

## Making Good European Citizens of the Roma: A Closer Look at the EU Framework for National Roma Integration Strategies

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### A. Introduction

In a recent article, Sobotka and Vermeersch chart the development of EU policy-making towards the Roma.<sup>1</sup> Their analysis of EU documents and policy initiatives tells a convincing tale: Since 2007, Roma have shifted from being an external issue—connected to Enlargement conditionality—to being a high-priority on the EU's internal agenda, and from being the subjects of an approach focused on minority rights to one of social inclusion.<sup>2</sup> This change in emphasis towards the Roma can be viewed in the light of a wider reorientation of the European Union, in which the primarily economic language of European integration is moderated by a shift towards viewing economic growth and social cohesion as mutually conditioning and sustaining. This is reflected in the 2020 Strategy in the language of “smart, sustainable and inclusive growth,”<sup>3</sup> as well as in the notion of a

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<sup>1</sup> We use the umbrella term “Roma” and “Romani” throughout this paper to refer to the many different communities, groups, and individuals that identify themselves as Roma or Sinti, in line with the now common practice in policy documents. We do so for the sake of convenience, despite the importance we attach to a culturally- and historically- sensitive approach at the community level to any integration discussion.

<sup>2</sup> Eva Sobotka & Peter Vermeersch, *Governing Human Rights and Roma Inclusion: Can the EU be a Catalyst for Local Change?* 34 *HUM. RTS. Q.* 800, 802–809 (2012).

<sup>3</sup> Communication from the Commission, *Europe 2020: A Strategy for Smart, Sustainable and Inclusive Growth*, at 3 (Mar. 3, 2010) (“We need a strategy to help us come out stronger from the crisis and turn the EU into a smart, sustainable and inclusive economy delivering high levels of employment, productivity and social cohesion. Europe 2020 sets out a vision of Europe’s social market economy for the 21<sup>st</sup> century.”), available at <http://ec.europa.eu/eu2020/pdf/COMPLET%20EN%20BARROSO%20%20%20007%20-%20Europe%202020%20-%20EN%20version.pdf>.

“social market economy”<sup>4</sup> and in the proliferation of social rights at the EU level.<sup>5</sup> This reorientation has primarily been viewed to date through the lens of the increased prominence given to fundamental rights protection in the post-Lisbon Union, and the conflict that this creates with the Union’s traditional fundamental freedoms.<sup>6</sup> However, this shift is not exhausted by the greater emphasis on fundamental rights protection; rather, the commitment to inclusive growth has been interpreted by the Commission as requiring the integration of Roma into the economic and social orders of the Member States.

The aim of this paper is to examine a key document in the EU’s new strategy towards the Roma—the 2011 Framework for National Roma Integration Strategies (the “Framework”)<sup>7</sup>—and to explore how EU integration efforts as laid down in this document illuminate the tension between a more social Union, as reflected in the emphasis on fundamental rights, and the demands of the internal market, as reflected in the emphasis on economic growth. The EU Framework for National Roma Integration Strategies is a Commission communication setting out common European goals for Romani social and economic integration.<sup>8</sup> These goals form a framework within which Member States are to formulate national strategies for achieving integration. The Framework thus sets the current frame and agenda for European Romani integration efforts.<sup>9</sup> It focuses on what the Framework identifies as four key areas: Access to education, employment, healthcare, and housing. National strategies must identify those regions, neighborhoods, or groups that fall within the category of “most deprived” and set achievable national goals for Romani integration across the four key areas based upon common minimum standards that are measurable on

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<sup>4</sup> European Convention Secretariat, *Final Rep. of Working Group XI on Social Europe*, CONV 516/1/03 REV 1, 10 (Feb. 4, 2003) (showing that the phrase underlines the connection between economic and social development). See also Christian Joerges & Florian Rödl, “Social Market Economy” as Europe’s Social Model (European Univ. Inst., Florence, Working Paper Law No. 2004/08, 2004), available at <http://cadmus.eui.eu/handle/1814/2823>.

<sup>5</sup> See Catherine Barnard, *The Protection of Fundamental Social Rights in Europe after Lisbon: A Question of Conflicts of Interests*, in *THE PROTECTION OF FUNDAMENTAL RIGHTS IN THE EU AFTER LISBON* (Sybe de Vries, Ulf Berniz & Stephen Weatherill eds., 2013).

<sup>6</sup> Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community art. 6, Dec. 13, 2007, 2007 O.J. (C 306) 1 [hereinafter Treaty of Lisbon] (underlining the increased emphasis on fundamental rights by the ECJ of course pre-dates the Lisbon Treaty). See Sybe de Vries, *The Protection of Fundamental Rights within Europe’s Internal Market after Lisbon—An Endeavour for More Harmony*, in *THE PROTECTION OF FUNDAMENTAL RIGHTS IN THE EU AFTER LISBON*, *supra* note 4, for more about the relevant case-law.

<sup>7</sup> *An EU Framework for National Roma Integration Strategies up to 2020*, at 4, COM (2011) 173 final (Apr. 5, 2011) [hereinafter *Framework*].

<sup>8</sup> *Id.* at 2.

<sup>9</sup> The Framework is based upon and condenses more nuanced observations in other Commission documents on Romani integration. See, e.g., European Commission, *What Works for Roma Inclusion in the EU: Policies and Model Approaches* (2012), available at [www.logincee.org/file/25951/library](http://www.logincee.org/file/25951/library).

the basis of comparable and reliable indicators.<sup>10</sup> Funding to realize these goals is to be found in national budgets, which can be complemented by additional funding from the EU or international organizations. Strategies should also include strong monitoring methods to evaluate the implementation and impact of integration efforts and a review mechanism that facilitates the adaptation of the strategy while it is in progress.<sup>11</sup> Further, the Framework stresses that Member States are to involve Romani civil society, as well as regional and local authorities, at all stages of the design, implementation, and monitoring of their integration strategy.<sup>12</sup>

The Framework's structure reflects the broader Union shift towards viewing economic growth and social progress as mutually sustaining. While it emphasizes the importance of non-discrimination and the need for Member States to ensure equal access to all the fundamental rights enshrined in the EU Charter of Fundamental Rights to their Romani populations, it notes that these alone are not sufficient to enable Romani families to break the poverty cycle in which they are trapped.<sup>13</sup> Instead, it is necessary to break the poverty trap by investing in education and in programs to assist Roma in entering the formal labor market. Where most commentators have focused on the friction between economic freedoms and fundamental rights as a result of the new orientation in EU policy making, our analysis of the Framework suggests that this simple dichotomy does not fully capture the multi-layered relationship at play in the 2020 Strategy. The Framework is not concerned with furthering the internal market, nor ostensibly with the fundamental rights of either Romani or non-Romani citizens beyond the application of European non-discrimination rules. Instead, we suggest that what makes the Framework such an interesting document is the way in which it reflects a belief that economic growth and social progress can be mutually conditioning; this creates a tension within EU policy between a vision of the social that is in service to economic liberalism and an understanding of society that consists in living together with cultural diversity.<sup>14</sup> The suggestion here will be that, despite the claim of a more socially inclusive Union, that inclusiveness is predicated upon economic goals and concerns. The demands of the

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<sup>10</sup> *Framework, supra* note 7, at 4 (showing that these indicators are not identified within the Framework).

<sup>11</sup> *Id.* at 7.

<sup>12</sup> *Id.* at 12 (stressing the role that the European Platform for Roma Inclusion, established by the Commission in 2009, has to play in providing a forum for stakeholders to come together).

<sup>13</sup> *Id.* at 2.

<sup>14</sup> See Charter of Fundamental Rights of the European Union art. 22, Dec. 18, 2000, 2000 O.J. (C 364) 1 (declaring commitment to respecting cultural diversity). See also HARRY W. GARDINER & CORINNE KOSMITZKI, *LIVES ACROSS CULTURES: CROSS-CULTURAL HUMAN DEVELOPMENT* 5 (4th ed. 2008) (providing our definition of culture as "the cluster of learned and shared beliefs, values, practices, behaviors, symbols and attitudes that are characteristic of a particular group of people and that are communicated from one generation to another"). We do not have the space here to fully unpack what it means to live together with diversity; however, we hope that what we mean by it becomes clearer in the course of our argument.

economy not only dominate how fundamental rights are interpreted or even applied, but also determine how the social is conceived in the first place. This is clear in how integration is defined in the Framework, in the a-historical, a-cultural approach to social cohesion that underpins it, and in the absence of Charter-based fundamental rights, such as the Union's obligation to respect cultural diversity. As a consequence of how social progress is defined, if Roma wish to be the recipients of the benefits of EU citizenship, such as free movement, they must first learn to be good EU citizens.

The tensions that this vision of the social creates within the Framework can be approached from a number of angles. We focus here on the understanding of integration, what it reveals about the vision of society (to be) created by European integration, and what it means for European citizens of Romani origin. We examine the meaning and definition of integration laid down in the Framework (B), and then reflect upon the barriers to integration that we suggest the Framework fails to address (C). We conclude by considering what the conceptualization of integration within the Framework says about the nature of EU integration and the citizenship of EU citizens of Romani origin in particular (D).

### **B. Unpacking the Framework: The Social is Economic**

The Framework's starting position is that Roma are economically and socially marginalized throughout Europe, and that both social and economic integration are thus necessary to address this problem.<sup>15</sup> In this section, we examine the understanding of integration at play in the Framework, examine how it is used, and analyze what this tells us about the vision for a European society at the heart of European integration.

The Framework describes the process of social and economic integration that is envisioned. This process is to begin with the majority communities in each State providing Roma with non-discriminatory access to services and jobs, complemented by policies to ensure equal access and investment in education.<sup>16</sup> Roma can thus be integrated into the formal labor market, and participation in the formal labor market will "foster a climate of greater openness to the Roma people with the general public and thereby contribute to their smooth integration in the communities of which they are part."<sup>17</sup> The Framework, therefore, poses something amounting to a positive integration spiral: *Equal access to goods and services* will lead to participation in *education*, which in turn will lead to *participation in the labor market*, which leads to *economic benefits* to everyone, both Roma and non-Roma, which in turn leads to *social acceptance*. Social acceptance, in turn, will lead to greater access to goods and services, and so on.

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<sup>15</sup> *Framework*, *supra* note 7, at 1.

<sup>16</sup> *Id.* at 2.

<sup>17</sup> *Id.*

To flesh it out more, this process of integration is defined within the framework as “two-way,” one “which requires a change of mindsets of the majority of the people as well as of members of the Roma communities.”<sup>18</sup> This change of mindset on the part of the majority is to be driven initially by economic self-interest. The Framework asserts that Romani integration is beneficial for the national economy, as Roma will join the regular workforce and increase the taxation base.<sup>19</sup> In this way, both Roma and the majority will benefit economically as Roma are able to improve their living standards by integrating into the mainstream lifestyle, and overall affluence will increase as Roma contribute towards economic growth. In turn, Romani economic integration will trigger their social integration by fostering “a climate of greater openness to the Roma people with the general public and thereby contribute to their smooth integration in the communities of which they are part of.”<sup>20</sup> In other words, as Roma become more familiar to mainstream society through this process of social and economic integration, the majority will cease to be so prejudicial towards Roma, and the positive integration spiral will continue upwards.<sup>21</sup>

Integration in the Framework is thus centered on participation in the formal labor market. Indeed, economic integration as participation in the wage economy precedes social integration and is a precondition for it, not only in raising Romani living standards, but by enabling Roma to gain the acceptance of the general public. Social integration, although not explicitly defined in the Framework, appears to consist of participation in the formal economy and everyone in society becoming wealthier as a consequence. What is not mentioned anywhere in the Framework is the cultural element of integration, i.e. the way in which integration—even if one attempts to minimize the process by viewing it as primarily economic—requires the adoption of certain majority practices and beliefs next to or instead of one’s own cultural practices and beliefs. Indeed, the lack of historical or cultural contextualization of the notion of integration within the Framework is striking.

As with any group or nation, history is a fundamental part of the Romani story within Europe.<sup>22</sup> Historical experiences work to determine the contemporary socioeconomic

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<sup>18</sup> *Id.*

<sup>19</sup> *Id.* at 3.

<sup>20</sup> *Id.* at 2.

<sup>21</sup> Donn Byrne, *An Overview (and Underview) of Research and Theory within the Attraction Paradigm*, 14 J. Soc. & PERS. RELATIONSHIPS 417-431 (1997) (demonstrating that this anticipated dialectic appears to be based upon the similarity-attraction paradigm, which holds that the more similar groups are the more they are bound to like each other, which in turn will increase their willingness to cooperate with one another).

<sup>22</sup> See YARON MATRAS, *ROMANI: A LINGUISTIC INTRODUCTION* (2002) for an academic account of the now-entrenched Indian-origins thesis based upon a pattern of Romani linguistic migration. See ANGUS FRASER, *THE GYPSIES* (1992), for an excellent account of the history of Roma in Europe. See, e.g., JUDITH OKELY, *THE TRAVELLER-GYPSIES* (1983)

conditions of a group, their relations with other groups, and to shape the culture and identity of that group. How a particular Romani group was received by the non-Romani majority over the centuries, where they settled initially and later, whether or not a group was enslaved, whether it fell under any of the many assimilation policies practiced on Romani communities through the centuries—these experiences and many more will have shaped the degree of contemporary integration and acceptance of Romani groups. The Framework takes the beginning of the twenty-first century as its starting point—the idea that the current condition of Roma living in Europe now is unacceptable—and looks ahead to the progress that can and will be achieved by 2020. While the Framework attempts to substitute any reference to culture by stressing the need for the participation of Romani civil society in all aspects of the design and implementation of national integration strategies, this cannot be a substitute for a historically-based understanding of the circumstances and culture of each community and of how relations with the majority have been formed. For example, how a representative emerges from within a group and who they actually represent within the community will depend upon specific cultural practices of the group. Moreover, how a group communicates its needs and how communication more generally functions between the representatives of the national strategy and those of the Romani community will be conditioned by cultural norms and assumptions about the other on both sides.

What the lack of reference to cultural differences entails is a complete silence on what the consequences or costs of integration are likely to be for Romani communities. Although the Framework does obligate Roma to be willing to engage actively in dialogue about the shape and form of their integration, the phrase “a change of mind set” suggests that considerably more is required than simply a willingness to engage.<sup>23</sup> Yet, nowhere does the Framework consider the issue of changes to cultural practices that need to be made by any minority group that wishes to integrate into majority society. Instead, the Framework starts from the premise that there are only gains to be had. Crucially though, those gains for the majority include only economic benefits. Europe, it seems, has little to gain from a more open approach towards living with Romani co-citizens. This refusal to consider the question of cultural diversity, in combination with the language of “mind set,” strongly suggests that that Framework’s authors view any barriers that cultural practices may pose to economic integration as unacceptable and therefore to be overcome by thinking differently.

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and WIM WILLEMS, *IN SEARCH OF THE TRUE GYPSY: FROM ENLIGHTENMENT TO FINAL SOLUTION (1997)* for alternative accounts to the Indian thesis.

<sup>23</sup> See Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions: The Social and Economic Integration of the Roma in Europe, at 5, COM (2010) 133 final (Apr. 7, 2010), for the origin of the onward reference in the Framework, which itself is simply a statement that integration is a two-way process requiring a change of mind-set by both sides.

Thus, instead of facilitating an integration of Roma that acknowledges difference, the Framework implicitly assumes that Roma will adapt to majority culture through economic integration. Indeed, the Framework presents participation in a formal wage economy and the way of life that frequently accompanies it—from the 9 to 5 office culture to being a small cog in a large organization—as the non-negotiable norm. Our economic model becomes not simply a cultural practice or our way-of-life but, in embodying the idea of inclusive growth, it becomes the European future of the 2020 Strategy. This underlying assumption that Roma must adapt in order to conform to this majority way of life determines the type and bounds of participation that Romani representatives can enjoy under the Framework. The definition of integration is not one that allows for a genuine dialogue between equals about what kind of integration Romani communities might desire.<sup>24</sup> The implicit setting of mainstream economic and social norms and practices as the default standard thus takes integration as understood within the Framework awfully close to assimilation.<sup>25</sup>

By ignoring the existence of cultural diversity—whether as a good in itself or as a potential barrier to integration—or the obligation to respect cultural diversity, the Framework presents an impoverished vision of European society.<sup>26</sup> The notion of society presented within the Framework is one that is all about maximizing economic potential. The contribution that Roma make within the economic version of integration laid down in the Framework is simply one of additional manpower, not a specific contribution to society and the workforce. This is a vision in which it is possible to integrate economically and thereby socially, either without any impact on cultural practices or one in which the duty to participate in the formal economy represents the Union's limit to its commitment to safeguarding and enhancing cultural diversity.<sup>27</sup> It is also a dehumanizing vision in which Romani individuals are reducible to the fruits of their labor. As such, in place of a vision of a

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<sup>24</sup> See CECIL G. HELMAN, *CULTURE, HEALTH AND ILLNESS* (5th ed., 2007) (discussing how studies have shown that maintaining a sense of cultural identity is crucial for both the psychological and physical health of minority community members).

<sup>25</sup> Assimilation is understood here, following the minority rights literature, to involve a coercive process of adaptation by a minority group to majority norms and practices; as such, we understand it to be a bad thing. See, e.g., WILL KYMLICKA, *MULTICULTURAL CITIZENSHIP: A LIBERAL THEORY OF MINORITY RIGHTS* (1996).

<sup>26</sup> Cf. the European Court of Human Rights' approach in *Chapman v. The United Kingdom*, in which it noted that State Parties have an obligation to "recognize the special needs of minorities", and "to protect their security, identity and lifestyle, not only for the purpose of safeguarding the interests of the minorities themselves *but to preserve a cultural diversity of value to the whole community.*" *Chapman v. United Kingdom*, ECHR App. No. 27238/95, 33 Eur. Ct. H.R. 18, para. 93 (2001) (emphasis added).

<sup>27</sup> Article 3 of the Treaty on the European Union commits the Union to "respect its rich cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced." Another interpretation is that Romani culture is not deemed part of Europe's rich cultural heritage and therefore not deserving of protection.

rich, open, and diverse European society, the Framework reduces the social realm to the economic.

### C. Provoking Resistance: Barriers to Integration

What we wish to suggest in this section is that in focusing on economic integration as the key to social integration, the Framework skates over the question of the barriers that exist to integration. While in the previous section we focused on the narrowness of the Framework's understanding of integration, in this section we focus on the practical question of realizing integration and argue why the Framework approach is likely to struggle to achieve its goals.

It is, of course, absurd to assume that the cultural practices of both Romani and non-Romani communities will not have an impact upon integration efforts. A recent paper by the Norwegian anthropologist Ada Engebriksen, for example, examines two failed Roma integration projects in different countries and in different centuries but concerning communities from the same overarching group: Vlách Roma. She concludes that the failure of these initiatives was due in large part to the authorities failing to grasp the consequences that the historical experience of this group on its cultural norms and way of life would have on integration efforts.<sup>28</sup> Engebriksen has noted, for example, how the Romani communities that she has studied have accepted the suggested changes to their culture and way of life that integration demands—in part because of the dependence of such groups upon the tolerance of the majority—and then resisted them in practice.<sup>29</sup> While it might not be possible for such communities to reject outright majority practices such as formal wage labor and high school education, they can be and are evaded. Indeed, the integration efforts of the Framework seem likely to encounter such evasion.

Such reflection leads to a second observation: That the Framework starts from the assumption that Roma feel socially excluded and experience this as a problem. Such an assumption is not as obvious as it may seem and is not based upon empirical research that asks Romani individuals and communities what in their lives they would be willing to change in order to integrate into mainstream society. While most Roma interviewees will tell researchers that they wish to break out of the poverty cycle or cease to experience prejudice, this is not the same as agreeing to give up their way of life in order to integrate according to a process laid down by national authorities or the EU.<sup>30</sup>

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<sup>28</sup> See Ada Ingrid Engebriksen, *Great Ideas—Bad Practice: On Implementation of Policies and Programmes for Roma*, in *EUROPEAN ROMA INTEGRATION EFFORTS—A SNAPSHOT* (Morag Goodwin ed., 2013).

<sup>29</sup> See *id.* Such a defensive practice is unlikely to be limited to Romani communities.

<sup>30</sup> The European Union Agency for Fundamental Rights (FRA)'s methods for research involve tightly-structured questionnaires and interviews that limit the scope for the interviewee to question the underlying premise; see, e.g., FRA, *THE SITUATION OF ROMA EU CITIZENS MOVING TO AND SETTLING IN OTHER EU MEMBER STATES* (November

Resistance is also likely to come from mainstream communities. The integration spiral is to begin by public authorities ensuring non-discriminatory access to goods and services, such as education and the job market, at the same time as they provide integration projects to ensure that Roma have meaningful equal access. From this top-down social and economic integration, social acceptance is expected to follow. Yet, while it seems reasonable to expect that acceptance by the majority will follow on from integration, a difficulty with the spiral is the need to ensure equal access *prior* to acceptance. Strong laws are already in place guaranteeing non-discriminatory access to goods and services across the European Union,<sup>31</sup> yet these laws have proven insufficient to ensure meaningful social and economic access to date.

A serious potential barrier, then, to integration is that a significant proportion of the majority communities in which Roma live will resist Romani integration efforts. Polls suggest that many people do not accept that it is wrong to have strongly hostile attitudes towards Roma and voice the opinion that Roma bring their exclusion upon themselves.<sup>32</sup> Research on intercultural relations and integration processes suggests that trying to paint the majority as prejudicial where they do not accept that image of themselves will generate resistance. Integrated threat theory, for example, suggests that when the majority feels its identity or livelihood is threatened—in this case by attacking its self-image as fair-minded and by favoring Roma in the division of scarce resources—it is likely to oppose minority advancement policy.<sup>33</sup> The majority's rhetoric of innocence interprets such advancement policies as treating members of the majority unfairly in order to advantage Roma, since the majority feels that it personally has not done anything to contribute to the position of Roma in society.<sup>34</sup> From this perspective, the majority becomes the victim of the EU's unjust focus on the Roma. Such a narrative of victimhood on the part of the majority will undermine efforts towards equal access for Roma, and will make the process of integration very difficult.

Moreover, various studies indicate that, even where it is accepted that discrimination is wrong, majorities resist integration policies in which they feel excluded or disadvantaged.

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2009). For a more open, public reflective equilibrium approach to interviewing, see JONATHAN WOLFF & AVNER DE-SHALIT, *DISADVANTAGE* (2007).

<sup>31</sup> *E.g.*, Council Directive 2000/43, Implementing the Principle of Equal Treatment Between Persons Irrespective of Racial or Ethnic Origin, 2000 O.J. (L 180) 22 (EC). The Directive has been implemented in all Member States.

<sup>32</sup> See FRA, *EU-MIDIS DATA IN FOCUS REPORT: THE ROMA* (2009).

<sup>33</sup> *E.g.*, Walter G. Stephan, Rolando Diaz-Loving & Anne Duran, *Integrated Threat Theory and Intercultural Attitudes: Mexico and the United States*, 31 *J. CROSS-CULTURAL PSYCHOL.* 240, 249 (2000).

<sup>34</sup> See Thomas Ross, *Innocence and Affirmative Action*, in *CRITICAL RACE THEORY: THE CUTTING EDGE* (Richard Delgado & Jean Stefancic eds., 2d ed. 2000).

Members of the majority population—struggling in these harsh economic times—are unlikely to be enthusiastic about seeing resources lavished on Romani integration, even if they could be persuaded that it is in their self-interest.<sup>35</sup> This is because an appeal to self-interest does little to address the perception of Roma as “the other,” even if the integration spiral works and economic integration leads to social acceptance.<sup>36</sup> Instead, non-discrimination policies need to be perceived as just and egalitarian, which calls for non-preferential treatment and generally for less rigorous and more gradual changes.<sup>37</sup> The Framework recognizes the problems with preferential treatment and calls for policies that target Roma but not exclusively so. Policies are to be directed at the most disadvantaged, which will include many Roma as well as the very poor within the majority. Moreover, the economic undercurrent of the Framework points to an attempt to seek common ground between Roma and the majority; in essence: We all benefit. However, this is a very thin suggestion for a shared interest around which mutually beneficial yet necessarily confronting change can occur.<sup>38</sup> Not only is there, as we suggest above, a fierce competition for jobs and other economic resources at present, but mutual economic benefit, if it occurs, will take a very long time to materialize for individual families.

In order for dialogue across a divide to begin, neighboring communities need sufficient reason to begin to recognize one another as equals, and to start talking and working together.<sup>39</sup> One successful integration project between Romani and non-Romani communities focused on education and was based upon the common goal of a better

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<sup>35</sup> *E.g.*, 300.000 euro om 13 Roma-gezinnen te helpen [300,000 Euros to Help 13 Roma Families], HET NIEUWSBLAD, May 5, 2012; *Roms: Où vont les millions de l'aide européenne? [Roma: Where are the Millions of European Aid?]*, LE MONDE, Aug. 13, 2010.

<sup>36</sup> Thanks to Daniel Augenstein for this point.

<sup>37</sup> See Ramona D. Bobocel, Leane S. Son Hing, Liane M. Davey, David J. Stanley & Mark P. Zanna, *Justice Based Opposition to Social Policies: Is It Genuine?* 75 J. PERSONALITY & SOC. PSYCHOL. 653 (1998); see also Juliette Schaafsma, *Interethnic Relations at Work: Examining Ethnic Minority and Majority Members' Experiences in The Netherlands*, 32(5) INT'L J. INTERCULTURAL REL. 453 (2008). For an elaboration on what constitutes perceived fairness in organizations, see Russell Cropanzano, Zita S. Byrne, Ramona D. Bobocel & Deborah E. Rupp, *Moral Virtues, Fairness Heuristics, Social Entities, and Other Denizens of Organizational Justice*, 58(2) J. VOCATIONAL BEHAV. 164 (2001).

<sup>38</sup> For negative media reactions to the idea of additional funding for Romani integration, see *supra* note 35. For a suggestion for shared interests that may be sufficiently strong to bring about social change, see Morag Goodwin, *Multidimensional Exclusion: Viewing Romani Marginalisation Through the Nexus of Race and Poverty*, in EUROPEAN UNION NON-DISCRIMINATION LAW: COMPARATIVE PERSPECTIVES ON MULTIDIMENSIONAL EQUALITY LAW 151-52 (Dagmar Schiek & Victoria Chege eds., 2009). For an example of the problems of majority non-involvement in local Roma integration practice, see Sobotka & Vermeersch, *supra* note 2.

<sup>39</sup> Social identity theory poses that it is important for both parties to recognize a common reason or goal to cooperate and relate to one another. See Muzafer Sherif, *Experiments in Group Conflict* 195 SCI. AM. 54-58 (1956). For an elaboration on resolving group conflict through social identity theory, see Henri Tajfel & John C. Turner, *An Integrative Theory of Intergroup Conflict*, in THE SOCIAL PSYCHOLOGY OF INTERGROUP RELATIONS (William G. Austin & Stephen Worchel eds., 1979). For a legal perspective, see Goodwin, *supra* note 38, at 151-52.

future for all children, regardless of ethnicity. What we do know about integration between Romani and non-Romani communities is that it is heavily dependent upon the presence of individuals within both communities with the vision and the charisma to reach across the divide and bring their community with them. By focusing on the mutual benefits of economic integration, the Framework appears to be minimizing the challenge that integration poses to the identity of majority communities. As we have attempted to show above, this is to misunderstand what economic integration entails, i.e. that it cannot take place outside community interaction, outside inter-cultural engagement. Rather, economic processes cannot avoid the necessity of overcoming hostility and mistrust *prior* to economic integration. As a consequence, not only is economic integration insufficient as an approach—because it is, we suggest, not possible for integration to be purely economic—but such an approach, if it were possible, also fails on its own terms.

The failure to take potential barriers to integration seriously is nowhere as visible as in the timeframe set within the Framework for success: Ten years. Such a timeframe of course has advantages—it is catchy, provides focus, and is necessary for success to be measurable.<sup>40</sup> However, the setting of a timeframe and the idea of measurability both suggest that Romani integration is a matter of management, i.e. that integration is a task that needs to be completed, rather than a continuous search by communities to find ways of living together.<sup>41</sup> It presupposes that the knowledge about how to integrate is known and readily available, and that Member States and other relevant actors simply need a push to start sharing best practices and to make the allocation of resources necessary to make it happen. Yet if we know anything about successful integration projects, it is that they do not come easily or neatly packaged.

Successful integration—by which we mean genuinely non-coercive integration—is likely to be based upon very small-scale, community-driven projects. For these projects to be successful, time is needed to build trust and to create a safe place at the local level in order that an open dialogue about the needs and desires on both sides of a community divide can begin and common goals can be defined. Such integration is not a process capable of being generalized in the way suggested by defined targets and timelines.<sup>42</sup> A process of genuine dialogue moves at its own pace and cannot be created, rushed, or forced. The well-known danger of setting targets is that it leads to box ticking, so the targets will be “achieved” with great fanfare only to be slowly reversed. Against the background of the continuing failure of nearly all Romani integration projects—the benign and the

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<sup>40</sup> Many initiatives seem to come with ten year timeframes; see, e.g., THE DECADE OF ROMA INCLUSION <http://www.romadecade.org/> (last visited Sep. 26, 2013).

<sup>41</sup> Thanks to Bert van Roermund for this point.

<sup>42</sup> Sherif, *supra* note 38, at 54–58.

oppressive, the well-intentioned and the homicidal—it seems not only optimistic to create a ten year timeframe, but also foolhardy.<sup>43</sup>

#### D. Making Good EU Citizens Out of the Roma

We have attempted to show how, instead of an integration model based on mutual respect and recognition of shared existence within a defined social space, the integration model proposed in the Framework is narrowly defined as economic integration of individuals into the formal market economy. Integration is thus an economic process, rather than a never-ending course of social and cultural interaction; that is, that although social cohesion may be an end goal or by-product of integration within the Framework, the means and primary ends are economic. This emphasis upon integration into the formal wage economy is critical in revealing what kind of economic activity is valued within the Union and, moreover, what type of economic activity is crucial for placing oneself within the frame of EU citizenship. A 2009 FRA study highlights that Roma cross national borders, as they do in large numbers, overwhelmingly in search of economic opportunities.<sup>44</sup> Yet the work they seek is, or the work opportunities available to them, are unlikely to be within the formal wage economy, i.e. not the type of work that enables them to obtain legal residence in another Member State after the initial three-month period has passed.<sup>45</sup> Busking, begging, or the recycling of scrap material are, for example, not considered economic activities. Instead, such activities are increasingly criminalized, rendering the occupations illegal and those who do them criminals. Of course, Roma are economic actors—otherwise they could not survive—the problem is that, as the Framework nicely reveals with its emphasis on participation in the formal economy, they are the wrong kind of economic actors.

Being the wrong kind of economic actors has consequences for how Roma are perceived within the Union. Here, too, the Framework is revealing. Despite the awareness that Romani families cross national borders in large numbers in search of economic opportunities, the Framework is entirely silent on this topic. Stronger still, free movement is not mentioned in the document, despite it being explicitly addressed to EU citizens of Romani origin, i.e. those Roma with the right to free movement within the Union.<sup>46</sup> Of

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<sup>43</sup> This is particularly so, given that the Commission's own documents highlight the failure to make progress on Romani integration. According to Commission Staff Working Document, Community Instruments and Policies for Roma Inclusion COM(2008) 420 (Brussels, SEC(2008) XXX), 4, "there is a widely shared assumption that the living and working conditions of the Roma have not much improved over the last two decades."

<sup>44</sup> FRA, *supra* note 26.

<sup>45</sup> See Directive 2004/ 38, art. 6, 2004 O.J. L158/ 77 (EC).

<sup>46</sup> The Framework notes that a large number of Roma present in the EU are third country nationals legally residing here, but they are seen from an EU policy perspective as a vulnerable group within the broader category of third country nationals. See Framework, *supra* note 7, at 2.

course, the Framework concerns the formulation of *national* strategies for integration, as the social changes required by integration, such as education policies to ensure Romani access, remain a competence of the Member States.<sup>47</sup> Nonetheless, the silence on free movement tells us much about how the Union views the place of Roma within European society. The recent emphasis on Romani integration originated because of concerns about Roma migration from east to west within the Union.<sup>48</sup> By integrating Roma economically, the apparent hope is that they will stay put. Thus, whereas all other EU citizens are encouraged to see themselves as such and to activate their rights under that citizenship, Romani EU citizens are not. The Framework characterizes Roma not as EU citizens, but as beneficiaries of EU help, whether that help is in the form of a policy framework, non-discrimination law, or funds to finance integration projects. Integration is necessary to mold Roma into the right kind of economic actors before they can be considered European citizens. European citizenship, for all the talk of cultural diversity or inclusiveness in the “social market economy,” is thus not an open format, but is rather a form of citizenship that views social progress as meeting the demands of the market.

What does this analysis of what it means to be an EU citizen of Romani origin tell us about the purported move away from solely economic concerns to a richer conception of European integration and of EU citizenship? The Framework proclaims: “The EU’s 2020 strategy for a new growth path—smart, sustainable and inclusive growth—leaves no room for the persistent economic and social marginalisation of what constitutes Europe’s largest minority.”<sup>49</sup> However, the strategy reveals that inclusiveness is defined by assimilation to our economic model; it is not inclusiveness defined as openness but in being *allowed* to join *our* economic and social way of life. Inclusiveness thus means that Roma must adapt to the economic and social model presented to them as already determined. In addition, the integration spiral we sketched in section B, upon which the whole Framework is constructed, is not supported by any evidence—historical, scientific, or anecdotal. It is based upon conceptual logic rather than causal reasoning. Indeed, evidence from the fields of anthropology and social psychology appears to point in quite a different direction, one that is not capable of neat capture in the management-speak of timeframes and targets. It is ironic that the integration approach expounded in the Framework, with its emphasis on propagating the market model at the expense of attention to the very real difficulties of

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<sup>47</sup> European level instruments, such as Directive 2000/43, The Race Directive, 2000 O.J. (L180), and European funds, are to facilitate the design and implementation of such strategies, but the work of integration remains the responsibility of the national authorities of the Member States. See Framework, *supra* note 7, at 2.

<sup>48</sup> See *What Works for Roma Inclusion in the EU*, *supra* note 9, at 14. See also, *France Continues Roma Expulsion*, BBC News (Aug. 26 2010) (reporting comments by the French authorities in the furor over expulsions in 2010 to the effect that the EU could not be used to transport social problems across the Union. The Dutch government has made similar complaints), <http://www.bbc.co.uk/news/world-europe-11105262>. See KEMAL RIJKEN, ROMA (2012).

<sup>49</sup> Framework, *supra* note 7, at 2.

integration, appears more likely to achieve social discord than cohesion. In sum, the a-historical and a-cultural approach to integration as economic assimilation is neither sustainable nor smart.

Integration efforts may be framed by a language of fundamental rights, but it is economic concerns that shape and determine the model of Romani integration. What this means in terms of the relationship between fundamental rights and economic growth, at least in this area of EU policy-making, is that the relationship is best characterized as one of domination and subordination. There is no tension or conflict between the two because the demands of the economy not only dominate fundamental rights concerns, but also determine how the social is conceived. Instead, the rights that Roma have as EU citizens and the obligations that the Union has to respect diversity are read in the light of economic concerns.<sup>50</sup> Similarly, there is no tension between inclusiveness and the demands of economic growth because inclusiveness involves assimilation to the economic model that ensures growth.

The division of competences might explain why the Framework focuses so strongly on economic integration. However, the Commission could also have chosen to stress the economic freedoms of Romani citizens or to highlight the importance of respect for cultural diversity within the Union *and* as an essential element of understanding the phrase “inclusive growth.”<sup>51</sup> But it did not. Instead the Commission appears to have convinced itself that it is possible to reconcile economic growth with social progress—that it is feasible to have it all. The Commission has done so, however, by defining social progress as economic growth—or, at least, as participation in the formal economy—and, as a consequence, has presented all Europeans, but particularly EU citizens of Romani origin, with an impoverished vision of European society.

### E. Concluding Remarks

While the Framework is only one of a host of documents on the Roma to emerge from various EU institutions in the last ten years, it is significant in that it sets the frame for national integration strategies—where integration actually takes place—and lays down the guidelines for EU-Member State interaction in this area. As such, we would claim it forms the centerpiece of current Romani integration efforts. At the same time, the Framework is significant because it synthesizes the dominant trends within EU Romani integration initiatives—the shift towards social inclusion from a basis of minority protection and the

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<sup>50</sup> For a study on the way in which social concerns have been expressed within the EU in the model of anti-discrimination law because of the economic ethos of European integration, see ALEXANDER SOMEK, *ENGINEERING EQUALITY: AN ESSAY ON EUROPEAN ANTI-DISCRIMINATION LAW* (2011).

<sup>51</sup> Indeed, one could reasonably argue that the recognition of cultural diversity is a presupposition for the enjoyment of fundamental rights and freedoms.

move from Roma as an issue of Enlargement to a mainstream EU concern.<sup>52</sup> It is significant, too, in presenting a concrete expression of what the 2020 Strategy's vision of inclusive growth entails.

What we have attempted to do in this paper is to sketch out the nature and process of integration, or inclusive growth, as set forth in the Framework. We have suggested that the form of inclusive growth articulated here looks a lot like assimilation. It may not have the roughness or brutality of "the old kind" of assimilation that focused on cultural integration, yet assimilation to and through the market is coercive just the same. One answer to the diagnosis that Roma might be the "wrong" kind of economic actor is to insist that Roma must integrate into the formal labor market; but another might be to adjust the understanding of what it means to be economically active so as to include another economic way of life, one that may not be based upon individual participation in the market economy. Requiring Roma to integrate into an economic and social way of life that may not be their own and that is not open to re-negotiation about what form integration may take, or whether integration is even desired, is necessarily coercive. This cannot be dismissed through the use of language such as "mindset." The notion that all that is required is a change of mindset not only dismisses the sheer depth of mistrust and hostility between many communities as a consequence of decades, if not centuries, of experience of living together, but also fails to take the obligation to respect diversity within the Union seriously.

The Framework's approach also has consequences for how we understand the European project and the type of future that we wish to create. If the integration spiral were to work as the Framework envisages, it would lead to a reduction in the extreme poverty in which many European citizens live, and this would of course be a wonderful thing. But to accept the definition of inclusive growth articulated in the Framework is also to accept an impoverished vision of the European project in which cultural diversity and the social realm are both in service to economic growth.

An underlying characteristic of the Union is that it is forward-looking. This comes through clearly in the Framework and is arguably one of the EU's great strengths. However, in integration discussions it leads to oversimplification about the multiple elements that any kind of integration entails and blindness to the costs that integration inflicts. Integration is not simply a question of enforcing fundamental rights for marginalized groups, nor is it truly captured in the notion of inclusive growth. Moreover, the EU's venture into this area is arguably not adequately portrayed by the idea of a clash between fundamental freedoms and fundamental rights. Instead the relationship between economic freedoms, such as freedom of movement, fundamental rights, such as non-discrimination law, and obligations with regard to respecting cultural diversity is considerably more complex. Yet

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<sup>52</sup> See Sobotka and Vermeersch, *supra* note 2, at 802–09.

simultaneously, all are rendered simple in the Framework by the service they are made to do for economic growth.