

PROJECT ON ETHNIC RELATIONS

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PER is supported by the Carnegie Corporation of New York, with additional funding from the Starr Foundation, the William and Flora Hewlett Foundation, the Charles Stewart Mott Foundation, the Rockefeller Brothers Fund, the Ford Foundation, the U.S. Department of State (Stability Pact for South East Europe), and the German Marshall Fund of the United States.

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JADWISIN, POLAND

APRIL 15-16, 2002

**ROMA AND THE QUESTION
OF SELF-DETERMINATION:
FICTION AND REALITY**

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PREFACE

With funding from the Ford Foundation, on April 15-16, 2002, PER, in cooperation with the Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE and its Contact Point on Roma & Sinti Issues, organized a regional roundtable on “Roma and the Question of Self-Determination: Fiction and Reality.” The meeting, which took place outside of Warsaw, in Jadwisin, Poland, was a follow-up to the PER March 2001 meeting in Krakow on “Romani Representation and Leadership” (see the PER report *Leadership, Representation and the Status of the Roma*, Princeton 2001).

The Jadwisin roundtable gathered Romani leaders and activists from Europe and the Balkans. Both the Jadwisin and Krakow meetings were internal Romani meetings exploring and debating topics, which for many appeared to be new and challenging. The participants were confronted with the question of whether the Romani leadership is seeking national self-determination based on recent developments resembling a serious drive for it. Among the issues discussed were: the International Romani Union declaration of the Roma Nation; the Finnish President’s initiative to establish a pan-European consultative assembly for Roma, the Council of Europe’s Parliamentary Assembly Recommendation on Roma that endorses a so-called European Roma Forum, the Roma National Congress’s European Charter of Romani Rights, and the experience of Romani self-government and the “cultural autonomy” of the Roma in Hungary.

In recent years both the Romani and non-Romani actors have been raising the issue of Romani self-determination. Some Romani organizations recall this principle and make reference to it directly, whereas others contest it verbally, but confirm it in the kind of claims they make. The Jadwisin debate proved that for many Romani participants what is taking place now is a Romani national self-determination movement in the making.

More Romani leaders are eager to utilize the concept of a Roma nation and use it as a basis for a number of specific claims, including a claim to attain a political status only a little short of that of a state, that is, to have the same rights as other nations do. Along with this would go the Romani leaders’ request to become a subject of international law (as a nation) and to have seats assigned to Romani repre-

sentatives in international organizations. Are these claims baseless and belonging to the realm of fiction?

For the majority of those gathered in Jadwisin, such initiatives as presented by the Finnish President or by the recent recommendation [1557 (2002)] of the Parliamentary Assembly of the Council of Europe on the “Legal Situation of the Roma in Europe,” which validated these claims and, in fact, made a viable reality out of them. The Romani leaders seem to be strengthened in their assertions that as a nation they possess the right to self-determination.

While participants recalled demographic, historical and human rights arguments justifying their self-determination case, the overall debate proved, however, that they operate with a rather narrow interpretation of this concept. The Romani participants view it as concomitant with the notion of personal autonomy; that is, being in control of one’s own life, or as a right to decide (decision-making power) – in instances of cultural autonomy or minority’s self-governance, or as a right to equal participation in society’s life. All of these, in fact, can be reached within the framework of minority rights. For the majority of the participants however, the framework of self-determination sounded more fitting to the Romani’s current situation. As one of the participants argued, “Is self-determination about whether we want oppression, or not?”

The debate at the meeting made it clear that Romani leaders are eager to embrace the concept of self-determination as an idea guiding Romani political mobilization. Whether it is the concept the Romani leaders were missing up to now or not, remains to be seen. At least claims for becoming equal political subjects, and in control of policies and funds were strongly asserted.

Finally, the seminar in Jadwisin was exceptional not only because of the topic discussed there. It is rare when Romani participants contribute to a seminar with papers on the subject. All together 10 papers were prepared, submitted to the organizers, and presented during the meeting. That is a new quality of Romani seminars worthy to emphasize. The Jadwisin meeting was meant to be preparation for a larger seminar with mainstream politicians, lawmakers and experts on this issue.

Andrzej Mirga, chair of the PER Romani Advisory Council and co-chair of the Specialist Group on Roma/Gypsies of the Council of Europe, conceived the meeting and prepared the report. PER takes full responsibility for the report, which has not been reviewed by the participants.

Allen H. Kassof, *President*

Livia B. Plaks, *Executive Director*

Princeton, New Jersey

December 2002



Photo of the participants by Livia Plaks.

INTRODUCTION AND BACKGROUND

In recent years both Romani and non-Romani leaders in Europe have raised the issue, directly and indirectly, of self-determination for the Roma. Three developments have added momentum to this quest: the implementation of the Hungarian model of minority self-government, providing minorities and Roma with collective rights and cultural autonomy;¹ the International Romani Union Declaration of the Roma nation;² and the Finnish President's initiative to establish a pan-European consultative assembly for the Roma.³ These acts have encouraged the Romani leadership to explore this issue further.

This report summarizes the debates on this subject at a meeting that was organized by the Project on Ethnic Relations in Jadwisin, Poland on April 15-16, 2002 and that brought together leaders from the Romani community. The Jadwisin discussions were the latest round in a new and complex dialogue within the Romani community. The report begins with a detailed exposition of that background and will help the reader to understand the context in which the discussions took place.

In the conclusion of their 1997 paper, "The Roma in the Twenty-First Century: A Policy Paper," authors Andrzej Mirga and Nicolae Gheorghie noted:

"The Romani community itself needs new ideas to govern and mobilize itself, and it is the Romani elites who must fashion those ideas. Which notion will embody the will to self-determination and the demand for political recognition of the Romani People — a Roma nation in diaspora, a Romani transnationality, a Romani nonterritorial European minority, or even a Romani nonterritorial state?"

Should the Romani elites support the idea of Romani ethnic groups, each developing its own politics and strategies within the borders, legal frameworks, and limits of a given state? Should they struggle for specific rights as envisioned in the concept of a charter of Romani rights? Is the human rights approach, demanding equality and nondiscrimination, the one idea than can overcome all the problems facing the Roma? Or should the Romani elites focus on the

notion of a Romani enlightenment, a Romani emancipation, and a Romani integration as an avenue for overcoming the humiliating Romani position in society?

Should it turn toward social and economic rights as a strategy for their own community? Should the elites insist on implementing Third World development strategies for their communities, despite the fact that most of the Romani people live among some of the most advanced and developed societies in the world?⁴

The Romani leadership has struggled with these questions for a long time. Similar concerns were also raised within the European Roma Rights Center (ERRC) at its December 2000 panel, "The Romani Movement: What Shape, What Direction?" In that discussion, additional questions were raised about whether the movement should take the course of "[a]n open and inclusive civil rights movement [or] an exclusive European nationalism and a 'nation-building' process? Will it contain territorial claims?"⁵

At a previous PER seminar in Krakow (April 2001), the Romani leadership grappled with these questions and attempted some answers. They concluded that the Romani elite is at best divided regarding the main Romani interest; at worst, its direction remains "elusive" and difficult to define, much less to agree upon. Among the competing visions are those that have been articulated by the International Romani Union (IRU) and the Roma National Congress (RNC).⁶

The Finnish President's initiative was not discussed at the Krakow meeting. Since then, however, it has occupied a central place in recent developments and has been the subject of intense consultations and debates. Are the Romani leaders closer to making some definite choices? Does the Finnish initiative introduce a new factor in the overall internal debate? In which overall framework should it be placed?

Among Romani organizations, only the RNC has made references to the principle of self-determination. Most recently, in a report commissioned by the OSCE for presentation at the Warsaw Implementation Meeting of October, 2000, an RNC board member stated, "Instead of taking the demands of independent Roma NGOs seriously, an aiding (sic) industry was created that does not care about the Roma's right of self-determination." He further concluded,

“The current development in Europe however clearly shows that Roma, regardless of their social status, are confronted with overt, anti-gypsy hostility. Such hostility cannot be abolished through welfare or development projects. In order for social development projects to succeed, Roma must be granted guarantees for protection of civil liberties. This means a change in the political status of the Roma toward political, social and cultural self-determination.”⁷

The IRU, on the other hand, refrains from referring to the principle of self-determination in its declaration of a nation without a state. In the words of the IRU President: “[W]e are not in search for a self-determination of the Roma in Europe.”⁸ Despite this declaration, however, it is an open question as how best to interpret the fact that at its last Congress (Prague, July 2000) the IRU established a new structure that clearly resembles a state, complete with President, Parliament, Court, and Ministers or Commissioners.

Both the RNC and the IRU appear to operate on the premise that the Roma are a nation, using this as the basis for specific claims for political status that fall only slightly short of that accorded to a legitimate state. Both organizations ask that the Roma become subjects of international law, in the case of the RNC through its legally binding Charter of Romani Rights⁹ signed by the states, and in the case of the IRU, through recognition of the existence of a Roma nation. Both organizations also seek assigned seats for Romani representatives alongside member nation-states in international organizations.

The Romani Activists Network on Legal and Political Issues (RANLEPI), a Belgian-based federation of Romani organizations, offered yet another proposal, the so-called “Moral Charter of the Roma nation in the European Union.” Chapter 6 of this draft proposal says,

“The European Union acknowledges the existence of the territory of its Member-States of a Roma nation without a compact territory. The definition of the said nation is one, which the nation gives itself (...) the EU declares the Roma nation (...) is one of the constituent nations of Europe, in full equality (...) with other nations (...) irrespective of their relations with States and territories.”¹⁰

This draft obviously builds on the IRU declaration, but by limiting its notion to the Romani population of the EU member states falls short of the IRU European or even global perspective. Nevertheless, the demand to have such a Charter recognized by the EU is similar to the demands of the RNC and IRU.

The December 2000 ERRC discussion introduced several additional references to the question of Roma self-determination. Non-Romani participants in particular were more forthcoming in suggesting models for Roma to follow. James Goldston’s “fantasy vision” included the following:

“Surely Roma, who number anywhere from 8 to 12 million, enjoy at least as much entitlement to a full-fledged State as the Palestinians do. (...) Since 1990, numerous people – Macedonians, Bosnians, Croats, and Slovenes – have demanded and secured by violence, by fiat or by other means their own states. Why not Roma? (...) In this fantasy of the future, Roma finally claim their own land!”¹¹

Claude Cahn, on the other hand, invited Roma to learn from the Zionist movement that led to the establishment of the State of Israel. According to him, there are a number of similarities between the Zionism of the nineteenth century and the Romani movement of today:

“(…) It is not only on this strict organizational/mechanistic front that Zionism has ideas of potential use for a Romani movement – the core challenges of Zionism, such as breaking the primary allegiance of Jews to the national states of other people and building the Jewish patriot and the Jewish body politics, were nearly identical to challenges facing Romani activists today.”¹²

The Romani elite, as well as non-Romani politicians and lawmakers, have difficulty in determining or defining who the Roma are.¹³ A search of documents and recommendations produced over the last decade by international organizations provides a rather large spectrum of categorizations of Romani populations in Europe (Rom, Roma/Gypsies, Roma and Sinti, Roma/Gypsies/Travelers) and an equally large number of definitions: the Roma as a people, as a nation, as a transnational minority, as a European minority, as an ethnic group, or as a truly European minority.

The most recent (2002) Council of Europe Parliamentary Assembly Recommendation No. 1557 on the Legal Situation of the Roma in Europe calls upon member-states to resolve the legal status of the Roma and recognize them as an ethnic or national minority group in each state. Usually, international organizations refrain from referring to Roma as a nation. However, at the Warsaw meeting preparatory to the 2001 World Conference Against Racism in Durban, the NGOs gathered there endorsed the idea of recognizing Roma as a nation.¹⁴ At the NGO Forum in Durban, recommendations included a similar demand to have Roma treated on “equal footing with other nations of the world.” The final Declaration and Action Plan from the Conference did not, however, include those recommendations.¹⁵

A number of scholars, in addition to some Romani and non-Romani activists, also promote the idea of Roma self-determination. The text of Cara Feyes’ “Toward a New Paradigm of the Nation: the Case of the Roma,” which appears on the Parin Web Journal, states,

“The international community (...) primarily regards nations as territorially based, and the consolidation of a nation within a specific territory has lent legitimacy to struggle for self-determination. Yet this limited definition (...) undermines equally legitimate claims for self-determination among non-territorially consolidated groups. A new definition of the nation would allow groups such as the Roma (...) to be accepted as a nation and would lend greater international legitimacy to their struggle for self-determination (...) which [does] not aim for statehood but aims rather, at achieving greater control over their own lives.”

Pavel Barsa also offers scholarly support of the notion that the Romani migration to the West, especially to Germany, contributed to a reformulation of the Romani identity. Among Romani leaders in Europe, the debate is phrased in terms of whether the Roma and Sinti are one of the “Volksgruppe,” that is, a German ethnic minority, or whether they are part of a pan-Romani and pan-European nation.¹⁶

For some governments and some Romani activists, however, there is no contradiction in holding both positions. The Czech government has recognized the existence of a Roma nation in a signed memorandum with the IRU while at the same time legally treating the Roma as a

national minority within its borders. The RNC also demands recognition of the Roma both as a national minority in each of the countries in which they live and as a Roma nation within Europe.

How should one judge the beliefs held by Romani leaders? Which are realistic and have a basis in political and legal fact, and which are pure fiction?

THE JADWISIN DEBATE

The organizers chose self-determination as the main topic of the Jadwisin meeting. They hoped that providing tools for examining the Roma’s internal discourse or claims would make the Romani leadership more familiar with the legal framework of the principle of self-determination. This in turn would help them to distinguish between legitimate grounds for their claims and illusory ones.

To date there had been no debate about these issues among the Romani leadership, nor had there been any efforts to review existing Romani statements about self-determination. Some proposals or ideas had assumed the form of widely accepted slogans, but neither the Roma nor their supporters had much knowledge of their specific content.

With this in mind, PER raised the following questions for discussion at the seminar:

1. How do Romani leaders define self-determination? What kind of self-determination do they seek, and what arguments are used to justify such claims?
2. Do existing Romani claims have substantial ground and legitimacy, or are they wishful thinking?
3. What are the historical antecedents of this principle, and are there models for Roma to follow?
4. Does a drive toward self-determination constitute a positive or a negative development in terms of the challenges the Romani community faces in their respective countries and in Europe in general?

In her opening remarks, PER’s executive director noted the upcoming tenth anniversary of the landmark meeting held by PER in Stupava (then Czechoslovakia) that started the regional dialogue between

Romani leaders and governments.¹⁷ In the eleven years of PER involvement in Romani issues, she continued, one of their biggest achievements has been the ongoing cooperation with Romani leaders.

She observed that there has been an accelerated awareness of issues relevant to the Roma among Europe's governments and even in the U.S. That is mostly the result of the work of Romani activists, she said, but also of the EU enlargement process. The inclusion of Romani issues in the political criteria of accession (the EC's Agenda 2000) also started the ball rolling in the development of Romani initiatives and governmental policies or programs regarding Roma. With this development, however, has also come tremendous pressure on Romani leaders to take positions on various issues of importance to their community.

A concerted discussion about what the Romani leadership wants for their community ten or twenty years down the road must therefore begin now. At stake is the future of Romani communities. If the Roma will not debate this important issue for themselves, society at large will decide for them, and the outcome may not be to their liking.

She called attention to great progress made over the past decade in political activity, including consciousness-raising and community organization, by the Romani leadership. They developed challenging ideas or visions of the political future of Roma, such as the IRU Declaration and the RNC Charter. At the same time, other ideas, such as the Finnish President's initiative, have come from governments. Who can and should determine what is best for the Roma? She suggested that the Romani leadership itself can best answer these questions and choose the right path for promoting the well-being and development of the Romani communities across Europe. A great deal is at stake, she concluded, and the Romani leadership must formulate the clearest possible answers.

The Adviser on Roma and Sinti Issues at the OSCE/ODIHR/CPRSI (Contract Point for Roma and Sinti Issues) also stressed the importance of this meeting, but cited different reasons. As a follow-up to Decision No. 7 of the OSCE Ministerial Council meeting in Bucharest held in December 2001, his office has been working on the OSCE Action Plan of Targeted Activities for Roma and Sinti.¹⁸ This is a proposal for adopting a new political document that sets forth OSCE objectives for years to come.

He challenged the participants to develop a Romani political vision for promotion from within the OSCE framework. Do the Roma want

assimilation, integration, separation, or emancipation? If emancipation, do they seek emancipation as citizens, as a minority, or as a nation? A number of Romani-initiated political documents offer various proposals, ideas, or visions. Other ideas have been put forth by governments, private foundations, organizations, and individual scholars. The Romani elite needs to analyze and debate these proposals, and then formally incorporate their preferred outcome into the OSCE Action Plan.

While the interest of Gadje (non-Roma) frequently drive the policies toward Roma, it is a fact that the Romani elite have yet to formulate a clear answer as to what is in the Roma's genuine interest. At present, non-Roma are more involved than the Romani leadership in determining this. The PER discussion papers for this meeting offer a new framework for debate and evaluation of various proposals. He expressed hope that, with the help of this framework, Roma gathered at Jadwisin will be able to develop their own vision of self-determination.

(Among the discussion papers prepared by PER, the first was incorporated into the Introduction¹⁹ to this report and the second into Appendix A.²⁰ The material was apparently inspiring and provocative for the Romani leadership, as evidenced by the fact that eight participants arrived at the meeting with statements or articles written in direct response to issues raised in the discussion papers. While this report incorporates much of the content of these statements and articles, the actual texts are available from the PER office in Princeton. Appendix B lists the titles and authors of all papers. By providing legal language and mainstream perspectives on issues of national definition and self-determination, the organizers were successful in significantly raising the quality of Romani leaders' participation in internal Roma meetings.)

THE DECLARATION OF THE ROMA NATION:

A QUESTION OF LEGITIMACY

The issue of Roma as a nation, publicly raised by the IRU Declaration, was discussed at the April 2001 PER meeting in Krakow and served as a starting point for the Jadwisin meeting as well. Since the Krakow meeting, however, Romani leaders had been greatly affected by the intense schedule of consultations organized by the Finnish authorities in response to President Halonen's proposal.²¹ The prospect of Romani representation at the European level, and specifically within the Council of Europe, led participants to be much more assertive and forceful in their statements.

Whereas at the Krakow meeting the IRU Declaration met with criticism from many participants and especially the RNC representatives, at Jadwisin there was no such criticism. On the contrary, nearly all participants affirmed the assertion that the Roma are a nation. Responding to the discussion paper (Appendix A), the Romani participants argued that neither “territory” nor “state” are required criteria for defining a nation. The Roma possess all the anthropological, cultural, and linguistic characteristics of a nation, they said, as well as a common history of persecution in Europe.

Many international documents not only do not deny it, but actually strengthen the conviction among the Roma that they are indeed a nation.

The majority of the participants judged Romani claims to national self-determination as legitimate and legally valid, despite what might be regarded as evidence to the contrary from international law and other international documents. Having previously agreed that the Roma are a nation, they easily extended this concept to include the right of self-determination as well.

Currently, many experts and politicians equate nations with states, basing an entire international political architecture upon a foundation of nation-states. From this perspective, the fact that the Roma do not have a state does not invalidate their claim to nationhood. As the IRU representative pointed out, there is no need for academic discussion as to whether Roma are or are not a nation. The IRU says Roma are a nation. It has been said to Kofi Annan, to the Czech government, and to others, and no one objected. Politicians do not deny it. Many international documents not only do not deny it, but actually strengthen the conviction among the Roma that they are indeed a nation. Old ideas and definitions are not adequate for modern times, he continued, and the Roma challenge the tradition with the innovative concept of a nation without territory.

Another IRU representative raised a question regarding the Council of Europe’s 1995 Framework Convention for the Protection of National Minorities, which established criteria for recognizing Roma as a national or ethnic minority within each state in which Roma reside. Many states adopted these criteria, and thus Roma are now recognized as minorities in several dozen European states. How can the Roma simultaneously be

several dozen separate minorities and also a Roma nation? He suggested that the IRU Declaration had in fact been intended to supersede the 1995 definition of Roma as a minority.

This question was further addressed by the Advisor on Roma and Sinti Issues at the OSCE. According to the IRU position, Romani minorities in various countries are national minorities of a Roma nation for which the IRU seeks legal recognition. Individual states, however, follow the Zentralrat (German Sinti and Romani organization) perspective – that a Romani community is to be recognized as a national minority, of equal status with other minorities, in their country of residence. From this perspective, IRU and RNC efforts to obtain Romani recognition at the European level are both misdirected.

The Roma might choose yet another option in seeking a firm political status, said the speaker. During the last visit to India (in 2001) of a small group of Romani leaders led by the IRU President, the Roma were given the option of official recognition as an Indian minority and were offered the same status given to all Indian émigrés as Indian minorities abroad, including passports. For some in the visiting group, this was the fulfillment of a long-lived fantasy. However, the IRU President rejected it, arguing that it was not appropriate for a small circle to make such a momentous decision without consulting with Romani communities and organizations as well as within the IRU Parliament. Moreover, there was concern that this might lead Gadje to expel Roma forcefully or at least ask them to leave their countries and return to India. Additionally, once recognized as an Indian minority, the Roma could hardly then claim to be a nation of their own. The cause of Indian minority status still circulates among some leaders, such as an individual from Kosovo who lives in Yugoslavia and to this day writes in favor of recognizing the Roma as an Indian Diaspora.²²

How realistic is it to expect that the Roma will attain firm legal and political status along with representation in international and intergovernmental institutions? As another participant pointed out, the Finnish initiative aims to provide Roma with representation within the Council of Europe. But since non-territorial and non-state nations have no legal position within intergovernmental and inter-states institutions, granting Roma such a status would mean not only breaching international law but also setting a precedent for other similar groups.

The Advisor on Roma and Sinti Issues at the OSCE responded by explaining that there are a number of legal provisions that can be used in support of the Roma claim. He cited, for example, the European Charter for Regional and Minority Languages (1992), suggesting that the Roma can either use provisions like this to ask for more or wait until the legal framework becomes more favorable for non-territorial nations. He recalled the example of indigenous people, who for many decades went unrecognized in international organizations. However, they mobilized themselves, organizing conferences and working groups, and brought their issues to the fore. Now they are legally recognized within the UN system. The Roma can do this as well.

In fact, in seeking extra-territorial rights for their people, Romani leaders are promoting the idea of a non-territorial Roma nation. The notion of extra-territorial rights functions also in mainstream politics, this speaker continued, citing the so-called Hungarian “status law.”²³ The Hungarian government’s effort to assert extra-territorial rights for Hungarians abroad parallels the Roma’s claim and might make that government and others supportive of the Romani quest.

For some Romani participants, the changes in Europe open yet another avenue of possibilities. Their hopes had been bound up with the vision of a future Europe consisting of various nations or cultures rather than exclusively of nation-states. This was also the basis for the IRU declaration. But Romani leaders now have to turn to a new philosophy. The integration process currently taking place in Europe means that those Roma living in EU-accessing states will soon enter into the European Union.

But how will these Romani communities be incorporated – as citizens of their respective states or as Roma? If as Roma, they will have to be recognized and granted a new status. In the vision of a future Europe as a union of cultures, there are grounds for claiming a place for the Roma on the basis of their culture and history.

The position of the RNC, the umbrella federation of the Roma civil rights movement, has long been clear and firm, according to its representative. Roma are a nation, and they do not require anyone’s permission to make that claim, said the speaker. Their goal is for Roma to become mainstream political actors, and not merely the objects of a “Gypsy industry” controlled and run by Gadje who profit greatly from it and employ a few Roma for purposes of legitimization.²⁴

There were objections on the part of a few participants. For one young student of political science, accepted sociological definitions suggest that the Roma are not a nation but rather an ethnic unit characterized by a common language, culture and/or historical traditions, and holding a shared identity. For him, it will take more than group identity to redefine Roma from a minority to a nation.²⁵

Similarly, for another Romani student, the idea of a Roma nation is unsubstantiated. While it might be useful for purposes of mobilization or for providing a symbolic dimension to the quest for Romani identity, nevertheless, Romani leadership must think carefully about the consequences before making such a baseless claim at the European level.

Yet another participant raised the issue of internal solidarity and differences among various groups identified as Roma or Romani. According to her, Romani leadership ignores this aspect since it uncovers a reality that is at odds with the ideological image of a united nation. The Travelers, Ashkaliya, Egyptians, and Rudari/Beyashi all claim to be separate ethnic groups. Should they therefore be considered part of the Roma nation? How do Roma respect the rights of these ethnic groups to their own self-determination? She further pointed out that her own experience in carrying out projects in the Balkan region taught her that Romani activists’ prime identification was not with Roma living across the borders but rather with their surrounding nations, whether Serbs, Croats, or Bosnians.²⁶ These facts beg the question, can one Roma nation be developed?

In Jadwisin, as well as in Krakow, two different positions toward a Roma nation were manifested. One can be called a universalistic (and voluntarist) position, fully expressed by the RNC: The Roma nation exists. But since Roma are diverse and hold different traditions and cultures, any attempt to forge a unitary nation is fruitless. The Roma nation is an open structure; every group can join it because what binds them together is anti-Gypsy sentiment.

The other position, inclusive but particularistic or even nationalist, can be attributed to the IRU, among others. It focuses on Romani culture, seeking to develop its unified form along with a codified language and renewed traditions and values. It supports an inclusive and global definition of Romani identity that is nonetheless rooted in Romani culture and socialization. According to this approach, internal fragmentation or separation of some groups like Egyptians or Ashkaliya is a dangerous

process. Indeed, adherents of this view often blame the international organizations for encouraging fragmentation through their recognition of separate ethnic groups. Each of these two positions is additionally associated with a different conclusion as to what should be in the Roma's main interest: fighting against anti-Gypsyism or working to develop a unifying culture.

THE CONCEPT OF SELF-DETERMINATION IN THE VIEW OF THE ROMANI ELITES: CULTURAL AUTONOMY

Romani participants perceive the concept of self-determination in a number of different ways. Some view it as individual or even human rights, others as group or minority rights within a nation-state, and still others as the rights of a people and a nation, such as at the European level. For some, the concept itself has been a novelty. Others criticized the discussion papers for espousing only the UN-based restrictive definition of the self-determination principle. For the adherents of the minority-within-a-nation-state perspective, the ultimate goal is cultural autonomy, and perhaps eventual territorial autonomy. For adherents of the national perspective, the goal is official recognition of the Roma nation. Those who see cultural autonomy as the objective tend to hold both views simultaneously; that the Roma can be a national minority at the state level and a nation at the European level.

While the UN system offers only one possible way of interpreting the self-determination principle, there are other perspectives. The Advisor on Roma and Sinti Issues at OSCE explained that his organization's Human Dimension Perspective views self-determination as a basic human right of every individual and every people. This constitutes a political and legal basis for Roma self-determination claims within the OSCE process. He believes the Romani leadership should explore a strategy that builds on this basis.

For some, "self-determination" refers to an individual and collective or group's right to participate in a wider public and political process. In this view, self-determination begins when a person or group (national or ethnic) seeks to represent their own interests within official fora. In Hungary, Roma self-determination has been implemented through the system of minority self-government. While the arenas are currently limited to issues of culture and education, the possibility to participate in

decision-making is nevertheless quite real. According to this speaker, the unique Hungarian system, despite its imperfections, provides Roma with the greatest legal chances and opportunities for exercising their rights in the CEE region.²⁷

Another participant put forth a related view by which self-determination refers to equal rights to participate in the larger society with free use of one's own cultural, ethnic, or linguistic characteristics. It means, therefore, that national governments shall accept and create structures for Roma's equal participation as in Finland, where the Constitution guarantees the Roma cultural and linguistic rights. In their deliberations on self-determination, she continued, the Romani leadership cannot ignore existing provisions and legal systems. Claiming constitutional or other rights from existing governments is also a realization of self-determination.

Keeping this same line of reasoning, yet another participant noted that minorities are subjects of law and protection in every country. In the post-WWII era, however, the rights of minorities have been understood as individual and not collective rights. This position, which has prevailed in international law, undermines minorities' right to self-determination. According to this speaker, national minorities should have proportional participation in political power. But the unresolved dilemma of individual vs. collective minority rights makes the future of these minorities uncertain. She doubted whether it is enough, for example, to have the individual right to preserve one's national minority identity and culture.

This participant considers the quest for self-determination to be one of the most important for Roma. In her view, self-determination can have territorial and extra-territorial forms, with the latter no less important than the former.

In multiethnic states, she continued, the basic form of self-determination is national cultural autonomy. Russian law qualifies this as "the form of national cultural self-determination representing the public association of citizens of Russia who consider themselves as belonging to a definite ethnic community on the basis of their voluntary self-organizing with a view of preservation of their originality, language, culture, education." The Roma in Russia, among others, have this right to form an extra-territorial national autonomy and thereby to promote cultural and educational rights and even legislative initiatives or political repre-

sentation. In her assessment, however, this promising and prospective law is not easy to realize in practice, especially in the case of Roma, since it does not establish procedures and financial guarantees.²⁸

A young Romani student explained that the concept of self-determination is vaguely defined in international law as “having control over our lives.” It can be achieved through political participation and autonomy or through secession. The first two are legal ways; the latter, besides posing a challenge to the international order, also raises moral questions.

Autonomy can be personal, cultural, and territorial. For the majority, any quest for minority autonomy might be interpreted as a threat to its territory. For this speaker, the Romani movement is heading toward securing greater political participation for Roma, but is moving too slowly toward attaining cultural autonomy. Roma can claim territorial autonomy in only a few limited cases.

He also pointed out a concern about multiethnic societies. In his view, multiculturalism tends to turn minority claims for autonomy into issues of minority political participation. Since as a rule the majority tends to patronize minorities, this is not a desirable direction to pursue. He further contended that the discussion paper puts forth the position that internal self-determination refers only to indigenous people. According to him, however, it refers also to minorities, and therefore Roma can claim it as well. (For him this is important because he does not believe that Roma should be considered a nation.)

The RNC representative approached the question of self-determination in a different and provocative way. Instead of defining what self-determination is, he attempted to define its opposite. That has been colonialism, oppression, and discrimination. In this view, self-determination is equivalent to power. Those without it face oppression. The question is, therefore, do the Roma want oppression or are they ready to defend themselves? According to him, the answer is simple – all Roma want self-determination because they do not want oppression. He warned that this view of self-determination is quite common among the younger generation.

Clarifying what self-determination means for Roma, he went on to elucidate what Roma do not accept and what they do want. Further defining self-determination as being in control or in a position to make decisions on one’s own, he said, Roma do not accept non-Romani experts. They do not accept non-Roma engaging in projects on behalf of Roma,

making decisions about what Romani children should learn or whether they are a nation or not, sending Roma to participate in wars in which they kill each other, or designating their representatives for them.

What they do want is to elect their own representatives, to decide what their children will learn, and to participate in the politics of the countries in which they reside as citizens and not just as Roma. They want, he said, to participate at the European level of politics, having not only a voice but the power to determine for themselves what their role at that level shall be.

Roma intend to attain more control of, command over, and power of decision in all matters related to them.

According to this speaker, the principle of self-determination lies at the foundation of every democratic and pluralistic state. The absence of such a basis leads to oppression, manipulation, and dictatorship. Roma should demand self-determination as a basic human right.

The majority of participants, however, viewed self-determination as a question of Roma’s participation in the larger society. There was consensus among them that attaining cultural autonomy would assert their right to equal participation. However, for many the cultural autonomy granted to Hungarian Roma since the mid-1990s is a false version of self-determination.

The RNC representative said that the Hungarian model of minority self-government promotes separation rather than offering them real participation in society. He cited many Gadje policies that establish special arrangements for Roma – special Romani schools, Romani advisors, mediators, Romani departments – as examples of imposed segregation rather than integration. He sees similar developments in other countries as well.

Criticism of the case of Hungarian Roma, expressed mainly but not exclusively by representatives of RNC, brings to light a major dilemma that the Romani elite must eventually resolve. Should Roma be integrated into participation in the larger society on an ethnic basis or a civic basis? It has been apparent throughout the debate that Roma intend to attain more control of, command over, and the power of decision in all matters related to them. They differ, however, in how to reach this goal.

For some Romani leaders, the focus of all efforts throughout the 1990s was greater Romani participation in mainstream politics. They lobbied for Romani representatives in state institutions, departments, and advisory or experts' groups. The leadership's negotiations with the authorities resulted in the establishment of special bodies or arrangements for the Romani minority as a group. They opted, in short, for an ethnic path. Now, as one of the speakers pointed out, these structures function as "buffers" between the Roma and the state and make it easier for the state to avoid its responsibility toward the Roma as citizens.

Some leaders have called for redress of the state policy toward the Roma, hoping to achieve for them the right "to participate in a country's politics not as Roma but as citizens." However, Roma are not generally real or welcomed partners in mainstream politics inasmuch as they lack strong political, economic, or intellectual potential. Moreover, Roma's civic involvement remains very low as evidenced by their minimal participation in elections. How, then, can they gain influence if not through the ethnic way of cultural autonomy? Ironically, those Roma who do move into the structures and institutions that are part of the "arrangements" for Roma, thereby gaining some position and power to influence Romani politics from within, tend to be strongly criticized, usually by those who remain outside of it.²⁹

What is the perspective of those who are inside? In the opinion of a participant who holds the position of Romani Plenipotentiary in the Slovak Government, the key word in all discussions is "integration." Governmental strategies developed for Roma in many countries aim at integrating Roma into mainstream society. From her perspective, it is the government's responsibility to set forth conditions for Roma's integration. Her Plenipotentiary Office acts at three different levels: the national minority level, at which they aim to provide Roma with all the institutional infrastructure and provisions to which they are legally entitled; the social and economic level, at which they try to address and resolve difficult and contentious issues of Roma; and the interethnic level, at which they work to improve relations, communications, and mutual understanding between Roma and the majority.

She is determined to bring positive changes to Roma, but she also expects the Romani leadership and representation to act responsibly. In her opinion, they are the weakest link, too divided to represent Romani interests and influence politics. She claims that this is more problematic even than all the disadvantages experienced by the Roma in Slovakia such

as poverty and prejudice. The major challenge therefore remains: How to empower Roma to become political players and have a real impact?

THE OPTION OF TERRITORIAL AUTONOMY

Those arguing for the option of territorial autonomy elaborated further on the validity of the ethnic way. While their objective has been to attain greater participation in decision-making or even self-administration in some localities, the racial characteristics of the Roma make it impossible for them simply to merge unnoticed into the majority. Traditionally they are perceived as a foreign element, and this is unlikely to change. Even in countries in which governments have extensively tried to eliminate racial barriers, the results are not convincing. Segregation is a fact, even in advanced democracies.

It is even more intense in post-communist countries, speakers said. There, despite loudly declared programs of integration, the reality is quite the opposite — displacement, marginalization, and in its final consequences, segregation in ever-growing Romani ghettos and slums. In this new reality, governmental programs, which lack public and political will, and the activities of non-governmental organizations, which lack sufficient funding, are barely able to slow down the segregation and mitigate some of its impact.³⁰

A real effort to change has to come from the Roma themselves, said another participant. They must show enough will and determination to defend their interests, to stop being objects of charity and paternalistic care, and to seek respect, self-esteem, and dignity. What Roma demand from the state and society are not handouts but rights and justice. In his opinion, this can come about by granting greater self-administration in local Romani residential units. There Roma can gain a stronger position vis-à-vis the majority. Claims for greater autonomy at the national level, by contrast, seem untenable at this time. Some say that at present the Roma appear unable to handle this responsibility, but they must learn.³¹

A real effort to change has to come from the Roma themselves. They must show enough will and determination to defend their interests, to stop being objects of charity and paternalistic care, and to seek respect, self-esteem, and dignity.

What can Romani leaders do to turn the reality of residential segregation into an asset? The Romani Advisor to OSCE answered by exploring the possibility of a demand for territorial autonomy. He described the territorial distribution of the Romani population. There are regions with a high proportion of Roma (such as in Bulgaria's Montana region, where Roma make up nearly 15%; Varna, where they comprise 10-15%; and Eastern Slovakia, where they are nearly 20%), and there are localities where Roma make up 100% of the population. There are big Romani quarters, "mahalas" or ghettos, in many cities in the CEE region. They contain as many as several thousand to sixty thousand people, such as in the Suto Orizari quarter of Skopje in Macedonia, where the majority is seriously concerned about a steadily growing Romani population.

Decentralization, regionalization, and local self-government – these are the European Union's promoted policies, continued the speaker. How can Roma use these policies? Can Romani leaders work out a project whereby Roma in regions or municipalities with high densities can attain administrative-territorial autonomy? If such an option were to be realized, Roma would be in a new position to resume the quest for self-determination. Precedents are already in place, including in the Suto Orizari quarter of Skopje. Romani self-administered territorial units must be established in accordance with state rules and laws, said the speaker.

Such units can be tied into a network, he continued, and elected Romani mayors and council members could come together once a year to work on common strategies and policies. In this way, the Roma would gradually create a territorial structure that fulfills the right of self-determination through attainment of cultural autonomy. The network should also include regions or municipalities of Western Europe that have high-density Romani populations.

For other participants, however, this vision is threatening. As one speaker observed, Romani leaders making territorial claims would be seen as calling for a revolution. When the question is territories, Gadje are ready to strike against any such demand. Encouraging Roma to go in this direction, another participant warned, would be very risky in that this is a particularly sensitive issue for countries in which their own political self-determination is under threat, such as in many new states of the Balkan region.

ROMA AND NATIONAL SELF-DETERMINATION

For a few participants, the concept of Romani national self-determination appears quite elusive. For some, it means creating Romani power and clarifying objectives to be realized in years to come. For others, developing a new ideology would glue Romani communities together, similar to the way in which religion binds Jews around the world.

Some participants viewed Romani national self-determination as an effort to seek emancipation as a nation, whereas for others the goal is to have the Roma nation recognized and granted new status in Europe, as in the IRU Declaration. As one speaker underlined, the Declaration marks a new and historical opening that requires Romani leadership to take steps to begin a political process both inside and outside the Romani community. In so doing, they will need to pay attention to the processes of globalization, European integration, and democratization. They will also need to pay attention to disintegration processes that are going on within the Romani community at this time – catastrophic conditions in some communities and fragmentation and growing marginalization in others.

The self-determination option is a positive one which can trigger changes in areas of Romani culture and politics, both within and in relation with governments and international organizations. According to this speaker, however, for the process of Romani self-determination to succeed, there must be prior unification of culture, empowerment, strengthening of national symbols, and improvement in social and economic standing for all Roma.

Historically, secession and the creation of a separate state has been the objective of national self-determination for most nations. However, secession is not a viable goal for the Roma, suggested another participant. Moreover, neither the IRU Declaration nor the RNC Claim is new, he said, citing precedents that were formulated by Romani leaders at the end of the nineteenth century and in the 1930s.³²

Those historical efforts to achieve some degree of national self-determination or self-organization were interrupted by the Nazis. What survived the Nazis was further destroyed by Communism. The Romani community emerged socially, financially, and politically broken and culturally uprooted. Even worse, the anti-Gypsy stereotypes survived and were reproduced in both Western and Eastern Europe.

For most leaders, the secession option is more a political tactic than a real objective. In 1991, for example, a Romani member of the Macedonian Parliament made a statement demanding recognition of Roma as a nation and warning that Roma may attempt to form their own state within Macedonia (“Romanistan”). As the RNC representative remembered it, this MP faced harsh criticism from all sides. Later, Albanians made a similar demand for recognition as a second constituent nation, and they succeeded. Macedonians are now afraid of losing their own state, he concluded.

At the October 2000 PER meeting on Roma in Skopje, a major Albanian leader argued that Roma are an ethnographic/historical minority and should remain focused on culture. However, Roma demands were different. Seeking to become political actors, they requested self-determination. The Romani nationality is now recognized in the Macedonian constitution, but only on paper and not in reality. He concluded that Roma either do not see what they should do at this point regarding any future claims or are afraid to make such claims. They seem to have a fear of defending themselves and their way of life, but that is essentially what self-determination is all about.

For some participants, the examples of other nations’ rise to self-determination, either in the nineteenth century or today, are instructive. For others, however, those examples were irrelevant as models for Roma. The main argument here is that other nations’ self-determination was driven by territorial quests, and that Roma neither seek territory nor are likely to be granted it. Several participants warned the Romani leadership against going in this direction.³³

As one speaker pointed out, the question of national self-determination is essentially about power. Some Romani leaders seek power, which would inevitably lead to conflict with the existing state. He posed a pertinent question: Do Roma really believe that Gadje will share their power with them? What power-holders have ever shared it with those who are powerless?

In the last ten years, the Romani issue became a subject of large-scale politics and attracted the involvement of powerful governments. But what actually happened in this same period to the Roma in Europe? While the Romani leadership was advocating integration policies, on the ground the Roma increasingly faced advancing segregation. While the Romani leadership discusses national self-determination, the main concern of Roma in localities is mere survival.³⁴

Similar worries but from a different perspective were expressed by another speaker. Roma use the Romani word “nacija,” translated into English as “nation.” She questioned whether that is the best choice in English. Having participated in many gatherings in Europe, she learned that for mainstream politicians the most terrifying moment comes when Roma start to talk about “nation” and “self-determination.” Roma should find a more acceptable way to press this claim at the highest political level, perhaps turning to the word “people” as a more suitable translation, also because of its connotation of “indigenous people.”

The Advisor on Roma and Sinti Issues at OSCE pointed out that the debate on Roma self-determination started in the PER-sponsored Krakow meeting, prompted by the exchange between the IRU President and some Romani leaders in attendance. The IRU President argued that the IRU Declaration was rooted in historical precedent. Some leaders objected, claiming that there were sufficient grounds for such a declaration in present-day international documents, including the UN Charter.³⁵

He warned that Roma must pay attention to what is in the minds of mainstream politicians. Gadje may understand that Roma seek a territory or a state since they no longer wish to be identified as, say, Czech Roma or Romanian Roma but merely as “the Roma.” He therefore introduced a distinction between a “political” nation and a “cultural” nation, stressing that the Romani leadership must clarify whether they intend the former or the latter. Aiming at political nationhood implies, according to him and in line with Gadje reasoning, seeking political power in the form of government, territory, borders, and passports. The Romani leadership must be very careful to assess the interpretations and implications of what they claim, especially if what they seek is actually “cultural” self-determination.

For some participants, however, the challenge posed by the IRU Declaration is in essence a political one. Clearly rejecting territorial statehood, the IRU foresaw a chance to establish a non-traditional form of national existence in the idea of a non-territorial or extra-territorial nation. As the IRU representative explained it, although today’s situation is obviously different from the period of the first half of the nineteenth century when many new territorially-based nations were formed, there is still inspiration in these analogies.

Now, as then, the world system is changing. While ideals of democracy are gaining ground, today they are more likely to appear in the context

of multicultural societies. The decreasing role of the state and the formation of multinational structures such as the European Union make the IRU claim an increasingly plausible reality, said a participant.³⁶

Several participants pointed to a gap between the level of discourse on the part of the Romani elites and that of the Romani masses. They argue that it is the elite's task to translate abstract notions such as nation or self-determination into a message that can be clearly understood by the masses. While the gap may not be eliminated overnight, it can be greatly reduced by the use of language that is both specific and practical.

As one speaker noted, it may be true that elites can make nations, and those gathered at this meeting are members of the elite. Moreover, the process of Romani national self-determination has already begun and some Romani leaders are more or less aware of that process, and some Romani communities are in different stages of it. This speaker noted that throughout the last decade of Romani discourse, all the efforts of this elite have been directed toward the national governments and international organizations rather than toward the Romani community. While the elite have forwarded demands and requests for governments and international institutions to change their policies toward the Roma, they have failed to develop a political credo for Roma and Romani NGOs that will link elite discourse with the daily activities of Romani activists.

When this meeting is over, she will go back to her projects irregardless of what has been debated or concluded here, and projects will move forward in all directions with little coordination. She would greatly prefer to have consistent guidelines and an agreed-upon platform that would answer practical questions and govern activists' projects.

Similarly, another participant asked about indicators that would demonstrate that Roma are undergoing a process of self-determination. An answer to this question should include not only claims to that effect, but also evidence of the choices the Roma make on practical issues: Do they

hide their Roma identity or manifest it publicly? Do they opt for integration and assimilation or for cultural autonomy? Do they want for their children integrated classrooms or separation in education? In his view, the present-day reality and the unfavorable overall context of their lives provide little evidence that Roma are making coherent choices. The prime task of the elite and Romani organizations should therefore be to motivate Roma to acknowledge their Romani identity as the initial step on the road to Roma self-determination.

For yet another participant, it is the Romani leadership's task and responsibility to clarify what exactly Roma seek, even though the elite will be held responsible and will be judged by the masses for whatever is asked, declared, or claimed in their name.

The Advisor on Roma and Sinti Issues at the OSCE pointed out that in many countries, governmental programs or national strategies for Roma already exist and are being implemented in cooperation with Roma. But for many Romani leaders, these programs represent more the interests of the state than of the Roma. He now proposes a rewrite of governmental strategies, such as the Romanian one, from the point of view of Romani self-determination and genuine Romani interest. What would be the new scenario and the new message?

Despite all these worries and warnings, there was consensus among the participants that Romani national self-determination is a reality. The main objective of the Roma's claim has been to obtain Romani national existence and to have its voice officially acknowledged, with structures set up for equal Romani political participation, nationally and internationally. The Roma do not need a territory of their own in order to claim this right. Once this recognition is established, there is hope that the Gadje perspective on Roma will change along with the laws. Roma have to make it clear that they want neither territory nor a state, but participation in Europe's international institutions.

As many speakers stressed, there are also pragmatic reasons for seeking Romani nationhood. It provides Roma with a stronger position, giving them confidence while also leading to better self-organization. For the majority of participants, however, it is the Finnish initiative that represents the most significant step forward for such recognition.

THE FINNISH PRESIDENT'S INITIATIVE AND ROMA NATIONAL SELF-DETERMINATION

The Finnish participant and the RNC representative introduced the Finnish initiative.³⁷ The first speaker emphasized that Finnish President Tarja Halonen formerly chaired the Roma Advisory Board of Finland and is therefore well informed on Romani issues. She knows that everywhere Roma are politically marginalized and powerless. Her idea was to create a special arrangement that would provide Roma with effective participation in public life at various levels, and not only as NGOs. Her initiative aimed at securing for the Roma a place within the decision-making process at the level of international organizations, from which they are presently excluded. Thus was born her idea to establish a consultative assembly for Roma at the European level.

Such a body would have an official mandate, work with all international institutions, and provide Roma with a voice in addressing all issues related to them. While there are currently plenty of international documents addressing Romani concerns, the Roma have no institutional instruments at hand to use them effectively. The Romani leadership approved this initiative and agreed to set up an exploratory group to work out the details at a seminar held in the Finnish Parliament on October 21-22, 2001. After several meetings of this group,³⁸ an initial agreement was reached on the composition of the future pan-European body in Helsinki – the so-called Helsinki Agreement of March 11-12, 2002.

The RNC representative presented a non-paper that was worked out by the Finnish side and explained to the Roma at the March meeting in Helsinki.³⁹ The main topic of this document is a proposal on how to set up this Romani body. This speaker stressed that the proposal reflects the state's view. From each country there will be elected a certain number of Romani representatives; countries with a larger Romani community would be entitled to more seats. For example, the Romani community in Romania would have five seats, whereas the community in Poland would have only two.

He called this proposal interesting but not realistic. Since the process of democratization in Romani communities and organizations is rudimentary or non-existent, there are no conditions for carrying out such elections in a fully democratic manner. Therefore, following this request would only lead to chaos and endless conflict between Roma and their organizations. Similarly, organizing conventions would run into diffi-

culties, since in Europe there are as many as 2,500 Romani organizations, few of which are well-structured.

The so-called "Helsinki Agreement" endorsed by the RNC presents a different scenario. The building blocks of the future Romani representative body would be provided by five categories of Romani organizations: 1) international and experts' organizations active at the national and international level, such as the IRU; 2) international and experts' organizations active at the grassroots, regional, and international levels, such as the RNC; 3) Romani religious organizations like GATIEF;⁴⁰ 4) Romani political organizations or parties active at national level; and 5) independent national Romani organizations or umbrellas of such organizations that are not part of the IRU, RNC, or Romani parties active in specific areas such as human rights, education, youth, culture, etc.⁴¹

Each category of organizations would choose its own representatives through elections, with full respect for transparency of the process and gender balance. The total number of Romani representatives to this body has been set at 150. The building blocks are comparable to parliamentary parties and the European Roma Forum can be compared to a parliament. The proposal also includes the establishment of a board or executive committee (up to 9 persons) and an advisory group of experts selected by the board. The entire structure would be served by a small secretariat.

In the view of the RNC representative, there has not previously been legitimate representation of Roma in most of the states. Where such representation does exist, as in Hungary, it was established as "top-down," or state-sponsored, and not reflective of self-determination. The RNC scenario, he said, attempts to restructure the new body away from divisions of Romani communities across borders to reflect instead the transnational and European nature of the Roma.

The Finnish Romani preventative presented an alternative view of the composition of the European Roma Forum. He cited the differences among various Romani communities in Europe regarding their position in different countries, the levels of democratization and self-organization of Roma in Western and Eastern Europe, and how they experience their own identity. These differences have to be taken into consideration, she said, and a compromise solution that would satisfy those various communities must be reached so that all could choose their own representatives to this body.⁴²

According to this speaker, a “national Romani representation” already exists in the form of various consultative or advisory bodies. Romani representatives to these bodies, who are officially recognized and currently cooperate with governments, cannot be ignored or left out of the structure. She called special attention to the fact that the decision to establish the European Roma Forum depends on the governments’ commitment to it, and securing that is also Roma’s responsibility.

Similarly, another participant pointed out that EU policy calls for Romani national organizations working as partners with governments. It requires that progress toward democratization be accompanied by increasing roles for those organizations at the level of nation-states, rather than a few international Romani organizations active at the European level. Unfortunately, in many countries these organizations have no information on the Finnish initiative and are therefore not part of the process.

Yet a different scenario for this body was elaborated by the Advisor on Roma and Sinti Issues at the OSCE. Based on his overview of Romani organizations in Europe,⁴³ he suggested a compromise solution combining delegations by consensus and election procedures. According to him, the Romanian representatives and NGOs expressed their readiness to carry out such exercises of both, working out a mechanism for delegation by consensus and also holding model elections among the Roma at municipal or district levels. If successful, they may provide suitable models for use at the national and international levels in setting up the European Roma Forum.⁴⁴

In his view, this debate should be extended to local/national settings. The question of how to establish legitimate representation to this body from a country like Romania, where the Romani community accounts for more than a million people, is a serious and challenging question. He called for extending consultations within Romani communities, stressing that a voice must be given also to those who are considered by some leaders to be “bought,” i.e., those who are state appointees or work in state administrations. For now, the representatives of the RNC and IRU have successfully influenced the debate, but the participation of the Romani MPs and Romani representatives and/or officers serving at state and local administration levels has been rather limited. This contributes to the misreading of the Finnish initiative among the Romani communities in many states. He suggested inviting more of

the above-mentioned categories of Romani representatives to the meetings of the exploratory group and, on the other hand, encouraging their participation in gatherings of the international Romani organizations.

As one of the participants noted, history itself altered the Romani discourse. What the Romani leadership had sought in vain for a decade was suddenly offered to them by the state, the side usually seen as against them. The Romani leadership itself should have addressed Romani self-determination and representation much earlier. But this is just the beginning of the “success story.”⁴⁵

For the majority of the participants, President Halonen’s initiative marks a new beginning, opening the door for Roma’s inclusion into European institutions and providing an opportunity to raise Roma’s self-determination at the European level. In the absence of a Romani organization with a mandate to speak in the name of all Roma at the international level, the Finnish initiative offers both a representative body and an official mandate. This is a realization of the quest for Romani self-determination.⁴⁶

Several speakers praised the Finnish authorities for the idea, which had been raised for a decade by some Romani leaders and presented at the highest European levels. As one of the participants emphasized, such a proposal presented by Romani activists got no attention. But when it came from the President of a country, it was a different story altogether. The Roma should not forget, however, that this initiative might as well be named “Miranda’s” (Vuolajaranta from Finland) initiative, since she contributed much to sensitize President Halonen on Romani issues at the time when Ms. Halonen chaired Finland’s Roma Advisory Board.

CONCLUSIONS

The Jadwisin meeting is the second in a series of PER-sponsored roundtables, along with the Krakow meeting of 2001, called the Romani Political Reflection Forum. Its formula – encouraging discussion that is open and self-reflective, well-focused, and touching upon difficult and challenging questions – has proven to be successful. The fact that many participants came with written statements or papers provides some measure of their involvement in the subject matter.

The debate in Jadwisin revealed the following:

- There was further consolidation of the assertion shared by most participants that Roma are a nation. Realization of the Finnish proposal has contributed to this notion in a significant way. The Halonen initiative emerged at just the right time, coming right after the IRU Declaration of Nationhood and during the period when the Romani leadership attempted seriously to debate the issue of Romani representation at the international level (Krakow meeting).
- The EU enlargement factor contributed to it as well. The Romani leadership had been concerned about how the Romani population would be part of the integration processes that are currently under deliberation in Europe. The debate proved that the Roma have hopes of realizing a vision of a Europe consisting of nations or regions, among which the Roma will be recognized and granted status similar to that of other nations.
- Only a few participants objected to these strong statements. In the view of those few, the Roma are a minority and not a nation. For them, assertions of nationhood are utopian and unrealistic.
- Two opposing positions toward a Roma nation were identified. The “universalistic and voluntaristic” position perceives the Roma nation as diverse and does not seek to forge a unitary nationhood. It may be joined by any group that claim to be Romani, for they are held together by the common experience of anti-Gypsy sentiment. The “inclusive and particularistic” position focuses on culture and seeks to develop a codified language alongside renewed emphasis on shared traditions and values. Favoring a global definition of Romani identity, it is against internal fragmentation and recognition of separate ethnic groups among Roma. Proponents of this view place a higher emphasis on unifying the culture than on fighting anti-Gypsyism.
- The question of the Roma as a nation has been central to the debate on Romani self-determination. Not surprisingly, the majority of the participants perceived Roma’s claims to self-determination as legitimate and valid, whether or not they are based on a foundation of nationhood.
- Romani participants perceived the concept of self-determination as ranging from an individual or basic human right, through a group or minority right, to the right of a people or nation. Ultimately, despite these different positions, most of them embraced the concept as relevant to their current efforts and a promising guide to

Romani political mobilization in the future.

- The main difference emerged between those who maintain that the self-determination principle is the right of minorities and those who consider it the right of a people or a nation. For the adherents of the former position, the ultimate realization of this right is the achievement of cultural autonomy within a nation-state. Through it, the prospect of territorial autonomy or self-governance in municipal or even regional levels has also been explored. In the case of the latter position, achieving a new status as a nation in Europe has been the ultimate aim. For the majority of the participants, however, the option of secession or seeking a state has been deemed untenable and unrealistic.
- Irrespective of how the participants viewed the concept of self-determination, they all see it as a question of Romani participation in the larger society. There is consensus among them that attaining some form of cultural autonomy will assert their right to self-determination as defined by equal participation. For many participants, the example of the Hungarian Roma is a distorted version of cultural autonomy and not a positive model.
- The case of the Hungarian Roma and the criticism of it are symptomatic of a larger dilemma for the Romani leadership: how best to seek integration and participation of Roma in the larger society? Should Roma opt for civic or ethnic ways of participation? For the time being, the Romani leadership has no clear position on this and efforts to provide answers usually fall apart.
- Exploring the possibility of attaining territorial autonomy, some participants turned to the EU policy and promoted the concepts of decentralization, regionalization, and local self-governance. They see it as a chance for full emancipation and as a way to stop the state-sponsored treatment of Roma as objects of charity or paternalism. Others, however, objected to it as too risky an option. A proposal to design Romani territorial/administrative units was made.
- Romani national self-determination is viewed in one of two ways: as an effort for emancipation by a nation, or as recognition of a new political status for a Roma nation in Europe. In fact, however, both meanings were intertwined. The difference between them lies in the emphasis some participants are prepared to place on emancipation efforts as opposed to achieving some degree of self-organization or political representation. For some participants, therefore, the IRU

Declaration of Nationhood has marked a new and historical opening to emancipation. For others, it is the Finnish initiative that best encourages Romani efforts at self-organization or the establishment of legitimate representation.

- The historical association of national self-determination with territorial claims has prompted participants to make use of other concepts such as “people” or “indigenous people.” These concepts are deemed more suitable, especially in light of positive examples of achievements attained by indigenous peoples seeking recognition of their rights and status at international and national levels.

- Several participants cited the existing gap between the discourse level of Romani elites and that of Romani masses, and urged the elite to express abstract ideas in more concrete terms. A search for evidence of a desire for self-determination among the masses should include analysis of the everyday choices Roma make on practical issues that are related to their identity.

- There was overall consensus among participants that Romani national self-determination is a reality. The main objective of the Roma’s claim has been national and international acknowledgement of the existence of the Roma nation and voice, along with structures for equal political participation by Roma. Territory is not a prerequisite.

- While most agreed that the Finnish initiative represents a significant step toward recognition, the content of the Finnish initiative – composition and ways of setting up the body representing Roma in Europe – has been most contentious. The debate has been illustrative of the ongoing power struggle between Romani “internationalists,” as represented by two organizations, the RNC and IRU, and “nationals,” activists representing a variety of national/local Romani organizations. According to the “nationals,” the “internationalist” scenario for setting up this body diminishes the role of existing Romani representation at the country level and privileges the two international organizations.

- Calls have been made to launch a large-scale consultation on mechanisms for delegating and electing representatives to this body. The input of the RNC and IRU representatives needs to be matched by participation from the Romani MPs and Romani representatives and/or officers serving at state and local administration. This

should also lead to a more accurate understanding of the Finnish initiative among Romani communities.

- Throughout the meeting, it was evident that the so-called “European” or “transnational” approach to the Romani issue has fostered claims to national self-determination. The Romani leadership seems to interpret the recommendations and initiatives of the international organizations as validating these claims.

- PER plans a follow-up to the Jadwisin roundtable debate in which these conclusions will be shared and discussed with non-Romani politicians, lawmakers, and experts. Such a meeting will attempt to clarify the content of Romani claims, their direction, political feasibility and legitimacy, along with those of the international organizations and with some government views on the situation of the Roma in Europe.

APPENDIX A

The Principle of Self-Determination: The UN Perspective

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This Discussion Paper was distributed to the participants prior to the meeting.

The UN Charter reference to the principle of self-determination appears in Chapter I, Article 2, which states: “To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace.”

The UN Charter notion of self-determination draws on President Woodrow Wilson’s Fourteen Points as delivered in his speech on January 8, 1918, and in particular on his remark: “It is that the world be made fit and safe to live in; and particularly that it be made safe for every peace-loving nation which, like our own, wishes to live its own life, determine its own institutions, be assured of justice and fair dealing by other peoples of the world as against force and selfish aggression. All the people of the world are in effect partners in this interest...” And further: “An evident principle runs through the whole program I have outlined. It is the principle of justice to all people and nationalities, and their right to live on equal terms of liberty and safety with one another, whether they be strong or weak.”⁴⁷

The principle of self-determination was endorsed in two UN Covenants on Human Rights adopted in 1966.⁴⁸ Article No.1 in both Covenants states: “All people have the right of self-determination. By virtue of that right they freely determine their political status, and freely pursue their economic, social and cultural development.” It was later restated in the Vienna Declaration’s Article No. 2.⁴⁹ This principle is best understood in the context of other principles that form the UN normative basis of international law, that is, the principle of territorial integrity of states (it has primacy), of sovereign equality of states, and of non-intervention in internal affairs of other states (except ‘humanitarian’ interventions based on resolutions of the Security Council).

More importantly however, the UN normative system uses the concept of a “nation” or a “people” that is “political,” “voluntarist,” and “territorial” (demos), as opposed to culturally defined or “ethnic” (ethnos). The subjects of international law are “nations” or “peoples,” but understood

as “states” (UN Charter, Chapter II, Membership, Articles 3, 4 and 5). International law presumes the existence of states, which are already constituted and recognized. Criteria for statehood, according to the Convention on the Rights and Duties of States (1933), are: a) permanent population; b) defined territory; c) government; and d) capacity to enter into relations with other states. The “permanent population” as used here is identical with the “nation.” Nationality refers therefore to the country or state of which a person is a citizen. The permanent population of the state makes up a “national society.” From the perspective of international law, it is less relevant how “national society” is composed from within (dominant majority and various minorities).⁵⁰

The UN documents make specific references with regard to applying the principle of self-determination to the categories of non-self-governing territories and indigenous people. In the case of the former the UN Charter envisaged, through the principle of self-determination, that all territories in subordinate position as mandates, trusteeships, or colonies would eventually become sovereign (states) or part of existing sovereign states on the basis of internal equality (self-governance) (Articles 73 and 74 of the UN Charter). In the context of de-colonization, the principle of territorial integrity took primacy over “ethnic” self-determination claims. The territorial boundaries of political units were identical with pre-independence administrative boundaries, in conformity with the principle of *uti possidetis jure*, and the “people” of non-self-governing territories were considered to comprise the total population of the territories.⁵¹

The Vienna Declaration, while endorsing and recognizing “the right of people to take any legitimate action, in accordance with the Charter of United Nations, to realize their inalienable right of self-determination...” (Art. 2, Para. 2), did exclude the use of the right to self-determination as a basis for secession, as stated in Article 2, Para. 3 (‘this shall not be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent states...’).

The notion of “indigenous people,” on the other hand, has an ethnic rather than a territorial connotation. They are sometimes named the “First Nations” or “dependent nations,” and usually are part of existing sovereign and independent states. Controversy over recognizing their right to self-determination within the UN system relates to qualified or unqualified rights under international law. In the case of the unquali-

fed right to self-determination, each indigenous group should be recognized as a “people” that ultimately can claim the right to be an independent state. In essence, within the UN system, the indigenous people have a right to “internal self-determination,” that is, limited autonomy on ethnic grounds within existing sovereign states (see the International Labor Organization Convention No. 169, 1989 concerning Indigenous and Tribal People; draft Declaration on the Rights of Indigenous People; Vienna Declaration, Article 20; also the position of the U.S. on indigenous people).⁵²

The UN principle of self-determination, as stated in its documents, has been often criticized for being poorly defined.⁵³ It has been interpreted in various ways and used to mean different things for different people. The claim is often made that it does not adequately address such questions as: Who are the people and what do the people have a right to? It might mean popular sovereignty; that is, the right of people to choose their government (internal democracy), freedom from external intervention, or the right of people to have the state of their own. On the other hand, “the people” itself might mean nations or states, ethnic groups as in the case of indigenous people, the entire population of specified territories, etc. While this criticism might be true, UN practice provides some clarification.

Regarding who has the right to self-determination and what this right is about, UN practice proves the following:

- A) Populations as a whole or nations (people) of existing states have a right to an effective democratic system of governance in which all parts of population participate; they also have a right to continue to remain independent (not to be subjected to alien rule);
- B) Populations of non-self-governing or occupied territories have a right to self-determination, that is, to freely determine their political status. Beneficiary of this right is the population of the territory as a whole. It gives no right to a separate part of population to break out of the territory, that is, to secede;
- C) Indigenous peoples have a right to internal self-determination and limited autonomy within existing sovereign states;
- D) In the case of dissolution of larger union republics or federations, the right of self-determination is applied to member

republics in accordance with the principle of *uti possidetis juris*, that is, the new borders of political units must be those that previously existed as the borders of republics of an union or federative state.

In general, there is little support if any under international law for self-determination claims of separate ethnic, linguistic or religious groups existing within sovereign and independent states. The right to secession is not a right under international law, and such claims are usually considered invalid. This is also the case when ethnic groups call themselves “nations” or “people” or something else and claim the right to self-determination.

Still, as some scholars assert, one major confusion about the principle of self-determination is that while it was based on the Western concept of political nationhood, in other parts of the world and in Central and Eastern Europe it was often interpreted as the right of culturally defined nations to have their own states (see the case of Czechoslovakian Constitutions since 1920 to 1992 and use of the self-determination principle). In fact, the UN documents do not operate with the concept of “national self-determination” but with the notion of “equal rights and self-determination of people,” whereas those who invoke this principle usually frame it as “national self-determination,” i.e., nation-states or independence movements.⁵⁴

Many observers or independent scholars perceive that the principle of self-determination, promoted by the UN Charter’s Articles 55 and 56, obligates the international community to enforce it above other principles such as the sanctity of existing borders. They are critical of efforts to bridge the gap between these two principles with compromise solutions such as “limited autonomy,” as in the case of Kosovo. Some even consider the principle of self-determination, if realized as “national self-determination,” to be basically anti-democratic and inevitably leading to military or bureaucratic “ethnic cleansing” of non-nationals or ethnic minorities.⁵⁵

Since the UN system operates with the concept of “national society” or “nation” as “demos” as opposed to “ethnos,” the national society therefore comprises the population as a whole, that is, all groups and segments, including minorities. The principle of self-determination in the case of independent states means popular sovereignty that is essentially democracy or democratic governance. In the normative system of the UN, no reference is made to the principle of self-determination regard-

ing minorities within the state. International human rights instruments of the UN, however, (Universal Declaration, Covenant on Civil and Political Rights, Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities and others), assert a set of tasks and obligation to the state, and on other hand, a set of rights to members of minorities that aim at appropriate accommodation of minorities within the “national society.”

The state is obliged to protect minorities within its territory and provide conditions for continuation and development of their identities. Providing minorities with organizational, legal, and administrative structures that would guarantee full and equal participation in the social and political life of a national society is a crucial but difficult task. The majority feels the threat of the alleged minority’s inclination to secede, and on the other hand, the minority feels the burden of second-class citizenship. This makes finding a proper balance between the state’s integrity and social cohesion and the demands of minorities even more difficult.

Nor does international law provide normative solutions to the question of how to accommodate minorities within sovereign and independent states. Here one can explore various existing arrangements or good practices developed in some countries such as a consociational democracy or executive power-sharing and self-administration for each major national or ethnic group, or territorial sub-division or various forms of minority local self-government. Those forms can include federalism, autonomy (territorial), regional and municipal local government and other (cultural autonomy). Most of these forms imply decentralization and devolution of state power.

In the most general sense, the right of self-determination means the power of nations or people to determine their own international status, that is, to become a state. Existing states and nations or peoples hold this right. With the exception of the post-colonial territories and recently of indigenous people, various sub-state groups do not possess that right but only claim it. Ultimately, however, those groups who claim a legitimacy (historical or otherwise) and are determined to secede through military or violent means might succeed in establishing new states.

Within the UN system, more states are ready to support so-called “internal self-determination” in relation to indigenous people. The position of the U.S. National Security Council in this regard is as follows: “Indigenous people have a right of internal self-determination.

By virtue of that right, they may negotiate their political status within the framework of existing nation-states and are free to pursue their economic, social, and cultural development. Indigenous people, in exercising their right of internal self-determination, have the internal right to autonomy or self-government in matters relating to their local affairs, including of membership, culture, language, religion, education, information, media, health, housing, employment, social welfare, maintenance of community safety, family relations, economic activities, lands and resources management, environment and entry by non-members, as well as ways and means for financing these autonomous functions.”⁵⁶

The concept of self-determination, its meaning and application, has evolved over time. It is therefore not surprising that new ideas have emerged outside the UN system. A number of institutions and organizations are exploring this principle with intent to enlarge its application. Most of these efforts focus on elaborating international standards to provide this right also to “unrepresented nations or peoples,” “internal nations,” or even minorities. Advocates of those groups struggle for a “qualified recognition of a right to internal self-determination” that is for some a form of self-governance or autonomy within sovereign states.⁵⁷ However, sometimes autonomy is provided within the framework of minority rights, without reference to the self-determination principle.

APPENDIX B

Authors and titles of papers or statements prepared for the Jadwisin meetings:

- Dragoljub Ackovic, *Birth of Roma Nation*
- Nicoleta Biru, *An Inventory of Crucial Points*
- Nadia Demeter, *Untitled paper*
- Nicolae Gheorghe, *The Stages of the Debates on the Proposal for Setting up a Roma Representative Body at Pan-European Level (the Halonen Initiative)*
- Ciprian Necula, *The Legitimacy of the Roma Representation. The Nation and the Self-Determination of Roma People*
- Bela Lakatos, *Untitled paper*
- Stanislaw Stankiewicz, *Europeako Forum Romano (Propozycja ke CE)*
- Ivan Vesely, *Contribution to Discussion on Roma Emancipation*

NOTES

- 1 For more on this topic see the PER Report, *Self-Government in Hungary: The Gypsy/Romani Experience and Prospects for the Future*, Princeton, N.J. 1997.
 - 2 The IRU Declaration ‘We, the Roma Nation, Have a Dream’ was extensively discussed at the PER Krakow meeting on March 9-10, 2001; see the PER report, *Leadership, Representation and the Status of the Roma*, Princeton, N.J. 2001.
 - 3 This initiative was announced during a speech by the President of the Republic of Finland, Tarja Halonen, at the Parliamentary Assembly of the Council of Europe in Strasbourg on January 24, 2001.
 - 4 See the PER report, *The Roma in the Twenty-First Century: A Policy Paper*, Princeton, N.J. 1997.
 - 5 “The Romani movement: what shape, what direction?” in *Roma Rights, Quarterly Journal of the European Roma Rights Center*, No. 4, 2001, p. 18.
 - 6 More on this debate in the PER report, *Leadership, Representation and the Status of the Roma*, *op. cit.*, pp. 33-43.
 - 7 *Report on the Condition of Roma in the OSCE Region, OSCE/ODIHR*, Warsaw, October 2000, File No. 166, pp. 14 and 19. The Report was commissioned by the OSCE for preparation by rapporteur Rüdoko Kawczynski. See also: *Roma in Europe: Status Regulation through Self-Determination*, the RNC Document prepared for the OSCE, November 1998.
 - 8 Statement of the IRU President to the initiative of Mrs. Tarja Halonen, President of Finland, Strasbourg, December 13-14, 2001.
 - 9 The idea of the Charter was recently presented in the *Report on the Condition of the Roma in Europe*, *op. cit.*, pp. 20-25.
 - 10 *Project of a Frame-Statute (Moral Charter) of the Romani People in the European Union*, no date or additional references made to this document.
 - 11 “The Romani movement: what shape, what direction?” in *Roma Rights*, *op. cit.*, pp. 20-21.
 - 12 *Op. cit.*, p. 27.
 - 13 The 2001 PER report, *Leadership, Representation and the Status of the Roma*, Princeton, illustrates the dilemmas faced by the Roma in defining themselves.
 - 14 “World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance,” in *Roma Rights, Quarterly Journal of the European Roma Rights Center*, No. 4, 2000, pp. 67-69.
 - 15 See points 39-44 of the Action Plan. The whole text of the Declaration can be found at <http://www.unhcr.ch/html/racism/Durban.htm>.
 - 16 “Romaniacs at the Crossroads. The Dilemma of Contemporary Romany Politics,” in *Cislo* 1, v. 2, 2000.
 - 17 *The Romaniacs in Central and Eastern Europe: Illusions and Reality*, PER Report, Princeton, N.J., 1992.
 - 18 The draft of the OSCE Action Plan of Targeted Activities for Roma and Sinti has been worked out by the Contact Point For Roma and Sinti Issues at the OSCE/ODIHR office in Warsaw and distributed among the Romani organizations
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- 19 A. Mirga, *Roma and the Question of Self-determination: Friction and Reality*, a discussion paper prepared for the Jadwism meeting, April 15-16, 2002, PER, Princeton, N.J.
 - 20 A. Mirga, *The Principle of Self-Determination: The UN Perspective*, a discussion paper prepared for the Jadwism meeting, April 15-16, 2002, PER, Princeton, N.J.
 - 21 The consultations started with a seminar “Roma Participation in Europe” organized by the Finns and held in the Finnish Parliament on October 22, 2001. Since then, a number of meetings have been organized by the Finnish authorities with the support of the Council of Europe. The consultations will end in September of this year.
 - 22 B. Haliti, *Exodus of the Romany from the Original Homeland, Establishing Tasks and Contacts with the Mother Country and Recognition of Romany as a Historical, Linguistic and National Minority*, a 20-page document without date or other references.
 - 23 On the so-called Hungarian status law, see for example, a paper outlining the position of the Hungarian Government in relation to the act on Hungarians living in neighboring countries, *European Commission For Democracy Through Law* (Venice Commission), CDL(2001)80, Strasbourg 2001.
 - 24 More on the position of the RNC on this subject can be found in the PER report, *Leadership, Representation and the Status of the Roma*, Princeton, N.J., 2001, pp. 38-43.
 - 25 More in C. Necula, *The Legitimacy of the Roma Representation: The Nation and the Self-Determination of Roma People*, a paper prepared for this meeting. No other references.
 - 26 More on this topic in N. Bitu, *An Inventory of Crucial Points*, a paper prepared for this meeting, Romani CRISS, Bucharest, April 2002.
 - 27 See more in B. Lakatos’ written statement prepared for this meeting. No title or other references.
 - 28 More in N. Demeter’s statement prepared for this meeting. No title or other references.
 - 29 Various aspects of the Romani leadership legitimacy and roles were extensively discussed at the previous PER meeting. See *Leadership, Representation and the Status of the Roma*, *op. cit.*, pp. 11-32.
 - 30 More in I. Vesely, *Contribution to the Discussion on Roma Emancipation*, a paper prepared for this meeting. No additional references.
 - 31 *Op. cit.*
 - 32 More on the topic in D. Acković, *Birth of Roma Nation*, a paper prepared for this meeting, Belgrade. No additional references.
 - 33 More on this issue in S. Stankiewicz, *Europejsko Forum Romano (propozycja ke CE (European Roma Forum Proposal to the Council of Europe))*, a paper prepared for this meeting, in Romanes. No additional references.
 - 34 For more see I. Vesely, *op. cit.*
 - 35 More on this issue in the PER report, *Leadership, Representation and the Status of the Roma*, *op. cit.*, pp. 33-41.
 - 36 *Op. cit.*

37 The Advisor on Roma and Sinti Issues distributed also his document, a compilation of various documents and minutes from debates that were held within the exploratory group: *The Sages of the Debates on the Proposal for Setting Up a Roma Representative Body at Pan-European Level (Halonen Initiative)*, Informal briefing drafted by the ODHR CPRSI, Warsaw, April 16, 2002.

38 By October 2001, the Finnish Ministry of Foreign Affairs, supported by the Finnish Parliament and the Council of Europe's Directorate General of Social Cohesion, secured enough acceptance among Romani leaders for the initiative to conclude with the establishment of an exploratory group for further elaboration. Since then, the exploratory group held several working sessions, either in Helsinki or in Strasbourg (in December 2001 and in February and March 2002). In the meantime, the Committee on Legal Affairs and Human Rights of the Council of Europe's Parliamentary Assembly began its work and consultations for adoption of a new report and recommendation on the legal situation of the Roma in Europe. In its drafts, the Committee fully supported setting up a European consultative forum for Roma. By the March 2002 meeting of the exploratory group, a tentative name for this body, the "Roma Advisory Forum," had been adopted. This name was later changed to the "European Roma Forum." Throughout this period, the exploratory group debated various aspects of setting up the European Roma Forum: aims and objectives, size, composition and representative nature, functions and working methods, institutional links and funding.

Elaborating further on the Halonen initiative, the Finnish side set forth its major objective – the establishment of a European Romani representative body that would be composed of Roma, selected by the Roma and working for the Roma. It should mainly be concerned with articulating views representative of the Roma. It should not be mistaken for a Romani civil society or in competition with it, nor should it be seen as an umbrella for it. The representative body should be officially set up under the auspices of an international organization so as to provide official input into decision-making processes. The body must be given powers to make recommendations or initiatives and to report to an appropriate international organization, and should be consulted on standard-setting and programmatic measures on the European level that affect the Romani minorities. It should not be seen as an alternative or competing avenue for participation in decision-making at the national or local levels. Modalities that are neutral and enjoy legitimacy in the view of the Roma as well as governments need to be developed for the selection of Romani representatives. For more on this topic, see A.M. Nyroos, *Participation in Decision-Making: A Pan-European Representative Body for Roma*, a paper presented at the Finnish Parliament House seminar on Roma Participation in Europe, Helsinki, Finland, October 22, 2001.

39 The subject matter was raised in the exploratory group chair's non-paper at the March meeting of the group (Non-Paper/5.3.2002). The Finnish MP envisioned setting up this body in a way that would be representative and reflect the relative size of Romani constituencies in different European countries. In his proposal he refrained from advocating an individual balloting procedure, deeming it problematic in the case of ethnic minorities (for example, ethnic registration is forbidden by law in many countries). Instead, he suggested organized conventions of Romani NGOs in each country for the nomination of delegates to this body. The nominations of Delegates would preferably be accomplished by general agreement between the NGOs. In case no agreement can be reached, the convention could resort to voting. Model rules of procedures for doing so would be elaborated in advance at

the European level. The non-paper also defined two kinds of Romani constituencies: Romani communities from which the majority of delegates have to be chosen, without government interference; and Romani organizations active at the European level such as the IRU and RNC. These two organizations would have either a right to permanent and extensive observer status or to nominate a certain agreed-upon number of delegates on their own. In addition, various observer status in this body would have international nongovernmental organizations promoting the rights of Roma, NGOs, parliamentary assemblies of CoE, OSCE and EU and some governments (acting presidents of international institutions on rotational basis).

As regards the number of delegates from countries, the non-paper distinguished between those in which the Romani community is very large (5 seats), large (4), significant (3) and other (2). Out of 43 member states of the CoE, 35 have Romani populations; therefore, the future Romani body can reach 114 seats plus seats that would be assigned to the IRU and RNC.

The issue of the representativity of this body and ways to ensure it has been a focal point of the 'non-paper' proposal. The procedural issue was also raised in the draft of the Parliamentary Assembly recommendation, "Legal Situation of the Roma in Europe." It required having a European Roma Consultative Forum "democratically established." There has been, however, an obvious discrepancy between the Finnish perspective aiming to provide Roma with a representative body and the Recommendation's formula that seeks to establish a consultative body. The Finnish scenario for setting up the body has been contested by the majority of Romani leaders and activists. For some members of the exploratory group, the Finnish proposal exposed the basic dilemma of the whole initiative – should this body be "consultative" or "representative"? A consultative body does not need to be necessarily representative. On the other hand, a representative body, if established through election, assumes much more legitimacy and power to take decisions and act on its own as a legal body. It would, however, require a legal basis. Establishing such a representative body at the level of Europe, that is transnationally, inevitably raises the difficult question of Roma citizenship and state sovereignty. Having this body consulted leaves much room for various ways of designating membership (by election, delegation, nomination, competition, etc.), whereas a representative body would have to follow election procedures. Furthermore, a consultative body does not undermine the legitimacy of various existing structures of Romani representation, whereas a representative body, if assuming an exclusive role in negotiations and consultations, might. (For more see A. Mirga, *Some Remarks on the Ways to Establish a Pan-European Romani Advisory Body*, a paper presented at the exploratory group meeting in Helsinki, Finland, March 9-12, 2002.

40 GATIEF – Gypsies and Travelers International Evangelical Fellowship organization, established in 1994 in France.

41 The Helsinki Agreement's building blocks were originally described in detail in N. Gheorghie, *Chart of Romani Organizations*, a document prepared for the meeting of the exploratory group for a pan-European Roma Advisory Body, March 11-12, 2002, Helsinki, Finland.

42 In a later document, she developed an alternative proposal. In her view, the core of this body should consist of Romani representatives selected nationally in given countries (80-100 representatives), and international Romani organizations (IRU, RNC, GATIEF) should have 2-4 seats in it. In selecting "national" Romani delegates to the European Roma Forum she opted for election, along the lines of the Finnish model of establishing the Roma Advisory Board. (Romani organizations

would choose their candidates from among their members by internal elections or decisions of their boards, the ministry responsible for Romani affairs would work as facilitator and guarantor of the fairness of the process, and finally those selected would be officially appointed as representatives by governments.) For more on this, see M. Vuolastamra, *European Roma Forum. Proposal/Alternative Model of Composition, Selection and Size of ERF* May 22, 2002. No additional references.

43 N. Gheorghe, *Chart of Romani Organizations*, a document prepared for the meeting of the exploratory group meeting in Helsinki, March 11-12, 2002.

44 *The Stages of the Debates on the Proposal for Setting Up a Roma Representative Body at Pan-European Level (the Halonen Initiative)*, *op. cit.*

45 In May 2002 at another session of the exploratory group in Strasbourg some additional compromise solutions were worked out: The number of seats for the IRU and the RNC in this body dropped to 15 for each organization. It was agreed that the Romani political parties which have elected representation at local and national levels and/or are elected from mainstream parties would be entitled to delegate one representative each to the body. Also, the Romani 'national' representation would consist of two delegates from each member state of the CoE, with the Romani community representing Romani national nongovernmental organizations or umbrella NGOs. There will be one more meeting to conclude the work of the exploratory group.

46 The IRU position has changed since the so-called "Helsinki Agreement" has been reached. Clearly, concerns that setting up a new representative body for Roma would inevitably undermine the IRU claim to be the political representation of a proclaimed Roma nation were the cornerstone for its initial reservations about the Finnish initiative. Responding to that challenge, the IRU proposed to seek the good will and resources of the Finnish authorities in helping Roma organize themselves in a different way, by accepting the IRU framework and helping to elect a "constitutional body of a Roma nation" as proposed by the IRU Parliament Resolution adopted at its Skopje session (2002). The IRU-proposed "constitutional body" obviously differs essentially from what the Finnish initiative intends to set up. It is interesting that the IRU has opted for election as a procedure in establishing Romani representation.

47 The Fourteen Points, contained in the Address of the President of the United States Delivered at a Joint Session of the Two Houses of Congress, January 8, 1918. *Papers Relating to the Foreign Relations of the United States*, 1918, Supplement 1, The World War, Washington, D.C. US Government Printing Office, 1933, vol. 1, pp. 12-15.

48 *International Covenant on Economic, Social and Cultural Rights* and the *International Covenant on Civil and Political Rights*. Both were adopted on December 16, 1966.

49 The UN organized the World Conference on Human Rights in Vienna (1993) resulting in the Declaration and Programme of Action.

50 For more on this issue, see A. Eide, "Territorial Integrity of States, Minority Protection, and Guarantees for Autonomy Arrangements: Approaches and Roles of the United Nations," in *Local Self-Government, Territorial Integrity and Protection of Minorities, Proceedings of the UniDem Seminar*, Lausanne, April 25-27, 1996, Council of Europe Collection, Science and technique of democracy, No. 16, 1996, pp. 273-303.

51 *Op. cit.*, pp. 283-287.

52 More in: H. Hannum, *Autonomy, Sovereignty and Self-Determination*, Revised Edition, University of Pennsylvania Press, 1996, Chapter 5, "Indigenous Rights," pp. 74-106.

53 See for example, A. Roberts, "Beyond the Flawed Principle of National Self-Determination," in *People, Nation and State. The Meaning of Ethnicity and Nationalism*, ed. by E. Mortimer with R. Fine. I.B. Tauris Publisher, 1999, pp. 77-106.

54 For more on this topic see B. Slattery, *The Paradoxes of National Self-Determination*, 1995.

55 R. M. Hayden, Yugoslavians: "Where Self-Determination Meets Ethnic Cleansings," in *New Perspectives Quarterly*, V. 9, (Fall), pp. 41-46.

56 U.S. National Security Council, position on Indigenous People (January 18, 2001), University of Minnesota, Human Rights Library.

57 For more on this topic, see Y.N. Kiy and D. Kiy, "The Right to Self-Determination," *Collected Papers and Proceedings of the First International Conference on the Right to Self-Determination and the United Nations*, Geneva 2000. See also, among others, activities of the UNPO (Unrepresented Nations and Peoples Organization) based in The Hague claiming nearly 50 members worldwide or the Lichtenstein Institute on Self-Determination, based in Princeton, N.J.

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