The Roma and Democracy: A Nation without a State

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Although I have been invited to comment on the theme of the Roma and education, I shall actually take this opportunity to introduce the interpretation of the state as presented by the International Romani Union, as I believe that it is not only more relevant to the debate at hand, but also a more interesting concept for the public as a whole. The idea was presented publicly for the first time in July of 2000 at the Fifth World Romani Congress, the highest international political body of the Romani people. Embodied in the Roma demand to be recognized as a nation, what at first glance appears to be a simple idea in fact has more profound implications, as it also calls for recognition by the international community as a *nation without a state*. This is the crux of a truly revolutionary concept, one that could have a tremendous impact on the very idea of the state in the modern world.

Before launching into the main discussion, however, I would like to offer a few thoughts on the concept of the nation-state. The international system as presently constituted is based on the nation-state as its fundamental building block, its elemental indivisible unit, upon whose absolute sovereignty the rest of the system is founded. Yet this term "nation-state" is in fact a misnomer of sorts, as it combines two quite different elements. The state, as an administrative unit, is rarely contiguous with a nation or people. The very idea of a unified nation in most cases was forged by the bureaucratic and institutional might of states. Recall the words of statesman Massimo d'Azeglio on the eve of Italian unification: "We have made Italy: all that remains is to make Italians."[1] Indeed, even linguistic unity remained a vision to be realized: only 2 to 3 percent of the citizens of the newly emergent Italy spoke Italian.

Although these initial efforts to create Germans, Italians, and so on were quite successful, the idea of the state as a nation-state was never representative of the majority of states and, despite attempts at the end of World War I to grant independent state status to many nations, it continued to be more a prescriptive than descriptive expression. Developments in the last half of the 20th century only confirm this — the idea of a nation-state was and continues to be entirely inappropriate and inapplicable to the newly independent states of Africa, for example, with their borders carved out, as they were, along lines of colonial convenience.

And yet this is not merely a problem of and for the developing world. Increasingly the idea of a nation and a state forged into a single unit is a myth even in the very cradle of the nation-state, in France and Britain, along with the rest of "developed" Western Europe. With mobility increasing on a global scale, the numbers of citizens and residents of the established nation-states has significantly altered their demographic makeup, reconstituting them as states of many nations. With few exceptions, the nation-state as an integrated whole is dead.

Neither the state, however, nor the nation has died. Both continue to be very influential. What I will argue, though, is that it is the nation which is the more powerful — and more useful — concept, and that its harnessing can guide us to a new arrangement of the international system, one more suited to the demands of the modern world.

This is so chiefly for the reason that when we separate the two concepts, we find that it is the state as a construct which has outlived its usefulness as the cornerstone of international relations. Pressured from above and below, the state is increasingly incapable of managing a wide variety of issues,

from the economic monitoring and control of transnational corporations to ecological concerns far surpassing one nation's geographic boundaries to the resolution of local relations across both sides of an invented border.

Looking at the pressures emanating from above, it must first be noted that the supranational political level is burgeoning. There is an increasing tendency of states to arrange themselves in a dizzying array of international associations and binding agreements, voluntarily restricting their sovereignty at every turn, a tendency perhaps best exemplified in the evolution of the European Union. Equally important is the growing body of internationally agreed restrictions embodied in the covenants and conventions of the United Nations, and the increasing willingness on the part of states to approve of intervention in the business of other states to enforce certain principles, notably those pertaining to the protection of human rights.

Perhaps a more critical factor in the weakening of state sovereignty, the international economy has overwhelmed the boundaries of the state. Approximately half the world's hundred largest economies are multinational corporations.[2] The forces compelling harmonization of economic policy are increasingly strong and at the same time increasingly rigid. Nowhere is this more evident than with regard to monetary policy, where international currency markets, responding almost instantly to each and every change, have left governments with a minuscule amount of room to maneuver. In essence, the power to set interest and exchange rates — to formulate an independent monetary policy — has been removed from the hands of national governments and entrusted into the care of Adam Smith's invisible one. Yet it is not simply monetary but fiscal policy as well that is being constrained by the forces of the supranational economy. The EU's Maastricht criteria regulating inflation, budget deficits, and national debt were simply a recognition of this fact and an attempt to codify it.

What we are witnessing, therefore, is not simply an upward distribution of power in the economic sphere toward the supranational, but the corresponding decline of the state as the most important actor in the control of that economic sphere. One of the key pillars upon which governmental legitimacy is based, the regulation of the economic levers of power, is being steadily eroded.

From below, on the other hand, we have seen the attack on the state in the flowering of subnational, disintegrative movements, in the most extreme cases culminating in the dissolution of existing state structures (e.g., the Soviet Union, Yugoslavia). Even in more "successful" nation-states, we are witness to a stunning array of subnational interests gaining in strength and influence. As societies become more complex, the number of possible cleavages multiplies as well. Divisions on the basis of gender, race, socioeconomic status, age, sexual orientation, or educational background become more pronounced. A most disturbing trend is the thesis that only members of a group can properly understand and even discuss that group. The particularism in this is readily apparent, with the inevitable logical conclusion that none of these groups will be able to reach a mutual understanding or even hold a meaningful dialogue. The atomization of the nation-state is very pronounced in those states professing a liberaldemocratic outlook, and is thus of special relevance to the discussion at hand.

In essence, then, the state is losing its position as *the* fundamental building block, and is instead being replaced by a number of different levels of interaction, each with varying degrees of importance and relevance. This is a frightening prospect for those with vested interests in the contemporary order, and indeed for most serious students of history, as the breakdown of one system of international order is generally accompanied by great violence and much upheaval. Conflicts in the Balkans, Somalia, and elsewhere may well be the tip of the proverbial iceberg, foreshadowing the spread

of such conflict across the globe, as states dissolve into their constituent parts. For this reason, the breakdown of the nation-state paradigm is heavily resisted by current international structures, which continue to cite the principle of sovereignty as the highest value in world politics.

The image of the world descending into chaos and war once the rampart of sovereignty has been breached is, however, too gloomy a perspective on the challenges that lie ahead. Though the realignment of societies will be long, drawn out, and troublesome, we do have guides to a positive solution.

As is evident from the foregoing, it would be extremely useful to develop a new filter through which to view the world. Several filters of greater or lesser importance have been outlined by theorists over the past decade. The contemporary world has been hailed as the pinnacle of human development — the End of History as outlined by Francis Fukuyama, ruled unchallenged by the philosophy of the Western world.[3] Alternately, we have the idea of a Clash of Civilizations as presented by Samuel Huntington, with the world divided into seven or eight major civilizations, each destined to struggle against the others for survival.[4] We continue to be inundated with positive declarations on the health of the nation-state, and also with various specters of chaos and anarchy, a world so completely atomized that nothing remains but the individual, stripped of any allegiances whatsoever.

It is important to recognize that each of these would-be paradigms is of relevance, though none is sufficient in and of itself. Although integrating supranational forces seem to be in direct opposition to the disintegrating tendencies just outlined, these should not be seen as disparate phenomena, but rather as two faces of the same trend. As the economic pillar of governance erodes, a corresponding erosion occurs in the claim of that system to legitimacy. The economic realm, managed by forces beyond state control, exists almost entirely outside the democratic mandate we demand from our leaders. Yet, "citizens continue to hold their national governments accountable on issues over which states have no autonomous control."[5] Small wonder, then, that we find ourselves wrestling with a crisis within the state. The democratic ideal, that those who live under a system have the right to determine how that system is run, is under serious threat. And as democratic accountability for economic decisions leaks away from the national political sphere, so too does economic policy lose its ability to be a differentiating factor among political parties and interest groups, which must then define other sources of legitimacy. As a result, social and cultural issues take on greater urgency in national debates, and at election time have often been the key deciding factors. With regard to economic policy, the major parties are often almost indistinguishable. The New Left is new simply because it is no longer left. Faced with an international financial system that is incompatible with traditional leftist economic policy, the Left has had to abandon its economics in order to be allowed to play politics.

Indeed, such has been the impact of this shifting locus of economic control that in the new democracies of Central and Eastern Europe, the entire Left- Right distinction is almost nonsensical, as by the time the parties had begun to form, this distinction had already lost its relevance. Thus we see a "leftist" government in the Czech Republic pursuing privatization and deregulatory policies which are far more "rightist" than those promoted during the years of so-called rightist government.

The search for alternate sources of legitimacy is less problematic in the established democracies. Here, not only do political parties already have well-established social and cultural platforms, but they also have institutions of governance, such as the British Parliament, which have developed their own strengths as cultural institutions apart from their role in actual democratic representation. In newer democracies or proto-democracies, however, the search for forms of legitimacy outside the economic realm has led increasingly to appeals to nationalism and ethnic identity. Historically, the use of national identity as a unifying principle has been subjected to much abuse. It has been utilized as a tool to acquire territory and evict others, but this is actually due in great part to its unfortunate coupling

with the idea of a state. Yet national identity need not be tied to territorial ambition, and it is this un-coupling of the two that could lead to renewed interest in national sentiment as an essentially positi-ve phenomenon. Which brings us to the contribution put forward by the Romani nation: the idea of a nation without a state, also referred to as a territory-less state.

In actual fact, I believe it is important to differentiate between the two terms "nation without a state" and "territory-less state," although the declaration made at the last Romani Congress does not make this distinction. The idea of a nation without a state is one that fits well with longer term goals or proposals regarding an entirely new manner of arranging the international system, whereas the concept of a territory-less state is perhaps a very useful short-term transitional phase along the way.

The Roma are often referred to as Gypsies, an inaccurate and, for some, offensive moniker derived from the misconception that they originate from Egypt. In fact, they are an Indian people who left India approximately a thousand years ago, then migrated through Persia into Europe. They entered Europe through the Balkans and via North Africa and up into Spain, and by the 15th century were dispersed throughout Europe. Roma were thus settled in Europe before the beginning of the for-mation of national identities — long before, for example, the arrival of Europeans in North America — and yet are still regarded by many as foreigners and strangers. They have faced almost continual discrimination across time and place. For example, in the 17th century, on the territory of present-day Austria, Roma were declared outcasts and could be shot on sight. They were regularly banned from certain areas, with strict sanctions on their movement. In 18th-century Bohemia, those caught by the authorities would have their left ear cut off; in Moravia, it was the right ear. Roma were enslaved until 1861 in Romania.

The darkest period of Romani history was World War II. As the only group other than the Jews to be classified as unacceptable solely on the basis of race, they were rounded up and transported to concentration camps. Half a million, Roma died in the camps; in areas under direct Nazi control, the number executed reached as high as 95 percent of the total Romani population.

Today, dispersed across the world, though the majority lives in Central and Eastern Europe, the Roma number about 15 million — many more than quite a few other peoples who have claimed statehood, such as the Slovaks, Dutch, or Austrians.

Yet the Roma differ most strikingly in one respect: they neither have, nor wish to have, a territory of their own. This is tremendously important in our discussion of their place in the international system and the makeup of that system itself. By not desiring a territory, not only is their call for recognition as a people with a right to self-determination less threatening (at least initially), but the proposals formulated to achieve this must be qualitatively different than those expressed by many other ethnic groups demanding a voice at the international table. This sets them radically apart from the Kurds, Basques, or Palestinians, all of whom frame their nationalism in the territorial terms of the 19th cen-tury. The Roma thus have an ideal opportunity to become the first nation of a new era.

The importance of this should not be underestimated. With the decline of the state, there has been a rise of the nation, and the consequences could be dire indeed. Let us be straight — it is not the rise of nations that is problematic, but the rise of territorial claims that most nations see as an integ-ral aspect of their being. National sentiment *per se* is often beneficial, territorial exclusivity is not. To preempt this, we need another means to deal with rising national sentiment, one that is not centered on the idea of territory. (The appearance in Brussels of Welsh, Basque, Catalan, and Breton offices may be a disquieting reminder of the forces gathering at the gates.)

But before there can be any talk of the future arrangements of a new era, we must look at how the Roma's claims to recognition can be situated within the presently existing system. Obviously, although the state should sooner or later cease to be the foundation stone of the international system, this is more likely to come later rather than sooner. It is necessary, therefore, if this proposal of a nation without a state is to be more than a theoretical contribution, to bring its first steps into line with what currently exists, and to seek a place within that structure. It is in this context that we must begin to explore the possibility of a territory-less state.

What is a territory-less state? How might it emerge, and what functions would it serve? A territory-less state has an institution of government, a population, but no specific territory; it would be sovereign and autonomous, but would share that sovereignty with a wide variety of other levels of institutions — national, regional, and international. To situate this notion of the territory-less state in the context of contemporary international law and norms, we should regard it as the realization of the Romani people's right to self-determination. As a concept, self-determination is well established in international law as a fundamental right of all peoples. The principle was set out in the United Nations General Assembly in 1960,[6] and reiterated at the beginning of both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, binding treaties that entered into force in 1976:

> Article 1: "All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."[7]

Though this was initially formulated as a principle only with regard to colonial peoples, that definition has broadened to include noncolonial peoples, and the majority of academics now recognize a customary-law value to the right to self-determination.[8]

The principle of self-determination has often been the victim of a poor reputation in international relations, primarily because it is presumed to legitimize secessionist and independence movements. This is not a strictly accurate interpretation, however. General Assembly Resolution 1541, from 1960, sets out three strategies for achieving full "self-government":[9]

1. become a sovereign, independent state

2. conclude a free association with an independent state

3. integrating with an independent state

These clarifications were meant to demonstrate that the principle of self-determination was broader, therefore less threatening, than simply conferring the right to secede, and intended to open up opportunities for a variety of possible arrangements between a state and a minority group. This space was further enlarged in 1970 with Resolution 2625, the Declaration on Principles of International Law Concerning Friendly Nations and Cooperation among States, which adds a fourth strategy:

4. emergence into any other political status freely determined by a people

We can thus distinguish two dimensions to the issue of self-determination, an internal and an external one. The external dimension refers to "the international status of a people in a specific territory, and that entity's relations with surrounding states," whereas the internal dimension is "concerned with the state's structure and other national legal regulations designed to accommodate in a (more)

optimal way the separate identities of the various population groups present in a state."[10] It is thus only the external dimension that poses a threat to the integrity of the state, an important distinction to keep in mind.

The right to self-determination in its internal dimension, then, is the right of a people to participate in governance in a manner that respects and protects their culture and traditions. This is generally recognized as a right to democracy, to participate in both the choosing and the running of a government, and the right to some degree of autonomy within the state. What is also clear, however, is that if a people's right to self-determination is abrogated by a state, then that people has a right to secede and seek self-determination in the external sense. General Assembly Resolution 2625 states outright that

> Nothing in the foregoing paragraphs shall be construed as authorising or encouraging any actions which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples as described above and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed, or colour. (emphasis added)[11]

Where this condition is not met, therefore, a people is granted the right to secede.

Claims to self-determination are often called into question, usually by denying that a group constitutes a "people," thus excluding that group from the international documents on self-determination, all of which employ this term. Thus, for the Roma, it is important that in future, the term *people* be used in declarations and statements made by Romani political leaders. Although not explicitly articulated in the declaration of nationhood issued at the Fifth World Romani Congress, a declaration of peoplehood should be seen as implicit within it. This is particularly true as the Romani language does not differentiate between a "nation" and a "people." The Declaration of Nation should therefore in fact be interpreted as being simultaneously a Declaration of Peoplehood.

Obviously, simply declaring oneself to be a "people" does not guarantee that one will be accepted as such. Recognizing that, a few comments about the Romani people's current situation are in order. The vast majority of Roma live in Central and Eastern Europe, where they are subject to horrendous discrimination by governments and the population. In Romania, for example, Romani villages have been burnt to the ground with the open support of government policy; in Kosovo, Roma are murdered on a regular basis by both Serbs and Albanians as scapegoats caught in the middle of a conflict not of their making; and in the Czech Republic, they have been denied their basic right to citizenship. Across the region, the "special schools" phenomenon is virtually the norm, whereby dead-end schools initially set up for the mentally handicapped have been turned into dumping grounds for Romani children. In the Czech Republic, it is estimated that some 80 percent of Romani children have been inappropriately classified into these schools. Many Romani villages, neglected for decades, still lack rudimentary infrastructure such as sewage, running water, or electricity. These conditions are in no way the result of a nomadic lifestyle — in many areas of Eastern Europe, the Roma have been a settled people for hundreds of years.

What emerges from this very brief account is a picture of a people who are routinely denied elemental rights and freedoms. The states in which they live have proved manifestly unable or unwilling to protect and respect their Romani citizens. They have been granted no role in the choosing and running of government, and no autonomy (with the exception of Hungary, where there is at least the

appearance of self-governing councils). In such a case, it is obvious that the conditions of internal self-determination have been violated. Although Resolution 2625 would seem to suggest that the Roma have a right to secede, in reality they have no desire to do so. Throughout much of their history, the Roma were emancipated from the land, as nomads. The very idea of territorial exclusivity is an alien one. This unique perspective, although a significant handicap at times, could be a great advantage in the long run, not merely for the Roma themselves, but for the global system.

Let us be clear, though, that the present territorial fixation originates in the idea of the *state* and *not* the nation. The state is unique in that it claims both sovereignty and exclusive authority over a fixed territorial space.[12] Historically, there have existed many other systems of rule that have not been based on the mutual exclusivity of fixed territories. Feudalism, nomadism, the Holy Roman Empire and the church are just a few examples. In the modern era, though, with its state-centered bias, it is necessary to have the form of a recognized state in order to gain access to the highest levels of decision-making power. The Vatican has certainly recognized this, and conforms with institutional expectations by maintaining the fiction of a territory, though it considers its "citizenry" to be composed of all Catholics worldwide. Another contemporary example of a nonterritorial unit with many aspects of state status is the Knights of Malta.

Based on the right to self-determination, I therefore believe that the concept of a territory-less state is not only a very effective means through which to assist the formation of a Romani nation, but one that is grounded in international law and custom. The question then immediately arises as to how self-determination can be realized in practice. As stated above, under the terms of General Assembly Resolution 2625, the Roma have a right to "freely determine" their "political status." By calling for a nonterritorial state, they have clearly set this out as their choice. As a state without a territory, the Romani people would be able to achieve full self-determination on a global scale, and would also be able to work out particular autonomous competencies with other states. Autonomy too, as a principle, is not territorially defined. It refers to the "self-government of a specific part of the population … established on either a territorial or a personal basis."[13] This idea of personal autonomy, sometimes referred to as personal federalism, is that "certain competencies are attributed to communities that are then able to regulate these matters for all its members, wherever they live."[14] These competencies would have to be defined in a manner slightly different in character than standard bilateral treaties, but this too is not unheard of. The Vatican concludes concordats with states, which are focused on the behavior of that state toward its own people within its own boundaries. This is analogous to the way in which a nonterritorial Romani state would interact with others.

What would this achieve concretely for the Roma and for the global system? First, the Romani people would finally gain a voice at the international level. This is important in two ways: not only would it allow the Romani nation to participate in international negotiations and discussions at the United Nations and elsewhere, but there would also be a government capable and authorized to negotiate as a formal equal with existing state governments and to agitate on behalf of the Roma wherever they live. A mother state can raise issues of its citizens' treatment at international forums and initiate proceedings if abuses have occurred. States, and only states, can bring petitions before the International Court of Justice, the European Court of Justice, and many other forums. In the present state-centered system, it is certainly easier to promote one's interests if one is also a state.

Consider, for example, the International Convention for the Elimination of All Forms of Racial Discrimination (ICERD), one of the most important international documents for the protection of minority rights. Ratified to date by 157 states, the ICERD requires states to provide a wide range of human rights guarantees for all people living within their borders, as well as mandating that each state adopt effective measures to combat prejudices that lead to racial discrimination.[15] The ICERD is a powerful

instrument in the struggle to create a global system for the protection of human rights. However, as with all resolutions and treaties in our state-centered system, it is severely hampered by the prerogatives of state sovereignty. Of particular relevance to a potential Romani state, the ICERD contains a provision that state parties to the Convention can refer the behavior of other states to the expert committee for review. It should be noted that this mechanism has never been used in the thirty years the Convention has been in force. State parties have shied away from "infringing" on another state's "sovereignty." A Romani state would have no qualms about using the provisions contained in the ICERD and elsewhere to ensure that human rights are being respected and that other states are living up to their obligations. In so doing, a Romani state would breathe life into what have been to date merely paper tigers.

This brings us to the second potential contribution of a Romani state: the strengthening of international mechanisms from the inside. As a state without a territory, the Romani state would be free to concentrate on ensuring that existing international agreements and conventions are implemented and honored. The focus, of course, would be on the way these agreements affect the Romani people, but the increased scrutiny would lead to an overall improvement for all minorities and ethnic groups.

Third, the existence of a Romani state would allow for the creation of Romani transnational structures to strengthen and develop Roma identity. Among other things, these would involve the promotion of the Romani language in television and radio, the advancement of education through the founding of an international university, and the development of research crucial to the needs of the Romani people.

Fourth, the existence of a Romani state without any territorial claims or base would bring into sharp focus how limiting and indeed unnecessary the present international state-centered system is.

At every turn, a Romani state would be reliant on transnational instruments to exert and implement its policies. It would issue no currency of its own, and would in fact have no monetary policy at all, leaving this entirely to the international financial system not only *de facto*, as do other states, but *de jure*. It would have no army, as indeed it would have no territory to defend. In the event of a physical threat to the rights of its people, it would do as all states have agreed to do and refer the matter to the international mechanism at its disposal — the United Nations. Were there to exist or come into being a full international standing army to maintain peace, however, there is no reason why Roma would not accept their obligations to serve in it. Roma are actually well placed to play a vanguard role in this. The Roma have never as a group gone to war against anyone else, but rather have tried to avoid violent conflict. When faced with oppression, their historical response has been to move on. Even under the contemporary attacks by neo-Nazi groups, with no chance to escape the source of the violence by moving away, I do not know of any cases in which the reaction of the Romani community has been to respond in kind.

On the matter of justice, the Romani legal system would begin with the standards of behavior set out in the contemporary system of international law, in time developing its own system of transnational criminal law as well. This could be set up along the lines of the self-governing courts established by many indigenous people, or perhaps like the military courts that operate independently of the justice system of the country in which the military personnel actually serve. Initially, its jurisdiction would have to be negotiated separately with every other state as part of bilateral agreements. In time, however, this could develop into the world's first truly transnational system of justice.

Education, too, would be an amalgamation of local, regional, and transnational approaches. Primary education would be part of the national systems of the countries in which Roma live. At secondary and tertiary levels, there could be opportunities for transnational education, at lower levels through the utilization of new technologies (distance learning via the Internet, etc.), at higher levels through the founding of a World Romani University, the beginnings of which have already been set in motion.

All of these aspects would demonstrate the feasibility of practical transnational administration. The Roma would have a state structure that for all intents and purposes is openly concerned only with social and cultural affairs. In areas outside of its scope, the Romani state would pass responsibility and powers to an international body. Where such an entity does not exist, the Romani state would agitate and lobby for its creation. In effect, the Romani people are proposing a state that frankly admits to what it is: a structure for granting a particular segment of the world's population a sense of identity and belonging. In so doing, we will often be forced to create entirely new blueprints for transnational institutions, gaining valuable experience for the day when the present system of international relations with its state-centered approach is finally abandoned.

A crucial question is how a Romani state would be financed. There appear to be a number of options. One method suitable to the existing system is the VAT or sales tax. Most countries exempt citizens of other countries from paying the VAT when they purchase goods. It is therefore not an insurmountable administrative problem for those countries where the VAT exists to be remitted to a transnational Romani state government. Romani-owned businesses could be registered with the Romani state so that their income tax is remitted there rather than to the tax authorities of the country in which they reside (a method used in jurisdictions such as the Bahamas and Andorra, where large numbers of offshore companies are registered). A more difficult arrangement to work out, but ultimately of more use as a step toward a complete global system, would be the remittance by local tax authorities of a certain percentage of revenues collected. This is already done in many tax jurisdictions — in Canada, for example, where income tax is collected at one time, divided by the tax collecting agency into federal and provincial amounts, and distributed to the appropriate level of authority. Were this method to be introduced on a small scale for the Romani state, it would then provide an excellent blueprint for the financing of any future world or regional government, or, for that matter, for the financing of an institution such as the United Nations itself.

I should now like to turn to the issue of the democratic credentials of this proposed Romani state. How can we ensure that it will operate in a democratic manner? Will it bring more or less democracy to the Romani people? And what lessons for the international community can be gleaned from the workings of the Romani state? None of these questions can be definitively answered at the present time, as the Romani state does not yet exist. But I will attempt to shed some light on the main aspects of the problem.

Obviously, a working democracy requires an institutional structure. For the Roma at the present time, this structure is the International Romani Union (IRU). Founded more than thirty years ago, the IRU has representation in forty countries around the globe, thirty-eight of which sent delegates to the most recent World Congress. It has set up institutional structures for a parliament, a presidium, a president, and an international court. Although representatives to these bodies are not at the present time fully democratically elected, they are chosen by the World Congresses, which are held every five years.

Regarding democratic legitimacy, the holding of elections is the first requirement, though the nature of the Romani state is such that this will not be an easy task. Scattered as the Roma are throughout the world, the very holding of an election is bound to cause enormous logistical problems. Howe-

ver, the main issue is that of who votes. If we are to have a government that represents the Romani people as a whole, it is imperative that as many Roma as possible do vote, and yet at the same time that non-Roma do not. A system of self-governance in which the balance of power is held by others would be a denial of the very term *self-government*. At the same time, it is also unacceptable to require anyone, by force or other means of coercion, to identify him- or herself as a member of any particular group.

Yet the difficulty should not be overstated. Under the present system of territorially based electoral franchise, problems of voting rights arise as well. I myself am registered to vote in a country where I have not lived for nearly eight years, at an address that has not been mine for nearly twenty. In the country where I actually live, I have no registered residency whatsoever. The vast majority of my adult life I have lived in a country where I have no voting rights, while at the same time continue to have the right to vote in a country where I was not born and where I have lived a grand total of one month. With the acceleration in global mobility, cases like my own are increasingly common.

I believe that the most effective manner in which to deal with this issue is through simple self-identification. If an individual wishes to identify as a Roma and register as such, then he or she should be allowed to do so. That person would thereby be entitled to all the rights and obligations of the Romani state. Indeed, this element of choice would give the Romani state *more* legitimacy than a standard state, as each and every one of its citizens will have actively chosen to become part of its polis. A key indicator of the acceptance of the Romani state by the Romani people themselves will be reflected in the number of individuals who voluntarily sign up. But it is important to ensure that by registering as a member of the Romani state, the Roma are not at the same time disenfranchised in their states of residence. I believe this can be avoided with the introduction of dual citizenship. Indeed, perhaps as we expand the concept of identity- citizenship further, it should not be impractical to assume that we will all gradually become members of various constituencies.

I will conclude this discussion with a few remarks on the benefits the international community may be expected to realize from the emergence of a Romani territory-less state. These benefits are of two types, the first concrete, the second more theoretical. Several examples of the first type were outlined above. To reiterate, the existence of a Romani state would:

- Strengthen existing international documents and conventions like the ICERD by fully utilizing the provisions in ways only state parties are permitted to do.
- Press the international community to create a standing army for the UN, along with other international arrangements for the security of the individual.
- Develop a transnational system of justice.
- Develop and implement ways to cooperate with existing states to acquire tax revenues for transnational institutions.
- Develop transnational electoral processes.

The second, more theoretical type of benefit is grounded in the nature of the Romani state. By its very existence, the Romani state will stand as an example to the world that the nation-state is not feasible, and the territory-based state itself unnecessary. It will openly declare itself for what it is, a body focused on social and cultural affairs, existing so as to grant a particular segment of the world's population a sense of identity and belonging. In so doing, we shall strip away the myths surrounding the modern state, and hopefully in the process galvanize a serious discussion about the future of the international system and the place of the state within it.

Philippe Schmitter has identified what he calls the Law of Conservation of Political Energy, that is, "that nothing ever disappears in political life until its replacement has already been discovered and is functioning effectively."[16] In other words, it is necessary to first propose and test alternative institutional arrangements on a small scale. A Romani state could well be that test case.

Ultimately, we would like to see an international system that is no longer based on the fiction of sovereign states interacting on a level playing field and in control of all processes within their borders. In its place, we can envisage a system that acknowledges the actual range of decision-making levels and seeks to accommodate them by means of a different set of authorities. Local issues could be dealt with locally, global issues at a global level, each through distinct institutional structures. Multi-national corporations and transnational bodies acting on a global scale would be accountable to a global authority. This would not, and should not, mean that we are all joined in a type of supra-state world federation. Rather, each arena of social interaction would be addressed at the most appropriate level. Economic and ecological issues could perhaps have a common set of ground rules, with an entity given the effective authority to implement them. Cultural and social issues would be dealt with via nations.

For representation to be successful, people must feel that they are being represented. On this ground, the nation is a more powerful and thus more useful concept than the state. By harnessing the nation, and freeing it from the territorial, state-centered trappings that presently encumber it, we can give individuals a sense of belonging to the system as a whole, whereby they can say, "I am Roma, a European, a citizen of the world." In such a system, *all* peoples would become nations without states.

To return to the realm of the present, were we to view the Romani goal of self-determination in the limited context of the European Union, one might say that the Romani state here described is the quintessential European state. Indeed, many of the elements we have proposed on a global scale have begun to take effect in the EU. Perhaps, then, it is in Europe that we can begin to realize the aims and ambitions of the Romani people. As the Union grows stronger, we see not only the accretion of powers by the center, but also the devolution of certain decision making to the lowest possible level — the principle of subsidiarity. We are also seeing the free movement of people throughout the EU. Yet a Frenchman does not become less French because he lives in Greece, nor a Spanish woman less Spanish when she resides in the UK, and it is up to governments to represent members of their nations who no longer have a territorial tie to that state. In a way, then, we can see the European project as bringing on precisely the type of relations I am proposing on a global scale. Issues are handled locally if possible, but matters requiring a higher authority because they transcend several regions are dealt with on an EU-wide basis. I merely take the evolution two steps further in advocating the complete demise of the individual state within Europe, and then by proposing that this be a global rather than a European phenomenon.

Perhaps we should see this as the Romani contribution to the world.

Sean Nazerali. The Roma and Democracy: A Nation without a State. In: Okwui Enwezor, Carlos Basualdo, Ute Meta Bauer, Susanne Ghez, Sarat Maharaj, Mark Nash, Octavio Zaya (ed.): Democracy Unrealized. Documenta11_Platform1. Hatje Cantz Verlag, Ostfildern-Ruit. 2002, pp. 133-149.

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8 See Kristin Henrard, Devising an Adequate System of Minority Protection: Individual Human Rights, Minority Rights, and the Right to Self-Determination (London: Martinus Nijhoff, 2000), p. 284.

9 As laid out in ibid., pp. 287-288.

10 Ibid., p. 281.

11 Declaration on Principles of International Law Concerning Friendly Relations and Cooperation Among States in Accordance with the Charter of the United Nations, General Assembly Resolution 2625 (XXV) of October 24, 1970.

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13 See Thomas D. Musgrave, Self-Determination and National Minorities (Oxford: Clarendon Press, 1997).

14 Henrard, Devising an Adequate System of Minority Protection, p. 313, note 180.

15 Article 7: International Convention for the Elimination of All Forms of Racial Discrimination, General Assembly Resolution 2106 (XX) of 21 December 1965.

16 Philippe C. Schmitter, "If the Nation-State Were to Wither Away in Europe, What Might Replace It?," in The Future of the Nation-State: Essays on Cultural Pluralism and Political Integration, ed. Sverker Gustavsson and Leif Lewin (London: Routledge, 1996), pp. 212-213.