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## **Solving the Roma Participation Puzzle: Between Presence and Influence**

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### **Abstract**

The idea that Roma communities need to be included in public life is rather uncontroversial, widely accepted by Roma activists, academics, and policy makers in national and transnational political contexts. But, what do we mean by participation? Are we talking about formal political structures or do we mean the capacity of ordinary Roma to have a presence in public life? Of course the right to participation for minorities is specified by international norms but is interpreted differently in national contexts. Nevertheless, participation alone is not enough, thus minorities require 'effective' participation given that the utilitarian principles of liberal democracy means that groups such as Roma will always be outvoted. This paper is based on the conviction that addressing the multiple and inter-connected issues facing Romani communities across Europe requires the participation of Roma in social, economic and political life. Whilst the article acknowledges the structural barriers which inhibit attempts to foster the integration of Roma communities, it does consider different conceptions of participation including presence, empowerment, and influence and how these are understood by the European Union and its member states with regards to Roma. If effective participation means influence, empowerment and presence, then how can the recently elaborated EU Framework of National Strategies for Roma Inclusion realise this key objective of EU policy.

### **I. Securing 'Effective' Political Participation for Minorities**

In order to ensure political participation for minority groups is effective, states must create institutions, policies, and mechanisms which serves to mark minorities out as different as they enjoy preferential treatment. The first problem with such a strategy is that it reifies a minority group and suggests that a particular group shares the same goals and needs, ignoring the internal divisions which permeate all groups, including Roma. A second problem is that forms of preferential treatment and positive discrimination are discriminatory as they bestow rights and privileges onto some and not others. A third problem relates to the utility and appropriateness of specific institutions, policies and mechanisms to ensure that minority groups have a presence or voice in society. This debate centres on the contested understanding of participation and what constitutes 'effective' participation and is a key focus of this paper.

Participation is the taking part in the political process and relates to individuals as well as groups. The right to participate in public affairs is provided in a number of international standards including the Universal Declaration of Human Rights (Article 21) and the International Covenant on Civil and Political Rights (Article 25). Moreover, the right of minorities to effective participation is provided by Paragraph 35 of CSCE Copenhagen

Document (1990), Articles 2.2 and 2.3 United Nations Declaration on Minorities (1992) and Article 15 of the Framework Convention for the Protection of National Minorities (FCNM) (1995). The OSCE created a detailed document entitled the Lund Recommendations on the Effective Participation of National Minorities in Public Life (1999) arguing that minorities need a voice, presence and influence in public life and states must provide opportunities for this (Myntti 2001). For many, political participation could be simply casting a vote every few years but for minority groups, the fact that they are outvoted in democratic assemblies means that participation in public affairs carries with it a sense of representation, visibility and influence. Ghai (2001: 5) maintains that participation may refer to the capacity of persons belonging to minority groups to bring relevant knowledge to, or argue their needs before decision makers, propose changes to law and policy, highlight shortcomings of particular policy, veto legislative and administrative proposals and establish and manage their own institutions, the latter usually concerning cultural protection. Such participation would fall into the category of ‘influence’ and is more meaningful than mere ‘presence’. Despite the creation of such mechanisms and opportunities to advise decision makers, there is no clear understanding of how states should guarantee effective participation. For this reason, each state pursues its own version of minority participation, and some states have developed more effective participation mechanisms.

But we should not narrow our focus to what states can do for their minorities as minorities themselves play a significant role in improving participation, usually as a response to inadequate mechanisms elaborated by the state. Members of minority groups can create their own political parties or civil society organisations which advocate on their behalf, interact with the necessary decision makers at different levels, and attempt to influence policy and law. Thus, in this view ‘effective’ political participation retains a clear group-oriented dimension even though international standards restrict its remit to persons belonging to minority groups. For example, the FCNM is based on a commitment to integration and inclusion in public affairs, cultural, social and economic life insofar as members of national minorities are given a voice and should be heard by the whole of society and decision making bodies in particular (Henrard 2005: 152). But a clear and prescriptive explanation of participation in academia, policy, and law remains elusive and is thus open to interpretation. Valeriu (2012) argues that there is a lack of Roma expertise or experience among senior officials in the European Commission which has a detrimental impact on formulating policy at the transnational level. The importance of participation for Romani communities is clear: through participation Roma will be able to address interests, indeed, they will be able to define and articulate these interests. This raises a number of questions: how do Roma participate in public life? What institutional mechanisms have policy makers created to ensure Roma have a presence in public life? To what extent is the participation of Roma communities meaningful and /or effective? Is there a danger that participation is conceived of, within and through an ethnic lens?

The paper begins by exploring the blurred boundaries between participation and representation. Formal representation structures are often assumed by policymakers to delineate participation but this is not always the case. Representation of minorities requires

consideration of different contexts of representation. The experience of Roma representation at local, municipal, regional, national and transnational levels varies. Of course, the transnational political context is vital for Roma to ensure they have a voice but Roma are ultimately, though not always, citizens of the states in which they reside meaning that local and national representation tends to be the most pertinent. Like all minority groups, it is crucial for Roma to be able to exercise their right to vote but the utilitarian principles of liberal democracy means that Roma will always be outvoted. But, the participation of Roma is not just about getting their way, assuming that their interests are antithetical to the majority. Rather, given the historical and structural exclusion which Roma face it is imperative for Roma to have a presence in public life so that they are not ignored by policymakers or their interests assumed by majorities. In this respect, awareness-raising on the necessity of voting becomes a goal of Roma advocacy and activists working across the European Union (EU). There are many policy and institutional initiatives which attempt to ensure that Roma are represented, that they feel empowered, but such initiatives assume that political presence is enough to address widespread societal discrimination, poverty, and exclusion. It is not. What is needed is effective participation. Effective in the sense that Roma feel empowered, that their participation is meaningful, and that their voice matters.

## **II. The Politics of Presence: Unravelling Participation and Representation**

Let us consider the politics of presence (Phillips, 1995) and the building blocks of political voice. The freedom of association and assembly, and the right to vote and stand for elections are crucial preconditions for the realisation of effective participation. A Roma candidate was prohibited from standing in the municipal elections of Nove Mesto in Slovenia as the municipal statute did not include Roma among the autochthonous communities (Verstichel 2009: 385). The Slovenian Constitutional Court declared the statute unconstitutional in 2001 since Roma are entitled to be represented in the municipal council. The freedom of association delineates a minority group the opportunity to organise themselves as a particular group and put forward their shared interests as a group through an independent organisation. In Romania, *Partida Romilor*, claims to be the sole legitimate voice of the approximately 2 million Roma present in Romania, however its electoral support is negligible suggesting that many Roma vote for another party or do not vote at all (McGarry 2008). There is a distinction between legally recognised representation such as guaranteed seats in the national assembly (Romania), self-government (Hungary), cultural autonomy (Hungary and Estonia), proportional electoral systems, and the absence of electoral thresholds (Czech Republic, Spain, Slovenia). Whilst persons belonging to minorities may pursue their political ambitions through mainstream parties the truth is that such parties do not tend to include Roma as candidates for election nor as part of their broad outreach and policy remit. Given that prevailing attitudes towards Roma are so negative, by reaching out to Roma mainstream parties may lose some of their core support from the majority. Moreover, some parties, such as *Jobbik* in Hungary, actually base their support in opposition to Roma who they construct as a criminal and deviant population. There is strong evidence to suggest that separate representation for Roma is undesirable not least because their interests become ghettoised meaning Roma interests are dealt with exclusively by a Roma political party or a Roma self-

government. Thus the majority become absolved of their responsibility to address the needs and interests of Roma. Whilst it is clear that there are mechanisms and initiatives which states have created to address the situation of Roma it remains questionable whether such presence means anything, more specifically, whether it ensures that Roma have influence.

Even with guaranteed seats or a favourable electoral system the possibility remains that Roma are consistently ignored. In order for political participation to be effective, presence requires influence. Suffice to say, influence will depend on a wide range of conditions, institutions, resources, and so on. For example, 'decision-making rules and procedures can be organised in such a way as to enhance the influence of minority representatives and to make the outcome of the decision-making taking into account the interests of minorities' (Verstihel 2009: 429). Influence can range from an advisory position where the interests of the minority are heard, to an absolute veto right where the minority can throw out a law if it impacts negatively on their interests. Deliberative democracy posits a democracy as a free association of equal citizens who engage in a discussion on socio-economic and political issues, presenting their positions and seeking agreement about future activity. The key insight of deliberative democracy is that participants should, in principle, be responsive to the ideas of others, and should be willing to change their mind on the basis of open discussion and reasonable arguments. Yet despite the attractiveness of the deliberative democracy model, it is unlikely to work for Roma given their dire socio-economic and political marginalisation because Roma will never be able to engage in a deliberative discussion on an equal footing, the latter being a fundamental principle of deliberative democracy. Even if a state demanded that the legislative assembly consult advisory bodies of Roma before formulating a strategy on Roma integration, there is no guarantee that such input would be regarded as valid. One example of a transnational advisory body is the European Roma and Traveller Forum (ERTF) which has been criticised for lacking teeth and being subservient to the international political community. In the national political context, the system of minority self-governments established in Hungary acts as an advisory body and has autonomy only on decisions relating to culture such as running schools, libraries, theatres, media institutions, representing the minority nationally and internationally. In both cases, influence is symbolic rather than providing Roma with actual control over their affairs. Yet, autonomy could lead to Roma being further marginalised; the goal is integration not segregation.

Many states in the EU have legislative and policy arrangements to ensure that minority groups can have a voice and are present in public affairs, yet only a select few have legal mechanisms to ensure that minorities have an influence in decision making. It is difficult to measure this influence but it requires that policymakers listen to the needs and interests of Roma when designing, implementing, evaluating and monitoring policy. Policy which is designed and delivered with the input and continued support of minorities is more likely to achieve its objectives. Whilst some states regard the presence of minorities in the legislatures as a sign of the effectiveness of a country's democratic system, it does not tell us the whole story. Phillips (1995: 35) asks if it is enough to give people formal equalities or whether we need to address the structural barriers which prevent minority groups from making full use of their equal rights? Such a conviction questions whether mirror representation in the

legislature, where the demographic weight of Roma is reflected in their presence in the national assembly, would address their socio-economic disadvantage. Phillips asks whether this relies on an ‘implausible essentialism’ (1995: 23) which presumes that all Roma will think and act the same way, that their interests will somehow be the same. Moreover, if a group has been historically excluded and endures persistent discrimination it would seem wholly inappropriate to allow individuals without such experience to speak on their behalf. This strikes at the heart of the debate. Should Roma be content with physical presence in a parliament or a consultative body, based on the assumption that representation is therefore meaningful, authentic, or even effective? Or should the politics of ideas suffice in which the interests, needs and policy preferences of Roma are listened to, debated and decided upon? When we talk about presence which is more appropriate, physical or ideational? Is the same true when we shift the discussion to influence? It is true that a guaranteed seat in parliament means that the Roma voice will be heard but it also points to the limited benefit acquired by minority groups through presence (Anthony, 2006: 42), as Roma can be outvoted and ignored. Phillips (2001: 26) maintains that ‘by their very presence, they also make it more likely that members of dominant groups will recognise and speak to their concerns’ but this is not revealed in evidence.

Having considered some of the conceptual complexity surrounding participation and representation for minorities more generally, this paper now addresses how participation has been or can be realised in practice for Roma. Roma are an interesting case for understanding participation because participation is the key to solving the multiple and inter-related problems facing Roma. The EU has identified four priority areas for Roma inclusion which are: housing; health; education; and employment (Commission 2011). Each of these priority areas requires participation and will impact on other priority areas, for example, if Roma are unable to receive an adequate education then they will have difficulty participating in the labour market, and so on. Thus for Roma, participation is *both* the means and the end in facilitating their inclusion across Europe.

### **III. The European Union and Roma Integration**

We will not provide an overview of the various policy interventions, or lack thereof, of the EU regarding Roma. Suffice to say, the interest in Roma, as a *policy problem*, accelerated dramatically after 2007, when Romania and Bulgaria, which house the largest Romani populations respectively, joined the EU. Prior to 2007, there had been various funds established which targeted Roma and the application of a broad interpretation of the Copenhagen accession criteria (‘respect for and protection of minorities’) meant that the Commission’s spotlight drew attention to the unsatisfactory practices of candidate countries regarding their Roma communities. Western member states governments were concerned at the potential migration of Roma communities from east to west after accession and thus sought to improve the living conditions of Roma in Central and Eastern European states. The treatment of Roma in Western Europe was never given credence by the EU. Indeed, despite the pressure the EU placed on candidate countries in particular Slovakia, Romania and Bulgaria, once accession was secured (in 2004 and 2007), the incentives to improve the situation of Roma was removed. The EU continued to pursue its non-discrimination approach

to Roma issues, careful not to interfere with how member states dealt with minority issues. The EU might have continued on this path had it not been for several high profile interventions in Western Europe which forced its hand. In 2007 and 2008, the Italian authorities aggressively pursued Roma through hostile measures including forced eviction, ethnic profiling, and hate speech (McGarry 2012) which was followed in 2010 by the French authorities who targeted Roma specifically for expulsion from France back to Romania and Bulgaria (McGarry and Drake 2013). One could surmise that there has been a gradual realisation by the EU that if it does not intervene then who will. Member state governments in East and West have proven themselves unwilling or unable to address the needs and interests of their Roma. To this end the Commission organised a Roma Summit in 2008 in Brussels which led to the creation of a Roma Platform which in turn elaborated 10 Common Principles for the Inclusion of Roma in 2009. The 10 Common Principles include the active involvement of civil society (no. 9) and the 'active participation of Roma' (no. 10). More summits have been organised and the European Parliament has assumed the mantle of champion of the Roma within the EU regularly weighing into the developments of a nascent EU Roma policy. The culmination of events have led to the most significant intervention of the EU thus far; the EU Framework (hereafter 'EU Framework') for National Roma Integration Strategies announced in 2011.

The creation of an EU Framework has been an interesting development and signifies the most far-reaching attempt of the EU to address the needs and interests of the 8-10 million strong EU Roma citizens. At a minimum, it demonstrates that the political will to improve the situation of Roma is there at the supranational level. Each member state will create a national strategy outlining how it intends to address the inclusion of Roma communities within its territory and improve the capacity of Roma to access education, employment, housing and healthcare. This addresses some of the accusations levelled at the EU in terms of developing a Roma policy, namely that Roma could be constructed as a 'European' issue, more specifically, a European problem, and member states governments would be absolved of their responsibilities (Gheorghe, 2010; Tremlett 2011; McGarry 2012).

The EU Framework clarifies the role and importance of the national context for Roma. For Roma the national context is particularly significant because Roma are citizens of the states in which they reside (for the most part) and only national governments have the resources to improve educational attainment, healthcare provisions, employment rates and the quality of housing. Through the EU Framework, the Commission intends to monitor developments, apply pressure where necessary but will remain relatively hands off. It is too soon to tell whether such an approach will work and experience of another loosely coordinated long-term strategy to address the needs of Roma in Central and Eastern Europe, the Decade of Roma Inclusion, suggests that enthusiasm should be tempered. Unsurprisingly maybe, whilst the Commission tends to avoid prescriptive language when advising member states to work towards Roma inclusion, it additionally favours augmenting the policymaking capacity of its member-states by calling upon the national stakeholders to engage more actively in monitoring and implementing steps towards inclusion. The EU Framework places the competency of Roma issues in the hands of national governments whilst the EU promises to support governments to deliver on their policy commitments. Kovats (2012: 4) points out that the added value of the EU is in the public commitments of governments, funding for various projects and linkage with broader EU policy processes and their targets.

A crucial aspect of the EU Framework is the participation of Roma communities themselves. Improving opportunities for Roma can only come about by strengthening the accountability of those who make decisions that affect Roma people (Kovats 2012: 4). Thus, the EU Framework encourages the active participation of Roma people, NGOs and others including advocates, to critically evaluate policy initiatives allowing for greater accountability of decision makers. The Commission (2011: 9) states that national strategies should be 'designed, implemented and monitored in close cooperation and continuous dialogue with Roma civil society, regional and local authorities'. Roma involvement has been taking place at both national and European levels through the input of expertise from Roma experts and civil servants, as well as by consultation with a range of Roma stakeholders in the design, implementation and evaluation of policy initiatives. This is one notable shortcoming of the EU Framework as it tends to focus on the participation of Roma civil society and is relatively silent on the participation of Roma communities and individuals. Civil society does not always represent the communities it claims to. Participation must be more than policy initiatives and mechanisms: it needs to address the empowerment of Roma communities (which cannot be achieved solely through civil society) ensuring that Roma have a presence in public life and that they can influence decisions.

As the national strategies were submitted in 2011 and early 2012, it became clear that there were a number of shortcomings with the EU Framework or rather how member states interpreted their responsibility and mechanisms to foster Roma inclusion. The submissions reveal what each government is prepared to do in order to address Roma inclusion, and the results are unsurprising. In short, the national strategies fail to substantively address the key objectives of the EU Framework with particular shortcomings in implementation and monitoring, and participation. The active participation of Roma in the shaping of Roma policies and implementation is a key goal of the EU Framework because policy needs to be developed with the close participation of those which is affected directly. Roma civil society has criticised the lack of attention given to how national governments attended to the issue of participation. The OSI focuses on the role of Roma professionals in formulating and implementing Roma policies in order to foster a sense of ownership and responsibility arguing that inclusion is not possible without participation (OSI 2012: 3) whilst the European Roma Policy Coalition (ERPC) focuses on the issue of empowerment which suggests the active participation of Roma themselves.

The ERPC produced a report analysing the various national strategies for Roma inclusion and focused on the issue of participation. In its report on Bulgaria it states 'if empowerment is understood as encouraging participation of Roma in public affairs, then there are no measures addressing this; if on the other hand, empowerment is understood in a broader sense, then the measures are not enough' (ERPC 2012: 5) which means that the ERPC makes a distinction between different levels of participation; both elite and societal. The Czech strategy does not address the issue of empowerment and there is no attention given to the active involvement of Roma in resolving the various challenges, rather it focuses on measures decided by the majority (2012: 7). Hungary specifically mentions going beyond consultation and that social inclusion requires the empowerment of those living in poverty and the Roma community in order to enable them to shape society (2012: 14). Western European states such as Germany (2012: 11) and Finland (2012: 8) mention participation but do not articulate clear mechanisms to make empowerment meaningful. The ERPC highlights Portugal (2012: 17) as understanding the necessity of participation of local authorities, civil society and Roma people in all stages of the strategy including design, monitoring and evaluation and criticises Romania (2012: 18) for the absence of active participation of Roma in the policy measures

designed for inclusion. Significantly, it highlights political participation in the Romanian strategy maintaining that ‘there are no proactive measures to enable Roma to participate in public life, to promote active citizenship, community based participation, legal and civic rights education, informed choice during elections, or put an end to the mainstream political parties buying votes at election time’ (ERPC 2012: 18). The report on Slovakia (2012: 20) addresses empowerment as capacity building for Roma civil society participation but is silent on the active participation of Roma people. Whilst Spain does not mention empowerment, it does address participation in decision making notably through the State Council for Roma People, which must be consulted for all interventions in strategic areas (as well as participating in the design of relevant policies and programmes) (2012: 22).

It becomes clear that Roma activists and advocates do not possess a clear understanding of what participation means or how it should be encouraged or secured. The consensus seems to be that the most obvious way to address active participation is to build the capacity of the NGO sector. Other means would include the creation of formal institutional mechanisms allowing Roma to consult, advise, and have an input. Again, the role of Roma civil society as well as elites would be crucial. Tellingly, the one area which is not addressed is how to ensure the active participation of Roma themselves beyond the NGO sector. But focusing on the role and input of Roma civil society is vital but does not adequately address the participation of ordinary Roma in social, economic and political life. If attention is not given to the participation of ordinary Roma then efforts to improve health, housing, education and employment will be futile. Support for the full participation of Roma people in public life, stimulation of their active citizenship and development of their human resources are also essential.

However, participation here for the EU, national governments and Roma civil society is given a broad interpretation which covers both civil society and ordinary Roma although it tends to favour the former. But the national strategies do not address whether participation is effective or not. The following sections outline three understandings of participation: *presence*; *empowerment*; *influence*. In each section, examples from the various national strategies will be used to contextualise presence, empowerment and influence respectively, in terms of how national governments understand participation. This way, an understanding of potential solutions to the participation will be presented. Our paper is particularly interested in how national governments define the remit of participation permitting stakeholders to represent Roma interests, as well as allowing Roma to enhance their presence in the policymaking process. It is the national context which is of primary concern for us as it holds the key to solving the participation puzzle in a meaningful sense.

- IV. Presence: Participation as Visibility**
- V. Empowerment: Participation as Voice**
- VI. Influence: Participation as Power**
- VII. Conclusions**

## **References**