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Abstract

By examining processes of political participation and ethnic mobilisation, this article assesses how Roma create organising structures of representation which they use to articulate their shared interests. The utilitarian nature of the democratic system necessarily excludes the voice of minorities who must create their own representation structures to ensure their voice is heard. This article analyses the ability of the Romani community in Romania to articulate interests and assesses the legitimacy of their organising structures of representation. This article starts from the observation that Roma constitute a sizeable minority group in Romania yet they remain under-represented in public life. Following a brief outline of how representation relates to legitimacy, the analysis proceeds in two steps: Firstly, the shared interests of Roma in Romania are determined; secondly, the role and purpose of the three organising structures of representation (elites, ethnic political parties, and civil society organizations) are assessed. The respective legitimacy of these organising structures of representation is analysed in turn.

Introduction

Romania houses a vibrant Romani[1] community which has seized the opportunity to develop organising structures of representation since the collapse of communism.[2] The state too has responded to the needs and interests of Roma who make up at least 3% of the Romanian population.[3] The case study of Romania presents some interesting legislative innovations which are unique to this state and impact directly on how Roma mobilise and organise themselves politically, and articulate their interests through organising structures of representation. These include a guaranteed seat in parliament for all national minorities as well as the ability of minority non-governmental organisations (NGOs) to secure parliamentary representation. Despite mobilisation efforts and the creation of organising structures of representation, Roma remain woefully under-represented in political life (Roma

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[1] *Roma* is a noun and refers to the plurality of the members of this minority, that is, the group as a whole. *Romani* refers to the language spoken by this group and is also used as an adjective to describe an ethnic identification. A *Rom* is an individual member of the Roma minority (A. Mirga and and N. Gheorghe, The Roma in the Twenty-First Century (Project on Ethnic Relations, Princeton,1997), 3.

[2] The transition process has its social dimension, part of which is to ensure that the politically determined social structure is based on "non-discrimination and equal opportunity" (D. Light and D. Phinnemore, *Post Communist Romania: Coming to Terms with Transition* (Palgrave, Basingstoke, 2001), 2). The equal opportunity referred to here includes access to political structures guaranteed by law for all citizens.

[3] According to the last census figures in 2002, there are 555,250 Roma present in Romania which signifies approximately 3% of the population. Unofficial estimates from international organisations and NGOs put the figure between 1-2 million Roma in Romania (meaning between 5-10% of the population of Romania approximately).

have one Deputy out of 314 in the Chamber of Deputies- the lower house of the bicameral national parliament- despite a population between 3-10%). Clearly the right to vote has thus far not translated into adequate representation of Roma in the national assembly. This investigation asks 'who speaks for Roma in Romania?' and in doing so advances understandings into *how* Roma organise themselves in public life. Analytically this paper seeks to advance understandings of the complex relationship between identity, interests and organising structures of representation with regard to minorities, and empirically it details the case of Romani political participation in Romania.

The literature on the Romani community in Romania has been largely silent on issues of political participation and representation with a few notable exceptions[4], and often cite the Romani community's sub-standard access to social provisions[5]. There have been several attempts to define who Roma actually are in the European political context[6], as well as in Romania specifically through a historical perspective[7]. Furthermore, Roma rights theorists often provide emotive evidence when detailing Roma 'problems'[8] and more recently there has been a concerted move towards understanding the political participation of Roma[9]. The

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[4] L. Fosztó and M.V. Anăstăsoaie, "Romania: representations, public bodies and political projects", in W. Guy (ed.) *Between Past and Future. The Roma of Central and Eastern Europe* (University of Hertfordshire Press, Hatfield, 2001) ; A. Bleahu and V. Frunzaru, "The Political Participation of Roma in Romania" (Romani CRISS, Bucharest, Unpubl. manuscript, 2005).

[5] I. Zoon, *On the Margins. Roma and Public Services in Romania, Bulgaria, and Macedonia* (Open Society Institute, New York, 2001) ; M. Ionescu and S. Cace, *Public Policies for Roma. Evolution and Perspectives* (Editura Expert, National Agency for Roma, Bucharest, 2006).

[6] A. Fraser, *The Gypsies: Peoples of Europe* (Blackwell, Oxford, 1995) ; I. Fonseca, *Bury Me Standing: The Gypsies and Their Journey* (Vintage, New York, 1996) ; T. Acton (ed.), *Gypsy Politics and Traveller Identity* (University of Hertfordshire Press, Hatfield, 1997) ; D. Tong (ed.), *Gypsies: An Interdisciplinary Reader* (Garland, New York, 1998) ; I. Hancock, *We are the Romani people = Ames am e Rromane d'zene* (University of Hertfordshire Press, Hatfield, 2002).

[7] D. Crowe, "The Gypsies of Romania since 1990", 27 *Nationalities Papers* (1999), 57-67.

[8] A. Mirga and N. Gheorghe, *The Roma in the Twenty-First Century* (Project on Ethnic relations, Princeton, 1997) ; A. Revenga, D. Ringold and W. Tracy, *Poverty and Ethnicity: A Cross-Country Study of Roma Poverty in Central Europe* (World Bank, Washington, D.C., 2002) ; D. Ringold, M.A. Orenstein and E. Wilkens, *Roma in an Expanding Europe: Breaking the Poverty Cycle* (International Bank for Reconstruction and Development, Washington, D.C., 2003 ; I. Pogány, "Legal, Social and Economic Challenges Facing the Roma of Central and Eastern Europe", *Queen's Papers on Europeanisation* (2004).

[9] M. Kovats, "Problems of Intellectual and Political Accountability in Respect of Emerging European Roma Policy", 2 *Journal on Ethnopolitics and Minority Issues in Europe* (2001), 1-10, Available at:http://ecmi.de/jemie/download/Focus11-2001KovatsComment.pdf, Accessed 8 December 2007 ; P. Vermeersch, "Advocacy Networks and Romani Politics in Central and Eastern Europe", 2 *Journal on Ethnopolitics and Minority Issues in Europe* (2001), 1-22, Available at: http://ecmi.de/jemie/download/Focus11-2001Vermeersch.pdf, Accessed 8 December 2007 ; Z. Barany, "Romani Electoral Politics and Behaviour", 2 *Journal on Ethnopolitics and Minority Issues in Europe (*2001), 1-13, Available at: http://ecmi.de/jemie/download/Focus11-2001Barany.pdf, Accessed 8 December 2007 ; J. Fox, "Patterns of Discrimination, Grievances and Political Activity Among Europe's Roma : A Cross-Sectional Analysis", 2 *Journal on Ethnopolitics and Minority Issues in Europe* (2001), 1-25, Available at: http://ecmi.de/jemie/download/Focus11-2001Fox.pdf, Accessed 8

political mobilisation of Roma is the most obvious response to the current situation of exclusion from democratic political processes[10]. Ethnic mobilisation has taken place in the past and has resulted in the establishment of organising structures of representation through which Roma can articulate their interests. However, mobilisation is not enough to overcome the numerous political problems that Roma are confronted with. It is by asking questions such as "who speaks for Roma?" that more informative research on modes of political participation has taken place, yet there have been no successful attempts to determine who legitimately represents Roma in Romania, nor who claims to.

At first glance it can appear somewhat difficult to determine who or what represents a minority community such as Roma because there are so few mechanisms for establishing what a minority community actually needs. Phillips argues that when a society is ordered in a hierarchical fashion (as most are), then those groups which have been silenced or marginalised or oppressed will seek to enhance their representation[11] This does not necessarily have to result in legally-recognised and publicly-financed forms of self-government which is the case for national and ethnic minorities in Hungary. An alternative response is to create organising structures of representation which act as a mechanism for consultation and group organisation[12]. This stalagmite mobilisation from below gives a voice to disenfranchised groups and helps ensure that the interests of Roma are taken into account in decision-making and policy-making processes. The consequences of such a conviction impacts on how one conceptualises the purpose of the political system. In this case it is one which is concerned with the capacity to engage in public activity and articulate interests, not necessarily to control the decision-making process. This is what Phillips terms "the politics of presence"[13]. Roma constitute what Lively describes as a "permanently excluded minority"[14]; therefore organising structures of representation are important because they articulate what the Romani community wants and needs (that is, their interests and preferences). Representation can take a variety of forms in organising structures of representation including

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December 2007 ; I. Klímova, "Romani political representation in Central Europe. An historical survey", 12 *Romani Studies* 5th Series (2002) ; E. Sobotka, "The Limits of the State: Political Participation and Representation of Roma in the Czech Republic, Hungary, Poland and Slovakia", 2 *Journal on Ethnopolitics and Minority Issues in Europe* (2001), 1-23, Available at: http://ecmi.de/jemie/download/Focus11-2001Sobotka.pdf, Accessed 8 December 2007; P. Vermeersch, *The Romani Movement : Minority Politics and Ethnic Mobilization in Contemporary Central Europe* (Berghahn, New York, 2006).
[10] Z. Barany, "Ethnic Mobilization and the State: The East European Roma", 21 *Ethnic and Racial Studies* (1998), 308-327.
[11] A. Phillips, *Democracy and Difference* (Polity Press, Cambridge, 1993), 95.
[12] I.M. Young, *Justice and the Politics of Difference* (Princeton University Press, Princeton, 1990).
[13] A. Phillips, *The Politics of Presence* (Clarendon Press, Oxford, 1995).
[14] J. Lively, *Democracy* (Blackwell, Oxford, 1975), 26.

elites, ethnic political parties and civil society organisations, however in each structure it is the representation and articulation of interests[15] which is the primary concern.

Young argues that a democratic public "should provide mechanisms for the effective recognition and representation of the distinct voices and perspectives of those of its constituent groups that are oppressed and disadvantaged"[16]. The capacity or opportunity to engage in politics and have a say is important in and of itself. Representation is not always about the end result in terms of tangible benefits, net gains, or leverage over the decision making process. Equating representation with power as readily as Beetham is mistaken; he assumes that all those who are in positions of representing "subordinates"[17] have been vested with the authority to make decisions on behalf of these subordinates. However, not all representation is 'power', as the Romanian case will show. Moreover, Beetham has little to say about minorities (non-dominant communities possessing a common identity) within the subordinate, and how these minorities ensure their voice is heard. According to Beetham, power over subordinates, that is, all those not in positions of representation (therefore the majority of society), is "justified as it is claimed it enables the collective purposes or general interests of the society as a whole to be realised"[18]. Furthermore, Beetham argues that "legitimacy requires the demonstration of a common interest which unites"[19] The primary focus of most democratic states is on the general interest which means that the interests of the minority are given no credence or are simply suppressed. The interests of the majority do not easily map with those of Roma in Romania because of the pronounced discrimination, poverty and marginalisation which the Romani community endures.

The legitimacy of group representation depends on some mechanism for establishing the interests of the community. Essentially, there are two mechanisms. Firstly, an "implausible essentialism"[20] sees shared experience as enough of a guarantee of shared interests and maintains that all Roma think and act in the same way. When a political movement sees itself as based on shared ideals and goals (such as combating racism, securing civil rights, achieving sexual equality), then commitment to these goals seems the only legitimate qualification for membership and this ontological focus "generated a more identity-based

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[15] See H.F. Pitkin, *The Concept of Representation* (University of California Press, Berkeley, 1972) and A.H. Birch, *Representation* (Pall Mall, London, 1971) on the substance of representation.
[16] I.M. Young, *Justice and the Politics of Difference* (Princeton University Press, Princeton, 1990), 184.
[17] D. Beetham, *The Legitimation of Power* (Macmillan, Basingstoke, 1991), 101.
[18] D. Beetham, *The Legitimation of Power* (Macmillan, Basingstoke, 1991), 46.
[19] D. Beetham, *The Legitimation of Power* (Macmillan, Basingstoke, 1991), 59.
[20] A. Phillips, *The Politics of Presence* (Clarendon Press, Oxford, 1995), 25.

politics which stressed the self-organization of those most directly oppressed"[21] Indeed, anthropologists have argued that "in the absence economic enfranchisement and greater involvement in political decision-making, attempts to change societal discrimination became focused on 'culture' at the level of discourse and representation"[22]. The second mechanism to establish the interests of a community is through the organisation of some sufficiently representative segment to establish group opinions and goals. This mechanism challenges existing exclusions and opens up opportunities for different issues or concerns to be developed[23]. Whilst the first mechanism appears unrealistic and reductive, the second offers the possibility of analysing organising structures of representation in context.

This paper begins by briefly outlining the interests of Roma in Romania (section I). Section II examines the role of elites in representing Roma and articulating their interests. In Romania, a representation system exists whereby all ethnic minorities are guaranteed one seat in parliament for an elite to occupy due to their recognition as a national minority by the state.[24] An analysis of political parties founded on claims of common ethnicity is detailed in section III before the role of civil society organisations as a means to articulate the interests of Roma is uncovered in section IV. Finally, section V provides the conclusion which summarises how Roma engage in political participation in Romania and the impact of this on legitimate representation.

I. Romani Interests in Romania

It is necessary to identify the shared interests[25] of Roma in Romania before the legitimacy of organising structures of representation can be assessed. It is important that the interests discussed here are not exhaustive, but several key shared interests appear to have more prominence than others when a variety of discourses are analysed, that is, certain shared interests and general themes can be identified. Crucially these shared interests are constructed by the Romani community with reference to their ethnic group identity which means that, in

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[21] A. Phillips, *The Politics of Presence* (Clarendon Press, Oxford, 1995), 9.

[22] J. K. Cowan, M.-B. Dembour and R.A. Wilson, "Introduction", in J.K. Cowan, M.-B. Dembour and R.A. Wilson (eds.), *Culture and Rights: Anthropological Perspectives* (Cambridge University Press, Cambridge, 2001), 2.

[23] A. Phillips, *The Politics of Presence* (Clarendon Press, Oxford, 1995), 55.

[24] Constitution of Romania (revised) (2003): Art. 62 (2) maintains "Organisations of citizens belonging to national minorities, which fail to obtain the number of votes for representation in parliament, have the right to one Deputy seat each, under the terms of the electoral law. Citizens of a national minority are entitled to be represented by one organization only." Full text in English available at: http://www.legislationline.org/upload/legislations/72/cf/e3b89dda11209ec032c71c1a36a7.htm. (Accessed 8 December 2007).

[25] This paper is not concerned with subjectively held interests as these cannot be articulated by organising structures of representation.

the case of Roma, their identity and interests are insoluble as one informs the other. This article employs a broad understanding of representation in order to accommodate the diversity of Roma representation in Romania, that is, elected and non-elected, as well as individuals and organisations. The idea that group identities are defined by some essential set of common attributes is not convincing as most people have multiple group identifications (gender, ethnicity, nationality etc). Roma do possess shared interests which are, by and large, held by all Roma in Romania. This is possible because the interests of Roma are directly connected to their experience as a vilified group. For example, the discrimination which is targeted at Roma by the majority of society results in many Roma being unable to secure employment. Of course, it is important to avoid such "implausible essentialism"[26] because minority ethnic communities may have a strong sense of themselves as a distinct social/ethnic group but this can coincide with an "equally strong sense of division over policy goals"[27] The key point here is that shared interests do not exist *a priori* and then the Romani community attach themselves parasitically to these interests, rather these interests are intersubjectively constructed and articulated through organising structures of representation.

The main shared interests of Roma are education, health, employment, and social affairs including housing and political participation. These interests have been determined by examining the publications and activities of Roma NGOs, interviews with prominent Roma elites and activists, document analysis of research institutes, programmes of international organisations and international donors, and domestic policy, for example, the National Strategy for the Improvement in the Situation of the Roma (hereafter the 'National Strategy'). The 'National Strategy' was adopted in 2001 and is a detailed programme which addresses the condition of Roma, incorporating measures at the central, provincial and local government levels. The 'National Strategy' was elaborated with the help of the Working Group of Roma Associations whose consultations with the Government began in 1998. Political participation is low at local and national level in terms of voter turnout and civic advocacy, and can be partly explained by low levels of education and high levels of poverty.[28] One of the most important aspects of the 'National Strategy' is its focus on the political participation of Roma. The Romani community do not have a clearly-defined representative class, that is, actors who

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[26] A. Phillips, *The Politics of Presence* (Clarendon Press, Oxford, 1995), 25.

[27] A. Phillips, *The Politics of Presence* (Clarendon Press, Oxford, 1995), 145.

[28] For an insight into Romani voting patterns see J. Fox, "Patterns of Discrimination, Grievances and Political Activity Among Europe's Roma: A Cross-Sectional Analysis", 2 *Journal on Ethnopolitics and Minority Issues in Europe* (2001), 1-25, Available at: http://ecmi.de/jemie/download/Focus11-2001Fox.pdf, Accessed 8 December 2007.

know how to articulate their interests. A criticism which is raised by activists is that Roma lack a middle class or intellectual strata in society which will often vote, train others, and create new structures.[29] The Hungarian minority in Romania is effective because it has a representative class ready and able to engage in the structures of politics on its behalf.

These shared interests have one thing in common: access. It is access to education, housing, healthcare and the labour market which is of concern to Roma. One way to address the issue of access has been to provide for affirmative action and preferential treatment, for instance, guaranteeing university places for Romani students[30] However, access to public goods is hindered because of the poverty and racial discrimination which most Roma are disproportionately affected by[31]. Whilst reducing poverty levels in Romania is an interest of all Romanians more generally, it is a specific shared interest of the Romani community because Roma are disproportionately affected by poverty[32] Social justice, marginalisation, and stigmatisation of Roma are key interests which need to be addressed as they can help break the vicious circle of poverty-exclusion-discrimination and elevate Roma's self-image. The National Council for Combating Discrimination (NCCD) was established in 2002 as part of the 'National Strategy' and is dedicated to eradicating all forms of discrimination and injustice. Whilst this institution was created for all citizens of Romania the bulk of cases brought before it are related to Roma.[33]

The following three sections examine three organising structures of representation in order to acquire a more complete understanding of the political participation and representation of Roma in Romania. Each organising structure of representation articulates the shared interests of the Romani community although their respective strategies and functions are distinct. An organising structure of representation denotes an institutional platform which can take a variety of forms including elites, political parties and civil society organisations. As an

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[29] Gelu Duminica, Executive Director of "*Impreuna*" Bucharest, Romania, 16 May 2006. Interview with author.
[30] G. Andreescu, *Ombudspersons for National Minorities Report on Minority Education* (RAXEN_CC National Focal Point, European Centre on Racism and Xenophobia, 2004), 15, Available at: http://eumc.europa.eu/eumc/material/pub/RAXEN/4/edu/CC/EDU-Romania-final.pdf, Accessed 8 December 2007 ; EU Monitoring and Advocacy Program [EUMAP], Open Society Institute, Education Support Program, Roma Participation Program, *Equal Access to Quality Education for Roma Monitoring Report* (EUMAP, Open Society Institute, Budapest, 2007), 368, Available at: http://www.eumap.org/topics/minority/reports/roma/education, Accessed 8 December 2007.
[31] C. Berescu and M. Celac, *Housing and Extreme Poverty: The Case of Roma Communities* (Ion Mincu University Press, Bucharest, 2006).
[32] European Roma Rights Centre [ERRC], "Extreme Poverty", *Roma Rights* (2002), 14, Available at: http://www.errc.org/cikk.php?cikk=719, Accessed 8 December 2007.
[33] Csaba Ferenc Asztalos, President, National Council for Combating Discrimination. Bucharest, Romania, 28 September 2005. Interview with author.

institutional platform it is part of the broader Roma social movement. These organising structures of representation are able to articulate the shared interests of the Romani community because they are constructed with reference to the ethnic group identity of Roma. Research on social movements has emphasised that group identities are produced and continually re-defined by the process of collective action[34]. Brubaker has shown that the analytical focus should not be on the substance of the group (i.e. its 'groupness') but on the processes and interaction which create ethnic group identity[35], thus the role of activists, advocates, and institutions are of paramount importance.

II. Follow the Leader: Elite Representation of Roma

There are a number of elites who claim to be political representatives of Roma in Romania. These elites are considered in turn due to their respective prominence in political life. A political representative represents and articulates interests which a group of individuals share. Because minority ethnic communities are united by a common ethnic identification, they hold many of the same shared interests, though these will shift depending on the historical and cultural circumstances. It is more accurate to conceive of political representatives representing bundles of interests and affiliations rather than as spokespersons. Following Pitkin's useful definition of representation as "acting in the interests of the represented, in a manner responsive to them"[36] in an elected assembly the interests of the minority will always be suppressed by the interests of the majority. A universalistic approach to representation cannot accommodate difference and has led to calls for special political representation for minorities[37].

A necessary component of the democratic system is that elected representatives are capable of rising above the promotion of their own interests in order to articulate the shared interests of their constituents. If politics is more than balancing group pressures, the elected representative, insofar as (s)he is a policymaker, must act as rather more than a delegate. If an elected representative of Roma successfully articulates the interests of Roma then (s)he will be re-elected back into public office. Previous Deputies include: Gheorghe Răducanu 1992-1996; Mădălin Voicu 1996-2000; Nicolae Păun 2000-2004 and also 2004- present. Each of these Deputies relied on the constitutional provision to attain their seat, having failed to attain the 5% threshold. Furthermore, each Romani Deputy has come from the Roma Party (*Partida*

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[34] D. della Porta and M. Diani, *Social Movements: An Introduction* (Blackwell, Oxford, 1999), 87.

[35] R. Brubaker, *Ethnicity Without Groups* (Harvard University Press, Cambridge, Mass., 2004).

[36] H.F. Pitkin, *The Concept of Representation* (University of California Press, Berkeley, 1972), 209.

[37] I.M. Young, *Justice and the Politics of Difference* (Princeton University Press, Princeton, 1990) ; W. Kymlicka, *Multicultural Citizenship. A Liberal Theory of Minority Rights* (Clarendon Press, Oxford, 1995).

Romilor) which changed its name to the Social Democrat Roma Party (prior to the 2004 elections), before settling on Roma Party Pro-Europe (from 2006). For the purposes of this article and to reduce confusion, this political association is referred to as the Roma Party Pro-Europe (RPPE).

Sometimes gaining access to representation means that a Rom must stand on the party lists of mainstream political parties. Adding a Rom on the party list is not going to win many votes from the majority of citizens due to the negative perception of Roma held by the majority of society, but can help secure the Roma vote in an area with a dense Romani demography.[38] These individual Romani parliamentarians find it extremely difficult and frustrating to make any sort of impact on the policy-making process, and also to articulate the interests of Roma as they are not sufficiently empowered. As Petrova explains "the typical phenomena is that if a Roma is elected they only serve one mandate because they failed to meet the very high expectations of their own supporters. That is why they cannot get a second mandate."[39] It is this failure to articulate the interests of Roma which will impact directly on their time spent in public office.

The lack of legitimated political leaders is one of the most pertinent problems facing the Romani community at a local level[40]. Roma require legitimate political leaders to speak on their behalf at all levels otherwise policy-makers cannot know the Romani community's shared interests and tailor policy to suit their specific circumstances. The relative power and authority which traditional leaders exert over local Romani communities must be considered if we are to fully appreciate all organising structures of representation which claim to represent Roma. This provides an opportunity to sketch the cultural context in which specific representation structures have emerged. Whilst the *bulibaşa* is the informal leader of traditional Romani communities such as the *căldărari, argintari, spoitori, cortorari*, their status is usually dependent on charisma or wealth and is hereditary, which denotes an example of Weberian

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[38] Placing a Rom on a mainstream party's list has been widely recognised as a liability given widespread societal biases against Roma indeed as Barany points out "for mainstream parties one Romani vote means the loss of two others" (Z. Barany, "Romani Electoral Politics and Behaviour", 2 *Journal on Ethnopolitics and Minority Issues in Europe* (2001), 4, Available at: http://ecmi.de/jemie/download/Focus11-2001Barany.pdf, Accessed 8 December 2007. However many Roma advocates see this as a progressive and even desirable phenomenon as ethnic/identity politics is viewed as reinforcing societal partitions. Dan Oprescu, Bucharest, Romania, 27 September 2005. Interview with author.
[39] Dimitrina Petrova, Director of the European Roma Rights Centre (ERRC). Budapest, Hungary, 23 September 2005. Interview with author.
[40] A. Bleahu and V. Frunzaru, "The Political Participation of Roma in Romania" (Romani CRISS, Bucharest, Unpubl. manuscript, (2005).

legitimacy.[41] At first sight, these potestary institutions appear to fall beyond the scope of reasoned political analysis and signifies a system of representation which predates liberal democracy, however *bulibaşa* become relevant because they can influence who the Romani electorate votes for in local and national elections.[42] Whilst the *bulibaşa* is a localised phenomenon, there have been instances when certain individuals have proclaimed themselves to be 'International King of the Roma' or 'The Emperor of all Roma Everywhere'. However even these leaders acknowledge that the authority of the *bulibaşa* is waning and some have attempted to legitimate themselves by accessing national political structures. For example, Florin Cioaba, 'Roma King' formed the Christian Centre of Roma in Romania, and ran in the 2000 national elections for the Chamber of Deputies securing 12,171 votes[43]. Furthermore, Florin Cioaba is one of the four Romanian delegates to the recently established European Roma and Traveller Forum, a transnational organising structure of representation affiliated with the Council of Europe.

All national minorities in Romania (who are registered and members of the Council of National Minorities)[44] have the right to one representative in the Chamber of Deputies. Nicolae Păun, who is the President of the Roma Party Pro-Europe, is the sole Romani representative in the Chamber of Deputies and attained 56,076 votes in the 2004 elections. Mr. Păun is the President of the Romani political association which gained the most votes, however he attained his seat through the aforementioned constitutional provision. It is difficult to predict how and whether a minority parliamentarian can articulate the interests of Roma, even if (s)he can lay claim to some source of legitimacy by virtue of election.

At the governmental level, the National Agency for Roma (NAR) is charged with policy-making and its role is to consult government on a range of issues related to Roma. Mariea Ionescu is the President of the NAR and is a State Secretary, therefore a Deputy Minister. Whilst some commentators are sceptical as to its power and purpose, it is the one institution which can ensure that the voice of Roma is heard at the governmental level because it consults with the government on policies and decisions which affect the Romani community directly. Although Mariea Ionescu cut her teeth in the Romani NGO sector, and is therefore

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[41] Weber emphasised the subjective belief in legitimacy as legal/rational, traditional and charismatic authority (M. Weber, *Economy and Society: An Outline of Interpretive Sociology* (Bedminster Press, New York, 1968).

[42] For insights into Romani voting patterns and specificities see Barany (2001) and Fox (2001), footnotes 38 and 28 in this paper.

[43] M. Ionescu and S. Cace, *Public Policies for Roma. Evolution and Perspectives* (Editura Expert, National Agency for Roma, Bucharest, 2006), 35.

[44] The Council of National Minorities was established by Government Decision No. 365 in July 2001.

well equipped to understand the interests of Roma due to her experience working at the grass roots level, the NAR simply does not have the resources or authority required to fulfil its functions adequately. If it is to be more than a token institution for Romani representation or a shop window for external observers then it must be given competences which reflect its elevated positioning from its previous incarnation as the National Office for the Roma. Furthermore, it is the institution itself which is of primary concern when dealing with representation as the NAR is more than the sum of its parts, therefore Mariea Ionescu's successor will have no more or less legitimate claim to representation than she does, providing the structure and capabilities of the NAR remain the same.

Summary

It is not the actual character or ability of the elite *per se*, rather it is the manner of their selection and the position they hold. But can an individual represent the Romani community? Nicolae Păun represents the 56,076 who voted for him, and does so legitimately but it is questionable whether he represents all Roma simply because they share a common ethnic identity. Indeed there have been accusations that the reserved seat in parliament guaranteed by the Constitution has a detrimental impact on Roma representation because it has the "potential to perpetrate the identification and division of candidates based on ethnicity and that such labels can result in differentiation and discrimination"[45]. Furthermore, it is difficult to determine whether a representative of the Roma needs to be ethnically Romani or not. The fact that Nicolae Păun receives a substantial number of votes suggests that ethnicity is an important factor for Roma when electing their representatives however Roma do vote for other mainstream political candidates also as section three details.

III. Monopolising Ethnic Representation

First of all, there are no ethnic minority political parties in Romania though political NGOs do exist. The situation in Romania concerning the legal status and formulation of national minority organisations is complex. Whilst the organisations are technically NGOs, they are also permitted to run in elections to parliament to receive one of the seats set aside for national minorities. Under Romanian NGO law, only three persons are required to form an

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[45] Organization for Security and Cooperation in Europe – Office for Democratic Institutions and Human Rights [OSCE-ODIHR], *Guidelines to Assist National Minority Participation in the Electoral Process* (OSCE-ODIHR, Warsaw, 2001), 29, Available at: http://www.osce.org/publications/odihr/2001/01/12347_129_en.pdf, Accessed 8 December 2007.

NGO[46] and there is no special certification procedure to ensure that a national minority organisation is actually constituted of that minority. This occurs not only because of the seats set aside in parliament for national minorities but also under Romania political party finance law the state distributes funds for any party/organisation that run in the election[47].

So, how is it possible for NGOs to have a political character? National minorities have an "extra right in order to rectify problems of representation"[48] therefore national minorities are accorded a seat in parliament which does not apply to other political parties. This does not mean that non-minority parties have fewer rights. Rather the democratic system dictates that the majority is always favoured therefore it is necessary to apply positive discrimination and give minorities a voice which would otherwise be drowned out. The fact that an NGO can be elected to the Chamber of Deputies is not considered to be an issue or even worthy of debate for minority politicians, academics and activists. The strength and utility of civil society comes from its independence as a public space which often assumes the form of an articulated system of decision-making, negotiation, and representation[49]. In Romania there is no separation of the civil and political spheres of society when it comes to minority participation and representation. Indeed an NGO's inability to remain detached from political life will impact on its claims to legitimacy, particularly since in Romania the RPPE receives state funding as a group represented in Parliament. This lack of autonomy and independence *vis-à-vis* the state impacts negatively on the credibility and legitimacy of the RPPE, as well as other national minority political NGOs.

After 1989 many political organisations were set up including: Democratic Roma Union; the Ethical Federation of the Roma; the Roma Party; and the Roma Union. But Romani political organisations routinely divided the Romani vote highlighting the heterogeneity of the Romani community. They split for a number of reasons including "mutual distain, suspicion, in

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[46] Ordinance on Associations and Foundations (2000), Art. 4. #26/2000, O.G. #39. Full text available at: http://www.legislationline.org/legislation.php?tid=2&lid=694. Accessed 8 December 2007.
[47] D.C. Decker and A. McGarry, "Enhancing Minority Governance in Romania. The Romanian Draft Law on the Status of National Minorities: Issues of Definition, NGO Status, and Cultural Autonomy", European Centre for Minority Issues, ECMI Report #54, May 2005, 19, Available at: http://www.ecmi.de/download/Report_54.pdf, Accessed 8 December 2007.
[48] Attila Markó, Head of the Department for Inter-Ethnic Relations (DRI). Statement made at a European Centre for Minority Issues conference "Enhancing Minority Governance in Romania" in Sinai, Romania, March 2005.
[49] A. Melucci, "The New Social Movements Revisited", Paper presented at the 87th Annual Meeting of the American Sociological Association, August 20-24th, 1992, Pittsburgh, Pennsylvania, 10.

fighting and a marked inability to reach compromises"[50]. It would seem logical that a single organisation which acts as the sole representative of Roma would increase cohesion in the community and increase its ability to articulate its interests because instead of hearing a cacophony of voices, policy-makers and decision-makers hear only one united and considered voice. A tension exists between the heterogeneity of the Romani community, on the one hand, and the coherence and unity of their interests on the other, and this tension is never fully resolved within organising structures of representation and their respective activities.

The Romanian Government's partnership with a single political organisation, the RPPE, has raised concerns about marginalisation and exclusion of other organisations[51]. The 'National Strategy' created the position of local experts in Roma affairs who work within the Mayor's office,[52] but these experts have mainly been appointed on the proposals made by the RPPE, without regard to standard hiring procedures or taking into consideration proposals from other representatives of Romani civil society organisations. Another perceived problem is that many of these so-called Roma 'experts' are not ethnically Romani. Whilst it is debatable whether non-Roma can represent the Romani community, the issue here is that there exists an increasing pool of Romani graduates and activists ready and able to fill these positions yet if they are not affiliated with the RPPE, they may not be hired. The RPPE has come to be accepted as the sole (and authoritative) representative body for the highly diverse Romani population, failing to take into account the expertise and experience developed within other Romani NGOs.

Any objections that the Government is overly reliant on the RPPE have been routinely dismissed because there is no other political association which can claim its electoral legitimacy or demographic reach. This issue is compounded by the fact that those organisations which are represented in the Council of National Minorities (and therefore in the Chamber of Deputies) receive an annual stipend, as well as other facilities and resources. These funds help secure future electoral success and thus perpetuates the cycle of national (and therefore local) representation, by ensuring that the RPPE have the resources to launch

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[50] Z. Barany, "Romani Electoral Politics and Behaviour", 2 *Journal on Ethnopolitics and Minority Issues in Europe* (2001), 3, Available at: http://ecmi.de/jemie/download/Focus11-2001Barany.pdf, Accessed 8 December 2007.
[51] EU Monitoring and Advocacy Program [EUMAP], Open Society Institute, Monitoring the EU Accession Process: Protection of Minorities. *Minority Protection in Romania. An Assessment of the Strategy of the Government of Romania for Improving the Condition of Roma* (EUMAP, Open Society Institute, Budapest, 2002), 480, Available at: http://www.eumap.org/reports/2002/minority. Accessed 8 December 2007.
[52] National Strategy for the Improvement in the Situation of the Roma, Chapter VIII, Point 4.

effective political campaigns. The Government legitimises its Roma policy (that is, its initiatives, decisions, strategies etc) by consulting with the RPPE but no other Romani political association is given credence which means that the Government only hears one Romani voice. Whilst the RPPE does not have a *carte blanche* to articulate whatever interests it sees fit, the interests it does articulate are highly dependent on the opinions of senior officials within this political association.

Factionalism and fragmentation are issues which all social movements must contend with at some stage or another[53] Whilst diversity of opinion is at the heart of all civic democracies, this issue is magnified with minorities due to their oft substandard positioning in society. When new associations are created, they fulfil a specific function, and they articulate shared interests of the community which they claim to represent. Tellingly most of the Romani political associations were created between 1990 and 1992 and since then the propensity to establish Romani political associations has dissipated. In the early 1990s, the Roma social movement was fragmented and various elites set up their own organisations: The Roma Party; The Democratic Alliance of Roma in Romania Party; Christian Democrat Party of Roma in Romania; Gypsy Party of Romania; Democratic Union of the Roma in Romania; General Union of Roma in Romania; and the Liberal Democratic Union of the Roma in Romania[54]. This diversity of Romani political organisations is the result of different intra-ethnic communities and can be considered proof of democracy's pluralist ontology and its heterogeneous appropriateness.

Through each election, all political organisations representing the Romani community have accumulated less than 1.4% (this peak was in the 1996 elections) of the total national votes.[55] In 2004, two organisations ran in the elections for the Chamber of Deputies: the previous incarnation of the RPPE (which received 56,076 votes or 0.55% of the total votes cast nationally) and the Alliance for Roma Unity (which received 15,041 votes or 0.14% of the total votes cast nationally). In a political context where Roma compose at least 3% (and up to 10%) of the population, we can deduce that some Roma were either not voting or were transferring their vote to another party. Certainly many Roma are not able to vote as they lack the necessarily documentation such as identification cards, however there is increasing

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[53] D. Mason, "Solidarity as a New Social Movement", 104 *Political Science Quarterly* (1989), 41-58.

[54] M. Ionescu and S. Cace, *Public Policies for Roma. Evolution and Perspectives* (Editura Expert, National Agency for Roma, Bucharest, 2006), 35-36.

[55] Calculations based on the official data of the Central Electoral Office. Available at: http://www.bec2004.ro/documente/Tvot_CD.pdf and the National Institute for Statistics. Available at: http://www.insse.ro/Statistici/statistica%20electorala.htm. Accessed 10 December 2007.

evidence that Roma are voting for mainstream political parties[56]. The Romani electorate have always held an affinity with the Social Democrat Party (SDP) which employs political rhetoric such as 'social assistance' and 'social inclusion' which resonates with Romani voters. Furthermore, the SDP has openly courted the Roma vote. In 1999 and 2004 the SDP signed protocols with the RPPE in which it pledged to solve Roma's social problems. This would suggest that a common ethnicity is not as crucial for Roma representation as it once was.

Summary

The Roma Party Pro-Europe is the dominant Romani political organisation in that it routinely gains the most votes at each national election, and it enjoys the privileged position of being Government's only partner on Roma issues. However, its legitimacy is questionable as many Roma vote for other political parties, notably the Social Democrat Party. The Roma Party Pro-Europe's ability to secure Romani votes come from the fact that it shares an ethnic identity with its constituents, not necessarily through its political aptitude or a well-defined manifesto. This organising structure of representation has managed to permeate all facets of public life including at the local level. And any challenge to its monopoly of Roma representation would have to contend with its guaranteed financial resources from Government as well as its firmly entrenched positioning at all levels of Romanian politics from the local to the *judete*, to the national level.

IV. Civil Society Organisations: Localised Legitimacy

There are approximately 200 NGOs in Romania which promote Roma rights and articulate the shared interests of Roma but most lack elemental resources and self-sustainability. This large number is a reflection of growing ethnic mobilisation in Romania as well as the Political Opportunity Structure[57] which enables an NGO to be constituted by three persons. Whilst these NGOs are not staffed entirely by Roma, they are by and large focused on the interests of the Romani community. These NGOs are active in a number of areas in a diverse range of projects which aim to improve Roma's enjoyment of civil, social, political, economic and cultural

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[56] A. Bleahu and V. Frunzaru, "The Political Participation of Roma in Romania" (Romani CRISS, Unpubl. manuscript, Bucharest, 2005).
[57] For a concise explanation of Political Opportunity Structure and its impact on agency see: P. Eisinger, "The Conditions of Protest Behavior in American Cities", 67 *American Political Science Review* (1973), 11-68. ; M. Keck and K. Sikkink, "Transnational Advocacy Networks in the Movement Society", in D. Meyer and S. Tarrow (eds.), *The Social Movement Society: Contentious Politics for a New Millenium* (Rowman & Littlefield, Lanham, 1998); and applied to the transnational Roma movement see: P. Vermeersch, *The Romani Movement: Minority Politics and Ethnic Mobilization in Contemporary Central Europe* (Berghahn, New York, 2006).

rights. A fundamental law on registration exists[58] and it is the registration process which separates NGOs and political parties however in Romania an anomaly exists whereby an NGO can have a political character. This only applies to national minority NGOs. In other countries such as Hungary and the Czech Republic, the crucial point comes when a minority organisation must register its status that is, as a political party or other, and determines its precise form and function. A civil society organisation fulfils a very different function from that of a political party. Indeed the distinction between political party and NGO may be determined in how the duties and responsibilities of the organising structure of representation is taking place, and crucially what interests each organisation articulates. An organising structure of representation cannot represent an opinion (as that is subjective) but it can represent and articulate interests as these are aggregated bundles of opinions and affiliations which are intersubjectively constructed by communities. There are two main functions of a civil society organisation: a) to act as a check on state institutions; and b) to articulate shared interests. By fulfilling its two primary functions, an NGO articulates interests on behalf of a community through project implementation,[59] publications, and consultations with international and national bodies. NGOs often paint a more accurate (and less flattering) portrait of the actual situation of Roma than state institutions.

During communism the persistence of state paternalism meant that civil society was weak. After 1989, an old law, No. 21/1924, which had never been abolished, was reinforced and has become the legal frame for the newly emerging civil society. A few thousand non-governmental (non-profit) organisations have been created since.[60] The creation of NGOs after 1990 "aimed at offering educational support, expressing Roma culture and traditions, community and economic development, research and social interaction, combating the prejudices and stereotypes"[61]. The number, aptitude, and longevity of Romani NGOs were dependent on their capacity to secure funding and on the ability of leaders to guide their respective organisations. Research has shown how "the geographical spread and intra-ethnic heterogeneity supported the simultaneous establishment of the organisations in more regions of

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[58] Law on Legal Persons (Associations and Foundations) (1924). Law No. 21/1924, O.G. Part I, No. 27.

[59] The value of NGOs in a society cannot be underestimated particularly for marginalised groups, not least because it is more difficult for an individual to effect change. In practical terms it is easier to apply for a grant for a project as an NGO.

[60] Constitution of Romania (1991): Art. 37 states "Citizens may freely associate into political parties, trade unions and other forms of association".

[61] Center for Documentation and Information on Minorities in Europe – Southeast Europe [CEDIME-SE], *Hungarians of Romania* (2001), 14, Available at: http://www.greekhelsinki.gr/english/reports/CEDIME-Reports-in-Romania.html, Accessed 8 December 2007.

the country"[62]. Many NGOs were set up as a counterbalance to the frenzied political arena where Roma were increasingly marginalised in the early stages in the transition to democracy.

The interests articulated by Romani NGOs are diverse and often depend on the geographical and cultural context of their activity as some choose to focus on human rights abuse, others on access to health, and others still on education of Romani children. These agendas are often decided by the leader or director of an NGO, or the NGOs are set up to articulate a shared interest to increase awareness of the issue (for example Letiția Marks established the Roma Women's Association in Timişoara). The major national Romani NGOs in Romania, in terms of visibility and geographical spread, are '*Impreuna', Aven Amentza* and Romani CRISS as they have the most reach in terms of demography and territory. These NGOs can and do articulate several interests at once, however these shared interests are not necessarily in competition with one another. This can be determined by examining the organisational structure of Romani CRISS: there is a health department, an education department, a human rights department and a social department dealing with identification cards.[63]

There have been complaints relating to the appointment of Roma experts with the local governments. Some representatives from Romani NGOs have stated that the Government has a different vision regarding the implementation of the 'National Strategy' than their own, and have called for more effective collaboration with civil society in its implementation. Indeed "where public institutions fail, NGOs may have greater success"[64]. NGOs may not have the power of decision but they are able to implement projects on a local level. It is here where the real importance of the NGO lies and its ability to represent and articulate interests is cultivated. Grassroots development helps establish a social network of actors committed to establishing cultural change for Roma, thus the cultural content of a social movement must be empirically grounded[65]. Mushrooming Romani civil society organisations orientate their efforts towards articulating certain shared interests and building the capacity of Romani communities as they implement projects dealing with the issues of everyday life such as building confidence, fighting prejudice and discrimination, and expanding employment, education, housing and

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[62] A. Bleahu and V. Frunzaru, "The Political Participation of Roma in Romania" (Romani CRISS, Unpubl. manuscript, Bucharest, 2005), 8.

[63] My thanks to Cezara David of Romani CRISS for explaining the organisational infrastructure, Bucharest, Romania, 16 May 2006. Interview with author.

[64] EU Monitoring and Advocacy Program [EUMAP], Open Society Institute, Monitoring the EU Accession Process: Protection of Minorities. *Minority Protection in Romania. An Assessment of the Strategy of the Government of Romania for Improving the Conditions of Roma* (EUMAP, Open Society, Budapest 2002), 491. Available at: http://www.eumap.org/reports/2002/minority. Accessed 8 December 2007.

[65] C. McClurg Mueller, "Building Social Movement Theory", in A. Morris and C. McClurg Mueller (eds.), *Frontiers in Social Movement Theory* (Yale University Press, New Haven, 1992), 9-17.

healthcare. Whilst their respective contributions have been invaluable, the results are insufficient.

The lack of political participation is a concern but efforts are being made to rectify this problem most notably through Romani NGOs. The Romani NGO, '*Impreuna*' has become involved in a project to train 25 young Roma to become the next generation of political leaders. However this needs to be complimented by more concerted efforts at the grass roots level to engage and educate ordinary Roma about the importance of political participation.[66] On a more practical level, as many Roma lack identity cards, they are unable to vote which means that they are not full citizens. The major Romani NGOs are constantly juggling their activities and do not concentrate solely on one shared interest as this would be futile. Romani NGOs have quickly come to realise that shared interests are inter-related and therefore their activities should pursue a multi-pronged approach.

One of the most important roles of a Romani NGO is to implement projects on the ground, which can impact directly on the community. Of course an NGO, by its very nature, is not elected. Yet it certainly can be viewed as representing and articulating the interests of the Romani community legitimately. In the strictest sense this is not political representation, but it is the local community which empowers and legitimises an NGO by awarding their trust.[67] This signifies an 'output' or 'performance-based' legitimacy when NGOs implement projects which have an impact in local communities. Their legitimacy derives from the process of organising the local community and articulating its shared interests, and is not dependent on electoral results. Therefore legitimacy is more than an 'X' on a ballot sheet. In the case of Roma representation in Romania legitimacy is not attained or earned, nor can it be measured in a positivist sense. Crucially, legitimacy must be conferred on organising structures of representation by the Romani community itself. This is only possible through the establishment of relationships and localised social interaction.

Summary

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[66] For an evaluation of all '*Impreuna*' projects targeting the Romani community in Romania see: '*Impreuna*' Agency for Community Development/United Nations Development Programme in Romania, *Evaluation of Programmes Targeting Roma Communities in Romania* (AMM Design, Cluj-Napoca, 2006).

[67] "Confidence" and "trust" were mentioned by both Gelu Duminica, Executive Director of '*Impreuna*' and Cezara David of Romani CRISS. Bucharest, Romania, 16 May 2006 (Both interviews). Interviews with author. Thus it is possible for legitimacy to be conferred on organising structures of representation if they are respected for the work that they do in the community, for the community.

Civil society organisations working on Romani issues began to propagate in the early 1990s. Only a few Romani NGOs chose to concentrate on human rights issues, such as access to justice, prevention of conflict and violence against Roma, and legal consultancy. Other Romani civil society organisations aim at bringing about changes in social life, strengthening the capacities of Romani communities, and implementing an array of local and national projects that address the civil, socio-economic and cultural interests of Roma. They are seen as legitimate representatives of Roma, even though they lack a democratic mandate, because they work closely with Roma at a local level. They therefore understand the main interests of the Romani community which they articulate through implementing projects, publishing reports, and consulting with state institutions on Roma-related issues. Their activities and projects are determined by the interests of the Romani community. In this sense NGOs are social partners whose existence and longevity are dependent on the mobilisation of the Romani community.

V. Conclusion

Ethnic mobilisation results in the creation of organising structures of representation such as elites, political parties, and civil society organisations, which explains how Roma make their voice heard. The poverty, marginalisation and discrimination which Roma experience result from the fact that they are ethnically Romani; therefore any mobilisation efforts have focused on the distinctive ethnic identity of Roma and the socio-economic and political problems they need to address. This has resulted in the formation of a multitude of organisations (both political and non-political) which claim to represent and articulate the multiple and shifting shared interests of the Romani community. Of course, organising structures of representation can be created by a top-down process, such as the National Agency for Roma, however due to the absence of mobilisation and direct interaction with Romani communities, these structures have tenuous claims to legitimacy.

In Romania the shared interests of Roma are directly connected to their ethnic identity, which means that they are insoluble as one informs the other. The main shared interests of Roma are education, health, employment, and social affairs including housing, and political participation. Roma are trapped in a vicious cycle of poverty-exclusion-discrimination which harms their self-perception, and exacerbates their capacity to address these shared interests. By and large, the Romani community is relatively uninterested in formal political processes but are learning that through political participation they can ensure their voice is heard. It is not necessary to have a direct impact on policy and decisions, but rather the articulation of interests itself is a purposeful and requisite value in any democratic society. Representation

and political participation is often not enough in itself, it needs to be supplemented by other measures (resources or specially allocated seats), but most importantly representation needs to be tacitly agreed to be legitimate for constituents or else the representation itself is a hollow structure. Legitimacy is a social construct, like interests or group identity, and is something which must be tacitly agreed upon in order to have meaning.

There exists no objective criteria or normative yardstick to measure the legitimacy of Roma representation, thus by assessing the actions of these organising structures of representation, relative legitimacy can be deduced. Elites such as Nicolae Păun and political parties such as the RPPE tend to rely on electoral legitimacy, whereas NGOs fall back on their proximity to the Romani communities to secure legitimacy. However all three organising structures of representation are embedded in a socio-political discourse with the Romani community reconstitutes which means that legitimacy is constantly being negotiated. Legitimacy is not a tangible artefact which can be attained rather Roma confer legitimacy on organising structures of representation therefore intersubjective interaction is crucial. By voting for elites and political parties and by engaging with civil society organisations in a localised context, legitimacy can be conferred on organising structures of representation. In many respects legitimacy comes from a practice where Roma create the discourse of legitimacy and reconstitute this structure through formal and informal political practices. The process of Romani mobilisation and the capacity of organising structures of representation to 'give voice' to the Romani community determine if an organising structure of representation is legitimate.

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