therefore entitled to the same

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[181]Report No. 44 (2003-2004) to the Storting/ Parliament: A Compensation Scheme for War Children and Compensation Schemes for Romani people/Travellers and Elderly Saami and Kvens Who Have Received Deficient Education (only in Norwegian)

[182] Handlingsplan for å bedre levekårene for rom i Oslo, Juni 2009, Arbeids- og inkluderingsdepartementet (only in Norwegian), stating explicitly the target group being limited to persons registered in the Norwegian Population Register.

[183] St meld nr 15 (2000-2001) Nasjonale minoriteter i Noreg – Om statleg politikk overfor jødar, kvener, rom, romanifolket og skogfinnar. , page 17.

measures at collective level (cultural activities, project grants etc.) as well as at individual level (language training) set up in accordance with the convention. This would also be the case for Romanian Roma settling permanently in Norway. Stating explicitly

The Norwegian Romani and Roma are themselves fighting for their rights and have only recently started to cooperate on certain common issues. So far there has been little, if any, contact between these groups and the Romanian Roma. Unlike many other European countries the Romanian Roma visiting Norway have no local support from either the national Roma or Romanian Roma arrived at an earlier stage.

The Norwegian authorities are at present considering of great importance the processes of reconciliation and measures to improve living conditions for the Norwegian Romani and Roma. It easy to see that the presence of the Romanian Roma might represent a disturbing element in the process of policy development to solve internal problems between Norwegian groups and the authorities. This may be one of the reasons for the lack of initiatives from central or local authorities regarding the Romanian Roma.

The Romanian authorities have recently come up with suggestions on cooperation with the Norwegian authorities. Mr Gelu Dragulin, Special Envoy of the Romanian Minister of Foreign Affairs, referred during his visit in Oslo in September 2009 to agreements discussed with French, Italian and Spanish authorities on measures for recently immigrated Romanian Roma. One of the main observations made by Mr Dragulin during his stay in Oslo was the living conditions of the Romanian Roma in Oslo, according to him, the worst compared to other countries he has visited.

Conclusions

Roma should of course travel like other citizens in Europe where and when they like but not because living conditions push them to do so. Romania celebrated this year the 20th anniversary of their 'revolution'. The Rumanian Embassy in Norway distributed November 2009 a list of measures taken by the Romanian government to improve the situation of the Roma in Romania. Achievements are made, institutions established and laws signed, but everyday life at grassroots level for Romanian Roma has improved too little during these 20 years for the emigration to diminish in the near future. It is difficult to imagine that the attitude and the political will at the local level will change substantially in a short period of time. The immigration we are witnessing in Oslo and other places in Norway will therefore probably persist for these various reasons.

The temporary Romanian Roma are sufficiently visible to create public debate leading to negative attitudes from the Norwegian society and at the same time sufficiently un- provocative to avoid sanctions from the authorities. Central and local governments are involved in establishing measures for the Norwegian Roma and Romani, and if addressing the temporary Romanian Roma it is only in order to well defining them **not** being a target group for these measures.

The Norwegian authorities may be influencing the pull factors in various ways:

- Leave the Romanian Roma in a situation of neglect.
- Consider the Roma as one 'European nation without a state' as voiced by Roma activists and contribute to equal treatment and a real free movement. Roma activists and the Forum for Roma and Travelers in the Council of Europe have suggested a 'burden sharing', inviting member countries to take part, part qualifying the Roma immigrant for the labor market as part of an integration policy.

- Clarify the status in Norway for Romanian Roma in relation to the European Framework Convention for the Protection of the National Minorities.
- Contribute economically and politically to urgent development of the situation at local level in Romania.

M. Slavkova

Romani migrations from Bulgaria to Spain: challenges and perspectives[184]

Following the downfall of the socialist regime in Bulgaria (1944-1989) a social and economic crisis emerged. The life of the Gypsies changed dramatically and a great many of them remained jobless. Many people left their birth places either temporarily or permanently in the process with the hope of providing better lives for their families. Some of the Gypsy communities joined the common migration flows towards Spain together with the Bulgarian population, while others gave start to their own migration waves. As a result of the processes of cross-border labour mobility the Gypsies acquired a new social and economic space and settle to live within its boundaries.

The paper presents the results of ethnological fieldwork among Bulgarian Gypsies working in Spain. During the research lifestory interviews combined with participant observation were employed. The research was carried out in Spain (in the regions of Castile and León, Madrid, Catalonia, Valencia, Andalusia and Murcia) in May 2006 and during 8 months in 2009. In Bulgaria *several* months *were* spent on *fieldwork* among various Gypsy groups between 2006 and 2008.

Gypsy migrations towards Spain: timeline and mapping

According to the official statistics, there are 164 353 Bulgarians residing in Spain (INE 2009). In the words of the Bulgarian ambassador to Madrid Mr. Ivan Hristov they outnumber 200 000 people. The Spanish ambassador in Bulgaria Mr. Jorge Fuentes said in an interview on Bulgarian National TV on 2 January 2010 that in Spain there are app. 300 000 legal and 50 000 illegal Bulgarian workers. In my own estimates between one-third and one-fourth of the Bulgarians in Spain are Gypsies.

There exist three stages in the contemporary Gypsy labour mobility towards Spain during which different migration waves were formed. Large scale migration began in the mid-1990s. The departing were illegal workers who in most cases travelled with tourist visas to Spain or any other country within the Schengen area. They were however temporary migrants (the so-called 'gurbetchii') who went with an intention to 'make some money' and to go back to Bulgaria. This is the pattern of the Balkan 'gurbet' (labor seasonal mobility) the way it had been practised in the times of the Ottoman Empire, when the migrants used to work during the active agricultural season away from home and their families. After 2001 when Bulgaria signed the Schengen agreement and its citizens were allowed to spend up to three months without entry visas, the number of people who left for that destination changed considerably. The so-called 'pendulum migration' occurred, which meant that Gypsies could work abroad for a period of several months, return to the motherland and then leave again 'on an excursion' or 'to pay a visit to relatives' in Spain. In 2007 Bulgaria became a member of the European Union, which entitled its citizens to a sojourn in any member country based on the rules of the common regime valid for all EU citizens. During the period of 2001-2007 the transition from cross-border labour mobility to permanent migration has occurred. In the last 2-3 years a relatively constant number of migrants was

established, the majority of them working on contracts, although Spain has imposed a moratorium on the free movement of the Bulgarian workers until 2009.

The inclusion of the Gypsies in the migration flows towards Spain was differentiated according to the Gypsy groups. Representatives of the following groups headed for Spain – the former nomads (the last nomad groups had settled during the 1960s) and the settled Gypsies. Of the former nomads the Romanian-speaking Rudari led the emigration wave towards Spain (including the groups of the Lingurari [spoon-makers] and Ursari [bear-trainers]). There are also other examples of emigration of the former nomads, but they are rather particular cases. For instance, the Kamčiboilii (the appellation follows the name of the river 'Kamchiya') from the region of Burgas (Southeastern Bulgaria), who went mostly to Lorca (Murcia) and the Košničari [basket-makers] from the region of Pleven (Northern Bulgaria), who travelled to Madrid, left for Spain in fewer numbers. Nevertheless, the majority of the labour migrants consisted of representatives of those groups whose ancestors had settled in the Bulgarian lands many centuries before - Xoraxane roma (Turkish Gypsies), Millet („people'), Gypsies with Turkish self-awareness ('Turks'), Erlii („local'), Muzikanti ('musicians'), Dasikane roma (Bulgarian Gypsies), and Asparuhovi bâlgari (Old Bulgarians).

Bulgarian Gypsies of various religions leave for Spain - Orthodox Christians, Muslims, and Evangelists. Orthodox Christians are Dasikane roma, Rudari, Košničari, Asparuhovi bâlgari and Muslims are Xoraxane roma, Millet, Muzikanti, 'Turks', Erlii, and Kamčiboilii. Part of the groups are with Gypsy/Romani identity and speak Romanes (Romani language) - Xoraxane roma, Erlii, Muzikanti, Dasikane roma etc., but others have different preferred identities – Rudari (they identify themselves as Old Romanians), Asparuhovi bâlgari (with Bulgarian consciousness) etc.

The main principle for the Gypsies in the process of settling down in different regions in Spain is job searching. Nevertheless, in some cases the geographical principle is influential as well. The Rudari created their own emigration flows engaging in some cases the adjacent Bulgarian population. The most active in their trips to Spain were the Rudari from Northern Bulgaria, because those from Southern Bulgaria usually go to neighbor Greece. They headed for settlements in the regions of Madrid, Castile-La Mancha (Cuenca, Albacete), Castile and León (Valladolid, Segovia, and Burgos), Murcia (Murcia, Cartagena), Aragón (Zaragoza), Catalonia (Barcelona, Tarragona, Girona). The remaining Gypsy groups joined the Bulgarians in the common Bulgarian migration flows and thus in that direction left the Erlii, the Asparuhovi bâlgari and the Dasikane roma. The last to leave for Spain were the Gypsies with Turkish self-awareness, who took part in the regional networks of the Turkish population or joined the common Bulgarian waves. In some cases they also created their own migration networks and for example these from the region of Razgrad (Notheastern Bulgaria) settled to live in the region of Burgos. Overall, the Gypsies from Southern Bulgaria live and work in the Mediterranean area (for instance Valencia, Murcia, Andalusia), while those from Northern Bulgaria work in the northern parts of Spain (Castile and León, Aragón etc). The Muzikanti had their own regional migration networks and settled in tourist destinations such as Madrid, Bilbao, Pamplona and Barcelona, because could work as street musicians.

After the initial settling a series of internal migrations followed within the boundaries of the autonomous regions, or, for example, from Madrid to the countryside, from Valencia to Andalusia, and from south to north in the last couple of years, when the financial crisis hit Spain and work in the tourist and agricultural areas became scarce.

The Bulgarian Gypsies in Spain: from illegal workers to residents

Under the conditions of cross-border labour mobility the Gypsies developed various strategies to adapt to the new way of life abroad. In time part of the former 'gurbetchii' became residents. The transition from labour seasonal mobility to permanent migration happens when the first children in immigration are born, or when their children born in Bulgaria join them in immigration and have to start school or socialize in the new surroundings. In the process of adaptation the Gypsies encountered various challenges and eventually the families adapted to the new environment.

The greatest difficulties that they came across upon arriving in Spain were related to the fact that they found themselves in an unfamiliar environment, with a population that spoke a foreign language and had a different mentality, as they did not speak the local language, had nowhere to stay, had no papers and had to find jobs. Often the women were the first to leave for Spain (Rudari, Erlii, Dasikane roma) because they could find work as house maids in the Spanish households more easily. In several cases, for instance with the Turkish Gypsies (Xoraxane Roma, Millet and 'Turks'), the spouses left together or several men who were blood relations went first. Several months or a year elapsed before the other family members could join in.

Quite often the newcomers in the 1990s stayed several months with the social homes of religious Catholic or Protestant organizations due to the lack of acquaintances and the shortage of personal means. The people who had money at their disposal upon arrival and could afford to stay in hotels before they could find a place of their own were much fewer. The next migrants to arrive remained with their relatives until they found in turn work and their own place to stay.

They started learning the Spanish language by communicating directly with their fellow Spaniards on the job, with the neighbours or by watching TV. Some of the migrants went to free language courses for foreigners run by Catholic charities. It usually took them a year to begin speaking the language, whereas the first to master it were the Romanian-speaking Rudari due to the proximity of their mother Romanian tongue to Spanish. After some time the children of the migrants came from Bulgaria and enrolled in the local schools. Only the children who went to schools became able to speak and write in Spanish properly.

The newcomers began work as farm hands. Almost everybody did this regardless of their group because they all shared in the lack of language expertise, papers and support from the locals, which gave them no chances of doing anything else but agricultural work. The Gypsies looked for jobs only using their relatives as connections. Several families practised begging downtown near Catholic cathedrals as a form of alternative temporary employment and when agricultural work was not available. However, those were mostly exceptions from the rule. For instance, Gypsies from the region of Pazardzhik (Southern Bulgaria) from the Dasikane roma or 'Turks' were begging in front of the Catholic churches in Murcia either as men alone or in family couples. Romanian Gypsies also worked as beggars in the same city, but those were mainly women, who positioned themselves at the entrance of subways or sold tissues on the street lane. The distinction was due to the later arrival of the Bulgarian Gypsies in the city and the need to find an alternative way of begging so as not to interfere with the Romanian beggars.

The money factor is the most important for every migrant leaving to work in Spain. Regardless of the fact that the family members gathered to live together for a long time, their main strategy was to earn money as migrants and save it for returning to live in Bulgaria. The savings earned in Spain were invested in the purchase of a flat or a house in Bulgaria. After several years leaving in Spain part of the families changed their migrant strategy. Gradually a number of families bought

flats in Spain on credit, the majority of them working on contracts. In time the money they earned was used for paying off the housing credit, the education of the children, the coverage of the monthly expenses and the holidays in Bulgaria. A female interlocutor from the group of the Rudari described very precisely the changes in the migrants' lives, 'We have already forgotten why we came to Spain in the first place, but the bad thing is we started to live a life, and we no longer save any money'. This is one of many illustrations of the process of transition towards permanent migration, in which the Gypsies settled in the adopting country. Thus Spain became their new motherland.

The representatives of Gypsy groups found various economic niches of fulfillment that could guarantee them more stable income. The men started work in construction or worked as drivers, technicians, while the women looked for jobs as cooks in restaurants or workers in factories. Another option for the men was to register as self-employed and thus form an economic niche in which they could develop their own small business. There were several opportunities for doing this – open a shop for Bulgarian staple foods, open a bar, a telephone centre or carry out a construction work. Some of the musicians who worked initially as street performers in time decided to settle in with their families. A typical example is that of an informant form Sliven (Southern Bulgaria), who came from a family of military musicians. He came to Murcia and worked as a street musician. At present, 8 years after his arriving in Spain, he has been living together with his wife and two married sons. On weekends the sons and the father perform in front of the Murcia cathedral. Their main source of income however is playing at Spanish weddings.

Overall the boundaries between the various Gypsy groups from Bulgaria who are living in Spain remained. In this way solidarity existed mainly among the relatives, as it is in Bulgaria. In time some new contacts are created. The parents began communicating more actively with their Spanish neighbours, the Bulgarians and the other Gypsies from Bulgaria who lived in the same town. Close contacts were formed among Gypsies from various groups, for example, among the mothers of the children who went to the Bulgarian Sunday schools or among the fathers who worked together. In time, when the Spanish employer trusted the migrants he could help the next wave of arriving relatives to find a job. All migrants soon came to terms with the fact that they were and would forever remain foreigners in Spain and would therefore need the support of the locals. The Bulgarian Gypsies however did not maintain contacts with the local Gitanos (Spanish Gypsies, Calé) who worked mostly as ambulant vendors. The Bulgarian Gypsies consider themselves superior to the Gitanos and consider them poor drug abusers who do not like working. The only Gypsies from Bulgaria and Spain that may have closer relationships with the Gitanos are the Evangelical Christians (Pentecostalists and other).

Once settled in the country the Gypsies start developing another activity – they set up Bulgarian organizations. There are several reasons for creating Bulgarian associations in Spain. The feeling of belonging to the Bulgarian state is enhanced by during their stay in Spain, thus this is a desire for manifestation of their identity as Bulgarian citizens. On the other hand, this is a matter of opportunity, because the Spanish state supports the creation of migrant organizations and finances their cultural initiatives. Besides, this is a desire for maintaining of community way of life, a question of profit yielding business by means of implementing projects or it is a matter of prestige. Their leaders become respected people who take care of their own local 'Bulgarian' community and are the ones who enjoy the biggest knowledge since they are in contact with the representatives of the Spanish institutions. There are in Spain more than 30 Bulgarian associations

carrying out cultural and educational activities (Madrid, Valencia, Gandia, Malaga, Segovia etc.). The Bulgarians have not established yet their own federal structure like the Romanians did. A few years ago an attempt at unification failed and one of the two candidatures came from Rudari group, a former army officer. In October 2009 in a village near Segovia (Northern Spain) the first gathering of Bulgarians from the region of Castile and León took place organized by the newly formed 'Tzar Simeon' (King Simeon) Federation including several Bulgarian (de facto Rudari) organizations. The local authorities paid respect to the event and the youth organization of the Spanish People's Party also sent representatives. The event was advertised as a Bulgarian festival (with Bulgarian cuisine, songs and dances). Most of those who attended were Rudari, but there were also a few Bulgarians and Turkish Gypsies. This testifies to two things: that the Rudari comprise the largest Gypsy community in Spain, and on the other hand, that the Bulgarian community becomes more active and begins work towards better integration of its representatives into the Spanish society.

Conclusion

As a result of the many migration movements from Bulgaria towards Spain representatives of the various Gypsy groups settled in the latter country. They have kept the boundaries among them and have created new ones with the foreign Gypsy groups they keep meeting in Spain. In time the families start living together with the locals within a single society of which they become an integrated part as workers in the fields, in the factories, in the Spanish households or people who care after Spanish children.

Spain has never conducted a special migration policy toward the incoming Gypsies from Bulgaria. They are treated as Bulgarian citizens who enjoy equal rights and freedoms like the rest of the immigrants. The Spaniards recognize them as Bulgarians and have no idea that so many Gypsies live among them. The Gypsies demonstrate Bulgarian identity as well. They work on contracts, pay taxes and respect the rules of that society and live like everyone else. The policy towards them, much in the way of the policies towards the rest of the immigrants, is directed at legalization of their stay and successful integration. This pattern differs from the one in Italy, which treats the Gypsies as a 'Roma' community based on the assumption that they are nomads. In keeping with this notion a 'special' policy is applied to them and they are placed in temporary camps for nomads.

The changes in the economic situation in Spain over the last couple of years triggered new challenges for the families when some of them remained jobless and were faced with the dilemma to stay in Spain or return to Bulgaria. For the time being the majority of them remained in Spain despite the increasing share of families returning to Bulgaria since end-2008. In time part of the returning families will probably go back to Spain or will look for a new foreign destination. The remaining ones will definitely settle in Bulgaria. After all the financial crisis in Spain, without the need of conducting a special policy in that regard, will lead to a permanent reduction in the number of Bulgarians in Spain, and the Gypsies in particular.

M. Solimene

Xoraxané Romá, Romanian Rom and Rome

In 2007, the media and political resonance of three tragic events[185] occurred in Rome triggered the demonization of the recent Romanian immigration, of prostitution and of the different *par excellence*: the so-called rom/*zingari* (gypsies)/*nomadi* (nomads).

Xenophobic discourses contributed to the collective hysteria which turned security and public order to keywords of political credibility, on both national and local level. Veltroni, city major at the time, promoted an extremely repressive policy –accompanied by a façade of tolerance and solidarity- to cope with what media and politicians defined the 'rom emergency': 15-20 thousands gypsies, many of which Romanian, living in the 'eternal city'. Rome could offer solidarity only to a restricted number of gypsies, no more than 5-6 thousand, to be hosted in 'solidarity villages' which would have been made -*nota bene*- outside the city limits.

In 2007, six thousand gypsies were displaced by Roman authorities. Veltroni promised to erase all settlements for 2008[186]; he did not mention the abortion of the 'solidarity villages' -no municipality wanted to host them- nor the fact that most of the 6 thousand displaced gypsies had not left, but just moved inside the city.

What I am going to present here, is an insight on the impacts of the immigration of Romanian rom on a group of Bosnian *xoraxané romá* living in Magliana district, southwest periphery of Rome. The materials were collected during my ethnographic fieldwork, conducted between april 2007 and may 2008. My perspective, it goes without saying, is rooted in my *encliquage* [187] among the *xoraxané romá*.

The *xoraxané romá* involved in my research have been living in southwestern sector of Rome since two decades (some families even longer). After the razing of their last regular settlement in Magliana -in august 2003- many romá remained in Magliana, dwelling in small dispersed encampments. Romá prefer spots in proximity of the districts's central area, to have easy access to public illumination and fountains, as well as snack-bars, tobacconists, markets, large metal collectors, call-centers....

Romá have tried to keep a low profile within the district. Firstly, their encampments were small and temporary. Secondly, their everyday presence in the district was relatively reserved: each residential family attended regularly only its 'own' facilities (shops, markets, bars…), where relations with owners and customers were good and well established; romá also spent most of the day in the settlements or in other districts -where they would carry on their economic activities. Dispersion, mobility and an intermittent presence allowed romá to achieve, paraphrasing Asseo[188], an individual integration despite the collective rejection of the *zingari*.

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[185] I refer to the killing of Vanessa Russo (april), Luigi Moriccioli (august), and Giovanna Reggiani (november).

[186] LaRepubblica on line, art. 1401778, 1383145, Dicembre 2007.

[187] My use of the term is mutuated from Piasere (2002. *L'etnografo imperfetto, Esperienza e cognizione in antropologia*. Roma-Bari: Laterza) and defined as the ethnogrpaher's positioning, in the field, into specific social networks –fact inevitably provoking marginality, distance or avoidance in respect of other networks.

[188] Asseo, H. (1989). Pour une histoire des peuple-résistance, in Williams, P. (a cura di). Tsiganes : Identité, Evolution. Paris: Syros.

During the last years, the strategy of presence of the romá has been short-circuited by the rather massive and visible presence of Romanian rom. Although good relations between single romá and Romans basically remained unaffected, the inflow of Romanian rom negatively affected Magliana's attitude towards the *zingari* -as a group. Nuisance could be noticed from the bothered stares at the *zingari* filling their tanks and 'having a shower' at the public fountains; in the comments in the bus about the unpleasant increase of the *zingari* in town; in the complaints at the snack-bar about the acrid smell of the fires lighted in the 'gypsy bidonvilles sprouting like mushrooms'.

Romanian rom lived in a myriad of settlements in Magliana: these were compact clusters of shacks giving the impression of a rather permanent presence, compared to the encampments of the romá. Romanians' settlements resembled a village: space and life were organised at a collective level laying upon (without cancelling it) the familial level; their inhabitants seemed to subtract from the control of the non-gypsies re-creating structures and services, such as common toilette, bakery, snack-bar, barber shop and service for the collection of water. Although often protected from sight by physical distance, by a gate, by a wall or cane-brakes, the 'villages' were still detectable by *zingari* coming and going in unexpected passages or waiting at certain bus stops, by the smell of burning wood and plastic or by the piles of rubbish carefully placed at the settlements' borders.

Romanian rom did not seem to worry about their visibility outside the 'village': many wandered every day around the district scavenging in the trashcans; every afternoon, they met in large numbers in front of a supermarket or in some bars, where they would sit, drink and talk for hours. In 2007, when the first protests (instigated by neofascist movements) against the *zingari* and their shanty settlements broke out and municipality started systematic evictions, romá inevitably blamed the *rumuni* (as they call the Romanian rom) for altering the fragile balance romá had established with Magliana.

Italians are not the only ones bothered by the recent immigration of Romanians: talking to Italians, romá often said that 'these Romanians [usually implying rom] ruined Italy'[189]; on the one hand to Italians, as recent events of violence clearly proved; on the other hand, to romá, due to a double impact: increased competion for the same resources and the restriction of the offer of such resources - direct consequence of a renewed anty-gypsy prejudice.

Romá complain that Italians do not give charity on the streets as before, because there are too many *zingari* begging. Romá collecting scrap metal lament that *rumuni* have stolen their profession: they learned the know-how working as employees of the romá, bought a van and begun to work on their own. Competition is unfair since *rumuni* cover the same areas they once covered with the romá, but disregard the relations with Italians; as EU cityzens, *rumuni* have easier access than romá to documents and permits; *rumuni* make arrangements with Romanians (rom and non-rom) who work in building areas.

Where competition is harsher, is in 'gathering' the scarce resources offered by those institutions, governative and not, involved in the management of the 'gypsy problem'. Whether *rumuni* move the heart of the *gağé* (non-rom) much more than romá, as these latters claim, or their problems are just easier to solve - romá are non EU-citizens, often without visa or any other document-, such competition is turning many *xoraxané* even more skeptical than before towards institutions.

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[189] 'Questi rumeni hanno rovinato l'Italia'.

Rumuni, however, occupy many economic niches romá do not exploit - as wage labour in the building areas along Rome's seashore or the profession of musicians- or exploit rarely - as scavenging and sale in flee-markets and gypsy settlements (activity, at the moment, almost monopolized by *rumuni*).

Competition is relative also in begging activities: romá and *rumuni* tend, by a sort of tacit agreement –as Piasere[190] noticed in the case of other rom groups in Northern Italy-, to avoid stepping on each other's toe. They 'gather' in different districts or in different places inside the same district (in Trastevere -for example- romá cover the historical part and the surroundings of the train station, *rumuni* the new part and inside the station), have different targets (*rumuni* mainly stick to Italians while romá often aim at tourists) and through different strategies (*xoraxané* perform the 'gypsy in state of need' appealing to charity, *rumuni* often provide a practical service -such as cleaning the cars' windscreens, playing an instrument, offering themselves to help old Italians carrying the shopping-bags).

Romá and *rumuni* even work together collecting scrap metal: romá hire *rumuni* as cheap labour for the hard manual work (load, unload and separation of metals), keeping for themselves the technical work (choice of routes, management of the interaction with customers and of the bargains with the large collectors). While the incomes of the romá depend on the quantity and quality of metals collected and sold [191], *rumuni* get a dayly wage (20-35 euros –depending on the working relation- plus coffee, sigarettes and food).

Paradoxically, the visible and massive presence of the *rumuni* in Rome may turn into a resource for the romá. For months, *rumuni* kept a gypsy flee-market at the margins and interstices of the Sunday flee-maket of Porta Portese; together with the many *gağé*, romá frequented it enjoying the little *romanó* space created in the middle of the *gağé*, and evenutally -the poorest ones- posing their stalls. The same could be said for the settlements: romá often make use of the *rumuni*' villages, encamping in their proximity and eventually attending them. There, as in the *romaní* Porta Portese, romá find an already defined separatedness and shelter from the *gağé*, especially from authorities; romá also benefit by the offer of services, goods and business provided by *rumuni*.

Avoiding stepping on each others' toes and role separation in same or similar economic activities help romá' and *rumuni*' to disentagle from what they have in common (first of all the definition of *zingari*), to circumscribe their own social niche and to confirm a specific identity.

On the one hand, in the eyes of the *gağé*. When an old lady stared at her suspsiciously in a supermarket, Anna, a *xoraxaní*, proudly remarked 'you do not worry, we are not Romanians, we are Bosnian *zingari*; we do not steal in the shops of the Italians because we have money, because we go to work with the tourists in the center!'. In a peculiar twist of stereotype re-appropriation, to subtract themselves from the xenophobic collective imagery surrounding Romanians, romá prefer to depict themselves as *zingari*, the 'gypsies of the Italians': the ones who are said to prefer stealing to working, to be rich but happy to live in shanty towns; but also, the ones who may steal

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[190] Piasere, L. (1995). L'organizzazione produttiva di un gruppo di xoraxané romá. In Piasere, L. (a cura di). Comunitàgirovaghe, comunità zingare. Napoli: Liguori.

[191] The quality of metals often makes the real difference; just think that, during my fieldwork, 1 kg of iron was payed between 9 and 14 cents, while 1 kg of copper between 2.50 and 3.50 euros.

a wallet with a sleight of hands, but will not kill for a mobile phone or rape during a robbery; because at the end they respect Italians, whom they have been living with for decades.

In their turn, *rumuni* attempt to subtract themselves from Italian traditional despise concerning *zingari* sustaining to Italians that they are rom and not *zingari*, that they are house dwellers and not the nomads living in shanty towns, that they are educated and hardworking and not idle loafers.

On the other hand, emically, *rumuni* and romá really feel different in being - and despite being-rom. Romá consider *rumuni* dirty and uncivilized: because they eat pig meat and make oaths on it; because they eat the food found in trashcans; they wash themselves in the river Tevere; because they all use the same toilette, and dwell 'like rats' in claustrophobic spaces, or in places –such as cane-bakes and near the river- considered dirty (they are used by romá as a toilette) and dangerous (they are infested by evil presences); *rumuni* are neither capable nor interested in controling their women, considered by romá just as beautiful and seducing as easy and untrustworthy.

Specularly, Romanian rom consider romá dirty and uncivilized: *srbi* ('Serbians' as *rumuni* call romá) are aggressive and arrogant, they easily recur to violence and weapons, and they drink quite often; they can't read, write nor make calculations; '*srbi* sell they daughters as if they were merchandise'; they are rich but live 'like dogs': their toilette is everywhere, they leave their children wander naked around piles of rubbish surrounding their slovenly habitations, next to which glimmery expensive cars are parked.

Such ideas are accompanied by behaviours sounding incompatible with the ideal unity and solidarity among rom, and blurring the ideal opposition rom/ *gağé*. Romá do not share their incomes with their *rumuni* employees and, thus, do not let *rumuni* invest with them -and as them-in *baxt* (luck). Many romá had no regrets in stealing from the stalls of the *rumuni* in the flee market, or trying to sell a car to a *rumuno*, without mentioning its doubious origins. Romá often tease *rumuni*, mocking their 'talk' or flirting with their young women. *Rumuni* respond to the arrogance of the romá with superiority, avoiding or ignoring romá.

Once, outwitting him with a card play, Slobo (*xoraxanó*) warned Kosti (*rumuno*), in Italian and with a Roman accent, 'never mess with the *zingari*, Romanian!'[192]. Slobo stated the familiarity of the romá with Rome; but he also defined a specific 'situation of interaction' –Barth would say-where the *xoraxanó*, 'ethnically' defined as *zingaro*, outwitted a *rumuno*, geographically -and not 'ethnically'- defined as *rumeno* (Romanian). Romá may turn into *zingari* and *rumuni* almost into *gağé*! At least, for a moment.

Differences between romá and *rumuni*, however, are fuzzy. Also *rumuni* turn into nomads living in shanty towns, and beg performing a state of need; in their turn, romá sometimes gather money playing an instrument or cleaning cars' windscreens. Working with scrap metals, romá help their employees in the manual work and *rumuni* sometimes participate in decision making and public relations. In Magliana, the women of the *xoraxané* gave too a –discrete- look at the trashcans and -especially when drinking- romá lost their worries about being too visible.

Besides, everyday interaction diminishes distance. The dayly wage of the *rumuni* working with the same romá for a long time are strongly affected by the day's luck, so that at the end *rumuni* invest

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[192] '*Mai metterti contro gli zingari, rumeno!*'. I chose to keep the expression ' *zingaro*' since gypsy would have underrepresented the 'Italian connotation' of the word.

in *baxt* as -and with- the romá. In the settlements, almost casually, romá and *rumuni* spend time together, lend each others tools (a hammer or a saw), talk about the latest police control or find themselves cursing the morning chill while smoking a cigarette at the same fire. Sometimes they even frequent each other outside the settlement. Arrogant mocks and avoidance eventually switch into prudent forms of intimacy. Romá began to eat the bread baked by the 'dirty hands' of two *rumuni* of the nearby settlement ('after all they use[d] gloves'); following the *rumune*, some women of the *xoraxané* began to use the water of the river, at least to wash the trailers.

Some thresholds are not easily trepassed, at least willingly. Romá do not go to the *rumuni* to *beśél* (to sit) –the 'important social occasion' (Saletti-Salza[193]) consisting in sitting, drinking coffee, chatting, 'wasting time' together-; and viceversa. Nevertheless, sometimes it would just **happen** to *beśél*: maybe without offering their coffee, romá and *rumuni* sitted and wasted time together, exchanging stories about Romania and Bosnia, commenting the new Italian policy against the *zingari*, sharing experiences about the mistreatments of the police, laughing at the sillyness of the *gağé*. Not by chance, this happened especially during the harshest repression of authorities: in the settlements or in the city, whether they liked it or not, romá and *rumuni* were well conscious of being *zingari* among the *gağé*. Although *rumuni* were still 'ruining Italy' in the eyes of the romá, in such swerves romá and *rumuni* would find themselves together, as rom and *zingari* opposed to the 'Others' *par excellence*, the *gağé* and Italians who do not 'speak' nor 'act as roma do'.

Concluding, the migration of the *rumuni* had an ambiguous impact on the *xoraxané romá*; a similar ambiguity characterises relations between the two groups. However, competition and collaboration, distance and vicinity, otherness and identity collide and mutually exclude only in the formal and abstract world of what Herzfeld[194] once called the 'strict definitions' operated by the bureaucrat's pen - and sometimes by the anthropologist's pen too. In the fuzzy, contestual, flexible logic of the 'social usages' –I still use Herzfeld's terminology-, such instances intertwine and recall each-other.

It is such ambiguity that makes possible for Alja, a *xoraxaní*, to fell in love with Alessandro, the *rumuno* working with her father, and elope with him; that makes Fikret, Alja's father, overcome his reticence, forgive them and accept Alessandro's promise to treat her well and respect her. The *kseni* (stranger) and the *anthropos* - in our case the *rumuno* and the rom- intertwine but do not melt. Their tension reappears: in Alja's family's silent embarassment in front of the community; in Fikret's conditions for the marriage: the *rumuno* must go to live at Fikret's place –fair enough, he lives alone in an irregular settlement-; he must keep a low profile about his identity; he must continue working for Fikret as his employee, and Fikret will administer the *oikos* of the new couple; at least for a while. Maybe because, as I have heard, 'the only good *rumuno* is a poor one', even when he is your son in law.

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[193] Saletti-Salza, C. (2003). Bambini del campo nomadi. Romá bosniaci a Torino. Roma: Cisu.

[194] Herzfeld, M. (1987). Anthropology through the looking glass. Critical ethnography in the margins of Europe. Cambridge: Cambridge University Press.

H. Synková
Can NGOs serve as mobility channels?[195]

In Central Europe, changes after 1989 brought the possibility to freely associate with other citizens and to create civic organizations. This new option was explored by many and in Czech Republic, where I do my anthropological research, Ministry of Interior counts 75 000 (Ministry of Interior 2009) associations. Roma did not lagged behind in this trend and according to the Government council for national minorities, founded more than 400 organizations (Government 2009).[196] In my presentation I describe what possibilities can be opened by a membership in an organization and look at the process from inside one organization, where I do my research and volunteer from 2005. Roma in my work are not people 'outside institutions', they are creating them actively. The research does not want to find specific 'Romani ways of doing institutions', it is rather exploring what one can *do* with an organization and how an organization is shaped by external pressures. Together with William Fisher I conceive organizations as '*flows of ideas, knowledge, funding and people*' (Fisher 1997:441), as processes that are influenced by people involved in the organization and networks of knowledge they have access to. Dorothea Hilhorst aptly called these processes NGO-ing (2003:5) – *doing* an NGO.

Socialist regime with its assimilatory policies did not support creating organizations on ethnic bases. It banned the first attempt in Slovakia in 1948 and dismantled other association that was created in 1969 after four years of its functioning. Official organizing was also not common among Roma. After 1989 it naturally became a domain of an 'elite' that had some experience in dealing with non-Roma. When I talk about an elite, I don't mean only more educated people, but people that had certain knowledge of majority institutions (like army employees, party members, dissidents and cultural events' organizers), were from more powerful, business-minded and richer backgrounds or grew up in mixed families. Organizations definitely function as one of the possible mobility channels for already skilled. Poorer Roma often figure as 'clients' and 'target groups' of such organizations, they are subjects of legitimization claims of these organizations, which often builds on 'Roma should help Roma' topic. Clients' mobility *can* be stimulated by an organization, but at the same time there are cases of both, Romani and non-Romani, NGO paternalism, involvement in local power struggles and attempts to monopolize access to authorities.

Establishing an organization is an act that *opens* opportunities. What one can become, do and achieve through an organization depends on very diverse personal goals, capacities and contexts and it would be hard to create any typology. In the Czech Republic there are many organizations in a state of 'Sleeping beauty', organizations that metamorphosed to a (shortlived) political movement and vice versa, organizations that 'created representatives' with prestige and access to money and organizations with more /or less impact.

Organization Amaro (pseudonym meaning 'Ours')[197] was founded by Anna Šťastná a middle-aged Romani woman in an effort to help one small poor urban community. When describing the

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[195] Email: hana.synkova@gmail.com; please do not cite the draft without permission of the author

[196] It does not mean though that all the registered organizations are active.

[197] Other names of people and organizations from the fieldwork are also pseudonyms.

reasons for helping, she frequently said that '*we are doing it for our children*', the metaphorical children being the materialization of future of all the Roma in Czech Republic. Romani women often use the 'care discourse' as legitimation of their work and activism (Pulkrábková 2009). Such legitimation is understandable both to Roma and non-Roma, who look on Romani women as responsible for their families and hence their communities. Unsurprisingly, little more women can be found in organizations that focus on children's activities, social work and education compared to organizations with openly political goals.

Anna's own children were already grown-up and she was living alone, so she had enough time to devote to the organization. With secondary education completed, she worked in different jobs ranging from a waiter to an assistant, two of her employers being international organizations, where she gained some contacts to individuals from abroad that later gave Amaro some support. In 2000 she started to work as a municipal social worker and the next year founded Amaro as an organization of volunteers. To officialize an organization, three people are needed to create a mission statement document that gets registered at the Ministry of interior. Amaro was helped by other Romani organization from whom the mission statement was largely copied. The help further comprised sub-letting of an office and writing the first grants. This starting capital was helpful, but many organizations have been blocked exactly when they want to secure further or bigger funds. When I came to the organization, there were four female students of romology and social work working mainly for free and Anna with some small grant on which she employed her son as a social worker. He was one of the first employees of the organization and at that time had already three children. Before coming to Amaro, he worked for example as a cook and a driver.

I have to point out that for many Roma the possibility of self-employment in an NGO is quite attractive and if there is one, it is searched for. In such NGOs we sometimes find family members, which is criticized by non-Romani organizations trying to delegitimize their competitors. From practical point of view, it seems quite logical as finding a job is a hard task, however from the point of usual legitimation of NGOs as transparent and disinterested subjects, it can pose a dilemma, that I will return to in my conclusion. Amaro was not solely the family organization, but from the beginning a kind of symbiosis in between family and friends of Anna and people who came from outside attracted by what the organization does and by Anna's charisma. Another close-ones came into the organization in 2006 when big grants from „European money' were won and the organization had to grow to more than forty employees in several weeks. The second son, Victor, was appointed a leader of clients' work programme and later on became an executive director; his close non-Romani friend became a financial director. Their business in realities was declining, so they first accepted to help the organization and volunteer there and when the offers came, they applied for positions. It has to be said that while their business was going well, they were giving thousands of crowns in support of children's camps, provided their personal computers for the office and offered free driving services. During this period of growth also some other people from associated organizations and Anna's friend circle came along.

It however soon turned out that not all of the people are ideally placed in their positions, as some were inexperienced and others lacked the discipline required by projectization. Their work had to be done by more experienced employees, which were soon overworked and fed up with the

situation. With the organization growing, the tasks were becoming much more difficult and specialized: a lot of professional writing, managing the projects and finances, coordinating the employees. Less experienced people were learning, but sometimes not quickly enough. Compared to the former situation of everyone doing multiple tasks, helping each other and holding the positions mainly for external PR purposes, the roles have solidified and people started to have more strictly defined roles and responsibilities. Bigger funding brings institutionalization and the institutionalization causes not only structural changes, but reconfigures hierarchies, decision procedures and even self-images of employees.

External pressures were significant as well. Donors have moved away from the Czech Republic further East and the use of funds was no longer so open-ended as during the first years after the revolution. The grant sources were much smaller and the competition for them rose. Money from European Structural Funds was channeled through state ministries, which rose dependence of NGOs on state structures. Some Amaro employees commented the situation: the grants that were „winning' few years ago, would now fall below the line of projects acceptable for funding. The pressure to formalize and projectize caused that the organization had to stop functioning as a partial safety-net and take more people that would not 'learn by doing', which was for a long time Anna's ideal, but that would be already fully qualified for the job. This strategy was forced as well by the funding being more and more dependent on professional capacities of organizations and the fact that it was linked with „providing services' and not activism. The new social service law from 2006 required higher education of social workers. This process disqualifies lower-educated people and creates a new kind of subject – a professional and expert worker, who easily fluctuates in between state and NGO sector. The accusation of amateurism became as serious weapon as the accusation of non-transparency. The leader of the social work programme in non-Romani rival organization has been clearly connecting the word amateur with the old non-professional times: '*We have raised quality…before, there were two people working there, one of them amateur. The amateur left and we have taken in, because there was a demand for it, two professionals.*' There is a clear discursive strategy to claim professionalism and thus quality, that makes an organization special. Other trend is to use the 'demand for service' business rhetoric.

There are indeed some Roma in Czech Republic, who started their careers in non-governmental sector, acquired needed knowledge and became these new subjects, their percentage is however small. There are cases of social-work related organizations that were started by Roma, but the founders later on left an organization alltogether or are no longer active being replaced by non-Roma or more educated Roma. To withstand the pressure, some people had to leave Amaro and Roma having a lower educational profile were since hired mainly to the lower positions of terrain workers. Anna has lost part of her power in the organization, but secured and defended the position of her two sons, who are still employed in Amaro. Victor however degraded from executive director and work programme director to the less demanding position of a leader of business project selling products made in the carpenter-workshop. He is well aware of not being the ideal kind of subject after the '*rebirth*' of an organization, as he called it. He is now '*glad not to be in the management*', because of a huge stress connected with these positions – he was responsible not only for the organization but for the livelihood of the whole family. On the other hand the possibility to '*trust each other naturally*' while working with his own family was

evaluated very positively. He is proud to gain an experience and to get the chance to try such position.

Anna stays a director, but no longer does social work herself and in the management she is helped by the programme directors. She is devoting a lot of time to the representation of an organization in the media and at the meetings. With the help of sponsors she is reconstructing a campsite with cottages she bought in a vision of having summer camps with Romani children there and renting the camp to other subjects. Her name is quite known and connected to Amaro as a 'Romani organization'. She is invited to TV and radio programmes where Romani voice is needed and was part of the delegation of activists that visited the president Václav Klaus. She has built enough capital to be considered 'an activist' even separately from the organization. As one of the few visible Romani women even people from abroad coming with an idea of supporting a 'Romani movement', are interested to speak to her. 'Doing Amaro' has certainly brought many benefits to Anna. Her credit as a Romani representative is however insufficient for some employees, who value different kinds of knowledge. In Amaro, she is respected as a founder, but at the same time challenged by newly arrived people that are not familiar with the history of organizational change. PR created by Anna is sometimes considered a failure, as she is not always able to present the organization in the most professional way.

The changes in Czech NGO sector are strikingly similar to descriptions in other studies of transformation. In their article about scaling up women organizations in the Americas Lisa Markowitz and Karen Tice (2001:6) describe professionalization in this way: '...*differences in roles among organization members construct different constituencies or stakeholders within the organization, and these groups often clash in ways that mimic power inequalities in the larger social order. These dynamics relate directly to the sort of institutional facelift involved in formalization. Dealing with broader publics requires individuals with certain capacities, typically consonant with privileged class background and higher levels of education.*' If the organization wants to survive in this environment, it is thus forced to take this direction. There is slightly different pressure in each of the sectors, e.g. 'organizing cultural events' is much less demanding, but sectors with more money available usually require more formalization – and this is the case of a social work sector. Amaro has still preference for hiring Roma, but now predominantly more educated ones, if these show up during the regular selection procedure. A young girl with an MA was recently hired as a leader of new children's club.

Organizations with lower educated employees are frequently losers in this process. The capacity of NGOs to serve as mobility channels became more limited today than it was ten years ago. Some people that entered organizations before this formalization have learned a lot and try to stay in the sector despite the rising competition and the need to find professional support. Nevertheless, most of the Roma-founded organizations stay on the voluntary level having just small projects directed often towards the children and organizing cultural events, many are functioning irregularly. The existence of an organization can still serve as a declaration of prestige or it can direct attention of local authorities towards someone that is willing to pose as 'a representative of a Romani community'. These people are sometimes searched for given the stereotypical majority image of all Roma in the town being a real community. The Romaniness as an organizational image and

strategic essentialism still brings some benefits, but there are increasing expectations of its 'professional' presentation. No wonder that the recent hit among younger activists is a professional advocacy group.

The image of some NGOs as family businesses does not help them either. The ideology of professionalism brings the need to strictly differentiate between private sphere and public involvement. Already Max Weber (1978:957) has established this division as one of the definition features of bureaucracy. Interestingly corruption has been defined as a process when this boundary is 'corrupt', when it does not divide clearly and there are blurred areas of opaqueness. The word 'amateur' has also connotation of private interest. Amateurs are people deeply involved in something, but not necessarily in the most effective way. How to theorize the fact that also 'majority' NGOs are full of lovers, spouses, friends and sometimes parents and children, but it is not such a frequent topic? To explain it by bigger percentage of Romani families in NGOs, 'a work of stereotype' and dominant discourse does not seem to cover the whole picture.

Just before the Christmas I attended a party of the biggest non-Romani NGO that works with Roma in Czech Republic, Humanitas. I was surprised by the number of my former colleagues from studies I met there and by the positions they were holding – working in Humanitas, in NGOs networked with Humanitas, in government offices, research and development agencies. This was my own social network of friends and colleagues that were at the same time professionals and experts. Many years ago Humanitas itself was started by a group of friends. What is then the difference between Amaro and Humanitas? Humanitas is better able to conceal its private networks. The friendship is not considered to have such strength as the parent-child bond, both relationships however relate to the trust. The trust in Humanitas is constructed through professional circles that are at the same time friends' circles. Professionals are trusted because of their standardized and predictable activities; their knowledge is valued and validated by their own networks. To have such friends is an added advantage. The professionalism appears to neutralize critique of private links and solidify the boundary between private and public - if the parent and child or spouses are both quality professionals, the private bond is less scrutinized. On the contrary these relationships, which cannot be legitimized with the entitlement to have professionals around, seem more inappropriate.

What I am afraid of now is that exactly these professional networks got me to this conference. I became so mobile, while other people from Amaro stayed at home...

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P. Vermeersch

Between Europeanisation and discrimination: the Roma as a special focus of EU policy[198]

Introduction

After the Roma in Central Europe had initially attracted the EU's attention as (potential) migrants, they were later, in the run-up to the EU's enlargement, increasingly discussed in the context the EU's attempt to promote minority protection and anti-discrimination regulations in the candidate member states (Guglielmo and Waters 2005). Since the enlargement, however, the Roma are more clearly than ever a subject of internal EU policy. Although there is still concern about the Roma as migrants, they are now primarily viewed as Europe's largest transnational minority faced with the problem of socio-economic exclusion – a problem that, according to the emerging consensus, the EU should help to address.

There are several reasons to assume that by highlighting the Roma's plight as a special concern the EU might indeed persuade member states to take additional action in this field, and thus indirectly make a difference for the Roma themselves. The first reason is that the EU has more tools than other international organizations in Europe to influence domestic policies. Secondly, since the violent dissolution of Yugoslavia the EU has considered the prevention and management of ethnic conflict a critical security concern. While such concern has primarily inspired the EU's foreign policy (Peen Rodt and Wolff 2008), the importance the EU has attached to interethnic peace abroad has nevertheless also compelled it to be increasingly engaged in promoting certain standards on ethnic minority protection at home (Rechel 2009). Indeed, throughout the last decade the EU has increasingly linked its security interests with the promotion of rights in the field of minority protection and anti-discrimination (Sasse 2005). And thirdly, the EU's attempt to improve things for the Roma has received support from a wide range of internationally organized activists, who scrutinize state practice in individual member states and add pressure 'from below' to the pressure that is already brought onto these states 'from above'. As was the case with the global diffusion of human rights norms (Risse, Ropp and Sikking 1999), international advocacy networks (consisting of NGOs that operate across state borders) can reinforce the EU's agenda on Roma inclusion by moral consciousness-raising and by monitoring domestic change. International advocacy networks help to transform the practice of national sovereignty, Keck and Sikkink (1998) have argued. If this is true in the wider world it certainly holds for the EU, where there has been a dramatic growth of international cooperation between groups of citizens organized around shared principled ideas.

Yet the EU's initiatives on the Roma should also be put into perspective. In this paper I want to point out that the EU's tendency to single out the Roma as a priority is sometimes used – or perhaps more aptly, misused – as a tool to diminish popular support for measures that might actually help the Roma. Domestic politicians have responded to the EU's priorities on the Roma in different ways. They have, for instance, utilized it to evade state responsibility and reconstruct the problems facing the Roma as problems primarily caused by cultural difference rather than by socio-economic inequality. The EU's strategic highlighting of the Roma as a special case has

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provided ammunition for the view that the Roma belong more to Europe than to the individual Member States. EU attention – although well intended – can have problematic unintended consequences once it becomes politicized in the domestic arenas of countries where politicians seek to mobilize people along ethnic lines and try to win the support of Euroskeptic voters.

In this paper I explore this process of political reframing by examining a number of recent debates in the European Parliament. I take these to be indicative of political discussions in the domestic arenas of Central Europe. I end the paper by weighing the benefits of EU attention against the risks of its politicization.

The Roma as a special focus of EU policy

Before going into the analysis of these debates, I start with outlining the broader historical and institutional context of the EU's current strategy towards the Roma. This strategy should be seen against the background of an earlier history of EU involvement in shaping minority protection policies in Central Europe. It is also built on a range of activities specifically targeted at the Roma by other international institutions and by international NGOs.

Before the enlargement to Central and Eastern Europe

For a long time the issue of the Roma was as good as absent from the political discussion surrounding the Eastern enlargement of the EU. At the end of the 1990s and the early 2000s, however, it gradually became more prominent. This is exemplified by the European Commission's regular reports on the accession progress, which over the years devoted more space to the situation of the Roma. There are roughly two reasons why that happened.

First, as the case for enlargement was articulated in terms of common values (Guglielmo and Waters 2005: 764; Schimmelfennig 2001), the issue of minority protection became an important rhetorical tool in the dialogue between the EU and the candidate countries. The EU sharply accentuated the role of minority protection in the Copenhagen criteria for accession (1993), hoping that by so doing it would be able to maintain political stability throughout the future territory of the EU, especially in areas were ethnic relations were volatile. Although the EU was sometimes accused of using a double standard, it is reasonable to assume that this strategy did change the situation of minority activists in candidate member states to some extent. Such a development was further stimulated by the activists themselves International advocacy organizations saw their opportunities for exerting pressure across state borders increase because European countries openly committed themselves to the same standards of democracy and willingly submitted themselves, at least on paper, to international scrutiny. Human Rights Watch was one of the first international independent actors in the 1990s to make use of that opportunity and publish reports on the situation of the Roma as a vulnerable minority in some candidate EU member states. Others, such as Minority Rights Group and Amnesty International, followed. Some NGOs, among them most prominently the European Roma Rights Center, began to focus their attention exclusively on the Roma.

Secondly, in its monitoring of minority protection in the candidate member states, the EU also relied on the work that had been done by other international organizations. In 1997, the European Commission's Agenda 2000 referred to both the Framework Convention (FCNM) and the Council of Europe's Recommendation 1201 (1993) on minorities. The Central European countries duly adopted the FCNM. Although the acceptance of this convention was in theory

merely linked to the demands of the Council of Europe and not to the EU, it can be speculated that candidate member states adopted it to strengthen their standing on minority protection issues vis-à-vis the European Commission. Not surprisingly, the EU's concern for the Roma followed a trend of growing concern for the Roma in other international organizations, in particular the OSCE (consider, for example, the activities of the High Commissioner on National Minorities and the establishment of a Contact Point for Roma and Sinti Issues), and the Council of Europe (Kovats 2001: 95–96).

The accession process inherently encouraged form over practice (Vermeersch and Ram 2009: 69), so the effects of the EU's trend to attach growing importance to the Roma in the context of this process should not be overestimated. Conditionality may have been influential in bringing attention to the Roma and in getting programmes and reforms adopted by governments in the acceding countries, but implementation has seriously lagged behind. In the end, the Central European countries were admitted to the EU while substantial problems remained.

Moreover, Romani activists themselves did not always consider the EU's conditionality policy useful for their actions (Vermeersch 2002). Roma sometimes became reluctant to refer to the EU's conditions and the Commission reports because they feared that society would hold *them* responsible for hindering EU accession. Thus, instead of inadequate minority protection being seen as an obstacle for EU membership, the Roma themselves thought they would be perceived as the obstacle. Activists were left wondering how they could protest a situation when the situation was framed as being their own responsibility. Although this dilemma was hardly new for Romani activists, EU membership standards brought the issue into sharp relief.

Since the enlargement

After enlargement several institutions of the EU got more actively involved in raising awareness about the Roma and started to promote methods to prevent anti-Roma discrimination. Since 2004, several new initiatives have amounted to what can now be labelled a comprehensive EU strategy towards resolving the problems facing the Roma.

The lead was taken by the European Commission's Directorate General for Employment and Social Affairs (now, Employment, Social Affairs and Equal Opportunities). Among the early initiatives was a conference on Roma issues (held in April 2004), which included contributions from a large number of Romani activists and resulted in a substantial report entitled *The Situation of Roma in an Enlarged European Union* (European Commission 2004). The stated aim of this report was to generate broad political support for EU policy initiatives that target the Roma as a special group. This is clear, for example, from what the report notes on a proposal for a 'Roma integration directive'. The report acknowledged the fact that it might be problematic from a legal standpoint to introduce a legally binding directive that targets one specific ethnic minority, but it still argued that such a directive would be needed in order to secure sufficient impetus to EU Member States to integrate Roma. If such a directive is legally not possible, so the report argued, 'the inclusion of Roma will depend upon a series of lesser, but important, individual initiatives that may collectively, however, have a similar effect to a Directive' (European Commission 2004: 44-45). The report also concluded the following.

> The EU should clearly and explicitly identify Roma within existing and comprehensive anti-discrimination and social inclusion policies, and not simply assume that Roma will be effectively covered by such policies. There is a need for policies to be efficiently steered by a body with sufficient

influence and authority to ensure that EU departments, Member State governments and other stakeholders take decisive action to target Roma integration. (European Commission 2004: 46).

A crucial symbolic step followed in 2007, when the issue was taken up by the European Council and given priority under the French presidency in 2008. This development was to a certain extent also made possible by a series of resolutions adopted in the European Parliament.[199] In the resolution of January 2008 the European Parliament urged the European Commission to take heed of the conclusions of the European Council conclusions of December 2007 and 'develop a European Framework Strategy on Roma Inclusion aimed at providing policy coherence at EU level' (point 6 of the resolution).[200]

Although there was no agreement among the member states on any financial backing, the European Council of December 2007 gave its full symbolic support to the European Commission for the organization of a European Roma Summit, which was indeed held on 16 September 2008. That the task of developing a special focus on the Roma was taken seriously was further illustrated by the development of a section on the website of DG Employment, Social Affairs and Equal Opportunities containing information about the Commission's actions on the Roma (under the heading 'Diversity and non-discrimination'), including news about upcoming European Roma Summits, the meetings of the European Platform for Roma Inclusion (regular meetings with Romani activists, policy-makers and experts aimed at stimulating cooperation and exchanges of experience on successful Roma inclusion policies and practices), and EURoma (European Network made up of representatives of twelve Member States, determined to promote the use of Structural Funds to enhance the effectiveness of policies targeting the Roma and to promote their social inclusion).

In December 2008, European Commissioner Vladimír Špidla concluded in a speech before the European Parliament that 2008 had been a crucial year for the formation of an EU Roma policy and that there had been 'unprecedented progress (…) on Roma integration through the combined efforts of the EU and the Member States'.[201]

Whether this unprecedented progress will lead to meaningful changes on the ground remains to be seen, but the Commission's efforts to effectuate change are clearly built on a theory that will sound familiar to students of international norms. That theory holds that, having committed themselves to EU membership, independent member states are likely to accept the norms about which there exists consensus within the EU. As Schimmelfennig (2001: 48) has argued,

> In an 'institutional environment' like the EU, political actors are concerned about their reputation as members and about the legitimacy of their preferences and behavior. Actors who can justify their interests on the grounds of the community's standard of legitimacy are therefore able to shame their opponents into norm-conforming behavior and to modify the collective outcome that would have resulted from constellations of interests and power alone.

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[199] 'Roma in the European Union', European Parliament resolution P6_TA(2005)0151; 'Roma women in the EU', European Parliament resolution P6_TA(2006)0244 (2005/2164(INI)); and 'A European strategy on the Roma' European Parliament resolution P6_TA(2008)0035.

[200] 'A European strategy on the Roma' European Parliament resolution P6_TA(2008)0035.

[201] European Parliament, 'EU strategy on Roma' (debate), 3 December 2008, available at http://www.europarl.europa.eu/activities/plenary/cre.do?language=EN.

It is not unlikely that this mechanism of norm-diffusion will indeed be at work in this case as well and that it will lead to new and better domestic policies to deal with the problems that face the Roma.

Yet, as I will show in the next section, in the case of the Roma this norm-spreading mechanism will have to compete with certain counter-mechanisms. I want to focus in particular on the way in which some domestic elites reframe the meaning of the EU's concern for the Roma and use it for the purpose of deepening the gap between the Roma and their co-citizens.

Subject identification and problem formation: strategies of reinterpretation

In the 1990s, the Roma from Central Europe may have been known mostly as (unwanted) migrants, but they were soon also seen as transgressors of borders in another way. They are a group that defies the boundaries of the concepts that are usually deployed to consider minority issues. They, as well as the problems facing them, have been multi-interpretable. Depending on how political and social actors portray them, or depending on how activists represent them, the Roma can be conceived in different ways: as migrants/nomads, as a national minority, as an ethnic group, or as a social underclass. In several countries, as I have shown in earlier work (Vermeersch 2003), different ways of conceiving the Roma and the problems facing them have co-existed. Such different identity and problem conceptions have led to different policy outcomes.

The current European attention to the Roma – by EU institutions as well as by the Council of Europe and the OSCE – has added another layer to ongoing discussions about subject identification and problem formation. There has been a tendency among certain policymakers and elites to frame the Roma as a 'transnational European minority', that is, a group that lives throughout Europe and constitutes a minority in every state but – in contrast to other minorities – has no clear national lobby or external homeland to defend its interests. Moreover, the idea has emerged that throughout Europe these Roma suffer from similar problems of exclusion and marginalization, and that therefore the Roma should expect extra support from the EU. One news magazine called the EU the Roma's 'best ally'.[202]

Some international institutions, in particular the Council of Europe, had already preceded the EU in this field and had been actively engaged in the 'Europeanization' of Romani identity. As Kovats has pointed out, 'In Resolution 1203 of the Council of Europe, the 'Roma' are described as a 'true European minority'. They are used as a symbol whose deprivations can be said to expose the failure of the nation-state model, thereby justifying trans-European governance' (Kovats 2003). Although this recognition of the European character of the Roma looks perhaps like an acknowledgement of a demand for recognition put forward by international Romani activists themselves, Kovats has warned for the danger inherent in such Europeanization. By suggesting that the Roma are a European minority with a common culture, the Council of Europe characterizes the Roma as a group that has been immune for processes of nationalization elsewhere in Europe. They are conceived as European and thus separate from the existing nations. By promoting this identity frame, however, the Council of Europe unintentionally supports the nationalisms that have pushed the Roma out of these existing nations.

The European Commission followed the concerns (and initiatives) of other international organizations, in particular the Council of Europe, but in contrast to the latter, the Commission

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[202] 'Europe's spectral nation,' *The Economist* 359, no. 8221, 2001, 29–31.

has been careful to point out – at least in recent documents – that the Roma should not be set too much apart in terms of their identity or the problems from which they suffer. In a 2008 Commission staff working document it was formulated in the following way:

There are a number of pit-falls which the Commission has done its utmost to avoid in its work on Roma inclusion, i.e.:

A purely horizontal ('ethnically neutral') approach to the problem which would risk losing sight of specific challenges that Roma face;

A pure ethnically defined approach which forgoes the advantages of mainstreaming Roma issues in the main policy strands;

A declaratory 'Europeanisation' of the problem which could symbolically transfer the responsibility to European institutions without providing them with new instruments to deal with it and without sufficient commitments from Member States. (European Commission 2008: 4)

The Commission has thus been aware of the potential dangers of Europeanizing the Roma. At the same time, however, it has been unable to prevent other actors from reading the actions of the Commission itself as a form of Europeanization. These actors have used the attention of the Commission as a new opportunity to frame the Roma as a *European* ethnic minority, meaning, a group that, if not characterized by a Europe-wide common culture, is faced with a similar type of social exclusion and discrimination across internal European borders *and* is symbolically tied together by the fact that they are the subject of the same EU policy. In other words, special attention for a particular category has been used to reinforce the idea that there is something in the category itself which mandates a special treatment. Put somewhat more provocatively, the EU has sought to stifle discrimination against the Roma, but paradoxically it has opened up a space for the reintroduction of a narrative that widens the social gap between Roma and others. Against the intentions of the EU the EU's concern for the Roma has been reinterpreted by several political actors as a way to promote policy outcomes and discourses that go against the material interests of the Roma.

Examples of such problematic strategies of reinterpretation can be found in various political narratives, in international, national as well as local politics. I will limit my empirical exploration of this phenomenon here to some examples from the discussion on the EU strategy on Roma in the European Parliament.

In these debates one can notice a shift. The talk about the need to be concerned about the Roma sometimes slips back into a narrative that highlights the distance between Roma and other groups of citizens and portrays both Rom and non-Roma as homogenous, bounded camps. What happens is not that statements that have served to stimulate the EU in its efforts to achieve change on the ground (and thus argue along the lines of the norm-distribution perspective that I have outlined above) have been contested; they are rather reinterpreted and adapted to become part again of a nationalist narrative. This reinterpretation is done by politicians who are not unconcerned about the Roma but whose central agenda is to absolve national states and national populations from the responsibility of solving the problems that face the Roma. By doing so, they have the tendency to conceive the Roma as a separate nation and thus symbolically exclude them from the existing nation-states.

Let me begin with a quote that illustrates a genuine belief in the positive effect of Europeanization. MEP Daniel Cohn-Bendit claimed that it is necessary 'to give the Roma the status of a European minority (…) official recognition is the first step towards combating exclusion'.[203] This quote is, I believe, representative of the norm-distribution perspective, the idea that, as a result of EU attention, the situation will change on the ground. Other politicians supported this opinion. What is immediately striking, however, is that this is a political argument that goes a step further than the European Commission has been willing to go – it is in fact more akin to the Council of Europe's conception of the Roma. But this view is generally not seen as in contradiction with statements like the one by the French minister of Foreign Affairs at the 2008 Roma Summit that 'Roma are the biggest European minority, they are part of Europe therefore their fate is that of the whole EU' (quoted in Villareeal and Walek 2008: 11), or the statement by French government representative Jean-Pierre Jouyet, who said: 'it is vital that we take a European approach to this, not least because it is very much a cross-border problem, not at all a purely national one.'[204]

It is important to note that other voices in the debate, while fully agreeing with the need for such recognition, have nevertheless given that same call a slightly different undertone. Consider this statement by Adrian Severin, a Romanian MEP from the Social Democratic Party (Partidul Social Democrat, PSD):

> The European Union enlargement was the last act of Roma liberation. Roma are today European citizens. Perhaps they are in absolute terms the truest European citizens because they are only Europeans. Their cultural, social and economic integration is a European challenge. Therefore we must communitarise the Roma policy. A strategy which only makes recommendations to the states, leaving them the ultimate choice and the ultimate responsibilities, simply does not work.[205]

Here an important twist is added. Because the Roma are *only* Europeans, so it is claimed, national states should *not* be left on their own to construct policies that help them. Others have followed up on that same line of reasoning. Consider, for example, this quote by Jiří Maštálka, a Czech MEP from the Communist Party of Bohemia and Moravia (Komunistická strana Čech a Moravy, KSCM):

> I come from the Czech Republic, a country that has been frequently and in my view quite unfairly criticised in this context… I agree with the Commission that the problem can be resolved only by linking up regional, national and European structures to the greatest extent possible.[206]

At first glance, this statement echoes the Commission's call to see the problem in a European perspective. However, two elements are added: the complaint of unfair criticism towards a single country and the idea that national and European structures should be linked up *to the greatest possible extent*. In other words, this politician seeks to align the Commission's argument that the problem is 'European' in nature with his own assumption that the problem therefore cannot be the responsibility of any single nation-state. The political argument that recognition of the Roma

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[203] European Parliament, 'EU strategy on Roma' (debate), 3 December 2008, http://www.europarl.europa.eu/activities/plenary/cre.do?language=EN (accessed January 2010).

[204] European Parliament, 'EU strategy on Roma' (debate), 3 December 2008, http://www.europarl.europa.eu/activities/plenary/cre.do?language=EN (accessed January 2010).

[205] European Parliament, 'Creation of a Roma fingerprints database in Italy' (debate), 7 July 2008, http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20080707+ITEM-018+DOC+XML+V0//en (accessed January 2010).

[206] European Parliament, 'EU strategy on Roma' (debate), 3 December 2008, http://www.europarl.europa.eu/activities/plenary/cre.do?language=EN (accessed January 2010).

as a European minority is an important first step in the process of solving their problems is entirely consistent with this view. But this slight rephrasing of the matter helps him to accomplish something that puts it entirely at odds with the initial ideas behind the idea to see the Roma in European perspective. While the intentions of the European Commission have been to instigate national states to take up responsibility for 'their own' Romani minorities, this politician (as many others) supports the European Commission's statements and actions in order to arrive at the exact opposite conclusion: that the member-states themselves should not be blamed for the current problem nor held responsible for solving it.

It was no doubt in order to counter such reinterpretations that Barroso in his speech at the 2008 Roma Summit argued that the 'European institutions and Member States have a *joint responsibility* to improve the social inclusion of Roma'. Yet, in the game of political reinterpretation such joint responsibility can still be imagined as a formula to take *some* allegedly undeserved blame away from the national state. Consider, for example, another statement from Adrian Severin:

> We cannot turn into reality the fiction of the Roma national citizenship when Roma opt out from taking the nationality of a particular state. Roma are European citizens without a national project. Therefore the models usually applying to the national minorities at the level of the nation state do not work. Roma social and cultural integration is a transnational matter and consequently it is first and foremost the responsibility of the European Union. Of course, Member States also have their responsibility concerning Roma in terms of non-discrimination, social inclusion and affirmative local measures. But these responsibilities should be seen as having a subsidiary character.[207]

The extreme right, of course, takes this reasoning even further and puts all blame on the Roma and none of it on the national state. In the narrative of the extreme right the alleged 'Europeaness' of the Roma serves as an argument for the total exclusion of the Roma. For example, in the European Parliament debate on the Roma strategy one Italian neo-fascist argued for a separate Romani state. Bulgarian Ataka politician Desislav Chukolov reinforced a similarly hard line of division by associating national Bulgarian membership with positive characteristics and categorizing the Roma as non-nationals – outsiders with negative characteristics (who should therefore, presumably, be expelled). The Europeanization of Romani identity gave Chukolov the necessary rhetorical space to pit 'the Roma' against 'the honest, hard-working Bulgarians'. The former ones he described as foreign perpetrators, the latter ones as innocent 'victims of gypsy crime.'[208]

Here the message is, of course, crude and easy to unmask as a blame-the-victim rhetoric. But the argument I want to make is that such statements can acquire a certain status of legitimacy for a broad audience when they are communicated in a context of more subtle endorsements of the 'Europeanness' of the Roma. The crucial shift towards evading state responsibility and blaming the victim often happens in moderate statements, where the danger is not immediately visible.

In other words, the Europe-wide actions to halt anti-Roma discrimination run the risk of being reinterpreted as support for the argument that the Roma's particular form of marginality is not unique to any country. From there it is a small step to frame such marginality and exclusion as a

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[207] European Parliament, 'EU strategy on Roma' (debate), 3 December 2008, http://www.europarl.europa.eu/activities/plenary/cre.do?language=EN (accessed January 2010).

[208] European Parliament, 'A European strategy on the Roma' (debate), 16 January 2008, http://www.europarl.europa.eu/activities/plenary/cre.do?language=EN (accessed January 2010).

symptom of Romani identity and not as a problem of inequality and socio-economic polarization linked to specific dynamics within a particular state or locality.

The dangers of reinterpreting the EU as 'the Roma's best ally'

Is all EU attention for the Roma, then, harmful? In order to answer that we would need to know the answer to an important underlying question: Does the attention of the EU change matters on the ground for the Roma? We should be nuanced here. It is clear that projects funded and instigated by the EU *can* have a positive impact. But a positive impact should not be simply assumed; it should be the subject of empirical verification. Some important evaluation work on Phare projects has been done, for example, by Guy and Kovats (2006); more of that will certainly be needed in order to establish for sure whether indeed, as the norm-diffusion model predicts, international scrutiny will work for ordinary people.[209] The benefits of such special EU concern, however, will always need to be weighed against the costs of political reinterpretation.

There are at least four reasons why the political re-categorization of the Roma as 'European' and of the EU as 'the Roma's best ally' might prove costly.

First of all, as we have seen in the quotes above, Europeanizing the Roma might give domestic politicians an opportunity to evade – rhetorically at least, but perhaps also in practice - their own country's responsibility. These politicians might support the EU's concern for the Roma merely because it can function as a legitimatization of the argument that national states are not responsible for introducing effective policies and were not responsible in the past for creating the problems that now need to be addressed.

Secondly, European initiatives, if wrongly framed, might provide ammunition for ethnic mobilization in the domestic arena and reinforce the boundaries between the Roma and other population groups. If European support is not monitored well it might easily be interpreted as support uniquely for the Roma rather than for society as a whole. The effects of such reinterpretation may trickle down to the local level. In Limanowa in Poland, for example, a recent discussion about the building of a Romani community house with the support of government funding (which, in turn, relies on European subsidies) has deepened divisions in an already divided village.[210] Local politicians there have claimed that all money that goes to the building of such a community house is money that cannot be used for the building of a road in the non-Romani part of town. This might not be true, but the problem is that such interpretation is quite believable in a situation where all policies are routinely framed as beneficial either for the Roma or the non-Roma, never for the inhabitants of the community as a whole. Such local politicisations of government funding policies should be avoided. It is of the utmost importance that policy initiatives that help the Roma are framed in a way that encourages other social groups to accept the Roma as equal partners and co-citizens. The narrative that should accompany these initiatives is one that highlights the advantages of these policies for the whole population, not only the Roma. If not, the Roma will continue to be portrayed as a burden on the national economy, not as a group that deserves the economic support that other poor people deserve.

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[209] The conclusion Guy and Kovats have provided is a sobering one: 'evidence to date indicates that none of the serious problems afflicting most Roma communities are nearing a solution' (Guy and Kovats 2006: 15).

[210] More about this case, see Paweł Smoleński, Bartłomiej Kuraś, 'Cyganów nie lubię, co raczej się podoba', *Gazeta Wyborcza*, 26 October 2009.

Thirdly, the Europeanization of the Romani issue might leave us with the impression that the situation of the Roma is very similar across Europe, and that formula-like solutions can be implemented. This is not the case. There is a lot of variation, and that variation should be taken into account by policymakers. Even if problems seem similar, causes may actually vary a lot from place to place, and each community might possess different resources and dynamics to deal with these problems.

And finally, if the Roma are perceived as the EU's best ally, the rise of Euroskeptic politics in Central Europe presents an additional potential danger for the Roma. The reason is that – however poor or excluded they are – the Roma might be viewed and framed as 'winners' of the European integration process. This is problematic as they may become the object of resentment of Euroskeptic citizens. Sociological data show that the European project 'has predominantly been about the opportunities that upper- and upper-middle-class people have had to interact with their counterparts in other societies. This has made them more 'European'' (Fligstein 2008: 147). Poorer people are often less enthusiastic about European integration and are often mobilized in opposition to the 'European' elites. This makes the problem of Europeanization very acute for the Roma. The process of Europeanization might put them symbolically in the camp of those resented 'European' elites. But they have little to win from this. Like other lower class populations they can usually not benefit from what is available to the wealthier people in this category, such as cross-border business and tourism. Once again, the Roma run the risk of being placed in categories that do not help their inclusion.

Conclusion

This paper represents a first attempt at weighing the benefits of the current special EU concern for the Roma against the problem of political reinterpretation. The EU has managed the put the Roma on the political agenda by considering them a category of people who are exceptionally vulnerable and therefore in need of special attention; but this EU attention – although well intended and, in certain aspects, not unlikely to produce some positive effects – can have problematic unintended consequences once it becomes politicized in the domestic arenas of countries where politicians try to mobilize voters on an ethnic basis and seek to win the support of Euroskeptic citizens.

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M. Willers, A. Ryder and C. Johnson

Facilitating the Gypsy and Traveller way of life in England and Wales through the courts[211]

Introduction

This paper looks at the experience of nomadic Gypsies and Travellers in England and Wales, particularly since the repeal of the duty on certain local authorities to provide sites[212].

In England, the July 2009 Gypsy/Traveller caravan count[213] showed a total of 17,437 caravans: 1537 of these (9%) were on unauthorised encampments[214]; 2192 of these (13%) were on unauthorised developments[215].

In Wales, the July 2009 Gypsy/Traveller caravan count[216] showed a total of 767 caravans: 101 of these (13%) were on unauthorised encampments; 69 of these (9%) were on unauthorised developments.

This paper concentrates on how the law and the courts have dealt with the position of Gypsies and Travellers on unauthorised encampments. It should be pointed out that those on unauthorised developments may also be subject to eviction action from their own land if they do not ultimately obtain planning permission and may have to resort to unauthorised encampments.

Part 1 of this paper examines the position between 1994 and 2009 and is split into three sections:

- Section (a) looks at how the courts have insisted on local authorities' compliance with government guidance when deciding how to manage unauthorised encampments. The effective result has been that, if government guidance is not complied with or is ignored, Gypsies and Travellers may obtain the postponement of any eviction action.
- Section (b) looks at the potential use by such Gypsies and Travellers of the legislation that relates to homelessness. To date the law on homelessness has not greatly assisted in any attempt to defer evictions.
- Section (c) looks at the attempts (so far unsuccessful) to use article 8 of the European Convention on Human Rights[217] to defend eviction actions.

In contrast to what may be seen as the limited effectiveness of the law in facilitating the Gypsy and Traveller way of life as outlined in Part 1, Part 2 of this paper looks at the potential for a dramatic shift of emphasis in the future. This potential shift centres on a 'rights and proportionality' based approach to such situations. It is split into three sections -

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[211] Aside from those who we acknowledge in footnotes, we must also acknowledge David Watkinson of Garden Court Chambers and Alex Offer of Park Court Chambers whose ideas and arguments have assisted us in certain sections.

[212] Criminal Justice and Public Order Act 1994 section 80 repealed the duty which was contained in Caravan Sites Act 1968 section 6.

[213] Carried out by Communities and Local Government – see http://www.communities.gov.uk/

[214] Defined as encampments where the caravans are stationed on land without the consent or permission of the owner or occupier of that land.

[215] Defined as encampments on land owned by the Gypsies or Travellers themselves but without planning permission.

[216] Carried out by the Welsh Assembly Government – see http://wales.gov.uk/

[217] The right to respect for private and family life and home.

- Whereas the law in England and Wales to date has tended to emphasise the absolute right of the landowner (more specifically the public landowner) to regain possession, section (a) looks at two cases from the distant and not so distant past that indicate an approach which weighs up the rights and obligations on both sides before deciding whether an order is justified. Both these cases have a constitutional basis.
- Section (b) analyses a Court of Appeal judgment from 1987 that may have resonance today.
- Section (c) brings us up to date and, by reference to the current legislative and policy position with regard to the provision of Gypsy and Traveller sites, argues that domestic courts ought now to adopt a 'rights and proportionality' based approach when determining whether to sanction eviction action taken by local authorities, having regard to: the jurisprudence of the European Court of Human Rights (ECtHR); and the logical link between homelessness and eviction.

Before embarking on this process, we should explain where the concept of 'facilitating the Gypsy [and Traveller] way of life' comes from.

In the case of *Chapman v UK*[218], the Gypsy applicant unsuccessfully challenged the compliance of the United Kingdom planning legislation with her rights under article 8. Though her challenge was unsuccessful, the ECtHR made an important finding as to the duties involved:

> ...the vulnerable position of Gypsies as a minority means that some special consideration should be given to their needs and their different lifestyle both in the relevant regulatory planning framework and in arriving at the decisions in particular cases...To this extent there is thus a positive obligation imposed on the Contracting States by virtue of Article 8 to facilitate the Gypsy way of life...(para 96).

In many ways this paper is an examination of how far, if at all, the United Kingdom government has succeeded in ensuring that such 'special consideration' takes place.

We do not suggest that private landowners have a role to play in facilitating the Gypsy and Traveller way of life unless, of course, they wish to do so. Rather, our focus is on central government and public landowners and, more specifically, upon the role of local authority landowners.

Part 1. The developments in the years 1994 to 2009

(a) Considerations of common humanity

When the draconian eviction provisions in the Criminal Justice and Public Order Act (CJPOA) 1994 (given to the police by sections 61 and 62 and to local authorities by sections 77 and 78) were brought into force, the Government issued Department of the Environment (DoE) Circular 18/94 *Gypsies Sites Policy and Unauthorised Camping*. The Circular was described as giving guidance on the provisions in sections 77 to 80 of the CJPOA 1994.

The Circular emphasised the need for taking into account welfare considerations and for making welfare enquiries before deciding whether or not to evict an unauthorised encampment.

At para 6 it stated that:-

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[218] (2001) 33 EHRR 399.

> Whilst it is a matter for local discretion to decide whether it is appropriate to evict an unauthorised Gypsy encampment, the Secretary of State believes that local authorities should consider using their powers to do so wherever the Gypsies concerned are causing a level of nuisance which cannot be effectively controlled. They also consider that it will usually be legitimate for a local authority to exercise these powers wherever Gypsies who are camped unlawfully refuse to move onto an authorised local authority site.....

At para 9 it is stated that:-

> The Secretary of State continues to consider that local authorities should not use their powers to evict Gypsies needlessly. He considers that local authorities should use their powers in a humane and compassionate way, taking account of the rights and needs of the Gypsies concerned, the owners of the land in question and the wider community whose lives may be affected by the situation.

Paras 10 and 11 stress the obligations that local authorities have under the Children Act 1989 and under what was then part III of the Housing Act 1985 (now Part VII of the Housing Act 1996) with regard to homelessness as well as their duties as local education authorities.

At para 13 it is stated that:-

> Local authorities should also bear in mind that families camped unlawfully on land may need or may be receiving assistance from local health or welfare services.

In Wales an equivalent Circular was issued (see Welsh Office Circular 76/94).

In *R v Lincolnshire County Council ex p Atkinson, Wealden District Council ex p Wales and Stratford*[219], Sedley J (as he then was) made it clear that local authorities when considering the eviction of unauthorised encampments ought to comply with DoE Circular 18/94 (or Welsh Office Circular 76/94). Sedley J stated that:-

> Detailed analysis of [passages from the Circular] and debate about what legal force, if any, an advisory circular of this kind possesses has been made unnecessary by the realistic concession of counsel for both local authorities that whether or not they were spelt out in a departmental circular the matters mentioned...would be material considerations in the public law sense that to overlook them in the exercise of a local authority's powers under sections 77 to 79 of the Act of 1994 would be to leave relevant matters out of account and so jeopardise the validity of any consequent step. The concession is rightly made because those considerations in the material paragraphs which are not statutory are considerations of common humanity, none of which can be properly ignored when dealing with one of the most fundamental needs, the need for shelter with at least a modicum of security (at 535).

Subsequent Government Guidance

The position was further clarified in October 1998 by the publication of the Department of the Environment Transport and the Regions (DETR)/Home Office *Good Practice Guide, Managing Unauthorised Camping* which made clear that local authorities should take into account welfare issues, regardless of the method of eviction being contemplated[220].

In 2004 the Office of the Deputy Prime Minister issued *Guidance on Managing Unauthorised Camping* (hereafter 'the 2004 Guidance')[221].

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[219] [1995] Admin LR 529.

[220] The 1998 Guidance has since been superseded.

[221] The Welsh Assembly Government/Home Office issued Guidance in January 2005, namely *Guidance on Managing Unauthorised Camping*. The Welsh Guidance is extremely similar to the 2004 Guidance.

At para 5.7 of the 2004 Guidance it is stated that:-

Local Authorities may have obligations towards unauthorised campers under other legislation (mainly regarding children, homelessness and education). Authorities should liaise with other local authorities; health and welfare services who might have responsibilities towards the families of unauthorised campers. Some form of effective welfare enquiry is necessary to identify whether needs exist which might trigger these duties or necessitate the involvement of other sectors, including the voluntary sector, to help resolve issues.

At para 5.8 it is stated that:-

The Human Rights Act (HRA) applies to all public authorities including local authorities...With regard to eviction, the issue that must be determined is whether the interference with Gypsy/Traveller family life and home is justified and proportionate. Any particular welfare needs experienced by unauthorised campers are material in reaching a balanced and proportionate decision.......

At para 5.9 it is stated that:-

All public authorities need to be able to demonstrate that they have taken into consideration any welfare needs of unauthorised campers prior to making a decision to evict[222]

The 2004 Guidance makes it clear that the carrying out of welfare enquiries is not just a mere formality but must then lead on to proper consideration of any issues that are raised. For example, it is stated at para 5.12 that:-

To collect initial information from unauthorised campers on any perceived welfare, health or educational needs....is the starting point for liaison with other relevant departments. Where school-age children are present, the Traveller Education Service should be notified. Similarly, social services or health authorities should be notified where there seems to be social, welfare or health needs to be further assessed and met.

At para 5.19 it is stated that:-

Decisions about what action to take in connection with an unauthorised encampment must be made in the light of information gathered.

Again at para 5.20 it is stated that:-

Any welfare needs of unauthorised campers are a material consideration for local authorities when deciding whether to start eviction proceedings or to allow the encampment to remain longer.

The 2004 Guidance has been supplemented by further Guidance from the ODPM/Home Office, namely the *Guide to Effective Use of Enforcement Powers – Part 1: Unauthorised Encampments* (hereafter the 2006 Guidance)[223].

At para 65 of the 2006 Guidance it is stated that:-

Local authority officers should conduct thorough welfare enquiries when a new encampment of Gypsies and Travellers arrives in the area. Where pressing needs for particular services are identified as part of the local authority's enquiries, relevant departments or external agencies should be

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[222] Indeed the Guidance, as is apparent here, makes it clear that all public authorities and not just local authorities must take account of welfare enquiries and this includes the police as well. This is also backed up by case law see, for example *R v Metropolitan Police ex p Small*, Crown Office, August 27th 1998 (unreported); *R (Kanssen) v Secretary of State for the Environment, Food and Rural Affairs* [2005] EWHC 1024 Admin, [2005] EWCA Civ 1453.

[223] At the moment there is no further supplementary guidance for Wales.

contacted in order to meet these needs as appropriate (health services, social services, housing departments and so on).

The 2006 Guidance continues at para 66:-

> If necessary, removal of the encampment could be delayed while urgent welfare needs are addressed (unless... the site which the unauthorised campers are using is particularly sensitive or hazardous, in which case the unauthorised campers should be asked to relocate to a more appropriate location in the vicinity).

Thus, Government Guidance makes it clear that welfare enquiries must be made and humanitarian considerations taken into account regardless of what type of eviction process is being used, a point which has been confirmed by the courts.

For example, in *R (Ward) v Hillingdon BC*[224], Stanley Burton J (at 460) stated:-

> [A] local authority considering exercising its powers to evict travellers...from an unauthorised encampment must not act in an uninformed, precipitate or inconsiderate manner. It must make adequate enquiries to elicit relevant information, including the number, age, health and needs of the travellers concerned and make its decision having properly taken that information into account. The Guidance expressly envisages that there will be circumstances in which a local authority may properly decide not to evict travellers from an unauthorised encampment.

Postponement of eviction

A local authority's failure to carry out welfare enquiries before deciding whether to evict an encampment and its failure to take account of matters that are raised by those enquiries may well lead to a decision being quashed by the courts on the basis that it is *Wednesbury* unreasonable[225] and the deferment of any eviction action so that such enquiries can be undertaken and a fresh decision can be made.

Such decisions may also be susceptible to challenge and eviction action postponed if a local authority has failed to consider whether a site should be 'tolerated' and whether there are alternative locations to which Gypsies and Travellers could move. In *R (Casey and Others) v Crawley Borough Council and the ODPM*[226] Burton J framed three options that are available to local authorities in such situations:-

i)   To seek and obtain possession of the site in question (Option 1);

ii)   To tolerate the Gypsies or Travellers, if only for a short time, until an alternative site could be found (Option 2);

iii)   To find an alternative site, if only on a temporary basis, and offer the Gypsies and Travellers concerned a move to it (Option 3).

 (b. The rat-infested barn

In this context, how, if at all, has the homelessness legislation assisted Gypsies and Travellers living on unauthorised encampments?

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[224] [2001] LGR 457.

[225] See *Associated Provincial Picture Houses v Wednesbury Corporation* [1947] 2 All ER 680, CA. *Wednesbury* unreasonableness involves a public authority acting in a way in which no reasonable public authority could act – quite a high hurdle to cross.

[226] [2006] EWHC 301 Admin.

For a very long time there seems to have been a general assumption that the 'accommodation' which local authorities might have to provide under modern homelessness legislation[227] would be 'conventional housing' (or 'bricks and mortar'). It was only relatively recently that that assumption was challenged.

The caravan as accommodation

The latest version of the homelessness legislation (in the form of Housing Act 1996 Part VII) contains a specific provision designed for those who are nomadic. Thus, a person is homeless if s/he has accommodation but it consists of a moveable structure, vehicle or vessel designed or adapted for human habitation and there is no place where s/he is entitled or permitted both to place it and reside in it.[228] Put another way, for a Gypsy or Traveller **not** to be homeless they need the combination of a 'caravan' plus an 'authorised pitch'[229]. Accordingly, it might be supposed that, if a homeless applicant living on a caravan on an unauthorised encampment is owed a duty to be provided with suitable accommodation then that duty should be met by the provision of an authorised pitch. Unfortunately, caselaw has not so far led to this result.[230]

Suitable accommodation

The suitability requirements of the Housing Act 1996[231] are applicable to the provision of both temporary and 'permanent' accommodation. When determining what constitutes 'suitable accommodation', a local authority must have regard to the slum clearance and overcrowding provisions of the Housing Act 1985 and to Housing Act 2004 Parts I-IV (housing conditions and control of houses in multiple occupation)[232]. In deciding the question of suitability, the local authority must consider the individual needs of the applicant and his/her family, including needs as to work, education and health.[233]

In recent years it has been argued in a number of cases that 'suitable accommodation' for a homeless Gypsy or Traveller with a cultural aversion to conventional housing ought not to be bricks and mortar but an authorised pitch where s/he could place his/her caravan.

Cultural aversion to conventional housing

The concept of 'cultural aversion to conventional housing' first appeared in a planning case, *Clarke v Secretary of State for the Environment, Transport and the Regions.*[234] The High Court (in a judgment later upheld by the Court of Appeal) overturned the decision of a Planning Inspector

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[227] See: National Assistance Act 1948 s21; Housing (Homeless Persons) Act 1977 s6; Housing Act 1985 s69; and Housing Act 1996 s193 – the latter being the current version of the legislation.

[228] Housing Act 1996 s175(2)(b).

[229] This is to slightly simplify the matter – the meaning of 'entitled **or permitted**' is controversial - – see Johnson & Willers, eds, *Gypsy & Traveller Law* Legal Action 2nd edition 2007 Chapter 6 for further discussion on the point.

[230] The problem may lie in the total lack of any statutory definition of 'accommodation' – aside from the question of 'suitability' – and may perhaps point to a need for legislative intervention.

[231] Housing Act 1996 ss206(1) and 210(1).

[232] For a detailed discussion of the question of suitability, see Arden, Hunter & Johnson, eds, *Homelessness and Allocations*, Legal Action 7th edition 2006, Chapter 10.

[233] See, for example, *R v Newham LBC ex p Sacupima* [2001] 33 HLR 1. Interestingly, in *R v Southampton CC ex p Ward* [1984] 14 HLR 114, the offer of a pitch, on a caravan site which a social worker described as being in appalling condition, was nonetheless held to be a sufficient discharge of the temporary duty having regard to the family's need to have a pitch as opposed to conventional housing.

[234] [2002] JPL 552.

who had refused planning permission to Mr Clarke, a Romani Gypsy, in circumstances where the Inspector had taken into account a previous offer from the local authority of conventional housing. Burton J concluded that, if a cultural aversion to conventional housing was established, such an offer would be unsuitable *'just as would be the offer of a rat-infested barn'* (at para 34).

The concept was then applied in the homelessness case of *R (Price) v Carmarthenshire CC.*[235] Mrs Price and her family are Irish Travellers and they were homeless since they were living on an unauthorised encampment on land owned by the County Council. They made a homelessness application to the latter. A few years earlier Mrs Price had made an enquiry about conventional housing. She later explained that this was solely because of pressure from a local authority officer and that she had had no intention of moving into or accepting such accommodation.

The County Council had regard to the *Clarke* judgment but concluded that Mrs Price did not have a cultural aversion to conventional housing since she had made an earlier enquiry about conventional housing, her mother lived in bricks and mortar and her sister (who travelled with her) had previously lived in conventional housing for a short period of time. The Council offered Mrs Price bricks and mortar housing which she duly refused. The Council then sought to evict her from the unauthorised encampment on its land.

Quashing that decision to evict, Newman J stated that:

> In order to meet the requirements and accord respect, something more than 'taking account' of an applicant's gypsy culture is required. As the Court in Chapman[236] stated, respect includes the positive obligation to act so as to facilitate the gypsy way of life, without being under a duty to guarantee it to an applicant in any particular case (at para 19).

Newman J felt that the approach of the County Council was flawed because it had given too much weight to Mrs Price's earlier enquiry about housing and had used this as sufficient reason for disregarding her Gypsy way of life altogether when considering her needs. However, whilst her cultural commitment was a significant factor in this process, he also found that the County Council was not duty bound to find her a pitch.

Subsequent cases have indicated that, whilst local authorities must clearly use their best endeavours to try and obtain a pitch for a homeless Gypsy or Traveller with a cultural aversion to conventional housing[237], if they cannot succeed in that process then conventional housing may have to be offered in discharge of the local authority's duty to accommodate. Thus, Leanne Codona (a Romani Gypsy with what was accepted by all parties as a most extreme cultural aversion to conventional housing) failed in her attempt to challenge an offer of bed and breakfast accommodation before the Court of Appeal[238] and in the county court when she tried to challenge a 'permanent' offer of conventional housing.[239]

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[235] [2003] EWHC 42 (Admin).

[236] *Chapman v UK* (2001) 33 EHRR 399, European Court of Human Rights.

[237] It should be pointed out that a New Traveller may well have an 'aversion to conventional housing'. There are now at least one generation of New Travellers who were, in fact, born on the road and who have never lived in conventional housing.

[238] Codona v Mid-Bedfordshire DC [2005] HLR 1.

[239] *Codona v Mid-Bedfordshire DC* Luton County Court, March 20th 2006, HHJ Farnworth.

Following the dismissal of her appeal to the Court of Appeal, Ms Codona made an application to the ECtHR. The Court found her application inadmissible[240] and in doing so stated:

> Following Chapman the Court does not rule out that, in principle, Article 8[241] could impose a positive obligation on the authorities to provide accommodation for a homeless gypsy which is such that it facilitates their 'gypsy way of life'. However, it considers that this obligation could only arise where the authorities had such accommodation at their disposal and were making a choice between offering such accommodation or accommodation which was not 'suitable' for the cultural needs of a gypsy. In the instant case, however, it appears to be common ground that there were, in fact, no sites available upon which the applicant could lawfully place her caravan. In the premises, the Court cannot conclude that the authorities were then under a positive obligation to create such a site for the applicant (and her extended family).

Following the *Price* judgment, Communities and Local Government amended the [English] Homelessness Code of Guidance for Local Authorities[242]. At para 16.38 the amended Code states that:

> Where a duty to secure accommodation [for a Gypsy or Traveller] arises but an appropriate site is not immediately available, the housing authority may need to provide an alternative temporary solution until a suitable site or some other suitable option, becomes available. Some Gypsies and Travellers may have a cultural aversion to the prospect of 'bricks and mortar' accommodation. In such cases, the authority should seek to provide an alternative solution.[243]

The Code seems to require local authorities to take greater steps than those required by the courts in the cases brought by Ms Codona, holding out the possibility of what many representatives of Gypsies and Travellers had long argued for – the imaginative use of temporary 'tolerated' sites, even if such sites do not have planning permission.

The point has not yet been conclusively decided. However, in the recent case of *Lee v Rhondda Cynon Taf BC*[244] the Court of Appeal did consider whether local authorities should be expected to make suitable provision by acquiring and/or developing alternative sites. Once again the Gypsy applicant had refused an offer of conventional housing largely on the basis of cultural aversion. Significantly, the applicant had previously indicated an interest in conventional housing and had not put any psychological or psychiatric evidence to support her aversion before the court.

In dismissing her appeal, Longmore LJ (giving the leading judgment) stated:

> Mr Knafler [counsel for Ms Lee] submits that [the consideration by the local authority of her position as a Gypsy] was not lawful or adequate because [the local authority] did not consider whether they should acquire an alternative site. That however seems to me to be, in the context of a homelessness application, wrong...Homelessness applications are expected to be determined within a short timeframe, ideally at least within 33 days of an acceptance of a requisite duty. If a new site is to be acquired for stationing a caravan for residential purposes, that will usually mean a new use which will typically require planning permission. That will require determination by the local authority planning committee, especially if it means a departure from the local development

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[240] *Codona v UK* App no 485/05.

[241] The right to respect for private and family life and home.

[242] With effect from September 2nd 2006.

[243] See also the CLG Gypsy and Traveller Site Management Good Practice Guide (July 2009) which gives as an example of accommodation need 'people who have a genuine need for caravan site accommodation based on an aversion to bricks and mortar housing' (p29).

[244] [2008] EWCA Civ 1013, July 16th 2008.

plan...After all that, land would have to be bought if it is not already owned by the local authority itself. All this is, in my judgment, inconsistent with the manner in which homelessness applications are expected to be dealt with by the housing department, and especially since they are expected to be dealt with with a degree of promptness. As, moreover, the Recorder himself observed, that is really inconsistent with the law as laid down by Price and Codona, to the effect that bricks and mortar accommodation is at any rate capable of being suitable accommodation even for a gypsy (para 16).

That said, Longmore LJ did go on to express the following view:

All that is not to say that there might not be unusual circumstances in which a local housing authority might be expected to do more than consider availability and sites within their area. If, for example, there was a question of an applicant being at risk of suffering psychiatric harm, it might well be that the local authority should take that consideration into account, specifically in deciding what, or what further enquiries, they should make. In the present case, however, there is no risk of any such psychiatric harm (para 17).

The deferment of the eviction of a homeless Gypsy or Traveller

Caselaw to date indicates that a homeless Gypsy or Traveller with an aversion to conventional housing will not necessarily have to be provided with a pitch. This is despite the fact that the *Lee* judgment does suggest that proof of psychiatric harm may mean that a different solution might be required.

What then of the possibility of arguing for postponement of an eviction, where the homeless Gypsy or Traveller concerned is camped on a piece of land (without authorisation) which is in the ownership of the same local authority to which s/he has made a homeless application? To date, the courts have fought shy of making any such link. Thus, in *Stokes v London Borough of Brent*[245] (a case involving an appeal by an Irish Traveller against a possession order made in circumstances where she was squatting on a pitch on a local authority site), King J stated:

...I have to say that many of the submissions made to me on behalf of the Appellant appeared premature and more apposite to a challenge to a homelessness decision of the Respondent...wearing a hat different from that worn in the present proceedings *(at para 51).*

(c) Using article 8 as a defence to eviction proceedings.

Article 8 states:

1. Everyone has the right to respect for his private and family life, his home and correspondence.
2. *There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.*

To date attempts made in the domestic UK courts by those faced with eviction by public authority claimants to raise article 8 as a defence to possession proceedings have failed.

Currently, the leading authority on the matter is the House of Lords case of *Doherty v Birmingham City Council*[246]. Mr Doherty is an Irish Traveller living on a local authority site. He

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[245] [2009] EWHC 1426.

[246] [2008] 3 WLR 636.

and his family have been resident since being granted a licence in 1987. In 2004 Birmingham served a notice to quit and, on its expiry, commenced proceedings for possession asserting an absolute right to possession.

Mr Doherty defended on the basis that his article 8 rights were engaged and that an order for possession would not be proportionate following *Connors v UK*[247], the only distinction between the two cases being that Mr Doherty was not accused of anti-social behaviour.

HHJ McKenna gave summary judgment for Birmingham, holding himself bound by the decision in *Harrow LBC v Qazi*[248], but granted a stay of execution and certified the case as suitable for an appeal direct to the House of Lords. The Lords declined to hear the appeal, indicating that the case could be decided by the Court of Appeal following the Lords decision in the then pending case of *Kay v Lambeth LBC*[249]. The Court of Appeal, attempting to apply the *Kay* decision, upheld the order for summary judgment. Mr Doherty appealed to the House of Lords who set aside the possession order and have now remitted the case to the county court. Mr Doherty and his family, at the date of this paper, remain in occupation.

The *Doherty* decision, like that in *Kay* before it, is complex. Put shortly, their Lordships held that Mr Doherty did have the right to challenge the local authority's decision to seek possession on 'judicial review' grounds and so the case has been remitted for a 'review' of Birmingham's decision to serve a notice to quit and for the judge to determine whether its decision to terminate the licence was 'reasonable'. In addition the Lords unanimously held: (a) that such judicial review style challenges should be brought, not in the Administrative Court, but as part of the possession proceedings in the county court; and (b) that factual disputes between the parties in such proceedings should be resolved by the first instance judge calling and hearing evidence.

Thus, in future cases Gypsies and Travellers may be able to challenge a decision to evict on the basis that the decision was either 'arbitrary, unreasonable, or disproportionate' (per Lord Hope, paragraph 21).

If this type of judicial review is to provide, as their Lordships suggest it does, sufficient protection for the occupier's Convention rights, it must be something more than a traditional *Wednesbury* review. There is support in the judgment for both the application of a proportionality test and for a lesser 'anxious scrutiny' test. Whilst in some cases there may be little practical difference between the answers reached by the application of either test, in others their application may produce different results. Moreover, it has to be said that the House of Lords judgment in *Doherty* conflicts with recent decisions of the ECtHR in which it has been held that occupiers ought to be entitled to have the proportionality of eviction proceedings brought against them examined by a court[250]. We will return to this conflict below.

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[247] (2005) 40 EHRR 9, a case in which the ECtHR concluded that the there had been a violation of the rights protected by article 8 in circumstances where the legislation governing the occupation of local authority run Gypsy sites did not give occupants the right to defend possession proceedings brought against them.

[248] [2004] 1 AC 983.

[249] [2006] 2 AC 465.

[250] A situation described by a leading practitioner in the field, Richard Drabble QC, in his keynote speech to the Housing Law Practitioners' Association's Housing Law Conference on December 15th 2009, as 'a mess'.

Part 2. A rights and proportionality based approach.

(a) Lessons from the past – other jurisdictions and other times

It may seem strange to start with a case that is 140 years old but the principle of application of rights contained therein remains entirely relevant today.

In the case of *Standing Bear v Crook*[251], Standing Bear, Chief of the Poncas Tribe, attempted to avoid being forced onto a reservation by arguing that an American Indian was a 'person' within the US Constitution. Judge Dundy decided in favour of Standing Bear, stating:-

> [The Poncas] are amongst the most peaceable and friendly of all the Indian Tribes……If they could be removed to [the reservation] by force, and kept there in the same way, I can see no reason why they might not be taken and kept by force in [any jail]….I cannot think that any such arbitrary authority exists in this country (at p700).

To bring that concept of application of rights more up to date (albeit still not in the UK courts) and to introduce a situation where rights on both sides are weighed in the balance, reference can be made to a leading judgment of the South African Constitutional Court. The case is *Port Elizabeth Municipality v Various Occupiers*[252]. The judgment was given by that renowned Judge, Mr Justice Albie Sachs.

In the *Port Elizabeth* case, some 68 people, including 23 children, occupied 29 shacks which they had erected on privately owned land. Some 1600 people, including the owners of the property, petitioned the Port Elizabeth Municipality. As a result, the Municipality sought an eviction order. After various appeals the matter came before the Constitutional Court.

Referring to the South African Bill of Rights, Mr Justice Sachs stated that the relevant section of the Bill of Rights:-

> …….evinces special constitutional regard for a person's place of abode. It acknowledges that a home is more than just a shelter from the elements. It is a zone of personal intimacy and family security. Often if will be the only relatively secure space of privacy and tranquillity in what (for poor people in particular) is a turbulent and hostile world. Forced removal is a shock for any family, the more so for the one that has established itself on a site that has become its familiar habitat (at para 17).

In this case, Mr Justice Sachs pointed out that:-

> …..one is dealing with two diametrically opposed fundamental interests. On the one hand there is the traditional real right inherent in ownership reserving exclusive use and protection of property by the landowner. On the other hand there is the genuine despair of people in dire need of adequate accommodation.

He concluded that:-

> …..in the light of the lengthy period during which the occupiers have lived on the land in question, the fact that there is no evidence that either the Municipality or the owners of the land need to evict the occupiers in order to put the land to some other productive use, the absence of any significant attempts by the Municipality to listen to and consider the problems of this particular group of occupiers, and the fact that this is a relatively small group of people who appear to be genuinely

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[251] (1879) 25 Fed. Cas 695.

[252] [2004] ZACC 7.

homeless and in need, I am not persuaded that it is just and equitable to order the eviction of the occupiers *(para 59).*[253]

Thus, having carried out the necessary balancing exercise, Sachs J dismissed the claim for a possession order.

(b) Local lessons from the past

Back in 1987 in *West Glamorgan County Council – v – Rafferty, R – v – Secretary of State for Wales ex parte Gihaney*[254] the Court of Appeal carried out a similar exercise in a case concerning the eviction of a Gypsy family from land owned by a County Council, which had itself been in breach of its duty under the Caravan Sites Act 1968 section 6 to exercise its statutory powers in order to provide adequate accommodation *'for gipsies residing in or resorting to [its] area'.*

The County Council had made unsuccessful attempts since the introduction of the duty in 1970 to provide such accommodation. In July 1985 a Council-owned site forming part of an industrial re-development area was occupied by Gypsies whose presence on the site was alleged to cause nuisance and damage to neighbouring occupiers and was alleged to inhibit the letting of vacant factories on the site. The Council resolved to institute proceedings to evict the Gypsies from the site because it intended to call for tenders for the re-development of the site and because they were concerned about the nuisance and damage being caused to neighbouring occupiers. The Council considered that it would set a bad example if it were seen to be tolerating trespassers on its land for a long period of time. The Council did not offer alternative accommodation to the Gypsies or consider whether the Gypsies might remain on a different part of the land until alternative temporary accommodation might be found for them.

The Gypsies challenged the possession action that was taken against them and the Court of Appeal quashed the County Council's decision to seek their eviction.

When delivering the lead judgment Ralph Gibson LJ stated as follows:-

> ....[A]s to the gipsies being trespassers, it is probable in my judgment that as to many of them their presence on this site as trespassers was caused directly by the long-continued breach of duty of the county council; and the 'badness of the example', if trespassers were seen to be immune, is not, I think, any worse than that provided to the community if the county council is seen, while in clear breach of its statutory duty to provide accommodation for the gipsies in the area, to be evicting the gipsies from a site of this nature without provision of any alternative accommodation....

The reasonable council in the view of the law is required to recognise its own breach of legal duty for what it is and to recognise the consequences of that breach of legal duty for what they are. The reasonable council, accordingly, was not in my judgment free to treat the interference with the intended reclamation and redevelopment of this site, for such period of time as would have resulted from the holding up of complete eviction from the entire site while temporary accommodation was provided elsewhere, as outweighing the effects of eviction on the gipsies then present and on those to whom the impact of trespassing by gipsies would necessarily be transferred. The decision is only explicable to me as one made by a council which was either not thinking of its powers and duties under law or was by some error mistaken as to the nature and extent of those powers and duties....

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[253] For an article on the *Port Elizabeth* case, see *A Compelling Judgment*, Nic Madge, *Legal Action* March 2006 page 21.
[254] [1987] 1 All ER 1005.

It seems to me that the unreasonableness of the decision to evict without any attempt or intention to provide or to direct the gipsies to alternative accommodation is explained by, and probably sprang from, the mistaken view held by the county clerk that there was nothing more to his knowledge that the county council could reasonably do in discharge of their statutory duty. That view was, in my judgment, wrong. It remained the duty of the county council to make provision for the accommodation of gipsies by use of their powers under the 1960 Act. It has not been disputed in this court that they could have used their powers to provide temporary accommodation.

Once again, but this time in a domestic context, the possession order was refused.[255]

(c) A vision of the future

We believe that the time has come for the courts to adopt the approach taken by the Court of Appeal in the *Rafferty* case once again, and that decisions to evict Gypsies and Travellers from local authority land in circumstances where there is no alternative site ought only to be sanctioned in circumstances where nuisance or obstruction is being caused.

Whilst local authorities no longer have a duty to provide adequate accommodation *'for gipsies residing in or resorting to [their] area'*, current Government planning policy stipulates that local authorities must produce Development Plan Documents which will identify locations for Gypsy/Traveller sites[256] and we would argue that the position is little different from that which existed at the time when the *Rafferty* case was decided.

Additionally (as discussed above) local authorities have duties under the homelessness legislation (Housing Act 1996 Part VII) and, in a case where a local authority has a duty to accommodate a homeless Gypsy or Traveller camped on its land, then we would question the logic of seeking eviction save in circumstances where nuisance or obstruction is being caused.

We consider that the approach taken in future by our domestic UK courts is likely to be heavily influenced by the ECtHR's position on the use of article 8 as a defence to possession proceedings. There have been a number of cases before the ECtHR in recent years in which it has been held that the failure to permit a defendant to possession proceedings (brought by a public authority with an absolute right to possession under the relevant domestic legislation) the ability to challenge the proportionality of interference with rights protected by article 8 amounted to a violation of the Convention. To take just one case at random, in *Cosic v Croatia*[257] the ECtHR stated that:

>   ...the loss of one's home is a most extreme form of interference with the right to respect for the home. Any person at risk of an interference of this magnitude should in principle be able to have the proportionality and reasonableness of the measure determined by an independent tribunal in the

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[255] And see the article by Luke Clements, (2002) Dirty Gypsies- ex turpi causa and human rights, Human Rights, December 2002, pp204-212, London, Jordans: What is required, therefore, is that courts re-evaluate their attitude to powerless and socially excluded people...Public policy can be anti-social when viewed from the perspective of a minority and the proportionality of such policy is a legitimate question for the administrative court. A policy and regulatory framework that effectively coerces one third of Gypsies to abandon their traditional way of life is (not to mince one's words) 'an affront to the civilised values of our society' [per Steyn LJ in R v Gillingham BC ex p Smith [1994] JPEL B5].

[256] Office of the Deputy Prime Minister Circular 01/2006 *Planning for Gypsy and Traveller Caravan Sites* (February 2006) and Welsh Assembly Government Circular 30/2007 refers. It should also be noted that if local authorities fail to identify locations, the Government has the power to step in and use its default powers (see Planning and Compulsory Purchase Act 2004 section 15(4)).

[257] App. No. 28261/06 January 15th 2009.

light of the relevant principles under Article 8 of the Convention, notwithstanding that, under domestic law, his or her right of occupation has come to an end (at para 22).[258]

Several of the petitioners involved in the House of Lords case of *Kay* have applied to the ECtHR. Significantly, the Court has posed one question to the parties[259]:

> Did the applicants have the opportunity to have the proportionality of their evictions determined by an independent tribunal in light of the relevant principles under Article 8.

The short answer must be 'no'. In our view it can only be a matter of time before domestic UK courts bow to the pressure of recent ECtHR judgments and finally accept that defendants must be entitled to advance article 8 as a defence to eviction proceedings and to test the proportionality of a decision to evict them from publicly owned land.

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[258] The Republic of Ireland has accepted this logic in eviction cases –see, to take just one example, *Dublin City Council v Gallagher* [2008] IEHC 354.

[259] App. No. 37341/06, posed by the Court on October 17th 2008.

S. Zahova

Refugee migrations of Roma, Ashkali, and Egyptians to Montenegro and their impact on the communities' social and cultural development

Introduction

After the Kosovo war conflict many people, united nowadays by the definition in international documents ratified by the Montenegrin state as the RAE population (Roma, Ashkali, Egyptian), migrated as displaced persons to the territory of Montenegro and later on, with the independence of Montenegro in 2006, became refugees. In the first years of migration, their number was estimated between 6000 and 7000, the bigger part of them settling throughout the country into legal or illegal camps, private or municipal accommodation based in the Montenegrin municipal cities Podgoritsa, Bar, Berane, Budva, Hetzeg Novi, Kotor, Nikshich, Plevlya, and Tivat, following the rout of migration of early labor migrants within the former Yugoslavia. The most numerous is the Roma community; the Egyptian community comes second in number. Some of the war refugee migrants still live in Montenegro, many of them have migrated to EU countries, while others are exploring the possibilities to return to their place of origin (in Kosovo).

Today, according to a census done by the Montenegrin National Census Institute within a project supported by the National Council of Roma and Egyptians in Montenegro, the RAE refugee population is estimated to be 4285 people (of whom Roma are 2733, Egyptians 1441, and Ashkali 63). After more than a decade, the RAE refugees' communities came into contact with the other Roma groups on the territory of Montenegro (estimated to 10-12000), including labour migrants from Kosovo throughout the period of Socialist Yugoslavia and this also reflected the refugee communities' development in terms of social status and cultural identity.

In this paper I will explore the impact of the refugees' migrations[260] on the ethnic identity and community developments with focus on migrants' community status and identity, including the patterns of Roma and Egyptian settlement, mobility, and occupation as refugees in the Montenegrin state. The paper will also reveal what the relationship is between the Roma and Egyptians communities settled in different periods before the break up of Yugoslavia and newly arrived as refugees' migrants within the processes of social and political development in contemporary Montenegro. The information and analysis are based on a three-year period of field work among all ethnic groups in Montenegro within a PhD research program and other relevant researches on the issues. The term Gypsy is used to signify all groups who originate from India, speak different language and reveal different identities, but are known for centuries to the surrounding population as Tsigani. In the Balkan languages spoken in Montenegro, the terms unifying all these groups are *Tsiganin* (Montenegrin, Serbian et al.) and *Madzhup* (Albanian); these are etymologically derived from the Greek word for Egypt (*Aiguptos*) and can be translated as 'Gypsy'. RAE population is used as a term and is already in public use in Montenegro.

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[260] The term 'refugee' refers to a status depending on political and legal terms, but we will use also 'migrants' since, for the sake of the anthropological research, they are synonymous.

Short overview of the settlement of Roma/Gypsy groups in Montenegro

According to the last official estimations, the number of RAE refugees is over 4200. This makes around half of the people who declare as Roma, Egyptian, or Ashkali in Montenegro (RAE population is estimated there to be 10 000 people). Unofficially, to this number we should add many citizens living in the diaspora and several thousand (c. 4000) citizens of Roma origin who prefer to declare another identity – most often Muslim by nationality, rarely Albanian or Montenegrin with Muslim faith.

Among the groups migrated and settled in Montenegro after WWII we can distinguish two types of migrations: Gypsies coming mostly from Kosovo (rarely Macedonia or other Yugoslav republics) who were labor migrants in the time of the Socialist Federal Republic of Yugoslavia (1946 - 1992) and refugee new-comers from Kosovo settled for the last 10 years as displaced persons or asylum seekers. Going back before the Kosovo war conflict there is another differentiation that we should make. According to criteria such as time of settlement, ethno-cultural characteristics and group identity, there are three main groups observed and recorded in the scientific research in ethnology or other research focused on Gypsies (e.g., the work of Valtazar Bogishich, Andrija Jovanovic, Jovan Vukmanovic, and Momchilo Lutovac). These are the groups of Kovatchi (black-smiths, called *Arlija* by the Romani speaking group of Chergarija), inhabiting the territory of Montenegro since the time of Ottoman rule at the Adriatic cost or in the cities inside, which prefer to declare another ethnic or national identity; Chergarja – Roma, identified by the surrounding population as Gabelj, travelers for a couple of centuries in Montenegro, but settled since the 1960s; and Roma from different places in Kosovo, migrated to Montenegro by the 1980s and settled in the larger cities that identify nowadays as Roma-Muslims, while earlier researches in the 1970s and 80s recorded the exonym 'Madzhup' as an endonym of the group. These are the identities that are met by the refugee migrants from Kosovo among which we distinguish declaration of three identities – Roma or Roma-Muslims, Egyptians, and Ashkali. Both the old settled groups and the refugee new comers are living the Montenegrin cities that are municipal centers with the highest concentration of all groups in Podgorica, Niksich, Berane, Tivat and Bar.

The group of 'Chergarji' (exonym derived from the word *cherga* – hand made cloth-carpet used for making of the nomads' traditional tents with which the groups is associated) are nomadic Roma who had a traditional tinker craft for the men and fortune telling and begging for the women. Most of the families migrated to Germany and Italy during the time of Socialist Yugoslavia. This group is called by the Montenegrins *Gabelj* or 'our gypsies' – since they are the only group that had been travelling among the tribes' territory of old Montenegro.

Different groups of Roma also migrated from Kosovo after 1950 and today they declare themselves as 'Roma' or 'Roma-Muslims' and even as 'domestic Montenegrin Roma'. Several families among these groups are declaring in the last decade Egyptian identity. Their compact settlement in several towns in Montenegro has been related with the process of industrialization and urbanization, and is organized by the state labor migrations of Gypsies families from Kosovo. They are still to a great extent engaged in the community services, work as physical laborers, traders, and drivers, while the women stay at home. Many of the families migrated to Western Europe as labor migrants at the time of Socialist Yugoslavia. The community maintains its borders and identity with family and kin ties within Montenegro, in Kosovo, and in Western Europe. These Roma are tri-lingual – they speak Romani, Albanian, and Montenegrin and

although the Romani language is one of the markers of their identity, in the majority of families Albanian is the language of every day communication in family and public life.

As for the groups that migrated from Kosovo as refugees in 1999, many of them are already settled in legal or illegal camps in the biggest cities of Montenegro. Among them we distinguish refugees declaring Roma-Muslim identity – they come from neighborhoods or villages in the region of the cities Djakovica (Gjakova), Pec, Prishtina, **Gniljane**, their mother tongue is Romani, they speak also Albanian and Serbian, and some of the families are distinguished on the basis of language and ethno-cultural characteristic, such as groups among Roma-Muslims: Alrija, Gurbet, Kovachurja/Kavatchii, etc. Settled in camps near Roma houses before the 1980s, they maintain certain contacts with Roma-Muslims from Kosovo.

The second ethnic identity among refugees is Egyptian. Egyptians families are coming mostly from villages in the region of Pec, Istok, Djakovica, Prishtina. They are Muslims and speak Albanian as the mother tongue. The active movement of NGOs that was also supported by series of international document has encouraged the community to declare its Egyptian identity.

Refugee communities: borders and identity in refugee camps and Roma/Gypsy neighborhoods

The refugees are settled mainly in camps in the outskirts of the earlier built Roma/Gypsy neighborhoods or quarters. Such camps that still exist as refugee settlement are built in Podgorica, Nikshich, Tivat, Hertzeg Novi, Berane, Bar. For the decade of living there certain commonalities and borders within the refugee communities and between the community living in camps and the older settlers had been built. For the Roma that live in regular houses and who were settled several decades ago, the families in camps are defined simply as 'refugees' (*izbeglica*), regardless ethnic identity, religion affiliation, and origin of refugees in the camps. This definition is pejoratively used for each inhabitant of the camp and the reason for not being in contact with them. Despite the fact that they share the same origin and ethnic identity, the new comers are considered bad image makers of the Roma, since they are 'dirty, poor, begging and search in the rubbish'. The older settlers in Roma neighborhoods consider the refugee camps as one community and do not distinguish between Egyptians and Roma. They knew about Egyptians only after appearance of the camps and still consider them a Roma/Gypsy group ashamed of its real origin. For the Roma from the neighborhood, marriages with families from the camps are avoided. In many cases when a family from the camp tries to arrange marriage, the family from the neighborhood will reject it. When such marriages happen, it is not by regular arrangement of engagement, but by bride stealing. We can observe how the social status becomes more important than the ethnic origin and identity.

As for the life and identity within refugees' camps – there are certain borders between Roma and Egyptians on the basis of identity, but also certain signs of community life that make the refugees' camp true community. For the families declaring as Roma-Muslims, Egyptian is a new name that has emerged only after 1999 Kosovo conflict. Roma from the camp consider the 'Egyptian' community to be a political invention or new name of an old community earlier known to them as Madzhup, Alrija, or Ashkalija (depending on the use in different regions of Kosovo). Roma consider Egyptians and Ashkali as two definitions of one community which in fact is Roma, but as a result of its centuries of work at Albanians houses and properties has become Albanised and lost its language due to the influences of mainstream Albanian culture and life. They are pejoratively

defined as *chibale* (Albanian speakers), 'Albanian servants', they are accused of losing their own (Roma) culture and adopting the foreign (Albanian) culture, thus, becoming without identity.

On the other hand, the Egyptians try to distinguish themselves from the Roma as the others on which they built their identity. The Egyptians' identity is built on borders and differences with the Roma – they do not focus on their origin, but on their current ethno-cultural characteristics. The refugees with Egyptian identity emphasize three main issues that according to them differ from Roma: language, religion, and behavior. Egyptians speak Albanian as a mother tongue and point out that if some relation with Roma exists they would speak the Romani language. They are Muslims, like their Roma neighbors, but Egyptians are 'true and pure Muslims' – praying, following rules for religious behavior, fasting, and respecting only the two main holidays in Islam. Egyptians accused Roma of being bad Muslims – they do not attend and pray in mosques, they do not respect the fast (Ramadan), they celebrate many holidays and not the exclusively Muslim holidays. Egyptians consider themselves superior to Roma, who are viewed as 'less cultured', 'dirty and noisy', 'having no moral norms and rules', while 'Egyptians are easily recognizable by their high culture and calmness'. Egyptians also point out that they have never been declaring Roma identity. They explain that they always had known that they are Egyptians, but were not allowed to express their true identity and were either Yugoslavian or Albanian because of pressure and fear from the majority in Kosovo. Both the Roma and Egyptian see Ashkali as sub-group or another name of the Egyptians - while for the Roma Ashkali is one of the names for Egyptian and means 'right hand of the Albanians', for Egyptians – Ashkali means 'true Egyptian' (*has Egipchan*).

Despite the different identities revealed, there are also common community features that are shared by Roma and Egyptians – the camp settlements are not arranged on Roma and Egyptian parts, but the families are mixed and there is constant communication and no borders in every day life. Also, despite the declared unwillingness to conclude marriages with families from other ethnic identities – in practice all Egyptian families are related through marriage union with Roma families. An exclusion from this practice is the refugees' community in Berane in northern Montenegro, where 24 Egyptian families are settled in newly built houses and, under the guidance of a community leader, refuse to be in contact with Roma and even with Egyptians from the 'mixed' camp and neighborhood, do not allow their children to play and go to school where Roma are going, and do not allow marriages with Roma.

Patterns of mobility and occupations of the RAE refugees vs occupation of Montenegrin citizens from Roma origin

The first refugee flows from Kosovo led to settlement in the municipal cities near Kosovo – Rozaje and Berane, as well as the capital of the state. Later on the Roma and Egyptian refugee migrations followed the pattern of mobility typical for the rest of the refugee and labor migrations – from North to South, making illegal settlements in cities on the Adriatic coast, migration as refugees towards Western Europe or migration to Serbia (Belgrade or cities in Vojvodina).

Losing jobs in agriculture or factories in Kosovo, the pattern of occupation in Montenegro for many refugee families had changed. All jobs are illegal since as refugees many of the Roma and Egyptians do not have proper papers which allow them to have employment. There are three primary occupations for men: collecting scrap iron with their children, traders at the markets of old and second-hand items collected at rubbish and building sites, and as construction workers. While the collection of materials and trade of second-hand items is a niche that was not filled

before, with engagement in building and construction, Kosovo refugees are stepping on the occupation field of Roma who had migrated earlier from Kosovo. The refugees are viewed by the old labor migrants as severely competing work power, since they are ready to work for three times less payment and in this way are displacing them from the labor niche. The selling of house-hold items, clothes and other items are still in the hands of families migrated during the time of Socialist Yugoslavia, since investments are needed for such undertaking. Elder refugee women in Kosovo were used to being traditional housewives and raised children but now perform new occupations such as begging with small children at markets, churches and mosques or selling used items. Begging is pointed by the refugee women as one quite untypical occupation for them, but bringing occasionally a sufficient income for the whole family and thus worth practicing.

Collecting scrap iron is considered a dirty job by the settled groups and is being occupied by the groups of Montenegrin Chergarja and Kosovo Roma or Egyptian refugees, but the groups engaged in this job are not considered to be competitors. The Kosovo refugees are collecting materials at rubbish containers within the city centers using horse carts or self-made wheel carts, the Chergarja are use mini-buses and collect considerably more iron materials.

Who are the Montenegrin domestic Gypsies/Roma?: The refugee migrations' impact on the identity of other groups

One of the issues mentioned earlier is that with the introduction of Egyptian community and identity, the Kosovo-born labor migrants who used to call themselves Madzhup have given up this name as a pejorative exonym and now identify themselves as 'Roma', 'Roma-Muslims', and even 'domestic Roma'. They are members of the group that had settled quite later on the territory of Montenegro (different period after WWII), but compare with the refugee new-comers and define themselves as 'domestic Roma', 'old-settlers', and 'Montenegrin Gypsies'.

Although many of them are not born in Montenegro and still do not have Montenegrin citizenship, their life story narratives reveal a strong attachment to building the cities of contemporary Montenegro and to contributing by voting for Montenegrin independence in 2006. Although the Montenegrins and other groups in Montenegrin society consider them migrants that have little to do with Montenegro, the Roma-Muslims present themselves as domestic Roma, house owners and tax-payers in Montenegro. In clarifying their 'domestic' position, they oppose themselves to the Roma considered by the majority as domestic – Chergarja, who are portrayed by Roma-Muslims as unsettled groups without roots and houses and thus, not attached to any country.

Among representatives of the Kovatchi group, settled since the time of the Ottoman Empire, a process of building new identities has started – some leaders identify themselves as Egyptians and promote a kind of Egyptian identity among their community, while other representatives of the same communities declare an identity of 'old-settlers with Muslim religion' (Bar, Plevlja). In the last years with the processes of recognition of Egyptian identity by the Montenegrin state, the appearance of Egyptian refugees, the activities of Balkan Egyptian Associations and other NGOs on the territory of Montenegro, there are several families declaring Egyptian identity among the settled black-smiths living in the so called Gypsy neighborhoods (*mahalas*). The observed processes of preferred identity can be compared with the identity revealing processes of the other old settled Gypsy groups on the Balkans.

The migration of RAE refugees with whom the number of Gypsies almost doubled in Montenegro, combined with the process of Euro-integration and affirmation of human rights in independent Montenegro, has led to certain social shifts, highlights and new aspects in the ethnic identity and position of these different groups. There is a range of social and cultural phenomena that are affected by this migration both among refugee communities and between the refugees and earlier migrants or old settlers and we observe them at the level of identity, maintaining cultural differences and even a 'hierarchy' of migrants.