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Urban Policies and Roma. The Positive Discrimination Paradigm

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Policies about the settlement of Roma in Europe are living a process of Europeanisation. The thesis of this text consider that EU measures belong mainly to the field of formal fight against discrimination of an ethnic minority. I point the attention to the need to (1) move from a formal “non-discriminatory” to a “positive discrimination” approach, and (2) to extend the target of such measures from an ethnic group to “diversity” in the broad sense.

Whilst in the 80's the focus could have been the form of establishment of an ethnic group in a nation, today both terms (ethnicity and nation) are weak, and require a change of scale from nation to European cities, and from a homogeneous entity, to multiplicity and diversity: something that has always been proper to the urban condition, amplified today by globalization.

Introduction

This text is divided into two parts. The first part examines the contrast between the Europeanisation of the Roma issue (in an “United in diversity” Europe) and the fortification of nations and cities in Western Europe (taking into account France, Holland and Italy). In particular, I underline the contrast between an evolving policy of coexistence with the Roma settled since the 90s, very different from the policy of refusal of Roma coming today from new European States. A refusal that is manifested in the spread of “consensual deportations” that origin a flourishing of informal settlements.

In the second part I present the positive discrimination paradigm with different declination mainly in U.S.A. and U.K., examining also critical aspects of these policies and their social acceptability. I focus the concept of diversity as a potential target of positive discrimination policies, with the help of Alexander Langer concept of “new European civic citizenship”.

1. City-fortresses in a no-border Europe.

In this section we want to highlight how national policies against the Europeanization of the Roma issue are in contrast with the concept of European citizenship and with the freedom of movement. National policies targeting East European Roma show that the opening of national borders correspond to a “fortification” of the city. For many European States, new European Roma are a problem that do not regards Europe but States such as Romania. The European Directive No. 38 of 2004 establishes the criteria for “consensual” deportations of EU citizens. Non-national EU citizens must be able to demonstrate within 90 days of having jobs, housing and income, otherwise they may be deported, but nothing prohibits the subsequent return, as often happens, in an irrational movement of people and a worsening of their living conditions. Collective expulsions are prohibited by the “European Convention for the Protection of Human Rights and Fundamental Freedoms”.

In 2010, France has expelled more than 8000 Roma of about 15000 arrived with the latest migration, demolishing three quarters of the 741 illegal camps built around French cities and deteriorating living conditions of Roma. But also other countries such as Denmark, Sweden, Germany, and Italy adopt policies of the repatriation of Roma to their countries of origin, mainly in Romania: such practices result in a temporary inhibition, even if many illegal camps regenerate over time. In French policies about Roma settlements include villages for travellers and accommodation for sedentary Roma, but do not plan any form of settlement for more recent Roma immigrants who live in slums. The French policies in fact represent the city as a fortress which defends itself from East European Roma. Romania and Bulgaria are part of the EU since 2007, but many States including France have adopted transitional measures that prevent Romanians and Bulgarians access to the labour market while allowing freedom of movement.

In Holland there is no specific housing policy for Roma, whose presence is around 15.000 according to the Association of Netherlands Municipalities (Vereniging van Nederlandse gemeenten). The institutional measures targeting Roma are generally limited to the scope of public order. The Sinti, settled for centuries in Holland, still live in camps in the south of the country. Some Roma families are living in the Netherlands since before the dramatic years of the Second World War. Other groups of Roma have migrated to the Netherlands at the end of the ‘70s and ‘90s. The Roma arrived in Holland at the end of the ‘70 were not recognized as refugees (and not all of them declared their origin, fearing discrimination) but in 1978, with a general amnesty, Roma received citizenship in change of the dislocation of Roma families in houses in different towns. The dispersion of the families had critical social effects for Roma. Today, although most of the “Roma 1978” has a Dutch passport, there are Roma present for 30 years without nationality for them and for their children, as stateless persons, living a strong discomfort also in access to decent housing for rent. Also the Roma arrived in the ‘90s during the conflict in the former Yugoslavia initially rejected and entered without permission, have often been recognized as refugees with an amnesty and have received shelter and social assistance, but in change of the dispersal of families in houses in different town. Last wave of Roma immigrant from Romania and Bulgaria has not received any kind of State support for their settlement, and



eviction policies are demanded by right-wing parties.

In Italy, from mid '80s, regional and local policies were directed to the institutionalization of gypsy camps as parking areas for nomads. Tuscany Region in 1986 instituted nomad-camps, but in 1993 a research by "Fondazione Michelucci" on Roma in Tuscany showed how nomad life was an imposition for most of the Roma. Today in Italy it is estimated that tens of thousands of Roma are living in camps, both authorized and unauthorized, and this is not by choice of a culture. It is a way to adapt to the settlement policies. Many Roma in Italy belong to families that for generations settle in Italy without being involved in housing policies. Only half of the Italian regions currently has a law about Roma, and most of them focus on a nomadic view of Roma. An exception is the actual Regional Law in Tuscany (n°2/2000) and the law of the Province of Trento (n°12/2009), which focus on villages equipped with amenities, micro-areas for extended families, public housing, and facilitated access to private housing for Roma. In the case of Florence it is emblematic the coexistence of a dual path in the policies for the Roma, differentiated between those addressed to Romanian and Bulgarian and those addressed to Roma with a longer presence. In Florence the administrative system has slowly matured the will to overcome the gypsy camp, but while dismantling the last camp and moving Roma in villages or public housing or other private accommodation, at the same time hundreds Roma come from Romania, especially after the abolition of visas in 2001, settling in very marginal condition, with no public policies except "consensual" deportation. Cities such as Bologna have instead tried to extend housing policies to Romanian Roma (Perrotta, 2011), and the former nomadic-camp "via Piratino" has now become a reception centre for Roma and others, who are accompanied in housing policies, according to a logic of damage reduction, turn-over of the users and continuity of public action. But the absence of integrated policies aimed at work has discouraged the stay for most of the Roma.

Both the policy of Roma emergency (mega-concentration in cities like Rome, consensual deportation in most cases), and these housing policies which are not integrated with employment policies, make the city as a fortress in a Europe without borders.

In many directives about Roma or minority in general, the European Council introduces the issue of affirmative action that Member States are called upon to undertake. But even this, directives are centred on an anti-discrimination approach and on a formal recognition of rights. At EU level there is a consolidated rhetoric of non-discrimination, while national policies for Roma are about assimilation, exclusion, expulsion, perpetuation of discrimination or indiscriminate treatment that does not take into account the need to compensate effects of an historical discrimination, remote and recent.

At the same time, as discrimination has an ethnic target, also the non-discriminatory approach of EU focus on Roma as an ethnic group, instead of enlarging the target to a strategic objective such as "diversity" seen as a substantial ingredient for a social union in Europe. If the anti-discrimination approach based on ethnicity is not giving concrete effects, this can be attributed to many causes, including:

1. the weakness of EU social policies compared to the power of national States,
2. the democratic game of political consensus, that is based on an electorate/public disinclined to accept special treatment for the Roma,
3. the political weakness of the Roma, who have difficulty in auto-represent their rights in the larger society and to emerge from a state of social marginalization. If these last two cases are related and inherent in the condition of ethnic minority, the first cause (weakness of EU social space compared to the national States) indicates the special importance assumed by the case of the Roma as a transnational minority, to test social cohesion in the European area and the EU's capacity to overcome old nationalisms.

The collection of good practices aimed to overcome the discrimination against the Roma can be classified in three main approaches:

1. approach based on assistance,
2. approach based on exchange and conditional assistance,
3. approach based on compensation.

If these three approaches are all based on a ethnic discrimination, only the compensation-based approach has the conscious claim to undermine the basis of historical discrimination and to avoid the “dependency trap” (UNDP 2002) of assistance. The conceptual approach adopted may be more important than the amount of resources for these policies. The assistance approach can generate dynamics that discourage the adoption of pro-active life strategies. In a Europe characterized by a range of approaches between control, assistance and anti-discrimination, which can be the contribution of a compensatory approach, oriented to community and individual development?

2.1 Positive discrimination

In the North American context, very different from the European one, with a specific history of racial minorities, Affirmative Actions represent a contribution to overcome the ineffectiveness of anti-discriminatory measures. These measures are intended to restore the equitable inclusion of a group subject to discrimination and exclusion from a particular area (work, school, services, etc...). Sebbagh (2011) identifies three types of Affirmative Actions (AA): Indirect AA, Outreach, Direct AA, Indirect AA policies are formally neutral but involve as a secondary (wanted) effect individuals belonging to discriminated minorities: measures for families with many children and/or low income, or “colour blind” measures, actually “race oriented”. Outreach AA are measures to ensure that recruitment (for a job, for access to university or public house) involves a representative sample of society, including those who would otherwise be excluded. The limit of the measures of outreach is that being involved in the recruitment does not necessarily mean to be hired, or to be admitted to university. Finally, the forms of Direct AA consist of a preferential treatment of certain individuals in place of others on the basis of membership in specific groups (discriminated minorities). This scope covers measures such as quotas for women to access decision-making roles, or the score of minorities being admitted to U.S. universities.

Affirmative Action, in particular Direct AA, is called “Positive Discrimination” in the European context. These types of policies are opposed both in Europe and in the USA for the fact that they do not depend from merit, they are not neutral, and they are discriminatory. It can be noted that no policy is neutral, and it is always an expression of the constituted power. Negative discrimination of minorities derives from the lack of sufficient power to assert their rights. Why, then, those in power should take the side of those who do not have it? Probably nothing altruistic or egalitarian is the basis of the forms of positive discrimination, whose motive is rather “non-violent conflict management” (Sebbagh, 2011). Social conditions and guilt towards a history of exploitation and racism, realistically affect less on the history of minorities than the need of social control and optimization of productivity.

Positive Discrimination policies aim to cancel the inequalities of access to rights or services, without necessarily entering into logical of egalitarian logics, preserving differences between identities. In the European context Positive Discrimination policies have been implemented mainly in the UK.

In the ‘60s and ‘70s in the U.S. and British urban policy has taken shape a form of area-specific Positive Discrimination. The relationship between positive discrimination and urban planning is explicit for example in the British Urban Programme. The study of Batley and Edwards (1978) on urban Programme devotes a chapter to Positive Discrimination, pointing out that these policies are based on the synthesis of two opposing principles: “selectivity” and “universalism”. Universalism is not seen as something “standard”: it is instead seen as the optimal level, reached through selectivity. Low-Income Housing is a selective form to achieve the universal right of a house, with indirect Positive Discrimination policies.

Critics to Positive Discrimination, and even sentences that consider Positive Action as illegal, make preferential treatment not very diffused in Europe compared to the U.S.. But in this scenario where the dominant model is that of non-discriminatory policies, the English context is developing forms of Positive Action certainly less unpopular than U.S. Direct / Indirect AA. While maintaining a meritocracy and colour-blind approach, the British measures of Positive Action are oriented to provide opportunities for growth and access to the discriminated people, giving shape to a “developmental treatment” (Teles, 2001) rather than a



“preferential treatment”.

Other critical positions refer for example to the evaluation of the effects of low-income housing realized over the time, or to the inability of positive discrimination to solve structural inequalities that only social conflict can face. If one examines the U.S. policy of access to education it is evident that positive discrimination is away for rescuing students rather than a radical reform for fixing schools (Moses, 2001).

Despite these critics, Positive Discrimination policies can guarantee in the short-medium term a remedy to a contingent aspects of marginalization, creating the conditions necessary for structural change which may occur on the socio-economic field in a longer period.

Positive Discrimination policies can be classified on the basis of their target of discrimination:

1. Membership: The membership of a group (minority, low-income, etc...) is awarded directly or indirectly;
2. Area: disadvantaged areas are rewarded (and indirectly the disadvantaged people who live there);
3. Share x%: the access to a service is reserved directly or indirectly to a minority.

I propose a type of Positive Discrimination based on the degree of diversity that derives to policies. I mean that a developmental treatment can be reserved to experimentation of innovative practices of co-existence, awarding self-help instead of assistance, and dynamic membership instead of ethnicity, as to avoid stereotypical form of stigmatization by public opinion.

2.2 Diversity. Small experiments of co-existence.

“Minority” is, or will soon be, a property of the majority¹. Diversity is a predominant character of the contemporary. The concept of diversity as fixed and determined character is indeed an ideological belief. In fact, far from being “natural”, ethnicity is a changing, interactive, historical category. The deterministic conception of ethnicity that is still very widespread and affects policies for ethnic minorities such as the Roma, is the result of a history of nationalism and colonialism. The weaknesses of the European social space urges the development of a global citizenship based on the culture of coexistence between diversities. Planners role is not to design solutions for limited manifestations of difference: they should instead engage in the discovery of urban potential, drawing rules and conditions for the expression various manifestations of the difference (Perrone, 2010).

Small experiments of co-existence are the basis, in Alexander Langer opinion for a “new European civic citizenship”. The city has always had the role of a complex but normal expression of con-presence.

Contrary both to the politics of forced assimilation of diversity, and to those of exclusion, Langer figure out a balance between identity and coexistence, characterized by an “ethnic intimacy” and a community life of inter-ethnic con-presence. It may need mediators, situations of mutual understanding and conviviality based on general collective interests, behind ethnic interests.

Langer (1995) dreams for a flexible culture of belonging, based on hybrids, interference, multiple presences, grey areas with low resolution, low ethnic discipline and thus, inter-communication, inter-action. Social consensus is, for Langer, the main obstacle to the possibility of non-violent coexistence between diversity. The culture of acceptance can be promoted by “traitors of ethnic unity”, people with a self-critical approach to their ethnicity who want to collaborate with other communities with the goal of peaceful coexistence, “pioneer plants” of the culture of coexistence experimenting problems, difficulties and opportunities of inter-ethnic coexistence².

1 In 2050 the demographic scenario predict that Italy will have a lower population than in 1950 if at least 350.000 immigrants do not arrive each year. And in 2050 more than half of the population in the USA will belong to racial minorities.

2 Innovative interactive practices breaking the ethnocentrism of public opinion are the basis of what Ambrosini called “Right to similarity”, a public sphere based on the con-presence of diversities instead of enclaves of foreignness .

Conclusions

Habermas (1991) suggests to overcome the degeneration of civic citizenship in national (and regional, and local) through a social space in which the supranational basis of citizenship are the interpersonal relationships, interactions and communication. Europe represents an opportunity to implement a social space of this kind, a technical test of social and civil globalization. A transnational network of “unfortified” cities can promote policies oriented to a positive discrimination of diversity. Public spaces and neighbourhood can be declined as innovative service, a net of unconventional places in which to experience conflict and coexistence.

EU has recently promoted measures of Positive Discrimination towards marginalized communities, with an approach that can be traced back to positive discrimination quotas, reserving services to members of marginalized communities, in the tradition of social housing. Indirectly, the Roma are the beneficiaries of this policy as the main European marginalized communities³.

These types of policies if properly declined can help compensate in the short-medium term negative discrimination suffered by minorities in general and Roma in particular and to broaden the discussion from the right to housing to the right to the city for minorities. In this sense:

1. the public should assume a role of enabler of urban (Cottino, Zeppetella, 2009) processes rather than a promoter of “dependence traps” based on social housing;
2. the “non-territorial minority” have to be assumed as co-promoter of local projects (Magnaghi, 2000) based on experiments of diversity as a contribution to urban quality and a chance to overcome segregation patterns,
3. the settlement of marginalized communities is understood as a space in which the experience of living is connected with the acquisition of skills relevant to public life.

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³ Regulation (EU) No. 437/2010 of the European Parliament and of the Council of 19 May 2010, allocates up to 3% of the ERDF allocation to the operational programs, or 2% of the total budget, the renovation of housing in favour of marginalized communities.



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