Minority rights protection in international law. The Roma of Europe, and: Who speaks for Roma? Political representation of a transnational minority community (review)

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Romani Studies, Volume 20, Number 2, December, 2010, pp. 206-212 (Review)

Published by Liverpool University Press

Minority rights protection in international law. The Roma of Europe. Helen O'Nions. 2007. Ashgate Publishing, Aldershot, Hampshire. ISBN 978-0-7546-0921-6. (Hardcover). 331 pp.

Who speaks for Roma? Political representation of a transnational minority community. Aidan McGarry. 2010. Continuum, New York & London. ISBN 978-0-8264-2880-6 (Hardcover). 202 pp.

Reviewed by Yaron Matras

Complementing the appearance in recent years of several monographs examining the Romani political movement in the theoretical context of political science and international relations, among them Klimova-Alexander (2005) and Vermeersch (2006), Helen O'Nions's monograph is perhaps the first comprehensive academic study that examines the contemporary Romani situation from a legal perspective (an isolated predecessor being Marcia Rooker's unpublished PhD dissertation from 2004 on Roma and international law). The outcome is one of the most inspiring and well-informed works on the political situation of Roma that has appeared over the past decade, by far overtaking in its thoroughness, accuracy, and quality of analysis all other titles cited in its extended bibliography. Apart from providing a rich source of reference to events, actors, statements, and legal provisions of various kinds, it highlights what has, since 1990, become the key dilemma in Romani politics: How are the specific interests of the Roma – as a dispersed and deprived minority suffering from extreme prejudice and marginalisation – best protected within a legal and political framework? Although the discussion itself takes on a much more subtle and differentiated course, put in a simplified manner the choice is between reliance on global mechanisms for the protection of individual and human rights, and striving towards a unique mechanism that would enshrine rights and privileges designed specifically for the Roma (and would hence have to narrowly define and identify those individuals who would fall under the protection of such a provision).

One of the most impressive features of the book is just how thoroughly the material has been researched, and how transparent the author makes her research to the reader. A wealth of footnotes documents the sources for each factual statement. In addition to a comprehensive bibliography of academic works these sources also cover newspaper articles, official communications and statements by NGOs, reports, conference agendas and minutes of meetings, and in some cases personal correspondence and other archive material.

The main idea put forward by the author is that individual rights as anchored

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in contemporary legal frameworks, both country-specific and in European and international law, do not provide sufficient guarantee for the protection of Roma, who are targeted as individuals due to their affiliation with a collective that is subject to negative stereotyping and wholesale exclusion and marginalisation. The problem of exclusion can therefore be tackled only by recognising the particular needs of the collective. At the same time, the author considers 'separatist' visions such as autonomous institutions and schools as unrealistic, for various reasons, not least due to the dispersion and diversity of Romani communities. The book examines whether there is an alternative way forward, by recognising the collective and deriving from this recognition specific individual rights.

Following a brief introduction, which describes the present-day state of Roma in Europe concisely but with great accuracy (Chapter 1), the author introduces two theoretical chapters in which she reviews the frameworks for protection of minorities within what is called the Human Rights Discourse (Chapter 2) and as protection of Individual Rights (Chapter 3). Having outlined the mechanisms, with an emphasis on their potential relevance to Roma, O'Nions then goes on to a detailed discussion of two case studies: The 1994 citizenship law of the Czech Republic and its effect on Roma (Chapter 4), and the education system in the United Kingdom and its treatment of Gypsies and Travellers (Chapter 5). In the first case, the conclusion is that a framework that fails to take into consideration the particular historical and social situation of the Roma as a collective is in effect discriminatory of individuals of Romani background, depriving, potentially, those Roma of citizenship who were born and raised in the Czech Republic or who settled there as Slovak migrants before the partition, by demanding a series of pre-requisites that Roma typically lack. In the case of the education system in the UK, despite the provision of specific facilities to support Gypsies and Travellers, the high number of failed school attendance and the alienation from the school system indicate that schools (secondary schools in particular) are not equipped to cater to the specific social and cultural makeup of Romani communities.

The final part of the book extends the discussion to the trans-national level. A theoretical chapter (Chapter 6) deals first with relevant aspects of international law, and is then followed by a survey of contemporary initiatives and propositions aiming at achieving collective recognition of the Roma as a nation, and in some cases a degree of cultural autonomy and self-representation (Chapter 7). Special attention is given to the Hungarian law on national and ethnic minorities and the structure of Romani political representation in this country. The author is very cautious is her evaluation of this form of 'participation through cultural autonomy', stressing potential benefits of collective mobilisation, such as awareness-raising, but also mentioning possible pitfalls,

such as the danger that the autonomy of individuals might be overlooked in the interest of the collective. She concludes that autonomy is not an alternative to individual human rights but is a valuable tool in securing human rights and participation in public life.

While reading the book I could not help but thinking back at a major difference in strategy that divided the Romani political movement during the 1990s and continues in many ways to influence contemporary viewpoints: The so-called 'separatist' (though they never actually called for any physical separation) views on cultural autonomy as propagated by a range of Romani rights activists from Rudko Kawcyznski and Agnes Daroczi to Rajko Djuric and Ian Hancock, on the one hand, which received considerable infrastructural support from the Open Society Institute, and the approach of the self-designated 'political elite' led by Nicolae Gheorghe and Andrzej Mirga, backed by the US-sponsored Project on Ethnic Relations, on the other. Among the first group there were demands for Romani schools and cultural spaces, as well as for a specific Charter of Roma Rights. The second group, by contrast, dismissed cultural autonomy and emphasised face-to-face dialogue with high-ranking officials as a way of paving the ground for non-discrimination, and, building on that, re-direction of Romani aspirations from cultural separateness to individual integration.

As an analyst, O'Nions is of course led by a different kind of agenda. Yet it seems to me that her immensely sensitive and perceptive approach is anchored in the unique combination of researching both the practice of law and the practice of education in schools. One seldom comes across such comprehensive understanding of these two spheres, and the advantages of integrating them into a single model are clear: The legal framework is what holds together the realisation of a political will and enables the implementation of a consensus. The education system shapes individuals' ambitions and provides them with the tools to pursue their aspirations. O'Nions concludes the book by calling for "a complementary approach to human rights which emphasises the importance of cultural identity and autonomy in addition to the prevention of discrimination and promotion of equality" (p. 279).

It is a pity that O'Nions's work was not, apparently, known to Aidan McGarry, especially since much of the ground covered by the two is common. McGarry, too, sets out to examine the challenging situation of Roma as a geographically dispersed, socially deprived and somewhat loosely-defined minority in regard to political representation. One might say that O'Nions focus is primarily legal, while McGarry's focus is more political. But this generalisation does not quite do justice either to the content or to the level of sophistication of the arguments presented in the two books. Like O'Nions, McGarry is concerned with theoretical models of safeguarding individual rights alongside those that foreground

the collective and cultural autonomy. Like O'Nions, McGarry discusses efforts to create an international Romani representation as well as country-based representations. He examines the Hungarian model, as did O'Nions, as well as the model of Romani political participation in Romania. And McGarry too is concerned with identifying the more effective tool to safeguard Romani individual rights. But O'Nions focuses on what the legal framework can deliver, taking for granted that the purpose of the law is to frame the responsibilities of the state, while McGarry's interest appears to be in what is the more effective organisational tool through which Roma might make their proposals heard.

At the core of this issue lies the question of the legitimacy of Romani representation. The author presents a very interesting thesis according to which de-centralisation (=representation at local or domestic level) tends to increase the legitimacy of representation; at the same time, he argues, there is a reciprocal relationship between representation efforts at the local/national and transnational levels, whereby intense transnational activities are often the outcome of disappointment in the domestic context. McGarry's 'functional perspective' is a welcome and useful tool of analysis that recognises distinct steps in the formation of political representation: the need for interest articulation, the need (arising from that) for political participation in public structures, the need for ethnic mobilisation (in order to achieve participation), and the need to form a cohesive ethnic discourse in order to support mobilisation (the latter is, unfortunately, only referred to in passing). The author pursues the argument by providing background about the Roma (Chapter 1), discussing the specific problems of Romani representation (Chapter 2), setting out a theoretical framework for representation (Chapter 3), providing descriptive accounts of Romani representation models in two domestic contexts – Romania (Chapter 4) and Hungary (Chapter 5); and examining some practices of Romani transnational representation (Chapter 6).

Both the model and some of the generalisations are certainly thought-provoking. But the main shortcoming of the book is that it completely fails to provide the empirical evidence for its conclusions. While the author pointedly states that representation and articulation of interest are about choices, there is no explication in the text of the choices made by, for example, the ERTF (European Roma and Traveller Forum), whose founders sought to align themselves with the Council of Europe rather than with the OSCE, or those of PER-activists Nicolae Gheorghe and Andrzej Mirga, who made the opposite choice, or the ERIO (European Roma Information Office), which attached itself to the European Commission rather than the Council of Europe, and so on. There is also no discussion of any concrete shifts in orientation from domestic contexts to the transnational context on the part of individual activists. Indeed, the author himself concludes about two of the most prominent Romani NGOs:

"there is no evidence to suggest that the IRU and the RNC were created due to inadequate structures or representation in the domestic political context" (p. 169). (In fact, the statement is incorrect as far as the RNC is concerned; see my description of the emergence of the RNC in Matras 1998.)

Instead, we find a collection of observations and citations from pamphlets and political communications, with little background analysis and, it seems, little awareness of the history behind the cited activities. The author takes the concept of "Romani NGOs" for granted, neglecting the fact that in the Romani context, NGOs are usually a formal framework built around the activities of one major activist and his close family members and associates. The history and policies of a Romani 'NGO' are in most cases the personal histories of individual activists. Even in the cases where many activists come together, as in the International Romani Union, there is no coherent organisational structure but an ad hoc assembly of individuals. Communications on behalf of the IRU express the mood of those individuals who are present to compose a statement. All this seems to escape the author's attention. But without this background, it is impossible, in my view, to offer a realistic analysis of attempts at Romani political representation. A further methodological complication is that texts written by Romani activists and their supporters (such as Hancock, Mirga, Gheorghe, Kenrick, Puxon and more) are treated in the book as secondary sources (i.e. analyses), whereas it would have been more appropriate to use them as primary sources, that is, as examples of how activists wish to portray themselves and how they wish to be seen by others.

In fact, McGarry's interpretation of many Romani representation frameworks reveals that he is ill-informed. His discussion of communist policies on Roma fails to mention recognition of the Roma as an ethnicity during the liberalism period of Soviet nationalities policy in the late 1920s, and later on in Tito's Yugoslavia. The World Romani Congress (p. 27) is attributed solely to the efforts of Roma, while in fact the initiators were all non-Roma (Puxon, Kenrick, Acton). The Roma National Congress is said to have been "established in Hamburg in 1982 to articulate the interests of German Sinti" (p. 28). In fact, 'RNC' was the label given in 1991 to the international activities of what was until then known as the 'Rom and Cinti Union', led by Rudko Kawczysnki. The latter was indeed founded in 1982, but by Roma of foreign origin, who had broken away from the Central Council of German Sinti and Roma to escape the domination by German Sinti. McGarry's claim that "the actual role of Romani communities is minimal in both the IRU and the RNC" (p. 167) may be true for the first but is arguably wrong for the second, which has a track record of mobilising thousands of displaced Romani refugees for public protests, and of setting up community support initiatives, going back to the early 1990s. Unlike the IRU, the RNC-leadership, under its domestic label 'RCU', continues to run

a transparent state-sponsored budget, a regular office that provides community outreach support and information services, and more.

The disappointment grows even bigger when it comes to the author's command of facts on Romani history, of the research literature on Roma in general, and even of some basic facts of European history. Chapter 1, which promises an 'Historical overview of the Roma in Europe', is simply an embarrassment. McGarry's primary sources on Romani history are pamphlet-like publications such as those by Hancock, Kenrick and Puxon. He gets carried away with reciting Hancock's (2002) fantastic theory of the Roma as a medieval Indian warrior population assembled to resist Islamic invasions and then captured and brought to Europe as slaves. Based on this reading, McGarry feels able to conclude with confidence that "Roma came to Europe because they had to" (p. 10). He goes on to suggest that the Gitanos arrived in Spain via North Africa (p. 18), and that theirs was one of two separate Gypsy populations in Spain, Gitanos and Roma (sic), whose "dialects are mutually unintelligible" (ibid.). This is not the place to discuss these naive assumptions in detail, and it is sufficient to say that there is no evidence whatsoever for a North African immigration; that the population of Spanish Gitanos were once speakers of a dialect of Romani that contained the same Greek and Balkan loan strata as other, European dialects of the language, and their migration route was most certainly via western Europe; and that Romani in the Iberian peninsula was abandoned in the eighteenth century and the Gitanos today do not (apart from isolated vocabulary items) speak Romani, but Spanish, which is why their speech is not intelligible to speakers of (other) Romani varieties.

Further, McGarry replicates the popular but misguided assumption that the discovery of the Indian origin of Romani was made by Grellmann (spelled by the author with just one 'n'), ignoring Rüdiger (1782); he attributes the discovery of the early separation of the Rom and Dom to Hancock, ignoring Turner (1926); and he self-assuredly proclaims that "[the early Gypsy Lore society] did not waste too much ink on the origins of Roma" (p. 19), demonstrating that he has apparently never bothered to even open a single page of the early volumes of the Journal of the Gypsy Lore Society, the greater part of which is devoted precisely to discussions about Romani origins. He uncritically adopts Hancock's (2002) idiosyncratic label for the Romani Holocaust (o baro porrajmos) and the narrative according to which the Nazi genocide of Gypsies was identical to the persecution of Jews in its form of organisation and political background, ignoring recent research, and he incorrectly states that "Romani was recognized by the CoE Charter for minority language" (p. 222) (In fact, the Charter does not recognise languages. That is the privilege of states, if and when they ratify the Charter. Some countries recognise Romani, others do not.) With some statements, it is not quite clear whether the author

is ill-informed or simply inept in formulating: Discussing why medieval Roma were attracted to settle in the Balkans, he writes that "native inhabitants of the region were also of Asiatic origin as a result of the Ottoman invasion" (p. 16). And he describes the end of World War II as follows: "The allied powers conspired to split the continent into two, with western Europe pursuing the ideal of liberal democracy and capitalism while Eastern Europe came under the influence of communism acting as a central guiding principle for social, economic and political life" (p. 24).

It seems as though European history and politics are not among this author's areas of strength, and he has yet to learn quite a bit if he is to continue to specialise in this or related topics. In the meantime, those of us who have students with a keen interest in Romani politics will have to carefully guide them around the many pitfalls and misunderstandings of McGarry's book, so that they may at least benefit from some of its more inspiring parts.

References

Hancock, Ian. 2002. We are the Rromani people. Hatfield: University of Hertfordshire Press.

Kenrick, Donald and Puxon, Grattan. 1972. The destiny of Europe's Gypsies. London: Heinemann.

Klimova-Alexander, Ilona. 2005. The Romani voice in world politics: The United Nations and non-state actors. Aldershot: Ashgate.

Matras, Yaron. 1998. The development of the Romani civil rights movement in Germany 1945–1996. In: Tebbutt, Susan, ed. Sinti and Roma in German-speaking society and literature. Oxford and Providence: Berghahn. 49–63.

Rooker, Marcia. 2004. The international supervision of protection of Romany people in Europe. Unublished PhD thesis, University of Nijmegen.

Rüdiger, Johann Christian Christoph. 1782. Von der Sprache und Herkunft der Zigeuner aus Indien. Neuester Zuwachs der teutschen, fremden und allgemeinen Sprachkunde in eigenen Aufsätzen, Bücheranzeigen und Nachrichten 1: 37–84. Leipzig. (Repr. 1990, Hamburg: Buske).

Turner, Ralph L. 1926. The position of Romani in Indo-Aryan. Journal of the Gypsy Lore Society, Third Series, 5: 145–89.

Vermeersch, Peter. 2006. The Romani movement: Minority Politics and Ethnic mobilization in contemporary Central Europe. New York and Oxford: Berghahn Books.