



**Critical**  
Romani Studies



## **Roma and Environmental Justice in Europe**

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*Critical Romani Studies* is an international, interdisciplinary, peer-reviewed journal providing a forum for activist-scholars to critically examine racial oppressions, different forms of exclusion, inequalities, and human rights abuses of Roma. Without compromising academic standards of evidence collection and analysis, the Journal seeks to create a platform to critically engage with academic knowledge production, and generate critical academic and policy knowledge targeting – amongst others – scholars, activists, and policymakers.

Scholarly expertise is a tool, rather than an end, for critical analysis of social phenomena affecting Roma, contributing to the fight for social justice. The Journal especially welcomes the cross-fertilization of Romani studies with the fields of critical race studies, gender and sexuality studies, critical policy studies, diaspora studies, colonial studies, postcolonial studies, and studies of decolonization.

The Journal actively solicits papers from critically-minded young Romani scholars who have historically experienced barriers in engaging with academic knowledge production. The Journal considers only unpublished manuscripts which present original, high-quality research. The Journal is committed to the principle of open access, so articles are available free of charge. All published articles undergo rigorous peer review, based on initial editorial screening and refereeing by at least two anonymous scholars.

The Journal has grown out of the informal Roma Research and Empowerment Network, and it is founded by the Romani Studies Program of Central European University and the European Roma Institute for Arts and Culture. The Romani Studies Program at CEU organizes conferences annually where draft papers are presented and discussed before selecting them for peer review.

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# Foreword

## Jekatyerina Dunajeva and Marek Szilvasi

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## Introduction

This thematic issue of *Critical Romani Studies* on Roma and Environmental Justice in Europe focuses on authoritarian politics, biases in residential planning, extractivism, institutional corruption, and structural inequities that produce and maintain uneven exposure to negative environmental and climate impacts as experienced by Roma.

Across Europe, numerous Romani communities live in environmentally hazardous areas with restricted access to water, sanitation, and waste removal. Their air, land, and water has been contaminated by waste dumps, railways and motorways, industrial farms, mines or abandoned industrial areas, compounded by unavailable public infrastructure or access to green zones. The uneven distribution of environmental harms and benefits significantly contribute to the inequities Romani people encounter in their health outcomes and livelihoods. They suffer from higher rates of long-term illness and their life expectancy is between 10 and 25 years less than the general population (EPHA 2018; Bloch and Quarmby 2024). This gap will further expand as vulnerable communities miss out on resources to effectively adapt or become resilient to the impacts of climate change.

A common origin shared among environmental pollution, the ongoing climate crisis, and racism can be found in the drive by modern capitalist societies to accumulate wealth. Because the rate of profit cyclically fluctuates and falls, these societies have been permanently on the move to exploit new lands, opportunities, people, and resources, and they often resort to cruel modes of creating wealth by means of extractive capitalism and white supremacy (Hage 2017). The civilised spaces of democracy, legality, and rights are connected with the racist and extractive spaces of unregulated accumulation and the maximisation of profit by exploiting natural resources and subjugated, racialised communities. However, from this perspective we may also observe a return of allegedly ungovernable, overexploited actors – nature itself (environment, climate) joined by oppressed ethnic and racialised groups re-asserting their agency in fighting the colonial domination of exploitative and extractive governance. Romani communities have a salient place in this development.

European environmental programs did not initially take interest in studying the impact of systemic discrimination and socio-economic stratification processes (Harvey 1996; Ituen and Tatu Hey 2021). However, there have been changes in the last decades in this respect. More attention is now paid to the fact that the environmental problems of developed industrial societies often rest on the shoulders of those individuals who are the most vulnerable, and race, ethnicity, and class play a part in who lives in toxic waste and flood zones, or who has access to clean drinking water. Environmental justice approaches studying the distribution of harmful exposure as well as systematic discrimination by institutions regulating the environment and public space are gaining more traction. Highlighting the conflictual, entropic, and extractive aspect of the relationship between economy, people, and nature, the field of environmental justice integrates environmental, racial, and social justice movements and responds to the development of societies producing and maintaining vulnerability and harms due to environmental degradation and limited access to public utilities (Martínez-Alier 2023).

The environmental justice movement, first developed in the United States in the 1970s and 1980s, was conceptualised by Robert Bullard in his Houston Black community study on solid waste sites (Bullard 1983), while the term environmental racism was coined by Benjamin Chavis in a Warren County, North Carolina lawsuit from 1982 (Chavis 1987). Environmental justice combines approaches aimed at protecting the survival of endangered species, national parks, and unique landscapes with the challenges of rural and urban poverty, racial and ethnic discrimination, exploitation of public resources, and the quality of public spaces. Sometimes referred to as environmentalism of the poor because people in specifically vulnerable situations, such as poor, indigenous, and minority groups, are often the main actors defending the environment, it concentrates on neglected urban spaces, environmental processes incorporated into social life, and responses to urbanisation and industrialisation (Martínez-Alier 2002). The environmental justice context is invoked by the premise that a clean and healthy environment and fundamental public infrastructure need to be accessible, affordable, and available to all people regardless of their ethnicity, gender, race, or socio-economic status (Laurent 2011; Pellow 2016).

Eastern European countries top the charts for industrial pollution in Europe from coal plants (Health and Environment Alliance 2017), and residents in Eastern Europe have higher chances of dying as a result of pollution than those in the western part of the continent, with Albania, Bosnia and Herzegovina, and Romania having the highest rates of pollution-related deaths (European Environment Agency 2019). In these countries, it is Roma who often live spatially confined in residentially segregated communities in proximity to industrial zones, where no other community would be expected to live (Matoušek and Sýkora 2011; Bloch and Quarmbly 2024, Torotcoi et al. 2024). Therefore, it is no surprise, as the European Environment Agency acknowledged, that environmental inequalities in Europe are linked to ethnicity, pointing out that “Roma communities in Central and Eastern Europe are often excluded from basic services and exposed to environmental pollution, with serious health consequences” (European Environment Agency 2019, 16). Existing research demonstrates that across Europe, Roma are more likely to receive fewer environmental and public health benefits while they are exposed to more of the harms (Heidigger and Wiese 2020; Torotcoi et al. 2024).

So, how do Roma encounter environmental racism? On a symbolic level, Roma have been traditionally associated with trash and pollution through concepts of racial impurity and social disorder. They are confronted by a variety of environmental risks in their daily lives such as (1) exposure to hazardous waste and chemicals through residency and/or work at contaminated sites; (2) environmental costs of industrial development such as land, water, and air pollution; (3) vulnerability to floods and other natural hazards; (4) limited access to drinking water and sanitation; (5) negligence in waste management practices; and (6) energy poverty (Steger and Filčák 2008; Harper, Steger, and Filčák 2009; Babourkova 2010; Dokupilová, Filčák, and Škobla 2020; Schwab 2023). Their disproportionate exposure to environmental harms and the lack of fundamental public infrastructure have direct health effects (Miranda 2021). One of the main factors affecting Roma’s health is the poor quality of urban space and public infrastructure in their neighbourhoods: for example, segregated, unstable, insecure housing (due to frequent evictions); densely populated and inaccessible housing; little access to electricity, piped drinking and utility water supplies; no sanitation facilities in houses; and neglected waste collection (Ivanov, Kling, and Kagin 2012). Forced to reside on spatially segregated and environmentally hazardous land belonging to former industrial zones, agricultural farms, mines or the land prone to floods (that is, the worst quality land that nobody

else would bother to claim), Roma are disproportionately exposed to air, land, and water pollution (Szilvasi 2017; Bloch and Quarmby 2024).

Furthermore, indoor air pollution from open fires and the use of solid fuels remains high as Roma use coal and wood for heating and/or cooking significantly more than majority populations (Ivanov, Kling, and Kagin 2012, 27; Schwab 2023). Hence, a large share of the Romani population is exposed to health risks stemming from benzene, carbon monoxide, formaldehyde, and particulate matter. Romani women and children are particularly exposed to these health risks that cause respiratory diseases as they spend more indoors (Ivanov, Kling, and Kagin 2012; Heidigger and Wiese 2020). In short, systemic discrimination against Roma is interwoven in the exposure and distribution of environmental harms that bear serious impacts on their economic performance, health, and well-being.

Environmental justice and environmental discrimination discourses and Romani communities are mutually intertwined in Europe. The beginning of the environmental justice movement in Germany is connected to a 1985 publication of the Central Council of German Sinti and Roma. It examines a case in the city of Darmstadt where the mayor ordered the eviction of Romani families and banished them “to tents on the outskirts of the city, next to a garbage dump, a sewage works, rat holes, and highway feeder roads” (Ituen and Tatu Hey 2021). Furthermore, *Hudorovič and others v. Slovenia* from 2014, in which Roma from two neighbourhoods in Slovenia filed a complaint to the European Court of Human Rights (ECtHR) alleging ethnic discrimination in their access to water, was the first ECtHR right to water case in the Court’s history (ECtHR 2020). The European Commission’s “Union of Equality: The EU Roma Strategic Framework for Equality, Inclusion, and Participation”, issued in October 2020 is the first major EU policy document that recognises environmental justice as an important area of intervention (European Commission 2020). The document introduces environmental discrimination as “long neglected reality [...] which saw marginalised communities more vulnerable to contamination and other associated health issues”. The Commission urges national governments to tackle environmental discrimination against Roma in access to water, adequate sanitation, waste collection and management services, green living areas with recreational value, while also tackling the health impacts of exposure to pollution and contamination and fighting persistent spatial segregation. The Commission has also mandated the Fundamental Rights Agency (FRA) to collect brand-new indicators on “[f]ighting environmental deprivation, promoting environmental justice” (European Commission 2020, FRA 2020). This is not a random fact that an environmental justice approach was highlighted in the EU Roma inclusion policy context. Roma rights advocates who built the case for this major policy opening. A joint report by the European Environmental Bureau (EEB) and the European Roma Grassroots Organisations Network (ERGO) became the main reference on environmental justice featured in statements of EU commissioners and MEPs (Heidigger and Wiese 2020). The report is based on case studies produced largely by young Romani researchers for the global Atlas of Environmental Justice.

In this special issue, contributions are divided into peer-reviewed academic articles and case studies that analyse and discuss various aspects of environmental injustice experienced by Romani communities across several countries. Some articles address the systemic inequalities that confront Romani communities due to environmental injustices, such as the contributions by Sergen Gul, Adam Máčaj, and Maroš Matiaško. *Sergen Gul* investigates the impact of industrial development on Romani communities living along

the Ergene River and its tributaries in Edirne, highlighting how Turkey's modernisation policies have exacerbated inequities and degraded the environment. Through personal narratives collected from local Roma and third-generation Roma-Muslim immigrants, Gul reveals how parliamentary discrimination initiated by a settlement law has created disparities in social and political status between Romani and non-Romani populations. This has led to significant environmental injustices, particularly concerning the pollution of the Ergene River.

*Adam Máčaj* and *Maroš Matiaško* together examine the challenges of segregated Romani communities in Slovakia in their access to safe drinking water, emphasising the impacts of inadequate waste management and environmental discrimination. They also analyse international human rights standards related to the right to water, advocating for an unconditional right to water in contexts where vulnerable populations experience significant hardships.

Both articles by *Enikő Vincze* and by *Driton Berisha* and *Beatrice Lindstrom* critically explore the intersection of legal frameworks and environmental injustices that entangles Romani communities, examining how systemic discrimination impacts their access to safe living conditions and the pursuit of justice in the face of environmental racism.

*Enikő Vincze* examines the legal frameworks surrounding the right to housing and a healthy environment in Romania, highlighting a gap in protections for Romani communities in the case of the Pata Rât area of Cluj-Napoca. Using data from air quality sensors, surveys, and legal analysis, the findings reveal that Romani residents struggle with precarious and toxic living conditions, underscoring the need for policymakers to address these deficiencies through targeted recommendations.

*Driton Berisha* and *Beatrice Lindstrom* highlight the pervasive environmental racism experienced by Romani communities throughout Europe, particularly focusing on the lead poisoning of displaced Roma, Ashkali, and Egyptians in UN-managed camps in Kosovo from 1999 to 2013. The article examines the victims' pursuit of justice through the UN's accountability mechanisms, analysing a landmark decision by the UN's Human Rights Advisory Panel that recognised UNMIK's responsibility for human rights violations, thereby shifting the narrative from victim-blaming to addressing anti-Romani racism as a factor in environmental injustice. Importantly, the authors emphasise the limitations of legal institutions in addressing systemic racism and the necessity for Romani communities to engage in both legal actions and advocacy efforts to achieve meaningful change.

Three articles discuss the issue of waste and recycling. *Diana Popescu-Sarry* and *Kian Mintz-Woo* analyse reactions to a *Charlie Hebdo* caricature of (non-Romani) Romanian tennis player Simona Halep as a scrap metal collector, revealing racially charged stereotypes of Roma as illicit recyclers. The authors argue that this misrepresentation undermines a moral duty to engage in recycling and calls for a more inclusive understanding of ecological citizenship to combat the ecological injustices that target Romani communities.

The article by *Jekatyerina Dunajeva*, with contributions from *Diego Marin*, examines environmental injustice through case studies of five locations in North Macedonia. In particular, the author focuses on the act of waste recycling, which, while providing essential income, exposes Roma to health risks and

pollution. Dunajeva advocates for inclusive policies that recognise the contributions of informal waste recyclers and prioritise social justice.

Finally, *Eirik Saethre's* article examines how trash-picking functions as both a livelihood and a form of exclusion among Ashkali and Romani refugees in Belgrade's informal settlements. Through ethnographic research, the paper explores how waste is not merely an economic resource but also a social and political force that relegates marginalised communities to precarious living conditions. The study highlights how scavenging materials from dumpsters structures racialised identities and sustains economic vulnerability while also illustrating the corporeal toll of this form of labour.

The case study section presents concrete examples of environmental injustice through the experience of Hungary, written by Judit Bari, and Greece, written by Georgios Tsiakalos, as well as detailing some important events in addressing issues of environmental justice, in particular a conference, written by Eva Schwab, and an exhibition, written by Lise Foisneau.

*Judit Bari's* article examines the environmental and social injustices prevalent in the Romani community in Recsk, Hungary, due to the establishment of a new andesite quarry that is situated perilously close to their homes, exacerbating existing vulnerabilities and leading to serious health and safety concerns. Bari shows through a detailed examination of the case that despite regulatory approvals and a lack of proper community consultation, the quarry's operation has resulted in significant environmental damage, housing insecurity, and ongoing discrimination against the Romani population, highlighting the urgent need for legal reforms and enhanced protections for marginalised communities in the context of environmental justice.

*Georgios Tsiakalos* describes the case of the Tsairia Romani settlement in Thessaloniki, Greece, where residents resisted imminent eviction and dire living conditions exacerbated by local anti-Romani sentiment and environmental injustices. This case similarly concludes with an urgent need to address housing rights and basic services for Romani communities.

*Eva Schwab* continues with a critical summary of the "First Environmental Justice Conference" that took place in Cluj in October 2023 and was organised by the European Environmental Bureau. The conference aimed to address the intersection of environmental racism and the EU Roma Strategic Framework, highlighting the need for sustained policy integration of environmental justice into climate change initiatives. Schwab calls for a more systematic approach to situating these injustices within broader climate policies and ensuring that the unique vulnerabilities of racialised groups are effectively addressed in the EU's green transition. Finally, *Lise Foisneau* explores the work of a French photographer Valentin Merlin, who documented the life of French Travellers at the designated halting sites across France. The title of this work, "Designated Sites" refers to an expression used by French Travellers to describe the halting sites where they are forced to live by the authorities. In France, there are over 1,200 official caravan sites for French Travellers. Valentin Merlin has since 2015 travelled around the country to document those places and photographed over 230 of them.

The special issue is concluded with insightful reviews of two books contributing to environmental justice discourse in Europe. *Michal Zálešák* examines the publication "*Odpad ako sociálny problém*

*vo vylúčených rómskych osídleniach*” [Waste as a social problem in marginalised Romani settlements] published by the Centre of Social and Psychological Sciences of the Slovak Academy of Sciences. While originally published in Slovak, this is the first time that this important research is introduced to English-language readers.

*Slobodan Stankovic* reviews the oeuvre of Joan Martínez-Alier, one of the most important actors analysing and shaping the global and European environmental justice movement and a main contributor to the Atlas of Environmental Justice. The book *Land, Water, Air and Freedom: The Making of World Movements for Environmental Justice*, published in 2023 looks into different cases of global comparative political ecology and specifically focuses on the ecological distribution of conflicts across the world.

Collectively, the contributions here – in the form of academic articles, book reviews, or case studies – are critically illuminating the persistent inequalities and injustices that Roma groups encounter, particularly in the context of environmental degradation and systemic discrimination. By analysing the intersection of environmental racism with issues such as housing policies, social protections, and others, this special issue of *Critical Romani Studies* contributes valuable insights into the structural barriers that hinder the recognition of ethnic discrimination in environmental policy frameworks. Ultimately, all contributions advocate for a more equitable and just approach to addressing the environmental challenges that disproportionately affect Roma. Moreover, this implies an urgent need for global climate actions and policies to be better oriented toward justice and to address the specific discrimination faced by marginalised communities, ensuring that no group is left behind in the transition to a sustainable future.

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# Industrialisation in Modern Turkey and the Search for Environmental Justice for the Romani Population of the Ergene River Basin: Romani Voices amid Environmental Degradation

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## Abstract

This study examines the environmental injustices faced by Romani communities in Turkey's Ergene River Basin, analysing the intersection of industrialisation, modernisation policies, and historical exclusion. It explores how legal frameworks, from the Ottoman period through to the early Republican years of Turkey and up to 2006, have contributed to the social and spatial marginalisation of Romani communities. Specifically, the paper problematises the disproportionate environmental burdens placed on the Romani population living along the Ergene River resulting from neoliberal industrial practices since the 1980s. A historical analysis is adopted by drawing on biographical narratives of Roma about the "Dead" Ergene River, along with archival records, data on environmental degradation, and legal documents. Findings highlight how Turkey's modernisation and neoliberal industrialisation policies have led to environmental injustice for Romani communities, characterised by the unrecognised environmental risks they face and the unfair distribution of environmental harm. The study fills a gap in the literature by addressing the intersection of ethnic discrimination and environmental degradation, framing the Ergene River Basin case within the context of environmental racism. It also contributes to broader discourses on environmental justice by advocating for more inclusive environmental policies that consider the historical and social vulnerabilities of marginalised communities.

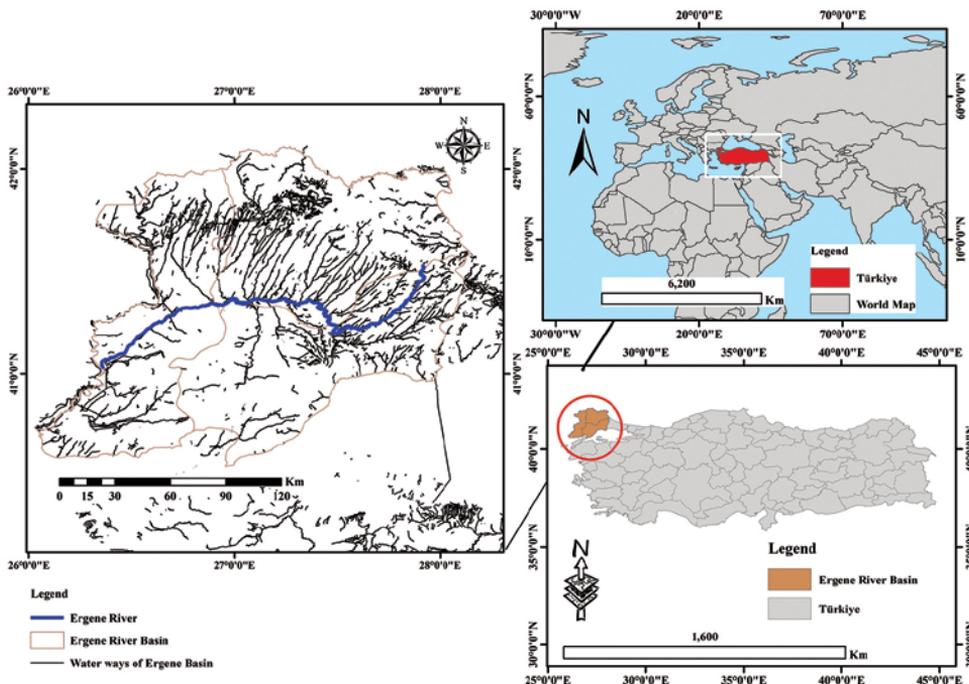
## Keywords

- Ergene River Basin
- Environmental justice
- Environmental racism
- Industrialisation
- Marginalisation
- Roma
- Türkiye

## Introduction

One of the biggest leaps in industrialisation in Turkey started with the foundation of textile, chemical, and leather factories in the Thracian region in the 1990s (Pamuk 2008, 267–273). More than 3,000 factories, the majority of which are unlicensed and without waste treatment systems (Çobanoğlu 2017, 139–156), were established in this region where Turkey's largest Romani population lives. Industrial liquid waste is discharged into the Ergene River, the primary source of water for farming in the Ergene Basin. A total of 55 per cent of rice production in Turkey comes from the Ergene Basin (Gök 2015) where Romani people have played an important role in farming. In 2002, following the rise to power of the neoliberal Justice and Development Party (AKP), an increase in pollution levels was observed in the Ergene River. This escalation was attributed not only to the legacy of pollution left by previous administrations but also to the new government's prioritisation of economic growth over environmental protection and industrial regulation (Acara 2019, 52–70). For instance, between 2006 and 2011, lead concentrations in the Ergene River were recorded above the maximum threshold, and during the same period cancer rates across all categories showed an increase (Dökmeci 2017, 212). Policy neglect of natural resource management caused many environmental problems such as soil contamination (Tokatlı 2021,197); food insecurity, reduced biodiversity, decreased water quality (Tokatlı 2019,1–12); loss of vegetation; and put 90 per cent of the population of the Thracian region at risk of cancer (Maynet 2018). Today, the Ergene River is defined as a “dead” or toxic river because of the high level of heavy metal contamination generated by industrial waste, which spreads death to its surroundings. For example, according to a Turkish Statistical Institute report, one out of every four deaths in Kırklareli is associated with cancer (Ayhan 2020). The pollution of the Ergene River Basin is also reported on the environmental justice map. For more details, see the case study map in figure 1.

Figure 1. Ergene River Basin. Source: ArcMap-GIS



Known for its agricultural productivity, the Ergene Basin is thought to be home to the largest Romani population in Turkey (for example, it is assumed that 48 per cent of Edirne's urban population identify as Roma) (Edirne TV 2021). Some Roma living in this region are descendants of Romani-Muslim immigrants from Greece who were settled there during the population exchange between Turkey and Greece in 1924 and who were intended to contribute to Turkey's agricultural revolution in the early Republican period (Gürboğa 2016, 109–140).

In 1926, when Turkey's modernism policies began, Roma did not meet its criteria as a "modern nation" and were described as a "group not affiliated with Turkish culture" (Ülker 2008, 7). A settlement law enacted in 1935 prohibited nomadic Roma from moving in large groups, and they were mostly dispersed to Turkish villages in the Thrace region. Across Turkey, many governors have treated nomadic Roma as a public order issue, using this justification to subject them to forced migration to other provinces. This process has led to a series of marginalisation and criminalisation incidents against Turkey's Romani community.

Although many studies have been conducted on chemical pollution in the Ergene River, there is no comprehensive examination of the environmental justice experiences of Romani communities living in the region. In this study, I explore the impact of Turkey's industrialisation and modernisation policies on Romani communities in the Ergene Basin, focusing on the causes and consequences of water pollution in the region. Drawing on Lashley's theory on environmental injustice, I examine both the deviations and convergences in understanding pollution of the Ergene River, while addressing discrimination faced by ethnic communities that experience water pollution daily. I analyse key factors in environmental justice, such as recognition and active participation, and argue that historical exclusion, socio-economic marginalisation, and environmental injustice are deeply interconnected. The pollution of the Ergene River, at the intersection of industrialisation and exclusion, highlights the environmental burdens borne by Romani communities.

The key research questions are: how have the environmental injustices faced by Romani communities in Turkey's Ergene River Basin emerged and been shaped in the context of historical exclusion, industrialisation, and modernisation policies? How have Romani communities in the Ergene Basin responded to these policies over time, and how have the environmental benefits and harms caused by environmental degradation been distributed within the community?

This article examines the period from 1920 to the present to understand and interpret socio-environmental injustices. It combines archival documents, data on environmental degradation, and legal texts alongside biographical narratives of five Romani individuals, including third-generation Romani-Muslim migrants who arrived in Turkey in 1924, to conduct a historical analysis.

The article focuses on Turkey's industrialisation process in the first section, while the second section addresses the legal regulations that make Romani communities vulnerable socio-economically and spatially. The third and fourth sections explore environmental justice and political ecology approaches, while the fifth section presents methodological perspectives. The sixth and seventh sections analyse the biographical narratives of Roma regarding the Ergene River, and the final two sections discuss the implications of these findings for environmental justice theory and policy, offering recommendations.

# 1. An Analysis of Turkey's Industrialisation Policies from a 'Dead River' Perspective

The newly established Republic of Turkey responded to colonisation movements in Europe during the early 1930s with its own package of national industrial policies (Ayfer et al. 1999). Although there were no major industrialisation efforts before 1920, significant advancements were made in industry in the years following the establishment of the Republic, particularly between 1923 and 1930. Sectors such as cotton, silk, and wool for manufacturing in the textile industry, as well as cement, sugar and tobacco, saw considerable development with the opening of factories like the Ankara Carpentry Factory, the Eskişehir Aircraft Repair Factory, and the Alpullu Sugar Factory (Evsile 2018, 112).

Turkey's neutrality during the Second World War presented a historic opportunity for the country to revolutionise its own development and industry. These global (im)balances played an important role during the first steps of both modernisation and industrial policies at the time (Mortan et al. 2003). Many industrial projects to prepare the new Republic for modernity were realised in big cities such as Ankara, Istanbul, and Izmir. By 1980, because of a deliberate relocation of polluting industries (especially dyeing, leather, and textiles) to developing countries, new industrial zones were established in regions close to Turkey's three major cities to compensate for reduced industrial activity in these three metropolitan cities (Acara 2018, 288–301).

International conventions and events played an important role in that process. The military coup in Turkey of 1971, the liberal economic policies of the post-1980s, and structural EU harmonisation programs were important drivers of rapid industrialisation in Turkey. In addition, low environmental taxes, a disregard of pollution for the sake of growth and development, and a lack of or inadequate inspections are just some of the important factors contributing to a rapid growth in polluting industries in Turkey (Acara 2015). Additionally, the geopolitical location of Turkey, especially Istanbul, and its potential as a gateway for the European Union to markets in the Middle East and beyond are seen as other factors accelerating this process (Ayfer et al. 1999). An explosion in population in Istanbul in the early 1990s, together with the devastating impact of the 1999 earthquake, led to a relocation of heavy industry from Istanbul to Thrace. In the Tekirdağ districts (Çorlu and Çerkezköy), nearly 3,000 registered and unregistered chemical, dyeing, leather, and textile factories appeared after the 1990s (Çobanoğlu 2017, 139–156). These enterprises, many of which did not have any waste treatment facilities, discharged their liquid waste directly into the Ergene River and its tributaries.

The Ergene River, once used for drinking and fishing as recently as the 1960s, has become a toxic source of water that is literally killing its surroundings. Although a law on environmental regulation was passed in 1983, the tasks of monitoring and controlling water pollution in Thrace were delegated to local institutions (Orhan and Schuman 2011, 117–137). Due to this liberalisation in water management, the Ergene River was classified as the Turkey's worst polluted river. River pollution due to neoliberal policies on natural resource management has resulted in reduced agricultural production, loss of biodiversity, ground and tap water pollution, food insecurity, and economic problems (Dokmeci 2017, 212).

## 2. Law and Race – From Ottoman to Turkish Republic

Roma, who left their homeland in the tenth century, are recorded to have reached Anatolia about the same time (Ünaldı 2012, 616). Their first interactions with Turkish society date back to the Seljuk period, and it is believed that they first arrived in Istanbul in 1050 (Ünaldı 2012, 616). Roma in Turkey have been subject to a series of historical stigmas based on the notion of “not being sufficiently Muslim” and “not being sufficiently Turkish.” Unlike the republic’s modern concept of a citizenship system, a *millet*<sup>[1]</sup> system based on religious and ethnic identity did not recognise Romani individuals as such during the Ottoman Empire, and they were instead classified under a separate social stratification status. Seen neither as Muslim nor non-Muslim, Roma were forced to settle separately to prevent them from living alongside other groups. Moreover, the *jizya*,<sup>[2]</sup> one of the primary taxes in the Ottoman Empire, which was collected only from non-Muslims, also included Muslim Roma, taxing them 22<sup>[3]</sup> *akçe* (a silver coin) (Göncüoğlu and Yavuztürk 2009, 110). Roma, referred to as “*Kıpti-Çingene*” in the Ottoman archives, were labelled as “*ehl-i fesâd*” (disturbers of the peace) and “*unsur-ı nâfi*” (useful for human resources). The state generally viewed Roma as a threat in terms of administration and law enforcement. Additionally, Article 3 of the Draft Law on Tribes and Immigrants – presented to the Cabinet in 1918 four years before the establishment of the Republic – stated that anarchists, beggars, gamblers, prostitutes, spies, and Roma would not be allowed to enter the borders, and Roma were seen as undesirable elements (Günboğa 2016, 109–140). Roma were labelled as difficult to control, morally weak, outsiders, and spies, and these labels were universal in the military, political, and social spheres (Dündar 2013). Such discriminatory attitudes and racist discourses from the past have led to social inequalities that continue to the present.

After the Ottoman Empire, mutual religious understanding was abandoned, and the search for a national identity commenced. Modernisation and nationalisation policies were carried out, and rural society became the centre of these policies during the early Republican period. In this process, while the concept of Turkishness was reinforced, a monist understanding prevailed in the country’s cultural and political life, and minorities were not recognised. Development based on the agrarian economy and demographic studies focusing on the glorification of the concept of Turkishness became the two main policies of the state in rural areas (Sezer 2021, 127–144) like the Ergene River Basin. For example, the arrival of new Romani migrants relocating after the Balkan Wars of 1912–13, along with Albanians, Bosniaks, and Pomaks to parts of Anatolia and Thrace did not trigger an early consideration of social and environmental injustice, and exclusion and racism were not prevented as population exchanges became the norm.

On 30 January 1923, with a protocol signed between the Turkish and Greek delegations as part of the Lausanne negotiations, it was decided that Greek Orthodox Turkish citizens living in Turkey and Muslim

1 The millet system was an Ottoman administrative framework that granted religious communities a degree of autonomy, allowing them to govern their own affairs, including legal and educational matters, under the oversight of the state.

2 Jizya was a tax levied on non-Muslims (*dhimmis*) in Islamic states, including the Ottoman Empire, in exchange for protection and exemption from military service, allowing them to practice their religion and maintain communal autonomy.

3 *Akçe* was the silver coin used as the standard currency in the Ottoman Empire from the fourteenth to the seventeenth centuries.

Greek citizens living in Greece would be exchanged (Arı 1995). In 1924, as a consequence of the population exchange, the need arose for the settlement of immigrant and refugee groups and their participation in the new Republic's economy. Roma brought to Turkey under the population exchange were divided into different strata, with those engaged in agriculture being settled in rural areas, and artisans, workers, and labourers sent to urban areas (Köçgün 2020, 142–165). As a result of these stratifications, there were some requests for transition, but these were refused. A prominent example is a request for a share of land from Kocaeli Ağâhsan Farm by Roma from Siroz, a group of 60 households settled in the Kozluk neighbourhood of Izmit. This was rejected by the Ministry of Internal Affairs on 28 January 1926, on the grounds that these families worked as porters and tobacconists; they reasoned that if these urban households were given a share of farmland, then there later might be issues with the distribution of land to farming families (Gürboğa 2016, 109–140).

In accordance with discriminatory practices at the time, Roma were to be kept under control by the government and confined to their localities – in line with the authorities' apparent desire for Roma to be controlled, obedient, and harmonised – while the administrations in these localities tried to push them out of their own neighbourhoods. Caught in such a dilemma, Roma tried to make do, living in tents outside their settlements.

Social boundaries have continued to be drawn around Roma, and they have faced hostility and overt pressure ever since – whether the everyday stigma of “Gypsy products” attached to their own goods or the trauma of forced migration – with new restrictions added to these boundaries over time (Özbasıcı 2015). Those Roma who wanted to continue their lives as a part of society were portrayed as morally weak, lazy, and carefree, and thus they were made invisible by the state – except for their contribution to agriculture and artisanal skills.

While creating a modern nation during the early Republican period, Roma were portrayed as a “non-Turkish group” and were pinned down in their settlements by many legal obstacles; however, many chose to leave their own settlements and flee. For instance, the Ministry of Interior sent a letter to the provinces on 8 December 1932, stating that it was compulsory for “Copts” (*Kıpti* or Gypsies/Roma in Turkish) to return to their places of settlement on the grounds that they violated public security and measures should be taken to prevent desertions (Kolukırık 2006, 1–12). In 1935, a Turkish settlement law prohibited Roma from moving in groups, while in 1939, the agricultural land grant program for migrants deepened the gap between Romani and non-Romani groups (Foggo 2005). Accordingly, “Gypsies” were among those who would not be accepted as *muhajirs*, that is, immigrants. Another example among many, 1941's Instructions on the Discipline of the Police, their Role in Ceremonies and Communities, and the Organisation and Duties of Police Stations described Roma as potential criminals, as “[G]ypsies without a substantial occupation”, and it was stated that measures should be taken against them.

Some fifty years later, a proposal to amend Article 4 of the Settlement Law submitted to the Presidency of the Grand National Assembly of Turkey in 1993 by former Edirne MP Erdal Kesebir was refused by then prime minister Süleyman Demirel. The marginalisation certainly did not stop in the intervening years; in 2002, the Ministry of the Interior sent a circular to population directorates asking them to conduct research on whether applicants for citizenship were “involved in begging and [G]ypsyism” (Foggo 2005).

Although racist laws such as these in both the constitution and domestic legislation were abolished in 2006, modernist policies of institutionalised racism have led to the creation of two socio-economically unequal groups: Roma and non-Roma. As a result, environmental inequalities faced by Romani communities in Turkey, particularly in the Ergene Basin where processes of modernisation and population exchange were intense, are rooted in historical continuities of marginalisation, stigmatisation, systematic discrimination, and parliamentary-level discrimination dynamics.

## 3. Literature Review

### 3.1 Environmental Justice Framework

Although humanity's greatest endeavour for centuries has been the search for a just life and justice for all, the concept of environmental justice emerged towards the end of the twentieth century. Environmental justice is concerned with how poor and marginalised communities, regardless of race, origin, or economic status (Schlosberg 2004), are affected by environmental degradation or benefit from environmental resources. In other words, environmental justice addresses the question of whether environmental benefits and harms are equally distributed across all sectors of society (Van et al. 2023, 1–11).

In 1982, in response to the creation of a toxic waste dump in the predominantly African-American town of Warren, North Carolina, civil society leaders and the public launched an unprecedented environmental justice protest by lining up along the roads where trucks carrying waste were traveling (Mohai 2009, 405–430). This action contributed to scholarly work on environmental racism and environmental justice, and many scholars have attempted to create a conceptual framework for this new phenomenon.

Ten years later, in 1992, Beck defined environmental justice as the tracking of environmental risk and pollution to the poor. With this statement, Beck argued that the distribution of environmental hazards is concentrated in ethnically discriminated and marginalised communities (Beck 1992). In 2004, Schlosberg advocated for the active participation of all, regardless of race, origin, or economic status, in environmental decision-making and emphasised participatory justice. Schlosberg also mentioned the importance of recognising the needs of marginalised groups for environmental justice (Schlosberg 2004, 517–540).

Later, in 2010, Lashley conducted extensive studies on environmental injustice and argued that three main issues should be considered in the study of environmental inequalities. These are: (1) the public's right to information and participation in decision-making processes, (2) historical research into the causes of environmental injustice, and (3) the potential impact of race and class on the environment (Lashley 2010). Building on this framework, Lashley's broader theory of environmental justice focuses on the intersection of social inequality, power dynamics, and environmental burdens, offering a critical lens through which to understand how marginalised communities experience disproportionate environmental harm. He emphasises the role of spatial justice, where environmental goods and harms are

unevenly distributed across geographical spaces, often leaving low-income and racialised communities vulnerable to hazardous waste, limited access to green spaces, and pollution. Central to his analysis is the recognition that these inequalities are not accidental but are the result of historical and systemic power structures that shape urban planning and environmental governance. By considering the socio-political factors influencing environmental decision-making, Lashley advocates for more equitable policies that ensure the voices and needs of disadvantaged groups are heard. His work also highlights the importance of grassroots social movements in challenging these injustices and advocating for systemic change in environmental governance (Lashley 2010; 2016).

In this study, in the light of Lashley's theory, I explore possible deviations from and convergences on the causes of water pollution as a result of rapid industrialisation in the Ergene Basin. In this study, I will address discrimination in social processes suffered by an ethnic group who experience water pollution on a daily basis and examine dimensions such as recognition and active participation, which are important factors in environmental justice.

### 3.2 Political Ecology and Environmental Justice

To understand the background of the economic, historical, and political processes framing the environmental and socio-spatial changes in the Ergene Basin, this study started with the need for a political ecology framework. Political ecology and environmental injustice are two concepts that are closely related to state policies and trigger environmental marginalisation and discrimination that have a negative impact on people of colour (Watts and Peet 2004). Political ecology can be linked to Zygmunt Bauman's insights on racism. Bauman's theory of modernity focuses on its fluid and uncertain nature, where the pursuit of progress and rationality leads to fragmentation and alienation. In his concept of "liquid modernity", economic, political, and social systems are constantly in flux, resulting in greater mobility but also increased vulnerability. Bauman argues that while modernity promises freedom and progress, it often produces inequality and social exclusion (2013). Bauman claims that modernist racism is nourished by a parliamentary legal system and enhanced by capitalist businesses and factories (Vartija 2019, 1–15). Studies frequently have reported in the literature that marginalised communities are likely to be negatively affected by industrialisation outcomes in terms of health problems and water pollution (Steger et al. 2008, 8–21). Heidegger and Wiese argue that Roma living in industrial zones or without access to clean water have a lower life expectancy than non-Roma (2020). Both Bauman's and Heidegger's views on modernity and environmental injustices can be good tools for examining the discourses of neoliberal environmental governance in the Ergene Basin, where the concept of Turkishness and the idea of the Turkish nation were glorified in the early years of the Turkish Republic. Furthermore, Bauman's argument can shed light on the economic, historical, and political processes behind the environmental and socio-spatial changes that the third generation of Romani immigrants have experienced in the Ergene River Basin. For this reason, the article examines Bauman's hypotheses about modernity and focuses on the historical codes of environmental and social discrimination there. The experiences of local people, their life stories, and their interactions with the Ergene River are conveyed through biographical narrative analysis.

## 4. Methodology

A sample of the collective memory, experiences, and narratives of local people is needed to understand and make sense of the socio-environmental injustices historically suffered by Roma in the Ergene Basin. Therefore, the research methodology consists of collecting, evaluating, and contextualising biographical narratives. To better understand the dynamics behind the stigmatisation process, archival records, data on environmental degradation, and legal documents were used. In this context, five interviews were conducted with Romani individuals from various backgrounds and professions within the Ergene Basin. All participants are Roma who have lived in Çerkezköy, Edirne, or Uzunköprü and have first-hand experience with the Ergene River's pollution and its socio-environmental impacts. The interviewees include:

- **Interviewee A:** A 65-year-old man, local politician, third-generation Romani migrant whose family migrated from Greece during the population exchange, currently residing in Uzunköprü.
- **Interviewee B:** A 35-year-old Romani man, agricultural worker, residing in Uzunköprü.
- **Interviewee C:** A 32-year-old Romani woman with a background in political science, based in Edirne.
- **Interviewee D:** A 40-year-old Romani man specialising in Romani studies, based in Edirne.
- **Interviewee E:** A 30-year-old man, Romani factory worker, living in Çerkezköy.

Throughout the study, the following questions were asked: how do Roma in Ergene Basin view the pollution of the Ergene River, and how have they responded historically to Turkey's industrialisation and modernisation? What are the backgrounds of the economic, historical, and political processes framing the environmental and socio-spatial changes that Romani immigrants have experienced in the Ergene River Basin? How are the environmental benefits and damages caused by environmental degradation distributed within the community? What are the power differentials and stigmatisation that make Roma living in the Ergene Basin vulnerable to environmental risks? What are the pollution and identity conflicts experienced by Roma in the Ergene Basin? The data was recorded as audio files and was analysed using MAXQDA Analytical Pro 2022 (version 22.8.0) software.

## 5. Results

### 5.1 From Racism to Environmental Racism

The initial interview was conducted with a third-generation Romani migrant, hereafter referred to as interviewee A. Interviewee A, a 65-year-old individual with an extensive background as an agricultural labourer in the Ergene River Basin and a local politician in Uzunköprü for two decades, shared a compelling narrative during our conversation. When questioned about origins, interviewee A hesitated before revealing, "Actually, we're Thessaloniki immigrants." Despite a discernible uncertainty in tone, interviewee A was encouraged to continue. The conversation commenced with interviewee A recounting their grandfather's stature as a prominent farmer in Thessaloniki, Greece. However, idyllic tales of Greece

were overshadowed by the First World War and subsequent migrations. Interviewee A disclosed that the first place they migrated to during the population exchange was an immigration office in Lüleburgaz. (In the early Republican period, Lüleburgaz served as a significant destination for exchange migrants, and resettlement procedures within the scope of the settlement law were facilitated from this district.)

Migration stories played a pivotal role in the biographical narrative method employed. Interviewee A remarked that Gypsies were treated differently post-migration, elaborating, “They wrote both Copt [meaning *Kıpti* or Gypsy in Turkish] and migrant on people’s identity cards, so we were never seen as real Turkish citizens.” This statement underscores the de-identification efforts of the settlement law, a manifesto of modernism in the early Republican era. Moreover, it highlights the historical continuity of marginalisation and stigmatisation of Roma in the Ergene Basin. Interviewee A’s narrative also unveils the identity conflict between Roma, who were not considered citizens, and other ethnic identities in the Ergene River Basin.

Interviewee A continued with another story revealing spatial stigmatisation in the Ergene Basin. “Actually, when I was young, I wanted to be a soldier, so I had to change my address of residence. [Angrily] But Roma could not work in the public sector back then!” This account provides evidence that Roma living in segregated and stigmatised neighbourhoods were unable to find public sector jobs due to legal regulations in the early Republican period. It also informs us of how socio-environmental power differentials in the Ergene Basin historically have been shaped to the detriment of Roma. From this personal story, it can be argued that the environmental stigmatisation and environmental inequalities of Roma living in the Ergene Basin have a long history.

In sum, the experiences of interviewee A provide insights into the ways in which Roma are marginalised and stigmatised in the Ergene Basin. Not seen as a modern people, Roma are marginalised, first according to their identity and then according to their environment. In other words, it can be assumed that the economic, social, and spatial injustices Roma face are the result of racist policies and laws.

## 5.2 Marginalisation, Industrial Pollution, Migration

Interviewee A’s family have lived around the Ergene River for three generations. He experienced the Ergene River before it was polluted and reached its current state. I asked him what was the river like before it was polluted. His first words were: “I remember my father with this question” [his voice shaky]. After this answer, which shows how biographical narratives remind us of the past and how interviewee A and the Ergene River are intimately connected, the conversation continued as follows: “When I was twelve, my father bought me 20 lambs. After grazing the lambs around the Ergene River, I could swim, fish, drink water...” After a long silence, he continued: “It’s no longer possible to swim, I cover my nose even when crossing the bridge.”

The natural and romantic shine of the past has succumbed to today’s synthetic and industrial pollution, erasing interviewee A’s memories. Interviewee A then surprised me, remarking, “I wish this river had been polluted 100 years ago!” He went on to say that Roma could not adapt easily to an agricultural

society and experienced a lot of discrimination: when he was a young agricultural worker, people used to tease him and spit in his face. Drawing on interviewee A's experiences, it can be argued that Roma living in the Ergene Basin benefit less from environmental opportunities and experience identity conflicts with other communities in the basin. Interviewee A then talked about the rights Roma gained in industrial society: "As Roma, we learned about health insurance, retirement, and living like human beings when we moved to industrial society!" (Interviewee A). A Romani agricultural worker who has lived on the banks of the Ergene for three generations, he was not accepted as a member of modern society and said that he wished that the Ergene River, the lifeblood of agricultural activities in the Ergene Basin, had been polluted earlier. Interviewee A believed that there is a relationship between the migration of Roma from Edirne and the pollution of the river. According to him, the polluted Ergene River is an opportunity for Roma to migrate to industrial cities where they can live humanely and not be discriminated against. Even though the Ergene River reminds the interviewee of his family's past, he is thinking of leaving the banks of the Ergene where they have lived for three generations.

Interviewee A is not the only one who emphasises the relationship between Ergene pollution and Romani migration. Interviewee B, a 30-year-old Romani agricultural worker, also sees a parallel between the Ergene River and Romani migration. He claims that the pollution of the Ergene River has reduced the agricultural productivity of the Ergene Basin, and therefore Romani agricultural workers have become unemployed and had to migrate to districts like Çerkezköy and Çorlu. The agricultural worker explained angrily: "We are losing our population! People are losing their jobs, leaving their homes, and migrating every day! I live in a Romani neighbourhood, almost all the people in the neighbourhood make their livelihood from agricultural work." After a period of silence, interviewee B continued his statement as follows: "The factories around the Ergene River want to produce goods cheaply; they don't care about the environment and human health."

Interviewee B believes that politicians and capital owners (factories) are responsible for the pollution in the Ergene Basin. He explains that politicians play politics over pollution as follows: "For thirty years they have been saying that they will clean Ergene... [loudly] they still have no solution." This is a clear example of the state's tolerance of environmental pollution for the sake of economic growth. Interviewee B's opinion also shows that the efforts to clean up the Ergene and seven action plans prepared so far are neither visible nor acceptable to the local population.

In conclusion, Turkey's industrial policy is evaluated differently by two Roma living in the Ergene Basin. A third-generation Romani-Muslim migrant (interviewee A) sees industrialisation as an opportunity for the Romani community, whereas an agricultural worker (interviewee B) sees it as a threat to Romani income sources and community. Considering the views of both interviewees, it can be interpreted that the pollution of the Ergene River has reduced agricultural activity and increased the unemployment of Romani agricultural workers. It can be inferred that the river pollution threatens the income sources of Roma living in the region and results in income distribution in favour of industrial investors and against Romani agricultural workers. It is clear from participant interviews that this distributional/sharing inequality plays an important role in the migration of Roma from the region. Furthermore, it can be argued that river pollution as a result of Turkey's neoliberal industrialisation policies has affected the socio-spatial interactions of Roma.

### 5.3 Becoming Visible with a Toxic River

To examine spatial stigmatisation in the Ergene Basin, I scheduled an interview with interviewee C, a Romani political science expert. She is a 30-year-old Romani woman living in Edirne. Her involvement in Romani rights-based projects helped me understand the conflict between identity and pollution in the basin. According to her, the political ecology of the Ergene River has created conflict between Roma and other ethnic identities. As a result of the conflict between pollution and identity, Roma are marginalised by the local population as a group living on the edge of the polluted Ergene River. “The neighbourhoods where Roma live have been marginalised by the majority, and if you ask any *gaco* [non-Roma] where the Romani neighbourhood is, they will tell you that Roma live near the polluted river,” interviewee C said (shaking her head). It can be seen in figure 4 that a Romani neighbourhood is located along the Ergene riverbed.

Figure 2a. Flood water advancing towards a Romani neighbourhood by Sergen Gül, 18 December 2023.

Figure 2b. The Ergene River and the Romani neighbourhood of Aşçıoğlu. *Source:* Google Earth Pro.



According to interviewee C – together with the statement of interviewee A, a third-generation Romani-Muslim migrant – Roma in the Ergene Basin are marginalised by class and ethnicity. Socio-economic inequalities and power imbalances in the Ergene Basin, deepened by laws and institutional racism, have resulted in spatial stigmatisation and environmental injustice. Drawing on interviewee C’s insight, it can be concluded that as a result of environmental degradation in the river, pollution is concentrated in Romani neighbourhoods and not everyone is affected in the same way. As a result, the environmental risk and degradation tip toward Roma while sparing *gaco* (non-Roma).

### 5.4 Access to Clean Water and Health Issues

In 2011, Edirne’s governor announced that the Ergene River was polluting the groundwater of Edirne Province. In a study conducted by Eskiocak and Akbaşak on the health of Roma in Edirne in 2017, it

was found that 77.1 per cent of Roma used tap water, while 22 per cent of participants obtained water from a neighbourhood tap. In addition, while it was stated that there was no access to water for sale in a carboy or demijohn for Romani participants, this figure was found to be 19.8 per cent among non-Roma (Eskiocak and Akbasak 2017, 137–138). These data suggest that if groundwater contamination in Edirne were to enter tap water supplies, Roma in the region would be affected drastically. To shed light on this situation, I interviewed a Roma rights defender in Edirne, referred to as interviewee D, who is involved in projects focusing on Romani health. His response to the first interview question, “What do you think about the Ergene River?” was: “Danger.” He went on to say that people in Edirne are afraid to drink tap water, while those with higher economic status buy carboy water. Interviewee D stated that Roma living in the region cannot buy bottled water because they do not have enough economic power: “Roma have to drink the drinking water contaminated by the Ergene, they have to cook with that water, they have to wash their children with that water.” He emphasised the prevalence of diseases linked to the use of contaminated drinking water in his studies in Romani neighbourhoods on the banks of the Ergene River where it joins the Meriç River. “We found respiratory diseases in all children under the age of four, and we attributed this to two causes: humidity in the houses and drinking water.”

As a result, socio-economically disempowered Roma in the Ergene Basin do not have the means to protect themselves from environmental degradation or to take precautions against the health risks of pollution. According to the participant, while non-Roma use bottled water as a form of protection, Roma are forced to drink tap contaminated water from the Ergene River. While the Ergene River, polluted by neoliberal policies, is an obstacle to access clean water in the Romani community in Edirne, it can be argued that environmental injustices related to water pollution and health are more likely to be experienced by the Romani community.

## 5.5 Is It Possible to Escape from Environmental Injustice?

A third-generation Romani-Muslim migrant (interviewee A) and an agricultural worker (interviewee B) put forward the hypothesis that the pollution of the Ergene River triggered a decrease in agricultural production and Roma agricultural workers subsequently have relocated to industrialised cities. A different view was put forward by a factory worker referred to as interviewee E. He argued that Roma living in Edirne had once contributed to the agricultural labour force, but mechanisation had reduced the need for manpower, and as a result Roma in the region had moved to industrial cities. Interviewee E is a 30-year-old Romani worker who moved from Edirne to Çerkezköy-Tekirdağ with his family at the age of 18. He lives in the Fevzi Paşa neighbourhood, a compact Romani area very close to organised industry. I interviewed him to understand whether he was able to escape environmental injustice by moving. He summarised this issue in an incident he experienced. “I work in a factory in Çerkezköy, Tekirdağ. I stepped out of the factory around 3 AM to smoke a cigarette, and when I came out, everywhere smelled like plastic. The air was so polluted that it burned my throat when I breathed.”

Interviewee E’s experience suggests that Roma living in neighbourhoods close to industrial zones after migration are exposed to health threats related to air pollution. He later said that he called the Ministry of Health to file a complaint about this situation, but he hesitated and ended the call because they asked for his personal information. “I called the relevant unit of the Ministry of Health to file a complaint and

said, ‘I work in Tekirdağ, there is a textile company behind us, can you come and take a look?’ They asked for my personal information, I got angry and hung up the phone.”

According to him, the supervisory mechanisms related to air pollution try to stigmatise the complainant by asking for personal information rather than considering the individual’s complaint. He then emphasised that the factories that cause air pollution in Çerkezköy are inadequately supervised: “There is no control, they turn the filters on during the day and off at night, they don’t care about the environment. I live in the Fevzi Paşa neighbourhood, we cannot open the window at night. When we do, the air smells like plastic. When we wash the laundry, even the tops get wet and dusty from the chemicals. The factories in the Fevzi Paşa neighbourhood are very close to each other. For example, if our house is here, the factories start 100 meters later.” Based on interviewee’s statements, it can be concluded that the state uses the tactic of a lack of supervision to control environmental pollution in Çerkezköy.

Figure 3. The yellow polygon outlines the industrial zone, the black polygon denotes the Fevzi Paşa neighborhood, and the red polygon highlights the area predominantly inhabited by the Romani community.



Source: Google Earth Pro.

As a result, it can be concluded that Roma migrating from along the Ergene River (Uzunköprü) to Çerkezköy, where there is industry, face another dimension of environmental injustice (see figure 4). According to the participants’ views, it can be inferred that while Roma living along the Ergene River suffer from environmental injustices related to water pollution and health, Roma living in Çerkezköy

after migration face risks of air pollution. As Beck argues in *Risk Society: Towards a New Modernity*, “environmental risk and pollution follow the poor.” In other words, it can be assumed that poor marginalised populations are unlikely to escape environmental risks (Beck 1992).

## 6. Discussion

This research reveals the absence of a protection strategy for Roma living and working in Turkey’s most polluted basin and presents clear evidence of institutional racism acting in concert with environmental discrimination. Although racist laws in the constitution of the Republic of Turkey were abolished in a legal reform in 2006, modernist policies of institutional racism have resulted in the creation of two socio-economically unequal groups, Roma and non-Roma. A lack of social justice is the main reason for the power differentials and stigmatisation that make Roma living in the Ergene Basin vulnerable to environmental risks. All interviewees agreed that the river is polluted and that Roma are most affected by environmental degradation. All respondents argued that the environmental benefits and harms of the Ergene Basin are not evenly distributed. Participants who believe that they have been victims of institutionalised discrimination in the Ergene Basin in the past are aware that both pollution of the river and environmental discrimination in the region are not accidental.

The Ergene River, polluted by neoliberal industry and an inadequacy of environmental laws, has threatened the potential of Roma in the region to make a living from agricultural and has created an income imbalance in favour of industrial investors and to the detriment of Roma. For this reason, Roma migrating from the basin can be seen as environmental migrants according to Myers’ definition. According to Myers (1993), environmental refugees are “[p]eople who lack a stable source of income in the area where they live because of drought, soil erosion, desertification, or other environmental concerns”. It can be assumed that the Ergene River played a vital role in shaping the socio-spatial relations of Roma in the Ergene Basin.

However, pollution in the Ergene is not the only reason for Romani migration from the region. Identity conflicts and mechanisation also played a major role in this phenomenon according to participants who claimed that they could lead a better life in industrial cities. One of the interviewees thinks a main reason for migration is less demand for manpower in agriculture due to mechanisation. All participants drew attention to social conflicts in the region as well. The main reasons for Romani migration from the basin are race and social class conflicts, which Lashley (2016) sees as the most important aspects of environmental injustice. It is clear that Roma in the Ergene Basin, who are not accepted as modern citizens by society, the state, and other social dynamics, seek a better life elsewhere.

In this case study, as supported by Bauman (2005), it can be said that parliamentary racist policies deepen social injustice and environmental injustices. In other words, the main sources of social and environmental discrimination in the basin can be seen as laws that produce racist practices against the Romani minority by capitalist companies and polluting factories. Many interviewees believe that they live in neighbourhoods segregated by skin colour. The Settlement Law of the early Republican period categorised Roma as a group disconnected from Turkish culture, associating them with spies.

Later, the state relocated Roma to Turkish villages and treated them as agricultural labourers, and these arrangements became major sources of social and environmental injustice.

If we look at the spatial distribution of pollution in the post-industrial Thrace region, Romani communities living in segregated neighbourhoods are more vulnerable to health risks from environmental degradation. Our research found that in the nine provinces through which the Ergene River flows, there are seven Romani neighbourhoods along its tributaries. So, it is possible to argue that chemical pollution does not harm everyone in the community equally.

Beck explained the distribution of environmental risks as “pollution follows the poor” (Beck 1992). When we look at the Ergene Basin from this perspective, we can say that Romani people who migrate to industrial areas such as Çerkezköy cannot escape environmental risks either.

The third point of Lashley’s environmental discriminatory framing theory, namely the active participation of participants in the decision-making process, is a question left unanswered by the interviewees. Indeed, a limitation to this study is that it does not provide data on Romani participation in environmental decision-making processes in the Ergene Basin. However, a valid assumption may be that no participation was initiated by public officials or private enterprises. For instance, the seven action plans designed by the Ministry of Environment and Forestry for the Ergene River Basin do not include any protective measures for Roma, one of the communities most vulnerable to environmental degradation. Policymakers seem unaware of the potential risks Roma encounter in the Ergene Basin, while politicians neither involve the public in environmental decisions nor acknowledge environmental hazards faced by the public, pointing to a clear case of environmental discrimination.

## Conclusion

This article argues that environmental injustice in the Ergene Basin is related to two important steps in Turkey’s modernisation and neoliberal industrialisation policies. It argues that economic, social, and spatial power differentials in the basin have emerged as a result of racist laws and practices. This conclusion is formed from an analysis of the historical and political conditions underlying the unequal distribution of environmental benefits and harms in the basin, together with the contribution of social processes and biographical narratives that shape the Ergene’s collective memory, experiences, and voices.

In summary, Turkey’s modernisation and neoliberal industrialisation policies have resulted in environmental injustice in terms of and fair distribution, participation, and recognition for Roma living in the Ergene Basin. The socio-cultural differences and needs of Roma have not been considered by policymakers. In all case studies, Roma in the Ergene Basin see themselves as victims of environmental discrimination, a legacy of social discrimination. Underlying reasons may be Turkey’s efforts to create a modern state and a modern nation in the early Republican era. In the Ergene Basin, Roma who are vulnerable to the effects of environmental degradation see migration as a solution to seek a better life outside the Edirne region. Roma who move to industrialised cities also are unable to

escape environmental risks and often encounter new environmental problems such as air pollution in their new settlements. Future research could be based on quantitative data and investigate how environmental degradation of the Ergene River affects the health status of Roma living in the region. Researchers should increase the number of studies in the literature in the quest for environmental justice for Roma living in Turkey.

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# Caring for Thirst: Challenges to Access to Water in Slovakia through a Legal Lens

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**Critical**  
Romani Studies

## Abstract

This article provides an assessment of segregated Romani communities' access to water in Slovakia. It combines philosophical and human rights perspectives and focuses on obstacles communities encounter when pursuing access to safe drinking water through the context of law, whether national legislation, EU legislation, or international human rights. This article aims to establish the case of racial discrimination against Roma in Slovakia through the lens of the environmental justice and especially water precarity. This contribution also explores international standards concerning the right to access water from the perspective of vulnerability, arguing that specific populations living in precarious situations should have an unconditional right to water.

## Keywords

- Environmental justice
- Legal remedies
- Right to water
- Roma
- Slovakia

## Introduction

This contribution aims to establish the case of environmental inequalities, especially concerning access to water, among ethnic communities in Slovakia through the lens of the law. The article is based upon the assumption that these inequalities disproportionately affect Romani communities that are subject to violations of their human right to water as recognised under international law. To confirm this assumption, it is necessary to consider developments regarding the right to water in international human rights law and its implications for Slovakia; this especially concerns the opinions of international human rights bodies on the country's compliance with the right to water and the principle of non-discrimination. Moreover, the situation in Slovakia must be assessed through accessible data that allows for a closer appreciation of the practicalities of access to water for Romani communities. Finally, the effectiveness of available national remedies is necessary to establish whether sufficient redress may be sought by individuals who are deprived of the right to water. This paper aims to confirm whether Slovakia fails to protect the right to water and to provide access to justice for violations, especially for communities in vulnerable situations.<sup>[1]</sup>

## 1. Recognising the Unconditional Right to Water

The lack of access to water for marginalised communities, particularly in Romani settlements in Central and Eastern Europe, highlights a systemic failure to address fundamental human needs through legal and moral frameworks. Despite international advocacy and repeated recommendations from bodies such as the UN's Committee on the Elimination of Racial Discrimination (CERD) (2018) and the UN's Committee on Economic, Social and Cultural Rights (CESCR) (2019), access to water remains elusive for many Romani communities, reflecting an alarming neglect of what should be an unconditional moral right. Legal responses, such as those from the European Court of Human Rights (ECtHR), often adopt a lenient approach, granting states broad discretion in policy measures rather than mandating substantive action. While the European Committee of Social Rights (ECSR) has identified the lack of water as a human rights violation, the practical realisation of this right has been limited, exposing gaps in judicial reasoning and government accountability.

In our opinion, access to water must transcend its current conditional framing and be recognised as an unconditional claim rooted in human vulnerability and dignity. Drawing mainly on philosophical insights from Emmanuel Levinas and ethical alterity, this article argues for a legal and moral shift that places bodily needs at the centre of human rights. Concepts such as vulnerability and precarity, increasingly part of human rights jurisprudence, provide a promising pathway to reimagine rights as responsive to

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<sup>1</sup> In this article, we did not elaborate on two important aspects. First, there are problems with the commodification of water and the marketisation of water distribution. This phenomenon affects the accessibility of the right to water and, more precisely, the affordability of water. However, due to its complex nature, we did not have the opportunity to discuss it. Furthermore, although we discussed possible legal avenues, we omitted references to pending cases. Several lawsuits have been filed on the right to water, but none has yet been decided. The legal strategy chosen and the particular judgments could be the subject matter of another research and contribution.

the material realities of marginalised groups. The analysis critiques an atomised and self-centric approach to human rights, advocating instead for intersubjective ethics that prioritise communal responsibilities. By framing water access as an absolute moral right, a more robust, ethics-driven legal framework for addressing systemic exclusions can be envisaged.

By adopting a framework centred on vulnerability and precarity (Butler 2009), we argue that the human body must be at the core of human rights protection, with physical necessities such as water being treated as unconditional – absolute – rights. The concept of vulnerability has increasingly become an integral part of legal discourse, shaping both norms and judicial reasoning alongside established principles like dignity and equality. This perspective offers great potential to address fundamental needs essential to life such as access to water.

Building on this perspective, recognising and interpreting the right to water should similarly prioritise vulnerability and the fundamental nature of physical necessities. This approach requires moving beyond abstract legal principles to actively centre the realities of those most affected by a lack of access to water, particularly for marginalised groups like our case of Romani communities in Slovakia. By framing water as an unconditional right, legal and judicial mechanisms must account for its indispensable role in sustaining life and human dignity.

In the context of access to justice, this perspective demands that legal systems are both procedurally fair and substantively responsive to the precarious conditions endured by vulnerable populations. Judicial reasoning should reflect the centrality of water to human survival and well-being, interpreting existing norms and principles to ensure practical access without any discrimination. Adopting this vulnerability-focused framework reinforces the imperative that access to water must be treated not as a privilege but as an absolute right, requiring legal systems to bridge gaps between practice and theory.

## 2. Developing the Right to Water under International and European Law

The international community has paid significant attention to access to water resources and state action concerning water for decades. Yet, this discourse has historically ignored water as an individual, justiciable human right. The focus largely has been placed on various aspects of water usage and management, encompassing a multitude of sectors and industries in a comprehensive manner, as well as dealing with particular difficulties in water policy, both on a universal and regional scale. The human rights aspects of water and its relevance for people living in precarious situations have not been at the cornerstone of the discussions. Some fifty years ago, the United Nations Water Conference placed various precise obligations on states but did not once consider their implementation as a requirement stemming from the human rights of individuals (United Nations Water Conference 1977). While there were proposals that contemplated requirements of a judicial and administrative protection of water rights (United Nations Conference on the Human Environment 1972, 17), significant breakthroughs in the development of the right to water as part of the family of human rights norms emerged only much later and were limited in

scope, either serving only particular vulnerable categories of persons benefitting from the protection of specific human rights treaties (for example, children), or reserving the right to water only to particular aspects (for example, guaranteed water quality to prevent disease) (Soboka Bulto 2011, 298).

While certain domestic jurisdictions similarly enshrined the right to water as part of their bill of rights – for example, Article 27 of the Constitution of South Africa or similar recognition in India or Argentina that predated the UN's concern about the right to water (*Ibid.*, 302) – it was not until 2002 when UN CESCR published General Comment No. 15, writing that the right to water was established as a universal human right with unequivocal recognition under international law (CESCR 2002). Only thereafter did the right to water gain recognition on a global level, finally gaining the full attention it deserved.<sup>[2]</sup>

Since then, the right to water has been recognised as a fundamental human right under international human rights law. True, it has also been the subject of various instruments that recognise its importance in the full enjoyment of life by UN bodies, for example, the General Assembly (UNGA 2010) or the United Nations Human Rights Council (UNHRC 2010). At the moment, it can be understood as a right to water security (Jepson et al. 2017, 48) and be considered as part of broader guarantees essential for securing an adequate standard of living (ICESCR 2002), interrelating with other rights, especially the right to health (*Ibid.*), the right to housing (UN CERD 2005), together with the equality principle<sup>[3]</sup> and freedom from ill-treatment. Moreover, it could be linked to a broader guarantee for protection of the environment (Braig 2015, 4–14).

The right to water has been subject to increased attention recently, even on a regional level, including in Europe. The European Parliament (EP) recognised the right to water and sanitation as vitally important and accentuated that this human right often has been neglected (EP 2014). Even before such recognition, the right to water and sanitation was the main topic of the first-ever European Citizen's Initiative to satisfy the prerequisites for its submission to the European Commission (Commission) in December 2013. It called on the EU and its Member States to increase efforts in safeguarding water and sanitation access. The Commission recognised access to water and its implications for adequate living standards, human dignity, and the right to life. The Commission also undertook a review of water legislation and financing schemes for the distribution of water (Commission 2014). At the same time, the Commission had been criticised for insufficiently addressing the issue and not tabling any new contributions to the issue, such as universal access to water (European Economic and Social Committee 2014) or action to eliminate problems with water supply and shortages, as well as transparency in policies regulating access to water (EP 2015). In 2020, a recast version of the Drinking Water Directive<sup>[4]</sup> was adopted, adopting a

2 The UN recognised access to water and sanitation for all as one of the Sustainable Development Goals within the 2030 Agenda for Sustainable Development. It is the sixth goal.

3 See Articles 1, 2, and 5 (e) (iii) (iv) International Convention on the Elimination of All Forms of Racial Discrimination; Article 28 (2) (a) Convention on the Rights of Persons with Disabilities; and Article 14 (2) (h) Convention on the Elimination of All Forms of Discrimination against Women.

4 Directive (EU) 2020/2184 of the European Parliament and of the Council of 16 December 2020 on the quality of water intended for human consumption (recast).

similar language of vulnerability in Article 16, binding the Member States to improve access to water for vulnerable or marginalised groups. This movement on the EU level and the development of a human-rights-oriented approach occurred even in the absence of explicit human rights provisions dealing with the right to water and sanitation in primary EU law, similar to the progress made at the UN level.

### 3. Obligations Stemming from the Right to Water and Principle of Non-discrimination

Efforts have been made to study the legal obligations incumbent upon states and other stakeholders to protect human rights to water and sanitation (UNHRC 2006). The UNHRC sought to clarify the normative content of the right to water, and the UN High Commissioner for Human Rights was authorised to study the scope and content of relevant obligations that provide insight into the view of the international community on the legal basis of the right to water, its component parts, or implementation (UNHRC 2007).

The right to water and sanitation has been such a critical focus of the UNHRC that it decided to appoint an independent expert to facilitate, apart from further study of the human rights aspects, dialogue and cooperation among international bodies, states, and private entities (UNHRC 2008). Consequently, the normative content of the right to water has been developed in various aspects. In this regard, General Comment No. 15 of the ICESCR remains the most comprehensive and authoritative source for interpreting the right to water (Soboka Bulto 2011, 298).

First, the ICESCR recognised general legal obligations related to economic, social, and cultural rights, such as obligations of progressive realisation or *prima facie* prohibition of retrogressive measures against the right to water. The ICESCR also established three distinct obligations of states – to respect, protect, and fulfil the right to water (ICESCR 2002). These three obligations each set out specific measures that states must, may, or cannot be taken by states such as the obligation to protect water from pollution or to refrain from limiting access to water. However, the three categories of obligations are also distinct in terms of their purpose and targets in their regulations. For example, the obligation to respect targets mainly state authorities and restricts their behaviour to prohibit the state from interfering with the right to water (*Ibid.*). On the other hand, the obligation to protect requires states to take active measures mostly targeted at private entities attempting to perpetrate such interferences (*Ibid.*). Finally, the obligation to fulfil requires states to act proactively and for the direct benefit of individuals so that they can realise their right to water.

This obligation to fulfil prescribes another trio of separate requirements. First, it requires the facilitation of assistance to individuals in need. Second, it obliges states to provide education that promotes the proper use and protection of water. Third, the fulfilment of the right to water necessarily requires providing water to all individuals who cannot secure it on their own (*Ibid.*). This applies to instances of *force majeure*, where specific communities lose access to water temporarily due to unforeseen circumstances, and it also creates an obligation to provide water for communities living in such poverty that they cannot afford it independently (Winkler 2012, 111).

Moreover, the General Comment established the so-called core obligations, meaning obligations so essential that they cannot be derogated; otherwise, the essence of pertinent human rights would be nullified. In the context of discrimination against Roma in the framework of environmental justice, states have a core obligation to provide a “minimum essential amount of water” on a non-discriminatory basis, using low-cost targeted water programmes. Considering the perspective sketched above, the core obligation should be reconceptualised as “unconditional access to the required amount of water”, emphasising the idea that access to water should not be considered conditional, for example, by an ability to use own social benefits to ameliorate water precarity (see *Hudorovič* §§ 149 and 156), bearing in mind that under these obligations states must also ensure adequate sanitation to control, prevent, and treat disease (ICESCR 2002). Thus, the interdependence between water and sanitation is essential as any lack in one results in violation of access to the other.

Equal access to water as an unequivocally recognised individual human right is essential progress in the consideration of inequalities in water access previously described in the Mar del Plata Action Plan. At that time, states were only recommended to consider inequalities in access to water and remedy them, yet such responsibility was not coined in human rights terms. No individual, justiciable human right to eliminate such discrimination was established at the time. The progress of international human rights law in this regard and recognition of the right to water on a non-discriminatory basis as part of economic, social, and cultural rights is a welcome development as it creates not only a binding obligation incumbent upon states but also an enforceable right for all individuals impacted by violation of such right. However, an additional step is required. It should be followed by recognition that certain populations have struggled with unequivocal difficulties in accessing adequate water sources because of structural injustice, and their position is, due to this fact, precarious. Water precarity should be recognised expressly as an obligation of the state to eradicate.

The obligation to remove discrimination relates both to future and retroactive regulations or steps. Accordingly, states must end any *de facto* discrimination in securing all social rights as speedily as possible (United Nations Commission on Human Rights 1987).

Apart from the General Comment, other human rights bodies have developed their standards of protection, both worldwide and in Europe. As concluded by the European Committee of Social Rights (ECSR), even short-term interferences with access to water constitute a violation of human rights, for example, in the case of an arbitrary termination of water supply for just a week (ECSR 2011).

Access to water is an essential human right that must be guaranteed through public financing, even for communities that lack resources to pay for the construction of relevant infrastructure or water consumption (UNHRC 2015). Failure to take such active steps to ensure the full realisation of the right to water for all violates the obligation to fulfil the right to water on the part of the state (ICESCR 2002). In terms of discrimination in environmental rights in cases where studies prove that minorities disproportionately lack access to water in comparison with the general population, the ECSR established that such a fact constitutes a violation of human rights, even if the minority members thus affected do not represent the living conditions of that minority in general (ECSR 2015).

Another typology of obligations is often identified based on the so-called “four A’s”. These encompass four standards that the state must satisfy to realise the right to water fully. First, water must be *available* in terms of various common uses of water (for example, drinking, cooking, sanitation, and so on) and in terms of sufficient quantity. Second, water must be *acceptable* in terms of colour, odour, and taste, as well as in terms of water safety. Third, the water must be physically *accessible*, as close to the users as possible. Fourth, water must be *affordable*, considering the economic costs that individuals bear (Winkler 2012, 126–139). Considering our perspective, we may add that the right to water should be available, acceptable, accessible, and affordable unconditionally for those experiencing water precarity.

## 4. Roma in Slovakia and Access to Water through the Lens of International Standards

While the right to water has been described as a fundamental right, entailing various obligations, recognised and protected under international human rights law through various authorities, the practical difficulties to secure such a right to water remain suboptimal. In terms of access to water in Slovakia, significant criticism has been raised towards discrimination against Roma regarding their right to water. Such criticism originated not only from NGOs, such as the European Roma Rights Centre (ERRC), which analysed water access according to the criteria of the four A’s through the lens of discrimination against Roma in several countries, including Slovakia, using its own research and data (ERRC 2017).

The topic also has attracted academic research detailing how Roma in Slovakia face environmental discrimination and exclusion (Filčák and Steger 2014) or how funding for EU infrastructure projects impact the exclusion of Roma (Škobla and Filčák 2016). Field research also has contributed to developing awareness about the issue of access to water for Roma in Slovakia. The research identified a substantial number of Romani communities across Slovakia where various measures and omissions resulted in the deprivation of some aspects of the right to water for those Roma inhabiting the localities: failure to provide necessary infrastructure, termination of water supplies, and obstacles to access to water or poor water quality that exposed Romani individuals to unacceptable risks in fulfilling their right to water. Often, it has been concluded that responsibility for these actions (that are incompatible with the right to water as outlined under international law described earlier) rests with local municipalities acting as self-governing territorial entities (Filčák and Škobla 2017).

Even Slovak public authorities have recognised the gravity of the situation regarding Romani communities’ access to water and contributed their findings and recommendations to the issue. The weight of an Ombudsperson’s report from nearly a decade ago adds a persuasive argument to strengthen the narrative that supports the need to provide Roma with sufficient guarantees of their right to water. The Ombudsperson’s field research supported the report, which further established significant deficiencies in Romani communities’ water access. It detailed the lived experiences of specific communities in Slovakia where water was not provided for Roma for 13 years or other cases where Roma had access to water that was not recommended for drinking by the municipality (Ombudsperson 2017, 11). This report is significant in that it provides an insight into excuses raised by municipalities to justify their failure to fulfil the right to water for their

Romani communities. These include *inter alia*, a lack of public finances, a lack of state support, unresolved land disputes regarding buildings that need water infrastructure, complicated administrative proceedings to secure construction of water pipelines, or alleged disinterest by Roma to secure such water (*Ibid.*, 19).

The international community has also focused on the fulfilment of obligations by Slovakia regarding the right to water for Romani communities. The ICESCR first recommended that Slovakia provide water for the most disadvantaged parts of its population in rural areas (ICESCR 2012). In another reporting cycle, the ICESCR more specifically pointed out that segregated Romani communities lack permanent access to safe drinking water and expressed concern about such a situation in a high-income country like Slovakia (ICESCR 2019). The recommendations from the ICESCR indicate that Slovakia currently is underperforming in upholding its obligations. Specifically, inequality of access to water for Romani communities has been acknowledged and requires consistent, long-term action to satisfy the requirements of the right to water guarantees under international law. Failure to do so may constitute a violation of human rights and lead to steps to hold Slovakia accountable for human rights abuses and an obligation to provide appropriate reparations (Naidu and Torpey 2012, 477).

At the same time, individuals whose rights have been violated may obtain the standing to sue under national jurisdiction to protect their rights (see section five). The state itself recognised the need for infrastructure construction in segregated Romani communities, including infrastructure for drinking water and sanitation, in its 2020 Roma Integration Strategy adopted in 2012 by the Slovak government; however, at that time, there were no input data provided in the strategy document.

The obligation to monitor progress in the area of water policy is, however, one of the core obligations linked to the right to water; therefore, monitoring such data is one of the obligations that bind Slovakia, irrespective of the financial resources it can dedicate to the actual development of infrastructure (ICESCR 2002). A welcome development in this regard is the *Atlas of Roma Communities* (2013 Atlas) which was created as a result of collaboration among Slovak government bodies, the United Nations Development Programme, and several academics from Slovak and Czech universities that co-authored the final report (Mušinka et al. 2014) and expanded earlier data collected in 2004. The most recent iteration of the *Atlas* using 2019 data (Ravasz et al. 2020) maps the situation in 825 municipalities and over 1,100 Romani communities, gathering data on approximately 417,000 Romani individuals in Slovakia from an estimated 450,000 Romani individuals in the general population (Ravasz et al. 2020, 17). Strikingly, only 79 per cent have access to tap water, while the proportion is 97 per cent overall in the monitored municipalities (*Ibid.*). There is, therefore, significant inequality in terms of access to tap water that needs to be addressed urgently.

## 5. Legal Remedies for Combatting Discrimination in Access to Water in Slovakia

International law provides not only substantive protection of economic, social, and cultural rights but also procedural guarantees for their enforcement. It is recognised that apart from appropriate legislation and equal application without discrimination, human rights must be justiciable through effective judicial

remedies on a domestic level, in which courts can apply provisions of international human rights treaties as self-executing, that is, not requiring implementation (ICESCR 1990).

It is unclear whether any jurisprudence in Slovak courts dealing with access to water through a human rights-oriented approach is present in Slovakia. While Slovak judiciary practice has been researched regarding non-discrimination and equal treatment (Durbáková et al. 2010), judicial proceedings dealing with the issue of environmental injustice and discrimination in access to water have yet to come. Nonetheless, under the jurisprudence of Slovak and international courts, as well as existing international law documents described earlier, it is arguable that actions against violations of the right to water are well-founded, and they could bring remedy against responsible parties.

This section of the article is dedicated to exploring possible legal remedies for discriminatory violations of the right to water for Roma. As a preliminary point, it ought to be remarked that this section does not seek to address international bodies and procedures that deal with standards of protection and violations of human rights. Standards and jurisprudence of such procedures pertinent to the right to water were outlined previously. In terms of remedies outlined here, proceedings under national jurisdiction shall be considered.

Second, we shall focus on court proceedings against public authorities under the administrative judiciary as measures of remedy. The purpose of actions filed with administrative courts is to enforce obligations against those who bear it and ensure public authorities act lawfully. In terms of widespread and persistent discriminatory practice of public authorities, as established above, these actions seem most appropriate to provide remedy for the individuals and communities affected. Yet, this section serves not only to consider the availability of remedies in Slovakia but also to appreciate their prospects of success, their capability to improve the situation of impacted communities, and potential obstacles in access to environmental justice.

In cases of the right to water enforcement, regarding the abovementioned obligation to provide water supply imposed on municipalities by statute, it is possible to protect the rights of individuals against public administration under Slovakia's Act 162/2015 Coll. Administrative Judiciary Code. The statute sets out procedures predominantly in cases when courts rule on disputes of individuals against public authorities. However, the conditions for courts to assert their jurisdiction in cases related to the right to water are unclear at best. As described earlier, the most widespread problems in Slovakia relate to a failure in the progressive realisation of the right to water to eliminate discrimination against Roma. The failures are, therefore, caused primarily by the omission of authorities to provide access to drinking water. However, Article 3(1)(d) states that the omission of public administration may confer jurisdiction on courts only in cases where administrative bodies do not proceed with initiated proceedings or do not initiate proceedings *proprio motu* where they are obliged to do so. On the contrary, the jurisdiction is not conferred in cases where the omission is purely factual, that is, where public administration fails to provide certain amenities that individuals have the right to enforce but their provision does not require official administrative proceedings. Therefore, the inactivity of municipalities in providing water supply may rarely become an actionable claim under the Administrative Judiciary Code, for example, where it merely fails to apply for funding, as outlined above.

The second way victims may assert the court's jurisdiction is to sue municipalities for so-called "other interferences" of public administration, which serves as a catch-all provision to secure jurisdiction if no explicit grounds can be invoked. That way, courts shall have jurisdiction over any factual conduct in public administration that may interfere with individual rights, for example, the conduct of officials during control and inspection procedures.

The question remains whether such factual conduct may confer jurisdiction and give rise to the action of harmed individuals – even in cases where factual conduct is omissive and plaintiffs sue public administration for not taking the proper steps. The legal doctrine states that such jurisdiction is created only in cases where interference has a factual basis of immediate or proximate effect (Fečík 2018, 32). Considering this interpretation, it is unclear whether a long-term omission of authorities to provide access to water has such a proximate effect that it may be considered "other interference" under the Administrative Judiciary Code.

Second, it has to be noted that – to sue public administration for such interferences successfully – an action has to be filed with the court under Article 256 of the Administrative Judiciary Code within two years after such interference occurred, and at the same time within two months after the person whose rights were interfered with became aware of the interference. The less conflicting of the two statutory periods is the objective one, that is, two years since the occurrence of the interference. In long-term violations of the right to water that persist for years, it has to be considered that the interference occurs continually, and the two-year period only starts to run once the interference has been eliminated, not immediately when it manifested for the first time. Even cases of water deprivation that persist for longer than two years become actionable in courts while respecting the two-year period.

A more significant interpretive problem arises in determination when the two-month period starts to run after the person concerned becomes aware of the interference. Such knowledge must be determined carefully since Romani individuals concerned know the fact itself: water unavailability in their community. Often they are aware of their living conditions for years without considering any legal action. Assuming they attempt to gain access to safe drinking water through informal means or negotiations with local authorities, the courts might dismiss their actions because – while Roma spent months negotiating and securing a solution to their situation – their two-month limit for lodging their claim under the Administrative Judiciary Code had already elapsed as they were aware of interferences for the entire time they dealt with the situation through out-of-court procedures. Such a formal interpretation of statutory time limits may push Roma into hastily pursuing their cases before courts, further antagonising municipalities and the public administration they litigate against. It has to be noted that the Supreme Court of Slovakia<sup>[5]</sup> does not seem willing to adopt an excessively formal view of time, holding that in the cases of disability-based discrimination when interferences with individual rights are being dealt with only through informal forms of procedures, the action under Administrative Judiciary Code is not time-barred simply by the fact that claimants subsequently turn to different bodies in attempts to review the

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5 A predecessor to the Supreme Administrative Court (established since 1 January 2021) in cases litigated under the Administrative Judiciary Code.

procedure of first-instance administrative entities. The two-month time limit since the claimants became aware of the interference then starts to run only once there is no prospect for revision or demanded action to occur (Supreme Court of Slovakia 2021).

Yet it remains unclear when to determine the start period of the time limit to lodge a lawsuit and how to consider cases when Romani communities are left without any prospect of local municipalities acting appropriately to secure access to water for them. Additionally, the rigid application of such a limit could lead to several well-founded cases of environmental discrimination in access to water being dismissed before the courts or, what is worse, discouraging affected Romani communities from pursuing their cases through the judiciary. Such deficiencies in Slovakia's current legislation could lead to Roma tacitly accepting and tolerating discriminatory violations of their human rights. Strict scrutiny of applicable procedural law, as well as ongoing court cases and an analysis of interpretation of relevant provisions, is necessary to ensure such a chilling effect does not occur.

## Conclusion

This article aimed to describe the situation of Romani communities in Slovakia in the context of access to water and possible legal avenues to remedy the problem. In parallel, it also has described the development and international recognition of the right to water, its foundations, legal basis, normative content, and the fundamental obligations of states related to the protection of such right and its limits. It addresses the pertinent issues through the lens of vulnerability and the presumption of the critical importance of access to water. In legal terms, it should be recognised that water precarity is a form of environmental injustice and must be remedied unconditionally. As an example, we referred to the situation of Slovakia's Romani minority who have been exposed disproportionately to the detrimental effects of harmful environmental determinants (Kanioková 2020, 14).

Based on available data and research, it has been established that Romani communities are being wholly deprived of the right to water. There is an absence of availability, acceptability, accessibility, and affordability of drinking water. Both data from recent years and past research indicate a worrying trend of passivity on the part of public administration.

It has been established that providing water supplies for vulnerable Romani communities has seen very little progress in recent years, in apparent contravention of how Slovakia is obliged to act, namely, to provide access to drinking water to the full extent of available resources. Similarly, Roma are disadvantaged in comparison with other populations in their access to water, even if they live within the same municipalities. Segregation and physical distance between the majority population and Romani neighbourhoods only aggravate the situation, bringing a discriminatory violation of the right to water into play and furthering the environmental injustice and harm caused to Roma.

Finally, while international law has developed standards for proper protection of the right to water, they are still not unconditional for those living in water precarity; domestic enforcement of such standards may be feasible in practice, though requiring a significant degree of progressive interpretation of applicable

law. In other words, a condition is placed upon a condition. Indeed, the Slovak legal system pushes Roma into further uncertainty regarding the system of remedies, which lacks foreseeability and requires further clarification. This should be considered a priority for upcoming improvements to provide access to justice against violations of human rights to water and sanitation.

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## List of Acronyms

CERD	UN Committee on the Elimination of Racial Discrimination
CESCR	UN Committee on Economic, Social and Cultural Rights
ECtHR	European Court of Human Rights
ECSR	European Committee of Social Rights
EU	European Union
ICESCR	International Covenant on Economic, Social and Cultural Rights
UN	United Nations
UNGA	United Nations General Assembly
UNHRC	United Nations Human Rights Council

# From Discrimination to Accountability: Exposing and Redressing Racism in the Case of Lead-poisoned Kosovo Roma

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## Abstract

Romani communities across Europe face pervasive environmental racism. Among the most notorious of such cases is the lead poisoning of displaced Roma, Ashkali, and Egyptians in camps managed by the United Nations Mission in Kosovo (UNMIK) from 1999–2013. This article focuses on the victims' efforts to seek justice through the UN's accountability mechanisms – the only avenue available due to the UN's immunity – and examines the opportunities and limitations inherent in pursuing justice through legal processes. After a decade-long legal battle, the UN's Human Rights Advisory Panel issued a landmark decision finding UNMIK responsible for human rights violations linked to the lead poisoning. We analyze the decision as an important instrument for reframing the issue from victim-blaming to exposing the role of anti-Romani racism in enabling environmental injustice. Despite the hard-earned victory, however, the Panel's decision has yet to yield reparations for the Romani victims. We argue that this outcome reflects the limitations of legal bodies as hegemonic institutions, which make them inherently imperfect tools for redressing systemic racism. This reality underscores the importance of combining legal efforts with out-of-court advocacy by Romani communities and solidarity partners to achieve systemic change.

## Keywords

- Environment
- Kosovo
- Lead poisoning
- Roma
- Racism
- Reparations
- United Nations

## Introduction

The COVID-19 pandemic starkly revealed the disproportionate impact of unhealthy environments on marginalized communities across the world. This has, in turn, brought new attention to the environmental racism<sup>[1]</sup> faced by Romani communities across Europe. Romani communities have been “pushed to the wastelands” and forced to live on toxic sites with limited access to basic services such as clean water, sanitation, electricity, and waste removal (European Environmental Bureau et al. 2020; Civil Rights Defenders 2023). This “slow violence” has led to severe health consequences for and deaths of Roma that only recently are being recognized as intertwined with anti-Romani racism (Civil Rights Defenders 2023).

A notorious case of displaced Roma, Ashkali, and Egyptians<sup>[2]</sup> who suffered lead poisoning in United Nations (UN) administered camps in Kosovo is a potent case study of such environmental racism. In the wake of the Kosovo war in 1999, about 8,000 Roma, Ashkali, and Egyptians were forced to flee after the Roma *mahala* (neighborhood) in Mitrovicë/Mitrovica was attacked and destroyed.<sup>[3]</sup> The United Nations Mission in Kosovo (UNMIK), which served as the *de facto* government, housed around 600 of the displaced in an area known to be contaminated with toxic lead (Human Rights Watch 2009).<sup>[4]</sup> The camps were intended to provide temporary shelter but remained open for over a decade despite repeated warnings that the area was unfit for human habitation and residents were facing a life-threatening

1 The concept of environmental racism first emerged in the United States in the 1980s, defined by Black civil rights leader Benjamin Chavis as the “racial discrimination in environmental policy-making, the enforcement of regulations and laws, the deliberate targeting of communities of color for toxic waste facilities, the official sanctioning of the life-threatening presence of poisons and pollutants in our communities, and the history of excluding people of color from leadership of the ecology movements” (Chavis 1994).

2 This paper utilizes “Roma, Ashkali, and Egyptians” or RAE when referring to the affected community in Kosovo, as these communities are recognized as distinct by the Kosovo constitution and they do not consistently self-identify under the umbrella term “Roma.” (For more on this, see Francois-Xavier Bagnoud Center for Health and Human Rights, Harvard University, *Post-war Kosovo and its Policies towards the Roma, Ashkali and Egyptian Communities*, July 2014, <https://content.sph.harvard.edu/wwwsph/sites/2464/2020/01/FXB-Kosovo-Report-July-2014.pdf>.) When referring to Romani communities more generally or beyond Kosovo, we use “Roma” as an umbrella term in accordance with the approach adopted by the United Nations (UN) and other international institutions to unify and strengthen equality for Romani communities. See, for example, UN, *The Role of the United Nations in Advancing Roma Inclusion*, February 2013, <https://issuu.com/unhumanrightseurope/docs/romainclusion>; The European Commission, “Roma equality, inclusion and participation in the EU,” [https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combating-discrimination/roma-eu/roma-equality-inclusion-and-participation-eu\\_en](https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combating-discrimination/roma-eu/roma-equality-inclusion-and-participation-eu_en); Council of Europe Descriptive Glossary of Terms Relating to Roma Issues, 18 May 2012, <http://a.cs.coe.int/team20/cahrom/documents/Glossary%20Roma%20EN%20version%2018%20May%202012.pdf>.

3 *N.M. and Others v. UNMIK*, Case No. 26/08, Human Rights Advisory Panel, Opinion, ¶¶ 42–43 (26 February 2016) [hereinafter, *N.M. v. UNMIK* (2016)].

4 Lead is a poisonous metal that enters the body through contaminated air, soil, and water. No levels of lead exposure are considered safe, and prolonged exposure at elevated levels is especially dangerous, causing severe and irreversible health problems including heart disease, high blood pressure, kidney failure, and difficulty with memory and concentration. Lead exposure during pregnancy can result in stillbirth and miscarriage and can negatively affect fetal brain development which may lead to intellectual disability. Children absorb lead more easily than adults and are particularly vulnerable to lead poisoning. Children can suffer permanent damage to the brain and central nervous system and impaired physical and mental development, leading to reduced educational attainment, increased irritability, and antisocial behavior. In very severe cases, lead poisoning leads to coma, seizures, and death (IHRC and Opre Roma Kosovo, 15).

emergency warranting immediate evacuation.<sup>[5]</sup> UNMIK failed to provide the displaced with consistent access to lead monitoring, failed to adequately inform them of the severe health risks they incurred, and failed to ensure access to comprehensive medical treatment for lead poisoning (Harvard Law School International Human Rights Clinic and Opre Roma Kosovo 2022, 17–20). As a result, those who resided in the camps suffered extreme levels of lead poisoning, manifesting in irreversible harm.<sup>[6]</sup>

For over a decade, Roma, Ashkali, and Egyptian victims<sup>[7]</sup> have pursued reparations for their injuries (HLS IHRC 2022). In 2016, the Human Rights Advisory Panel (HRAP), a legal body created by the UN to assess the organization’s responsibility for human rights violations in Kosovo, finally issued a landmark decision finding UNMIK responsible for extensive human rights violations and instructed the organization to provide victims with reparations.<sup>[8]</sup> HRAP also, importantly found that their prolonged exposure to toxic lead was grounded in racial discrimination.

This article explores victims’ and activists’ efforts to seek accountability for lead poisoning as a case study into how human rights law can expose environmental racism and close accountability gaps by providing a framework to assess the responsibility of duty-bearers toward marginalized communities. Part one chronicles the UN’s responsibility for the lead poisoning and the harms experienced by the camp residents. Part two recounts efforts by Roma rights activists and solidarity partners to secure justice for the affected community through the UN’s internal accountability mechanisms and their hard-earned victory before HRAP. We focus our analysis on HRAP’s findings of racial discrimination as an important, if incremental, milestone in exposing systemic racism against Romani communities. Part three discusses the inherent limitations of relying on legal mechanisms to overcome structural racism and achieve justice. Seven years since HRAP’s decision, the UN has completely failed to implement any of the recommendations to offer redress to the victims, highlighting the challenges of working within hegemonic structures to achieve racial justice. We conclude by reflecting on the ongoing importance of continued advocacy, pairing the focus on accountability with the empowerment of Romani communities.

## 1. Lead Poisoning of Roma, Ashkali, and Egyptian Communities in Mitrovicë/Mitrovica

The inhumane treatment that the displaced Roma, Ashkali, and Egyptians were subjected to whilst living in UN-administered camps presents a salient case study into environmental racism. The facts

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5 See *N.M. v. UNMIK* (2016), ¶¶ 45, 60.

6 See *N.M. v. UNMIK* (2016), ¶¶ 50, 60, 115, 205, 242, 253 (discussing the irreversible health consequences camp residents suffered due to lead exposure).

7 The term “victim” is used throughout to describe the IDPs and reflects an intentional decision after conversation among Romani activists with Opre Roma Kosovo (ORK). It is used to reflect the harsh realities and horrific injuries suffered by the IDPs in the camps, who were indeed victimized by UNMIK and other authorities. It is not intended to subjugate or undermine the status of the individuals as rights-holders and as proud Roma.

8 *N.M. v. UNMIK* (2016), ¶¶ 255, 349.

have been well-documented by the UN's Human Rights Advisory Panel and in several human rights reports over the years (Human Rights Watch 2009, HLS IHRC and Opre Roma Kosovo 2022). The UN served as the *de facto* government in Kosovo from 1999 until Kosovo's independence in 2008.<sup>[9]</sup> During this time, it had full legislative and executive powers, and a broad mandate to “[p]rotect[] and promot[e] human rights,”<sup>[10]</sup> and “[a]ssur[e] the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo.”<sup>[11]</sup> UNMIK was bound by international human rights law throughout its operations.<sup>[12]</sup>

Roma have long suffered discrimination and persecution, making them one of the most marginalized groups in Europe.<sup>[13]</sup> In the aftermath of NATO's intervention in Kosovo, Roma, Ashkali, and Egyptians were caught in the middle of persisting ethnic tensions between Albanians and Serbs. In June 1999, ethnic Albanians who viewed them as Serb collaborators attacked and destroyed the historic Roma *mahala* (neighborhood) in Northern Kosovo (Human Rights Watch 2009). While many of the 8,000 residents fled to neighboring countries, around 600–700 people sought refuge in displacement camps administered by the UN High Commissioner for Refugees (UNHCR) – which led the humanitarian assistance component of UNMIK (HLS IHRC and Opre Roma Kosovo 2022, 13).<sup>[14]</sup> Between 1999 and 2008, UNHCR, and then UNMIK operated camps in Cesminluke/Česmin Lug and Zhikoc/Žitkovac in north Mitrovicë/Mitrovica, as well as in abandoned army barracks in nearby Kablare.<sup>[15]</sup>

The camps were situated near lead-contaminated landfills of the Trepča mining complex, which was one of the largest lead smelters in Europe (Camaj 2013; Bhabha et al. 2014). Since the 1970s, numerous scientific studies have established the Trepča smelter as a notorious source of lead pollution.<sup>[16]</sup> The UN Special Representative of the Secretary-General (SRSG), who served as the head of UNMIK, explicitly acknowledged that it was well-known before the camps were established that the Trepča smelter “released tons of lead every day into the atmosphere with a negative impact on the health of the nearby

9 *Ibid.*, ¶ 42.

10 S.C. Res. 1244, ¶ 11 (10 June 1999).

11 *Ibid.*, ¶ 11(k); see also *N.M. v. UNMIK* (2016), ¶ 220.

12 UNMIK Regulation No. 1999/1 on the Authority of the Interim Administration in Kosovo, Section 1.1 (Jul. 25, 1999) [hereinafter UNMIK Regulation No. 1999/1]; see also *N.M. v. UNMIK* (2016), ¶ 41 (“Pursuant to Security Council Resolution No. 1244 (1999), the UN was vested with full legislative and executive powers for the interim administration of Kosovo.”).

13 *N.M. v. UNMIK* (2016), ¶¶ 303–04, 306.

14 As a component of UNMIK, UNMIK was legally responsible for its UNHCR's operations (*N.M. v. UNMIK* (2016), ¶ 43; Human Rights Watch 2009, 14, 26–28).

15 *N.M. v. UNMIK* (2016), ¶ 43–44.

16 *Ibid.*, ¶ 133 (“With respect to the present case, the complainants claim that the environmental situation complained of was not the result of a sudden and unexpected turn of events; on the contrary, it was a long-lasting and well-known situation. Given the known dangers of lead exposure and the growing evidence of lead contamination in the camps, UNMIK authorities knew, or should have known, of the grave danger to the Internally Displaced Persons’ (IDPs’) lives. Nonetheless, they did not take any positive steps to remedy the situation or to remove the IDPs from the contaminated land. Furthermore, UNMIK also failed to inform them of the risks they were facing by living in such a toxic environment.”).

communities.”<sup>17</sup> While UNHCR initially intended for the camps to operate on a temporary basis only – 45 to 90 days<sup>18</sup> – the camps were operational for over a decade, subjecting residents to long-term lead exposure (UN News 2010).

After taking over the interim administration of Kosovo in 1999, UNMIK initially took limited but inadequate action to address the pollution (HLS IHRC and Opre Roma Kosovo 2022, 17). After an environmental audit found the smelter to be an “unacceptable source of air pollution,” UNMIK seized control of Trepča and later closed it in August 2000 (UNMIK 2000). But without steps to decontaminate the land, the lead exposure continued. As first documented by Human Rights Watch in 2009, over the subsequent four years, UNMIK’s only response to continued lead exposure was to commission an internal report that sought recommendations on how to mitigate the toxic exposure (23). The assessment found that a range of mitigation measures were needed, including comprehensive epidemiological studies and regular environmental sampling to test for lead levels, periodic and systematic monitoring and treatment of children and pregnant women, and relocation of camp residents to a safer area. While the report concluded that the costs of implementing all the strategies would exceed UNMIK’s financial capabilities, it does not appear that UNMIK took *any* follow-up action for the next three years. Moreover, UNMIK did not share critical information from the report with the residents, leaving them in the dark about lead-related health risks in the camps.

The camps’ squalid conditions likely increased lead exposure and exacerbated adverse health effects among its residents. The makeshift housing lacked access to running water or adequate sanitation facilities, hampering their ability to minimize lead exposure. Additionally, residents were exposed to lead-contaminated soil via dirt floors in some of the camps. Limited access to healthy foods may also have further facilitated the absorption of lead into the body. Overall, the challenging living conditions – consequences of irresponsible administration of the camps by UNMIK, and worsened by preexisting structural barriers faced by Roma, Ashkali, and Egyptians – contributed to a weakening of immune systems among the residents that, in turn, made them more susceptible to the negative impacts of lead.

By 2004, the situation reached new crisis levels. Individuals were exhibiting severe symptoms of lead poisoning, including convulsions, disorientation, and headaches, while children were displaying black gums and experiencing learning difficulties. Romani organizations like the European Roma Rights Center, the Roma Ashkali Documentation Center, and the Roma and Travelers Forum, as well as individual activists like Paul Polansky and Argentina Gidzic, played a central role in raising the alarm and drawing international attention to the issue (Human Rights Watch 2009). The death of a four-year-old girl in Zitkovac in 2004 finally prompted the World Health Organization (WHO) to undertake health risk assessments that found that majority of the children in the camps had dangerously high blood lead levels and that 80 percent of the soil in the camps was “unsafe” due to lead contamination (Rorke 2016). Based on this, WHO informed UNMIK in July and October 2004 of the severe and

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17 *Ibid.*, ¶ 151.

18 *Ibid.*, ¶ 45.

irreversible health effects of lead poisoning and called for the immediate evacuation of children and pregnant women from the camps.<sup>[19]</sup>

UNMIK also failed to implement a systematic approach to test residents' blood lead levels. Beyond the WHO's sporadic efforts, testing was largely secured through the voluntary efforts of Romani activists and health practitioners.<sup>[20]</sup> The piecemeal tests done consistently revealed dangerously high blood lead levels, often exceeding the levels medical equipment could detect.<sup>[21]</sup> As news of high levels of toxicity in the camps spread, Romani activists and international human rights organizations called on UNMIK to immediately vacate the camps (Rorke 2016). Their advocacy helped precipitate a joint appeal by the UN Special Rapporteurs on adequate housing, health, and toxics to UNMIK to act swiftly and provide safe accommodation (HLS IHRC and Opre Roma Kosovo 2022, 18). Similarly, the UN Special Rapporteur on internally displaced persons (IDPs) implored the international community "to immediately evacuate the [IDPs] . . . and to provide the necessary resources for this without delay" (Kälin 2005). He warned that UNMIK's failure to act "was tantamount to a violation of the right of the affected children to have their health and physical integrity protected" (Kälin 2005).

In 2005, half a decade after the camps opened, UNMIK finally organized a task force to develop an evacuation plan and mitigate lead exposure (Human Rights Watch 2009, 6). The task force determined that facilitating the IDPs return to the Roma *mahala* in south Mitrovicë/Mitrovica, where they had previously resided, would be more sustainable. While the Roma *mahala* was reconstructed, the UN relocated many Roma, Ashkali, and Egyptians to the Osterode military camp formerly occupied by KFOR, the NATO-led Kosovo Force. While conditions were generally better in Osterode, the camp was also proximate to toxic slag heaps and was later found to contain "unacceptable levels of lead" in the soil.<sup>[22]</sup>

After Kosovo declared independence in 2008, UNMIK transitioned oversight responsibility for the camps to the Kosovo government.<sup>[23]</sup> In the subsequent years, the remaining camps gradually closed. Cesminluke/Česmin Lug shut in 2010 and Osterode in 2012 – 13 years after Roma, Ashkali, and Egyptians had been placed there on a, supposedly, temporary basis.<sup>[24]</sup> Since then, human rights groups have continued to document lasting symptoms of prolonged lead exposure among former camp residents, including seizures, memory loss, and heart and kidney problems (Human Rights Watch 2017; Society for Threatened Peoples 2018; Tuncak 2022). Moreover, lead poisoning can be fatal at high levels, and though the exact toll is unknown, numerous children and adults died in the camps from suspected lead poisoning.<sup>[25]</sup>

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19 *Ibid.*, ¶¶ 72–78.

20 *Ibid.*, ¶ 217.

21 *N.M. v. UNMIK* (2016), ¶¶ 71–77.

22 *Ibid.*, ¶ 80.

23 *Ibid.*, ¶ 181.

24 *Ibid.*, ¶ 62. The Zhikoc/Žitkovac and Kablare camps were closed between March and April 2006 (HLS IHRC and Opre Roma Kosovo 2022, 18).

25 *N.M. v. UNMIK* (2016), ¶¶ 120–23.

## 2. Exposing Anti-Romani Racism through Human Rights Law

### 2.1 A Flawed Legal Accountability Framework

As the *de facto* government in Kosovo, UNMIK agreed to observe major human rights agreements, including the European Convention on Human Rights; the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural rights; and the Convention on the Elimination of All Forms of Racial Discrimination.<sup>[26]</sup> UNMIK's treatment of Roma, Ashkali, and Egyptians who lived in the camps amounts to severe violations of various human rights protected under these treaties, including the right to health, right to life, and right to freedom from inhuman and degrading treatment. When an individual's human rights are violated, they, in turn, are entitled to an effective remedy (Shelton 2005, 18–19; Freedman 2014, 241, 250–51). Under both international law and UN regulations, UNMIK and its agents had a legal responsibility to protect and promote the human rights of Roma, Ashkali, and Egyptians living in the camps and to uphold their right to effective remedy for the harms they incurred (Lindstrom 2022).

Despite these well-established duties, however, Romani victims found themselves in a lacuna of enforcement mechanisms. Because the UN and its missions are immune from suit, cases generally cannot be brought against them in court.<sup>[27]</sup> Treaty bodies or other international human rights mechanisms similarly lack jurisdiction over the UN since it is not a state party to the treaties.<sup>[28]</sup> Since Kosovo's independence in 2008, its contested statehood has continued to prevent it from joining major human rights treaties, so that its citizens continue to generally fall outside the protection of the European Convention and other key human rights mechanisms. The only avenue for victims to enforce their right to remedy against the UN is to seek compensation from the UN itself through a deficient claims process (Lindstrom 2022). This claims process is administered by the Office of Legal Affairs (OLA) at UN Headquarters in New York or by satellite local claims boards, and is notoriously opaque, slow, and discretionary (Lindstrom 2022).

In Kosovo, the UN's accountability gap was particularly pronounced in light of UNMIK's "virtually unlimited powers" that distinguish it from standard UN peacekeeping missions. Over the years, UNMIK's role as surrogate state operating without any accountability mechanisms prompted increasing criticism

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26 UNMIK Reg. No. 1999/24, § 1.3, 12 December 1999.

27 Convention on the Privileges and Immunities of the United Nations, Article 2, § 2 (13 February 1946) [hereinafter, CPIUN]. See also: UNMIK Regulation No. 2000/47 on the Status, Privileges and Immunities of KFOR and UNMIK and their Personnel in Kosovo, Section 3.1, UNMIK/REG/2000/47 (18 August 2000) [hereinafter, UNMIK Reg. No. 2000/47 (applying CPIUN immunity to UNMIK)].

28 In 2006, the European Court of Human Rights dismissed a case filed by the European Roma Rights Centre on behalf of 184 lead poisoning victims on the grounds that it lacked jurisdiction as UNMIK is not party to the European Convention on Human Rights. See also: <https://www.errc.org/roma-rights-journal/european-court-of-human-rights-has-no-jurisdiction-in-kosovo-lead-poisoning-case>.

across Europe. Under pressure from the Council of Europe, the UN eventually agreed to establish HRAP in 2007 (Yannis 2004, 69–70; Lemay-Hébert 2009, 67).<sup>[29]</sup> HRAP was a *sui generis* legal body with a mandate to assess the UN's responsibility for human rights violations in Kosovo (Nowicki et al. 2016). In contrast to the closed-door claims process operated by OLA, HRAP came closer to resembling an independent court. The Panel's rules and procedures were set out in publicly available documents, and cases were adjudicated by a tripartite panel of independent jurists with the power to hold hearings, consider evidence, and call witnesses.<sup>[30]</sup>

At the same time, UNMIK retained significant power over HRAP, ultimately curtailing its ability to hold the Mission accountable for even grave human rights violations.<sup>[31]</sup> As an advisory body, HRAP lacked the mandate to issue enforceable rulings, so that implementation of HRAP's recommendations were left to the discretion of the SRSG.<sup>[32]</sup> This distinguished HRAP from the European Court of Human Rights and other human rights courts, whose decisions are binding on state parties and may include awards of monetary damages. HRAP also lacked the authority to compel UNMIK's participation in the proceedings, slowing down the process and limiting the evidence-gathering capabilities of the panel. Importantly, since HRAP was established pursuant to an SRSG directive, UNMIK retained the ability to issue additional directives to amend rules of procedure – which it eventually did to make the rules more favorable to UNMIK's own interests.<sup>[33]</sup> These limitations and their consequences for the lead poisoning case are further discussed below.

## 2.2 Romani Efforts to Secure Justice through UN Mechanisms

Roma, Ashkali, and Egyptian lead poisoning victims would spend over a decade navigating the labyrinthine UN accountability processes before securing a final decision on their claims.<sup>[34]</sup> Victims first filed claims for compensation with OLA in 2006.<sup>[35]</sup> The UN took five years to reach a decision on

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29 HRAP was established with agreement from UNMIK's Office of the Legal Advisor and the UN Headquarters' Office of Legal Affairs (Nowicki 2016, 8).

30 See generally the Human Rights Advisory Panel, Rules of Procedure.

31 UNMIK Reg. No. 2006/12 on the Establishment of the Human Rights Advisory Panel, UNMIK/REG/2006/12, 23 March 2006 (establishing UNMIK pursuant to authority given to SRSG under UN Security Council Resolution 1244 (2000) and preserving the ability of the SRSG to “issue any Administrative Directions for the implementation of the present Regulation”).

32 UNMIK Reg. No. 2006/12, *supra* note 30, Section 17.

33 *Ibid.*, section 19; see, for example, Administrative Direction No. 2009/1, 17 October 2009 (amending procedures to, *inter alia*, allow admissibility to be challenged at any stage and to introduce a cut-off date for submission of complaints).

34 Victims and activists also pursued remedies outside the UN system, including with EULEX, the European Court of Human Rights, and Kosovo criminal authorities. All failed to progress or were dismissed for lack of jurisdiction.

35 Mehmeti et al., Complaint (2006). On 3 March 2006, an additional complaint was filed for 21 more claimants in Leposavich. See: Dianne Post, Chronology of Legal Action (4 December 2009) (on file). A separate claim was filed by a group of 846 residents represented by the British law firm Leigh Day. See: Letter from Martyn Day to Peter Taksøe-Jensen, Assistant Secretary-General for Legal Affairs (9 October 2009) (on file) [hereinafter, Leigh Day Complaint].

these claims, during which officials responded to requests for status updates by tersely asserting that it “was continuing its review of the matter.”<sup>[36]</sup> The UN repeatedly cited the “complexity of the matter”<sup>[37]</sup> as a reason for the delay and offered illusory promises of “substantive responses”<sup>[38]</sup> in the near future. While the claims were pending before OLA, a group of 143 Roma, Ashkali, and Egyptian victims filed *N.M. and Others v. UNMIK* with HRAP in 2008.<sup>[39]</sup> They argued that UNMIK violated their human rights, including the right to life and the right to health, by placing them in camps known to be highly contaminated with lead, by withholding information about health risks and required medical treatment, and by failing to relocate them to a safe environment.<sup>[40]</sup> The victims emphasized that the deplorable living conditions in the camps not only contributed to their deteriorating health but also denied them the right to an adequate standard of living and amounted to inhuman or degrading treatment.<sup>[41]</sup> They further submitted that UNMIK’s failure to remove them from the lead-contaminated camps was “but one incident in a pattern of discriminatory practice by both private and public actors”<sup>[42]</sup> against Roma, Ashkali, and Egyptians in Kosovo. They maintained that all alleged human rights violations should be read in conjunction with the right to be free from discrimination,<sup>[43]</sup> setting the stage for HRAP to analyze the role of racism in the case.

But the road to a decision proved long and tainted with contemptible actions by the UN. UNMIK initially challenged the admissibility of the case, citing the pending claims before OLA. When HRAP disagreed and ruled the case admissible, UNMIK took the odious step of issuing a new administrative directive that retroactively stripped HRAP of jurisdiction over any case that could potentially be settled by OLA, thus forcing HRAP to dismiss the case even though OLA had failed to move forward on the related claims for years. UNMIK also set a new six-month deadline to initiate cases with HRAP. Then, on 25 July 2011, over five years since the first group of residents filed the claims with OLA, and shortly after the six-month filing deadline had passed, OLA summarily dismissed the claims as “non-receivable.”<sup>[44]</sup>

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36 See, for example, Letter from Patricia O’Brien, UN Legal Counsel, to Dianne Post (22 October 2008) (on file) [hereinafter, Letter from O’Brien to Post (2008)]; Letter from Peter Taksøe-Jensen, Assistant Secretary-General for Legal Affairs to Dianne Post (27 August 2009) [hereinafter, Letter from Taksøe-Jensen (2009)]; Geoffrey Robertson QC et al., Legal Opinion on Claims for Compensation on behalf of Roma, Ashkali and Egyptian residents of internally displaced persons camps in Mitrovica, Kosovo (14 November 2011) (citing correspondences dated 30 October 2009; 7 December 2009; 4 October 2010).

37 Letter from O’Brien to Post (22 October 2008), *supra* note 28; Letter from Taksøe-Jensen (27 August 2009), *supra* note 28.

38 *Ibid.*

39 See generally: *N.M. v. UNMIK*, Human Rights Advisory Panel, Admissibility Decision, Case No. 26/08, ¶ 2 (5 June 2009) [hereinafter, HRAP Admissibility Decision of June 2009]. Half of the complainants were children, 75 complainants were women and girls, and 13 women delivered babies in the camps and submitted the complaint on behalf of their children.

40 *N.M. v. UNMIK* (2016), ¶¶ 99, 107. See *Ibid.*, ¶¶ 132–49 for a summary of the alleged human rights violations by specific treaty.

41 *Ibid.* ¶ 127.

42 *Ibid.* ¶ 141.

43 *Ibid.*

44 Letter from Patricia O’Brien, U.N. Legal Counsel, to Dianne Post, Attorney, Claim for Compensation on Behalf of Roma, Ashkali and Egyptian Residents of Internally Displaced Persons (“IDP”) Camps in Mitrovica, Kosovo (25 July 2011).

In a two-page letter, OLA asserted that the claims amounted to “a review of the performance of UNMIK’s mandate as the interim administration in Kosovo,” and therefore did not “constitute [claims of] private law character.”<sup>[45]</sup>

This would have been the end of the road, except HRAP – citing basic notions of justice – decided to reopen the case over UNMIK’s objection.<sup>[46]</sup> Finally, on 23 February 2016 – almost a decade after victims began to pursue legal action with the UN – HRAP delivered a landmark decision in their favor.<sup>[47]</sup> HRAP found UNMIK responsible for “compromising irreversibly the life, health and development potential of the complainants” through its actions and omissions, in violation of human rights protected by major international treaties.<sup>[48]</sup> Notably, the Panel also found that the UN’s treatment of the victims amounted to unlawful discrimination grounded in racial bias and stereotypes. To remedy the violations, the panel made nine recommendations to UNMIK, including to publicly apologize, to compensate for losses and moral damage, and to center and protect the human rights of Roma, Ashkali, and Egyptian people, especially women and children. The tireless advocacy of Romani activists and their partners finally had resulted in victory.

### 2.3 HRAP’s Role in Exposing Unlawful Discrimination

While the lead poisoning case has received significant attention over the years, HRAP’s finding that UNMIK’s treatment of Roma, Ashkali, Egyptians was discriminatory has been mostly overlooked. This finding is an important if incremental victory in the broader struggle for Romani racial justice. While Romani activists had long charged that the prolonged placement on the toxic sites and the UN’s decade-long evasion of responsibility was grounded in discrimination and prejudice against Roma, Ashkali, and Egyptians, such claims were not embraced by mainstream public narratives of the crisis. The UN’s reputation as the global beacon of human rights and equality makes it particularly resistant to charges that it is itself complicit in racism, and likely played a role in leaving the role of racism unexamined in those narratives. When HRAP was asked to determine the role of racism, it triggered an analysis of the question under Article 14 of the European Convention on Human Rights, as well as under the non-discrimination provisions of the ICCPR, ICESCR, and ICERD.<sup>[49]</sup> By analyzing the underlying facts and UNMIK’s proffered justifications through an international human rights law framework, HRAP was able to contribute an objective and authoritative pronouncement that racial bias and prejudice did in fact play a role in UNMIK’s treatment of Roma, Ashkali, and Egyptians.

The prohibition of racial discrimination under human rights law is fundamental and deeply entrenched. Human rights law prohibits not only measures that are explicitly discriminatory but also those that are

45 *Ibid.*

46 HRAP Admissibility Decision of March 2010; *N.M. v. UNMIK* (2016), ¶¶24–25.

47 *N.M. v. UNMIK* (2016), ¶¶ 1, 193–309. For a full list of rights violations found under various international treaties, see *Ibid.*, ¶ 349.

48 *Ibid.*, ¶347.

49 *Ibid.*, ¶285.

indirectly discriminatory because of their disproportionate prejudicial effect on a particular group.<sup>[50]</sup> Duty-bearers like UNMIK are required to pay “sufficient attention to groups and individuals which suffer historical or persistent prejudice” to ensure equal access to economic and social rights for all groups.<sup>[51]</sup> Human rights law also sets out a process for assessing claims of racial discrimination. Complainants alleging discrimination bear the initial burden of making out a *prima facie* case, after which the burden shifts to the accused to establish an objective and reasonable justification for the measures or treatment.<sup>[52]</sup>

In evaluating the victims’ discrimination charge, HRAP placed particular emphasis on the discrepancy between how UNMIK treated Roma, Ashkali, and Egyptians relative to other ethnic groups. It pointed to the fact that only Roma, Ashkali, and Egyptian IDPs were placed in inhumane conditions in camps known to be heavily contaminated, and that the evacuation and reconstruction of the Roma *mahala*, which would have enabled more timely relocation, took much longer than that for other displaced ethnic groups.<sup>[53]</sup> For example, by July 2005, the authorities had rebuilt nearly all properties damaged and destroyed in riots just a year prior and provided cash grants to returning families, while the Roma *mahala* destroyed in 1999 remained uninhabitable.<sup>[54]</sup> In another instance, UNMIK relocated and compensated 1,000 Albanian Kosovars from Hade village facing an unrelated environmental emergency, a striking difference when compared with UNMIK’s treatment of Roma, Ashkali, and Egyptians who had languished in the toxic camps for years without compensation.<sup>[55]</sup> Finding that a *prima facie* case was established, the burden shifted to UNMIK to justify differential treatment.

This part of the proceedings proved particularly revealing. Far from offering a rational justification for the harm suffered by Roma, Ashkali, and Egyptians, the SRSR repeatedly resorted to racist stereotypes about Roma to rationalize the severe lead exposure, the inhumane conditions of the camps, and the slow pace of relocation. Disregarding well-established scientific data showing that environmental contamination from the Trepča mine was the primary source of lead exposure, the SRSR attempted to attribute the health crisis to the “unhealthy or risky lifestyles” of the IDPs.<sup>[56]</sup> Without citing any evidence in support, the SRSR pointed to manual and artisanal smelting practices to place the blame on the Roma, Ashkali, and Egyptians themselves.<sup>[57]</sup> This problematic misattribution of responsibility further influenced the

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50 *Ibid.*, ¶¶ 288–289 (citing ECtHR; ICERD Committee).

51 ICESCR Committee, General Comment No. 20 on non-discrimination in economic, social and cultural rights, UN Doc. E/C.12/GC/20, § 8, 2 July 2009.

52 *N.M. v. UNMIK*, ¶¶298–301.

53 *Ibid.*, ¶¶298–299.

54 *Ibid.*, ¶142.

55 *Ibid.*, ¶143.

56 *Ibid.*, ¶280.

57 *Ibid.*, ¶173 (noting WHO reports attributed the Trepča mine as the primary source of lead exposure); ¶157.

UN's inadequate response to the crisis. Rather than take the necessary steps to protect Roma, Ashkali, and Egyptians from exposure to the mine tailings that persisted after the mine's closure, UNMIK focused on criminalizing Romani smelting activities. UNMIK banned smelting in the camps, and then sought to engage the police in enforcement action but was unable to do so since smelting did not constitute an offence under Kosovo laws.<sup>[58]</sup> Assessing these approaches, the Panel concluded that "UNMIK's inadequate response to the crisis might have been driven by discriminatory stereotypes more than scientific evidence...."<sup>[59]</sup>

The Panel also considered UNMIK's obligation to protect Roma, Ashkali, and Egyptians from inhuman and degrading treatment as deeply intertwined with the prohibition of discrimination. In response to evidence that Roma, Ashkali, and Egyptian IDPs were exposed to harrowing living conditions in the camps, UNMIK included among its counterarguments that Roma have historically lived in substandard living conditions and suffered pre-existing disadvantages, such that it should not be held responsible for the continuance of such conditions.<sup>24</sup> The Panel forcefully rejected this argument as "discriminatory and debasing, since it suggests that the social and economic marginalization of Roma is based on race and on their own actions and, as such, may be perpetuated without responsibility."<sup>[60]</sup> The Panel stressed that, to the contrary, the Roma's status as a historically socially excluded minority creates an additional vulnerability to degrading treatment, and imposed an added obligation on authorities to protect their well-being.<sup>[61]</sup> Even if UNMIK did not intend to subject Roma, Ashkali, and Egyptians to inhuman and degrading treatment, the fact they were made to live in humiliating conditions that diminished their dignity for such an extended period of time was sufficient to establish a violation of the right to be free from inhuman and degrading treatment.

HRAP's analysis represents an important example of international legal recognition of anti-Romani racism that was otherwise largely ignored in dominant narratives about the lead poisoning crisis. Procedurally, the burden shifting allowed marginalized communities to overcome evidentiary challenges that are otherwise intertwined with, and reflective of, the power imbalances inherent in racial discrimination claims. HRAP's application of human rights law also shifted the power between Roma, Ashkali, and Egyptians and the UN, by recasting the victims as rights-holders and the authorities as duty-bearers. Finally, the decision itself provided a vital reframing of UNMIK's conduct from inadequate and unfortunate to illegal. The decision also helped speak truth to power: in finding that the UN's treatment of Romani IDPs was founded on racial bias and prejudice, the Panel's decision exposes the reality that anti-Romani racism permeates major international institutions, including the UN, and has continued to undergird other human rights violations suffered by Roma.

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58 *Ibid.*, ¶158.

59 *Ibid.*, ¶280.

60 *Ibid.*, ¶244.

61 *Ibid.* ¶244.

## 3. Limitations of Legal Frameworks to Remedy Structural Racism

### 3.1 The UN Has Failed to Deliver Reparations, Reflecting a Persistence of Hegemonic Power

The HRAP decision reflects a landmark victory after decades of struggles by Roma, Ashkali, and Egyptian victims and activists to expose the racial discrimination that enabled and perpetuated the crisis in the camps. But without compensation for the injuries, justice remains elusive. In practice, the justice-potential of HRAP's decision has been stymied by years of inaction from the UN. In the eight years since the decision, the UN has failed to implement any of the panel's recommendations, subjecting victims to "an ongoing violation of their human rights" (Tuncak 2020, ¶¶ 71–73). In 2016, the SRSR responded to HRAP's opinion by issuing a "decision" that expressed "regret regarding the adverse health conditions suffered by the complaints and their families at IDP camps," but did not accept responsibility or announce concrete actions to implement the recommendations for reparations (Tanin 2016). Instead, the SRSR insisted that compensation had already been assessed through the OLA claims process. This assertion is unfounded – OLA had previously only determined that the case fell outside the scope of the third-party process – a jurisdictional decision that has no bearing on UNMIK's duty to compensate for human rights abuses for which it has been found responsible (Tanin 2016). UNMIK's failure to abide by HRAP's recommendations in this, and other cases, ultimately led the panelists to declare HRAP a "total failure" at the end of its eight-year tenure (Human Rights Advisory Panel 2016).

The UN Secretariat similarly has failed to honor HRAP's recommendations. Though top UN officials initially prepared a statement that would "sincerely apologize" for the UN's role in exposing victims to lead poisoning, the statement was not released before Secretary-General Ban Ki-moon concluded his term in 2016 (Gladstone 2017). When Secretary-General Guterres assumed the position in 2017, the UN changed course. Guterres instead issued a wanting statement expressing regret "for the suffering endured by all individuals living in IDP camps" without acknowledging the UN's responsibility for this suffering (Dujarric 2017). Guterres also announced the creation of a trust fund for community-based assistance projects to be financed by UN member states on a voluntary basis. The trust fund is not targeted at the lead poisoning survivors, however, but rather designed to benefit Romani communities in Kosovo "more broadly" in the areas of health, economic development, and infrastructure (Dujarric 2017). This broad focus is inconsistent with HRAP's opinion and with human rights law's requirement that victims be offered effective remedies including compensation. To date, the fund has only received a solitary contribution of US\$ 10,000 (Tuncak 2020).

The UN's response has been criticized by Roma rights groups, human rights experts, governments, and multilateral institutions. In 2019, Baskut Tuncak, then UN Special Rapporteur on toxics and human rights, noted that "[t]he solution offered by the United Nations is an inoperative and fundamentally flawed Trust Fund, which provides neither justice nor the necessary elements of an effective remedy for the victims" (OHCHR 2019). The fund was devised without any consultation with the victims, their

lawyers, or Romani civil society. This departs from international best practice – much of which is defined and promoted by the UN itself – that victims must play a central role in justice processes for them to be effective (Salvioli 2023, 14). It also ignores HRAP’s instruction that UNMIK must ensure that Roma, Ashkali, and Egyptian people have a “proactive role” in the protection and promotion of their own human rights.<sup>[62]</sup> But it is consistent with a long history of international and non-governmental organizations excluding Romani people from decision-making processes regarding their own well-being (European Roma Rights Center 2015, 27).

This exclusion of Roma, Ashkali, and Egyptians from participating in the design of the UN’s response may be motivated by the UN’s interest in controlling the form it takes. Politically and legally, the UN appears reluctant to provide compensation, fearing that this would signal an acknowledgement of legal responsibility. Community-based projects, on the other hand, can be implemented at arm’s length from any acknowledgement of responsibility and fit within existing UN programming. As articulated by the European Roma Rights Center (ERRC), this approach by the UN mimics common cycles in Romani advocacy where international organizations present the image that they act on behalf of Roma when in fact they are primarily motivated by self-interest (European Roma Rights Center 2015, 27).

Finally, the Fund’s focus on general community projects resembles charity, not justice. It risks replicating subordinate structures where Roma, Ashkali, and Egyptians are treated as “beneficiaries” of UN projects rather than recognized as rights-holders empowered to determine how reparative measures should be structured and administered to provide justice for their legally recognized harms. By contrast, compensation would have the distinct advantage of returning power to Roma, Ashkali, and Egyptians to decide for themselves how to best heal from their injuries. Whilst money will never be an adequate replacement for permanent injuries, disabilities, and deaths caused by the lead poisoning, compensation would shift the power back to the victims as rights-holders.

### 3.2 Structural Limitations Inherent in HRAP

While outrageous, the deeply deficient outcome of the HRAP litigation is unsurprising. Legal institutions have long been criticized by Critical Legal Studies and Critical Race Theory scholars as products of hegemonic structures that replicate power dynamics and were not designed to dismantle structural injustice (for example, Kennedy 1982; Unger 1983; Bell 2008). Here, these critiques are readily apparent: the only body with jurisdiction to adjudicate the UN’s responsibility was one that remained under the thumb of the UN itself. The law’s propensity to reflect and uphold hegemonic power is evident in the very structural foundation of HRAP. As a body mandated by the SRSR, UNMIK retained power over HRAP’s operations in a way that allowed it to protect its own interest by manipulating procedural rules and impeding evidence gathering (IHRC 2022, 40). At the heart of the shortcomings was HRAP’s role as an advisory body which lacked power to issue enforceable decisions.

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62 *N.M v. UNMIK*, ¶ 349

This approach was not inevitable. When HRAP was first conceived, the Venice Commission – a body of the Council of Europe – considered several options for how to best fill the accountability void created by UNMIK and its personnel’s immunity from suit and the European Court’s lack of jurisdiction over UNMIK. They included: (1) establishing a human rights court with binding jurisdiction over UNMIK; (2) expanding the European Court’s jurisdiction to include UNMIK, and (3) establishing the Human Rights Advisory Panel with advisory jurisdiction (Human Rights Advisory Panel 2016). The Venice Commission also stressed the expectation that, even if advisory, HRAP’s opinions would be followed by UNMIK. While it recognized that an “Advisory Panel would not offer the same guarantees as an independent judicial body,” the Commission also stressed the expectation that “UNMIK would commit itself to accept its findings, except if the SRSG personally determines that extraordinary reasons exist that do not make this possible” and that in such cases, the SRSG “would commit itself to giving reasons – in due time and publicly – why it would exceptionally not follow the finding of the panel” (Human Rights Advisory Panel 2016).

UNMIK opted for the final, least intrusive option: an advisory body over which UNMIK would retain control and decision-making power. The results have been dismal for the protection of victims’ rights in Kosovo. The Commission’s expectation that UNMIK would voluntarily follow HRAP’s advisory opinions turned out to be entirely misplaced – at the conclusion of HRAP’s mandate, UNMIK had followed none of the panel’s recommendations in 355 cases where it found UNMIK responsible for human rights violations (Human Rights Advisory Panel 2016). As a result, the victims suffered double victimization, both “by the original human rights violations committed against them and again by putting their hope and trust into this process” (Human Rights Advisory Panel 2016).

### 3.3 Broader Limitations in Enforcing Roma Rights through Legal Institutions

The lead poisoning tragedy is part of a long history of institutionalized oppression of Romani people in Europe that the legal systems have failed to adequately correct. Roma have long faced practical barriers and deterrents to pursuing legal action to rectify rights violations, including limited access to legal representation, length, and costs (especially in countries with loser pays schemes), and earned mistrust of public institutions (Goldston 2010, 317). Importantly, as hegemonic structures, legal institutions most often reflect the power dynamics and discriminatory views from which they came. Throughout European history, the law has played a crucial role in the construction, subordination, and discrimination of racial minorities (Goldston 2010; Memetovic 2021, 4). The law has been used as a tool to subjugate Romani populations in Europe via the banning of Roma from engaging in traditional nomadic practices, wearing their distinctive clothing, speaking their native language, or marrying other Roma (Amnesty International n.d.). Anti-Romani attitudes are also often pervasive in the courts (Goldston 2010). In a study covering the status of Romani defendants in criminal courts in Bulgaria, Hungary, Romania, and Spain, Fair Trials found that anti-Romani attitudes are normalized and engrained in every step of the criminal process (Fair Trials 2020). A subsequent study of criminal justice systems in the Czech Republic, North Macedonia, Serbia, and Slovakia similarly found that institutional racism against Roma was embedded throughout the criminal justice system (European

Roma Rights Centre 2021). As a result, “the very system that is meant to impart fair and equal justice is, in fact, doing the opposite” (Fair Trials 2020, 6).

On the international plane, legal bodies charged with upholding human rights have been relatively slow to recognize racial discrimination against Roma, despite the prohibition of racial discrimination being a fundamental pillar of international human rights law. The Committee on Elimination of Racial Discrimination has stressed that the unique positioning of Roma merits special measures to address longstanding discrimination.<sup>[63]</sup> Yet until 2005, the European Court of Human Rights – Europe’s predominant human rights enforcement mechanism – had never found a violation of Article 14’s prohibition of discrimination in any case before it (Cahn 2015). As Judge Bonello observed in a 2002 dissent, “[l]eaving through the annals of the Court, an uninformed observer would be justified to conclude that, for over fifty years democratic Europe has been exempted from any suspicion of racism, intolerance or xenophobia.”<sup>[64]</sup> Initially, the Court declined to view state measures that violated rights of Roma through an ethnic discrimination lens, opting instead to focus on their impact on the “Gypsy way of life” (Cahn 2015). Moreover, the Court’s requirement that petitioners establish racial animus “beyond a reasonable doubt” made it virtually impossible for victims to prevail on racial discrimination claims (Cahn 2015, 116). In 2005, the Court finally changed this approach and issued its first ever finding that a state had violated the prohibition of discrimination, in a case concerning two Romani military conscripts who were killed by military police who shouted racial epithets at the victims.<sup>[65]</sup> The new burden-shifting approach placed the onus on the state to demonstrate legitimate aims behind the allegedly discriminatory measures and eased the way for victims to establish violations of the prohibition of discrimination.<sup>[66]</sup> Since then, the European Court’s jurisprudence has evolved to recognize that “as a result of their turbulent history and constant uprooting the Roma have become a specific type of disadvantaged and vulnerable minority” requiring heightened protection and consideration.<sup>[67]</sup> Notably, in 2019, the Court acknowledged for the first time the “institutional racism” faced by Roma.<sup>[68]</sup>

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63 See generally: CERD Committee, General Comment No. 27 (16 August 2000).

64 *Anguelova v. Bulgaria*, App. No. 3861/97, Dissent, ¶2 (13 June 2002).  
<http://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%22001-60505%22%7D>.

65 *Nachova v. Bulgaria*, App. No. 43577/98 & 43579/98 (6 July 2005).  
<https://hudoc.echr.coe.int/tur#%7B%22itemid%22%3A%22001-69630%22%7D>. Though note that the Grand Chamber found the state had violated the duty to investigate possible racist motives but overturned the lower court’s finding that the killing itself was racially motivated due to purported lack of evidence. In 2008, the Court finally found a case of police violence against Roma to have been racially motivated. See *Stoica v. Romania*, App. No. 42722/02, European Court of Human Rights (March 2008).

66 *Ibid.*

67 *D.H. and others v. Czech* (GC), App. No. 57325/00, 182 (13 November 2007), <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%22001-83256%22%7D>. It is noteworthy that Roma rights advocates have criticized the European Court of Human Rights for failing to adopt the term “antigypsyism,” opting instead for language that decenters the perpetrators and undermines the gravity of anti-Romani racism throughout history – including genocide. Adam Weiss, Teaching Judges their ABCs, 7 January 2020, <https://www.errc.org/news/teaching-judges-their-abc>.

68 *Lingurar v. Romania*, App. No. 48474/14, ¶80 (16 April 2019),  
<https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%22001-192466%22%7D>.

Despite these developments and the fact that judgments are technically binding on states, full implementation of the European Court's judgments concerning Roma is still patchy. In December 2023, Council of Europe monitors documented 21 cases where judgments were still pending execution by the states in question (Roma and Travellers 2023). Even at the most authoritative human rights legal body in the world, legal processes have, to date, failed to effectively address racial discrimination. This underlines the importance of pairing legal strategies with out-of-court advocacy.

## 4. Animating Legal Frameworks for Emancipation and Environmental Justice in Kosovo

### 4.1 Continued Struggles to Secure Reparations for Lead Poisoning

To the extent the law has evolved to better protect Roma rights, this has largely been driven by Roma themselves. The new trend of courts and legal systems to openly discuss Romani ethnicity was spurred by Romani individuals and organizations that have offered their own views on Romani experiences of marginalization and discrimination (Simoni 2011, 125). Similarly, the quest for justice for lead poisoning is emblematic of the central role that Roma have played in these processes. Indeed, one of the most remarkable aspects of the lead poisoning saga is that, for nearly twenty years, Romani activists and victims have not given up the fight for justice, despite regularly expressing deep exhaustion and skepticism that justice will ultimately be served. Romani activists and victims were at the forefront of exposing the crisis in the first place, as well as ensuring continued attention to it over the years. They played a key role in mobilizing media attention and engagement by human rights monitors. When international and Kosovo authorities failed their responsibilities to provide medical monitoring, Romani activists stepped in to secure lead testing. These records became key medical evidence relied on by HRAP in making their findings. Their incorporation into the HRAP decision was key to combatting the stereotype that Romani communities create environmental problems and served to emphasize their agency.

To reach its full potential in disrupting longstanding anti-Romani racism, HRAP's decision must be fully implemented in practice. Recognizing this potential, Romani communities and activists have continued to organize and agitate for reparations. For example, Romani activists recently have partnered with the International Human Rights Clinic at Harvard Law School to build on the decades-long activism by victims, their legal representatives, and Roma rights organizations in Kosovo and beyond, and renew mobilization to hold the UN accountable to HRAP's recommendations (HLS IHRC and Opre Roma Kosovo). This advocacy has focused on three main points: (1) implementing rights-based processes that would place Roma, Ashkali, and Egyptian victims at the center of decision-making on the trust fund; (2) reconfiguring the trust fund to support reparations for the victims; and (3) securing government financing of a reconceptualized trust fund in order to make reparations a reality. In doing so, affected community members and activists in Kosovo are harnessing human rights frameworks to advocate for both the enforcement of their fundamental rights and participation in the process. This work has resulted in renewed attention from the UN Special Rapporteur on truth, justice and reparation, as well as key member states at the UN that are joining the calls for reparations for the victims (Permanent Missions of

Switzerland and the United Kingdom to the United Nations 2023; Salvioli 2023). If the UN were to heed these calls and comply with HRAP's recommendations, it would break cycles of marginalization that exclude Roma and enhance the participation of affected communities in decision-making and resource allocation, while improving the victims' quality of life and respecting their human rights.

## 4.2 Role of Romani Activists in Challenging Pervasive Environmental Racism in Kosovo

The lead poisoning case study presents just one example of pervasive environmental injustices against Romani people throughout Europe and stresses the importance of international institutions in recognizing and combating institutional racism. Romani communities across Central, Eastern and Southeastern Europe often live and work in polluted or degraded environments and are excluded from basic services, such as waste management and adequate sanitation (Heidegger and Wiese 2020, 4). Many Romani communities are forced to live in close proximity to landfills or toxic sites segregated from the rest of society (Civil Rights Defenders 2023, 2). Disproportionate proximity to environmental burdens and denial of equal access to resources and services should be understood as a manifestation of anti-Romani racism (Heidegger and Wiese 2020, 9)

Roma, Ashkali, and Egyptian communities in Kosovo suffer from exposure to environmental pollution rooted in anti-Romani racism. In Kosovo, many Roma, Ashkali, and Egyptians live in segregated *mahalas* that suffer from poor housing conditions conducive to declining health outcomes, making people vulnerable to diseases (European Roma Rights Centre 2011, 94). Environmental injustices are particularly acute for Roma, Ashkali, and Egyptian populations in Kosovo due to concerns of freedom of movement (European Roma Rights Centre, 75). Safety concerns about travelling outside of Romani communities amplifies the impact of environmental injustices, as Romani populations face continual exposure to pollution yet are unwilling or unable to relocate to Albanian-majority areas. Social housing units in Plemetina, which house many Roma, Ashkali, and Egyptian families made internally displaced persons after the Kosovo War, are emblematic of this issue. Public housing units in Plemetina are in close proximity to the Kosovo B power plant, exposing residents to toxic fumes (Salem 2013). Though exposed to high rates of pollution, Roma, Ashkali, and Egyptians continually suffer from regular power shortages (Salem 2013). Roma, Ashkali, and Egyptian residents in Plemetina have also been exposed to rain and cold weather due to structural deficiencies in housing infrastructure (OSCE Mission in Kosovo 2018). Elsewhere in Obiliq, the municipality where Plemetina is situated, Roma, Ashkali, and Egyptian people have been denied access to basic electricity and running water (Manos 2021). Inequities facing Roma, Ashkali, and Egyptian people in Obiliq were further exacerbated by the COVID-19 pandemic.

While environmental injustices against Romani communities are increasingly well-known throughout Europe, little has been done by governments, international organizations, and even civil society organizations to tackle environmental racism against Roma (Heidegger and Wiese, 10). Lack of attention from civil society organizations reflects the fact that Romani issues are often pushed to the periphery in mainstream policy and human rights discourses and institutions. In Kosovo, affected Roma, Ashkali, and Egyptian communities and activists with Roma for Democracy are seeking to change this by focusing on

empowerment as a tool to combat structural injustice. Grounded in human rights principles, Roma for Democracy seeks to remind Roma, Ashkali, and Egyptians that pride in their identity and demands for rights are means to combat environmental racism in Kosovo. Both the HRAP decision, which stresses the right to adequate sanitation, housing, and good health, and the Strategy and Action Plan for Inclusion of Roma and Ashkali Communities in Kosovo Society 2022–2026, place Romani issues within broader human rights discourses and established covenants, such as the Universal Declaration of Human Rights and the European Convention and other documents on customary international human rights law (Republic of Kosovo 2022). These documents apply human rights frameworks to Romani populations in Kosovo, allowing activists to harness them in securing rights for their communities. In Plemetina, activists are mobilizing actors to resolve electricity issues by meeting with government officials and via protests to raise public pressure. Such human rights inspired strategies have had some success in convincing authorities to remove environmental pollutants facing Roma, Ashkali, and Egyptian communities in other municipalities across Kosovo, most notably in the removal of a waste heap in Fushë Kosovo. Continued activism by Roma empowerment movements will be critical to securing a different future that is not dominated by environmental racism.

## Conclusion

The case study of Roma, Ashkali and Egyptians poisoned by lead in Mitrovica reflects institutionalized anti-Romani racism within the UN. While the UN's failure to fulfill its obligations has resulted in a perpetual human rights violation towards Romani communities in Mitrovica, the decision has provided Roma, Ashkali, and Egyptian victims and activists in Kosovo with both legal recognition of racial discrimination and a framework to advocate for the UN's fulfillment of its human rights obligations in Kosovo.

At the time of writing, former camp residents continued to voice concern about the ongoing health consequences for themselves and their children. Yet, their struggle for justice persists, perhaps fueled by the fact that the evidence of UN harms and its legal responsibility for those harms are now both decisively determined. The UN's continued disregard of its duty to compensate those harms should remain, by rights, a source of shock for those social justice-minded observers who place their hope in the UN as a source of human rights. Until the UN delivers on the principles it promotes, and offers reparation to the affected community, activists will need to keep up the pressure for a greater rights-respecting future.

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# The Struggle for Anti-racist Environmental and Housing Justice: A View from a Militant Research Project in Cluj-Napoca, Romania

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## Abstract

This article presents the struggle for anti-racist environmental and housing justice in Cluj-Napoca, Romania, and argues for militant research that provides knowledge and arguments to transform political thinking and practices. In discussing their activist research, the authors offer a methodological toolkit for activist knowledge production that might serve actions for social justice beyond the Pata Rât case discussed – a place in the city of Cluj-Napoca, Romania, where Romani residents are forced to live in proximity to toxic landfills. The article presents how a local movement, of which the authors are part, conducted multidisciplinary militant research to support actions against racist environmental and housing injustice. The article discusses different understandings of these concepts and describes the formation of the residential area and Romani residents' health conditions in the toxic environment of Pata Rât. The article also offers an interpretive synthesis of various types of empirical materials. In other words, militant research links environmental justice and housing justice via an anti-racist stance in the context of Romania. It stresses that without changing the structural conditions created by capitalism that force racialised people to live in polluted environments, legal recognition of housing and environmental rights will not mitigate intersectional injustice.

## Keywords

- Anti-racism
- Environmental justice
- Housing justice
- Militant research
- Pata Rât
- Romanian Roma

## Introduction

Our article is based on militant research conducted between 2021 and 2022 within the ENHOJUST project “For an Anti-racist Environmental and Housing Justice.”<sup>[1]</sup> It conceives militant research as an investigation that produces knowledge to support political struggles together with and on behalf of people whose critical condition it exposes.

As part of our inquiry, we aimed to critically address housing in a toxic environment through the particular case of Romani communities forced to live in the Pata Rât landfill area of Cluj-Napoca, Romania, and provide analytical instruments for activism against racist environmental and housing injustice.

To understand the manifestation of intersectional injustice, we combined several perspectives: (1) a sociological approach to the (re)production of a residential area in the proximity of an urban landfill, (2) the legislative view on the right to adequate housing and the right to a healthy environment, (3) a medical perspective providing information about the health conditions of people living near the rubbish dump, and (4) measuring air pollution in areas deprived of adequate living conditions. Under ENHOJUST, we conducted militant research that produced knowledge to be widely distributed through a campaign that included media products<sup>[2]</sup> to increase awareness about the life-threatening effects of landfills on people’s health in a context where this is ignored (that is, the case of racialised Romani people). In addition, as part of the campaign, we shared a report<sup>[3]</sup> with decision-makers from different administrative levels in Romania<sup>[4]</sup> and international organisations, calling for a necessary change in environmental and housing policies, including special anti-racist measures.

While this article presents the results of the ENHOJUST project, it also argues for discussing militant research in the *Critical Romani Studies* journal. Additionally, it provides a methodological toolkit for activist knowledge production that might be used in political action for anti-racist environmental and housing justice, even beyond the scope of our case study.

The article is authored by some of the members of the ENHOJUST project: two scholars who are part of the Cluj-based Căși Sociale ACUM! (Social Housing NOW!) movement, in collaboration with a jurist

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1 Project implemented by Desire Foundation between January 2021 – June 2022, with the involvement of a team that included, besides the authors of this article, medical doctor Bogdan Mincu, engineer Alexandru Luchiian, and visual media professionals Radu Gaciu and István Szakáts, who facilitated translating research results into a media campaign for environmental and housing justice. The medical questionnaire was canvassed in the Romani communities of Pata Rât by Maria Stoica and Linda Greta, housing activists who formerly lived there.

2 For example, brochures, infographics, videos, and webinars. Available online: <https://www.desire-ro.eu/?p=4101>, <https://www.desire-ro.eu/?p=4121>, <https://www.desire-ro.eu/?p=3977>, <https://www.desire-ro.eu/?p=3991>, <https://www.desire-ro.eu/?p=3985>, <https://www.desire-ro.eu/?p=3965>, <https://www.desire-ro.eu/?p=3971>, <https://www.desire-ro.eu/?p=4157>, <https://www.desire-ro.eu/?p=4153>.

3 Available online: <https://www.desire-ro.eu/?p=4069>.

4 Available online: <https://www.desire-ro.eu/?p=4134>.

from Bucharest who is also an activist. It does not target academic readers interested in theory-building but rather militant communities where Romani and non-Romani persons interact in a common struggle to erase racialised intersectional injustice and make use of militant research to support their case. As such, we do not intend to further theoretical debates on housing injustice, environmental injustice, or manifestations of institutional racism and racialisation leading to them. Instead, we aim to contribute to thinking about transformative practices that go against these phenomena and illustrate how a multidisciplinary approach in militant research provides arguments in their support. Nevertheless, our conceptual perspective might also offer insights for academic researchers in addressing the housing and environment nexus from an anti-racist perspective critical of capitalism.

In the past decades, several research reports and academic articles have been published about the Pata Rât area of Cluj-Napoca, Romania, highlighting the injustices inscribed in a decade of habitation of more than 1,500 Romani individuals near the toxic landfills of an economically expanding city. These writings focused on discrimination, evictions, and racism (ERRC 2011; UNDP 2012; Amnesty International 2013; Zamfir 2022a, 2022b); residential segregation, marginalisation, and ghettoisation (Vincze 2012, 2013; Dohotaru et al. 2016; Picker 2017); the racialisation of labour, surplus population, space, and housing (Vincze et al. 2018; Vincze 2023); residualisation of social housing (Vincze 2024); and uneven territorial development (Vincze and Zamfir 2019).

Any focus on environmental racism against Roma in Europe and, in particular, in Pata Rât, is rare but not absent from the existing grey literature. Several initiatives were conducted around the time when we started the ENHOJUST project in 2021 (see initiatives of the European Environmental Bureau (EEB) and ERGO Network 2020; Civil Rights Defenders 2023; EEB 2024; EEB and ERGO 2024a, 2024b).

In the present article, we use the Pata Rât case to illustrate how the structural injustices of capitalism create instances when environmental hazards, inadequate housing, and precarious health are interconnected in the case of racialised Roma, adapting the concept of racist environmental and housing injustice to our context and call for action against it.

The following sections first clarify what militant research is and how we conducted it locally to support political actions against racist environmental and housing injustice. Second, we discuss how environmental justice, the right to a healthy environment, and the right to adequate housing are understood on a global stage by activists and international organisations, in Romanian legislation, and by our political demands. Third, we reflect on the formation of the residential area and people's health conditions in the toxic environment of Pata Rât landfills. Fourth, we discuss the empirical material from the prior sections in a synthetic, interpretive manner. In conclusion, we stress that the contribution of our militant research to existing approaches is that, on the one hand, it connects environmental justice and housing justice via an antiracist stance in the context of Romania; and, on the other, it understands that without changing the structural conditions created by capitalism that force racialised people to live in polluted environments, the legal recognition of housing and environmental rights will not eliminate racialised environmental and housing injustice. Additionally, we will formulate a few principles identified by our militant research that are needed to challenge racialised intersectional injustice manufactured at the crossroads of environmental and housing issues.

# 1. Militant Research for Housing and Environmental Justice

## 1.1 Understanding Militant Research

We subscribe to definitions that comprehend militant research “as the place where activism and academia meet” (Soob 2013, 6) and as an investigation that prioritises political struggle over the academic pursuit of knowledge (Adams 2023). Further, militant research “entails the researchers’ active and committed participation in the political movement of their subjects ... and involves their participation by conviction [...] and not simply because this conduct is an expedient way to get their data” (Ross 2013, 8).

Militant research has the potential to create forms of knowledge that can be used as instruments by the activist group of which the researchers themselves are part. The ENHOJUST project was designed to support the group’s political struggles by means of a sociological interpretation of the creation of the residential areas in Pata Rât, a process based on the affected people’s lived experiences and institutional documents; enquiring about the potential and limits of the legal perspective on housing and environmental justice; the medical survey gathered from these residential areas; and air pollution data collected with professional sensors at the sites. These endeavours provided knowledge about the problems that residents of Pata Rât face, including health-related issues, as well as arguments that can potentially increase the political power of people and activists to militate for an anti-racist environmental and housing justice.

## 1.2 Militant Research In and Against the Context of Environmental and Housing Injustice in Cluj-Napoca

The Căși Sociale ACUM! (Social Housing NOW!) movement<sup>[5]</sup> operates in Cluj-Napoca, Romania, where environmental movements barely address environmental racism when studying pollution or climate change. Here, housing activists learned to address housing injustice alongside environmental injustice because their actions supported Romani people forced to live near a toxic landfill. Since its existence, this informal movement has benefitted from the organisational and administrative support of the Desire Foundation. ENHOJUST militant research is an example of how knowledge, produced by activists with academic backgrounds, and people, affected by injustices who do not have time and energy for research, can provide arguments for a joint struggle. This case shows how, together, they can advance political thinking and action.

The movement emerged from a revolt against the forced eviction of 350 Romani individuals from a location in the city centre and their re-housing near the municipal rubbish dump on 17 December 2010. This revolt brought together those affected and persons who expressed solidarity with them. Since 2010, the initial consternation was channelled into jointly coordinated actions, such as street demonstrations

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5 Information about the movement is available online: <https://casisocialeacum.ro>.

and cultural events against evictions and for access to adequate social housing, support for people applying for social housing, court litigation, protests at Cluj City Hall, and local, national, and global awareness-raising campaigns about the causes and effects of marginalisation, segregation, and racialisation of Romani people, their labour, and the spaces where they make a living.

In time, a group consisting of Romani, Romanian, and Hungarian activists, some of them living in Pata Rât, began to address broader issues that city inhabitants with different socio-economic backgrounds face. Most importantly, we revealed how a lack of public housing, in conjunction with profit-oriented urban development, steadily has increased housing prices in the city. To support its actions, during the past 14 years, the movement conducted militant research on housing and property development-related issues and politicised people's lived experiences of injustice. From its inception, we addressed racism as an underlying dimension of the deprivations that Romani people face. In our writings and actions, we stressed that racism denies human dignity to categories of people inferiorised by majority society due to their ethnicity and socio-economic status and represents a constitutive element of their exploitation and dispossession.

The Desire Foundation managed ENHOJUST when a court case, initiated by this organisation and persons relocated from the city to the landfill area in 2010, was still running (ongoing at the time of writing this article). By then, its members were thinking about the need and possibility of submitting a new petition to the Romanian National Council of Combating Discrimination (which happened in 2022). These initiatives called for recognition that local and county authorities were responsible for placing two new temporary non-ecological landfills in 2015 in proximity to the housing area built by City Hall for Romani residents who were evicted from the city centre in 2010.

ENHOJUST demonstrated that racism not only marginalises and segregates but also kills by depriving stigmatised people of adequate life conditions, for example, by forcing them to live in toxic environments. In such cases, like Roma from Pata Rât, we can observe the features of environmental racism. Our militant research showed that environmental racism enables both the forced relocation of people to the vicinity of existing toxic sites (such as landfills and water treatment plants) as well as the construction of new toxic sites. Housing, environmental, and health policies driven by majority society work together to inferiorise, stigmatise, and disregard those individuals unlucky enough to live near these sites.

## 2. Environmental Justice and Racism, the Right to a Healthy Environment and Adequate Housing

### 2.1 Existing Approaches on the Global Stage

The concept of environmental justice (Schlosberg 2004; Schlosberg 2007; Boone 2008; Agyeman et al. 2016) dates back to the 1980s, and organisation around this topic was influenced by the American Civil Rights movement of the 1960s. Initiatives in the United States asserted that underprivileged ethnic groups had the right to be protected from toxic environments. Later, the movement expanded geographically

towards the countries of the Global South and thematically to include several disadvantaged groups among the victims of environmental injustice and bring international environmental discrimination into the debate. Beyond the civic movements, legislative initiatives demonstrate that it is desirable and possible to regulate environmental justice from a legal standpoint, given sufficient political will. California State Assembly Bill No. 1628/2019 (State of California 2019) and the Aarhus Convention are examples in this sense (United Nations Economic Commission for Europe 2014). Additionally, in the 1970s and 1980s, environmental justice activists began to use the term environmental racism to refer to environmental injustice in a racist context (Pulido 1996; Holifield 2001; Pellow 2005; Seamster and Purifoy 2021).

The right to a healthy environment has facilitated the incorporation of the principle of environmental justice into the international human rights system. In October 2021, the United Nations Human Rights Council recognised it. This right means an obligation for the state to control pollution, develop and implement legislation to protect those affected by environmental issues, and ensure environmental justice. The right to a healthy environment relates to other rights, too, including food, health, and water. The principle pursued by the right to a healthy environment is to resolve the adverse effects of the environment on human health, a departure from the conventional approach in the field which ignores the connection between a polluted/toxic environment and human health.

The right to adequate housing has been recognised as part of the right to an adequate standard of living in Article 25 of the 1948 Universal Declaration of Human Rights and Article 11.1 of the International Covenant on Economic, Social, and Cultural Rights of 1966. Since then, other international human rights treaties have linked the right to adequate housing to the right to protection of home and privacy (United Nations Special Rapporteur on the right to adequate housing 2017). The United Nations Committee on Economic, Social, and Cultural Rights has emphasised that the right to adequate housing must not be interpreted restrictively. Instead, it should be seen as the right to live somewhere safe, in peace, and dignity. The right to adequate housing is clarified mainly in the general observations No. 4/1991 of the Committee on the Right to Adequate Housing and No. 7/1997 on forced evictions. The freedoms included in the right to adequate housing are protection against forced evictions and the arbitrary destruction and demolition of one's home; the right not to be subjected to arbitrary interference with people's privacy, family, home, or correspondence; as well as the right to choose one's residence, place of residence, and freedom of movement. Other components of the right to adequate housing include security of possession, equal and non-discriminatory access to adequate housing, and participation in national and local housing-related decision-making.

## 2.2 The Right to a Healthy Environment and Housing in Romanian Legislation

By ratifying the Aarhus Convention through Law No. 86 of 10 May 2000, Romania presumed it would comply with and implement the convention through appropriate national-level measures (Romanian Parliament 2000). Arguments in this law include the need to recognise that everyone has the right to live in an environment conducive to their health and well-being and that citizens must have access to information, be entitled to participate in decision-making, and be able to have access to justice in environmental matters, as well as, when necessary, be assisted in exercising this right.

Regarding this, Romanian law stipulates, among other things, two key aspects. First, the state will not request any derogation from existing rights concerning access to information, public participation in decision-making, and access to justice in environmental matters. Second, in the event of any imminent threat to human health or the environment, whether caused by human activities or natural causes, public authorities should immediately and without delay disseminate to members of the public who may be affected all information that would allow them to take preventive measures or mitigate the harmful effects of the threat. Revising Law No. 429/2003, decision-makers incorporated Art. 35 – the right to a healthy environment – into the country’s Constitution. As a result, since then, at least formally, the state has recognised the right of every person to a healthy and ecologically balanced environment, providing the legal framework to exercise this right.

In Romania, housing is not a constitutional right, but the right to a decent living is constitutional, and, theoretically, decent living should include a decent home. The 1996 Housing Law states that free and unhindered access to housing is the right of every citizen. Nevertheless, this access does not entail government obligations to provide people with a home; on the contrary, it can mean access to a home via the market, which is supposed to be achieved by people through personal effort unhindered by state policies. The same law provides that the local councils are responsible for social housing in the administrative-territorial unit to which they belong. However, it does not affirm that local councils would be obliged to offer an amount of social housing according to local needs. During state socialism housing was allocated to people related to their labour rights within a mixed housing regime (Vincze 2022), but in capitalist Romania neither the state nor the employers have any obligation in regard to the provision of adequate homes at affordable prices for workers or citizens. Access to a home is achieved almost exclusively via the market, which, given that less than two per cent of the total housing stock is social housing, creates a housing affordability crisis and housing, property, and wealth inequalities. People who earn the minimum wage and, in the expanding cities, even those who earn below average, have to seek solutions to high housing and rental prices, for example, “choosing” to live in overcrowded homes. Those who do not even have this option seek refuge in informal settlements with inadequate but cheap housing conditions.

### 2.3 Connecting Local and Global Demands in the Romanian Context

In Romania, housing rights/justice movements and social movements for environmental rights/justice exist and act in parallel. Claims about anti-racism, housing, and environment are formulated by separate civil society organisations and address different decision-making institutions. This is not the case for our local movement. By supporting the struggle of Romani residents forced to make a living in Pata Rât, the stake for us is to acknowledge the relationship between housing and environmental injustice and show how both result from the structural conditions created by a political economy regime which favours profit over people and the racialised practices of local authorities that endanger people’s health and lives.

Through the ENHOJUST project, we developed a composite concept of anti-racist environmental and housing justice from data on the housing and health conditions of Romani individuals living near the landfills. We used it as a basis for our political demands. The emphasis on the interdependencies of housing, environment, health, and various forms of social (in)justice is a complete novelty for Romanian policy, social movements, and even academic focus.

Our political demands are in line with the recent findings of the European Environment Agency (EEA) on the interconnection of environmental and social inequalities that contribute to the current debates on social and environmental justice in Europe (European Environment Agency 2019). The 2019 EEA report noted that local policy responses, somewhat reflecting the mainstream/traditional policies of the European Union, at best consider air and noise pollution from the point of view of the whole population. They neglect to address this issue from the perspective of disadvantaged groups or social inequalities, which are also manifest in inequality when it comes to the effects of pollution on such people. The EEA concluded that there is a need for environmental, social, and economic policies that address unequal exposure to the dangers of pollution and the unequal vulnerabilities of different groups. Then, it called for research to show who these vulnerable groups were and what categories of people need to be addressed through policies and actions. Our research, conducted in Romania in 2021, responds empirically and conceptually to this need.

Aligning with the EEA's view above, in 2020 the European Environmental Bureau (EEB) published the report "Pushed to the Wastelands: Environmental Racism against Roma Communities in Central and Eastern Europe" (Heidegger and Wise 2020). This report identified 32 cases in Central and Eastern Europe involving 150,000 people from Romani communities in Europe and found that Roma were affected by environmental injustice in three major ways: (1) they do not have access to services or have minimal access to clean water or waste collection, while surrounding areas benefit from them; (2) Romani communities are often constrained, in the absence of other alternatives, to live and work in degraded and polluted environments, in contaminated industrial areas, or areas exposed to environmental hazards such as floods; (3) Romani communities are victims of forced evictions from economically valuable locations that could provide them with access to natural resources such as uncontaminated land, water, and other utilities. Data from the ENHOJUST project represent the basis of our demands regarding health, housing, and pollution connected to the above phenomena identified by the EEB, which we presented to decision-makers in Romania.

Furthermore, our demands supplement several international recommendations regarding the right to a healthy environment and global environmental inequalities. As a movement, we bring the following matters to the attention of Romanian decision-makers. First, there is a need to adopt these neglected rights into the Romanian legislation and ensure conditions in which all people, regardless of their class, ethnicity, or social status, can access them, such as the right to a healthy environment and adequate housing. Second, there are strong connections between inadequate housing, poor health, and a toxic environment that demonstrate how the population's health status is influenced directly by their residential conditions and surrounding environment. Third, local environmental inequalities are related to inequalities based on where people can afford to live, and where they are forced to live, not only due to financial circumstances but also to lack of adequate housing and environmental policies, and institutional and everyday racism.

Our political demands consider that there is a need for a legal perspective on human rights; however, we also highlight the limits of the legalist approach. Economic rationales trump human rights in practical as well as legal terms. The political economy of waste as a valuable resource (Schindler and Demaria 2020) incurs direct costs and externalities imposed on racial lines. The mode of production based on

exploitation makes use of racialised labour, and the market-based housing system expels it to marginal and racialised places where workers can afford the costs of living or reproducing themselves (Vincze 2023, 2024). The case of Pata Rât is thus emblematic: racialisation proved useful for re-valuing centrally located urban land reclaimed by real estate capital through forced evictions and managing urban waste by destitute labour. Therefore, by focusing on concrete solutions to unequal housing, our demands aim to provide solutions that would advance the debate from the unjust distribution of ecological hazards (Faber et al. 2021) toward tackling the root causes of environmental racism linked to unjust housing and labour regimes in capitalism.

### 3. Residential Areas in the Environment of Pata Rât Landfills and People’s Health Conditions

#### 3.1 The Formation of the Residential Areas in the Toxic Environment of Pata Rât

Pata Rât’s residential areas near the landfills of Cluj-Napoca have formed over five decades, with the overwhelming majority of them occurring in the last twenty years due to systemic economic causes and institutional racism against Roma (Vincze, 2012, 2013; Desire Foundation, 2016, 2016a, 2016b; Dohotaru et al. 2016; Vincze 2018; Bădiță et al. 2019; Vincze and Zamfir 2019; Zamfir 2022, 2022a). Because of the large disparity between low-income and market housing prices, some city-dwelling workers lack the necessary financial resources to pay for housing other than in Pata Rât. In addition, Cluj’s local government fails to provide them with adequate and affordable social housing in other areas of the city. Moreover, since these authorities do not safeguard impoverished people from eviction or homelessness – and indeed are sometimes directly responsible for the forced eviction of Romani people – they seek refuge in Pata Rât. In their case, material inequality, institutional and everyday racism, and lack of effective legal protection against living in a polluted environment all lead to risks endangering their social and biological lives.

The residential areas in Pata Rât reveal the broad spectrum of responsibility of local authorities for their creation close to the city’s toxic landfills. Regarding its oldest community (Dallas), which dates back to the 1970s and whose residents collect rubbish in the landfills for the benefit all Cluj’s residents, the authorities exercise a policy of indifference disguised as passive tolerance. Concerning an informal housing area established on Cantonului Street in the 2000s (many of its inhabitants work in sanitation companies), the responsibility of Cluj City Hall is indirect but active. It evicted and directed to this territory smaller or larger groups of Roma from other parts of the city, accepting the placement of temporary homes by humanitarian organisations or allowing them to construct makeshift homes of their own. The most direct and active responsibility of the local public administration towards the residents of Pata Rât lies with those who live in so-called modular homes – constructed by the town hall in 2010 for 350 Romani individuals evicted from the city centre to less than a kilometre from what became a non-ecological landfill.

### 3.2 Pollution in Pata Rât and Its Effect on Romani Individuals' Health

Our team installed sensors in the area as part of the ENHOJUST project.<sup>[6]</sup> Hydrogen sulphide (H<sub>2</sub>S), a toxic gas specific to landfills, measured at modular houses in Pata Rât in 2021, exceeded the limits of the national standards set by the Romanian state: a threshold of 0.008 mg/m<sup>3</sup> or 0.006 ppm, in the case of a daily average, and a limit of 0.015 mg/m<sup>3</sup> or 0.011 ppm, in the case of an annual average. In particular periods in 2021, these exceedances reached alarmingly high levels. We have no reason to believe the situation would have been different in other years, as conditions were constant. Therefore, people residing in modular homes have been exposed to this pollution over 13 years. In addition, the H<sub>2</sub>S value measured in Pata Rât's modular houses just 800 metres from the landfills has been significantly higher than, for example, that measured on Soporului Street in Gheorgheni District (a green neighbourhood four kilometres away), indicating a more increased exposure of residents in Pata Rât – or an uneven distribution of exposure to toxic substances across the city.<sup>[7]</sup>

Regarding the annual mean values of the particular matters' measurements at the modular houses, they were as follows: 74 µg/m<sup>3</sup> in the case of PM<sub>2.5</sub> and 225 µg/m<sup>3</sup> in the case of PM<sub>10</sub>. Pollutants fill the area day and night, whether wood smoke or acrid fumes from plastics indoors and out, toxic smoke and soot from waste burning near homes in winter, or constant landfill fires and gaseous emissions from the sites, not to mention the heavy machinery working Pata Rât. The values measured for modular dwellings in 2021 were astronomical and far exceeded the limits established by the World Health Organization and Romanian law. In Pata Rât, the boundaries of the permitted values for 24 hours of suspended particulates PM<sub>2.5</sub> and PM<sub>10</sub> were exceeded as follows: 86 days annually for PM<sub>2.5</sub> and 97 days annually for PM<sub>10</sub>. Those residing in city-hall-constructed modular houses since December 2010 have been exposed to such elevated PM<sub>2.5</sub> and PM<sub>10</sub> values on numerous days per year for over more than a decade.

In addition to our measurements, public statements by the Cluj County Emergency Situations Committee should have alerted the responsible authorities to the health hazards associated with living in a toxic landfill environment but did not. In September 2017, the Committee announced a massive spill in Pata Rât as a result of leachate from landfills – approximately 6,000 cubic metres over an area of three hectares, exceeding by 750 times the permitted level of ammoniacal nitrogen and 12.8 times the value of chlorides, which are extremely hazardous to the environment and human health (Magrădean 2017). In January 2020, the same Committee declared a potential state of emergency, while supporting the County Council president's request to open the new Integrated Waste Management Centre without environmental authorisation. The population in the vicinity of these so-called "temporary landfills" – opened in 2015 – is at risk of disease, including acute respiratory infections, cardio-respiratory events, exacerbation of chronic illnesses, impaired lung function, and poisoning with ammonia, methane, and hydrogen sulphide (Cluj County Emergency Situations Committee 2020).

6 For hydrogen sulphide we used uRADMonitor SMOGGIE-GAS H2S (resolution of 1 ppb, min value 0 ppm, max value 2 ppm): <https://www.uradmonitor.com>.

For suspended particles, we used a sensor produced by Strop de Aer: <https://www.stropde aer.ro>.

7 Data from other sensors installed throughout the city by Strop de Aer: <https://www.stropde aer.ro/monitorizare-in-cluj-napoca>.

The very low number of people over 65 – only 15 – in the three communities surveyed in 2021 indicates that life expectancy in these communities is significantly lower than the national average in Romania, which was 78 years in 2019 (six years lower than the EU average). The vulnerable population in Pata Rât has been exposed to environmental pollution for decades, while their access to health services was suboptimal. Our medical survey, based on people's own statements, reflected that diagnoses of chronic diseases abound, but medication for them is often abandoned, usually due to lack of financial means. People also display frequent symptoms associated with pollution and debilitating respiratory diseases, but many of them remain undiagnosed given the absence of screening programmes for this population. Asthma, heart disease, or cancers are common. Left undiagnosed, these illnesses lead to poor quality of life, reduced work capacity, and premature deaths.

## 4. Discussion: From Legal Rights to Economic Realities and Endangered Health – A Militant Research Perspective

ENHOJUST's militant research began by learning about the experiences of Romani residents from Pata Rât, Cluj-Napoca, Romania, who suffer from environmental pollution, housing deprivation, illnesses, and premature deaths. This happened at a specific moment during a long process of building mutual trust and solidarity between directly affected persons from Pata Rât and activists not from Pata Rât, through which they created a shared space of political activism. In ENHOJUST, we elaborated specific research tools to transform personal narratives into a collective story on the formation of Pata Rât's residential areas and to render visible people's health issues and the severity of air pollution. Identifying the structural causes of the shared problems and the actors responsible for their occurrence helped us politicise manifestations of environmental and housing injustice. This is how our militant research became a tool of political struggle for short-term policy interventions and long-term political economy regime change. Such an investigation can strengthen the collective power of action and increase the chance of the people's demands transforming into an instrument of political pressure.

Through the ENHOJUST research project, we supplemented existing knowledge about the Romani communities constrained to living in Pata Rât with reflections on previously neglected topics. We showed the consequences of inhabiting a toxic environment, where people dispossessed of means to protect themselves from illnesses have a life expectancy much lower than the Romanian or EU average. Those living in inadequate housing and polluted environments are more vulnerable to disease and are also deprived of medical treatment. Environmental factors produce life-threatening conditions, and healthy life expectancy is determined by air, soil, and water quality; however, it also depends on people's material, housing, and labour conditions, products of a larger political economy regime.

All the above assertions on the links between the quality of the environment and health status might appear self-evident; nevertheless, as in the case of Romani individuals constrained to reside in Pata Rât, neither public authorities nor healthcare institutions acknowledged them. If they had done so, Pata Rât

would not have existed, or at least authorities would have been held accountable for the premature deaths and precarious health conditions of the affected population. Nonetheless, Pata Rât exists, and institutional racism inherent in environmental and housing policies – and a political economy regime that prioritises economic interests over people’s lives – are responsible for its formation and its persistence over several decades.

Social categories vulnerable due to their precarious socio-economic situation and to the stigmatisation/ racialisation of their ethnicity or social status end up living in a toxic environment that impacts healthy lives and shortens life expectancy. In these cases, universal human rights – including the right to health, the right to a clean environment, the right to adequate housing, and the right to a healthy life – are all violated; two important indicators, life expectancy in general and healthy life expectancy in particular, are declining; the effects of the unequal distribution of the impact of pollution are felt unevenly, depending on the distance from contaminated areas and toxicity; the interaction of the effects of ill health, inadequate housing, and a toxic environment results in particular forms of social injustice; these injustices and inequalities are racialised insofar as they impact individuals and communities who, based on ethnicity and socio-economic status, are considered an inferior “race” and end up being associated with toxic spaces, which in turn are also stigmatised.

We believe that the environmental injustice in Pata Rât would not have happened if the administrative authorities responsible for waste management had not violated the EU provisions in this area, eluding infringement due to partial measures taken moments before deadlines (such as the relocation near the landfill, its partial closure, or opening of so-called temporary landfills in 2015). The city authorities do not follow the EC recommendations on air pollution measurement in several parts of the city, including Pata Rât, and the measurements taken by the landfill managers are not publicly available. In addition, people living in the area are not informed of these measurements’ results and, if necessary, are not supported by local housing policies to move out of the zone. The local public administration did not comply with the provisions of Romanian and international legislation regarding the minimum distance between a residential area and a toxic site.

At the same time, they did not comply with the standards of the Romanian legislation regarding adequate housing, be it social or emergency housing. Local public authorities should have consulted the affected people when they moved them to a toxic area in 2010 or decided to place two new toxic landfills near inhabitants in 2015. When the authorities admit that there is pollution in Pata Rât, the admission is made only during exceptional circumstances and for reasons other than protecting the people directly affected by this pollution. Since they started living in Pata Rât, Romani residents have neither been screened for health and illnesses that occur in toxic environments nor been informed and consulted about the harmful effects of living in a contaminated area.

For all the reasons described above, the Pata Rât case exemplifies a situation in which environmental standards for landfills have been violated over several decades, together with standards for adequate housing in a healthy environment. Additionally, the case of Pata Rât illustrates a lack of urban planning instruments that require consultation with people affected by major infrastructure developments or safeguarding their housing and healthcare needs. Due to long-term anti-Romani

racism, the people forcibly moved to Pata Rât by Cluj City Hall are associated with rubbish, and many other city inhabitants cannot imagine sharing the same residential areas with Roma. Last but not least, the formation and persistence of the Pata Rât residential area near the landfill would not have happened if people were paid decent wages for their work, allowing them real access to adequate housing on the market, or if local government had provided them public social housing at an affordable rent, given their incomes.

## Conclusion

Our article presented research conducted using a multidisciplinary approach within the ENHOJUST project to sound the alarm about the health risks of living (being housed) in a toxic environment. Because we conceived this endeavour as militant research, our primary goal was to create tools of investigation and thinking that generate new ways of seeing and affecting the world. Via legislative, medical, sociological, and technological perspectives, we constructed and promoted the demands of an anti-racist environmental and housing justice that combats environmental racism and injustice in all three components of the housing-environment-health nexus.

We stressed that due to the situations created at the intersection of environmental and housing injustice, public authorities must develop and implement a series of multi- and inter-sectoral measures. The necessary policies must be supported by appropriate national laws encompassing all the involved domains, that is, environment, housing, health, and spatial planning, and attention should be paid to their links and financing mechanisms to ensure implementation at a local level wherever needed. As a starting point, all the central and local institutions involved in environmental issues should properly register cases of habitation in a toxic environment. This is a crucial step in identifying solutions for existing cases and preventing new ones. Additionally, these problems will not be eradicated whilst there is no political will at the national level to coordinate efforts in this matter.

Our militant research enabled us to identify the principles of anti-racist environmental and housing justice that should be applied in the case presented, within the Romanian legal framework, and, potentially, in other cases at the transnational level. Safeguarding access to adequate housing for all in a clean environment requires several measures; therefore, ENHOJUST defined a 10-point list of political demands and policy recommendations.

1. Ensure adequate social housing for all eligible under the Housing Law, prioritise impoverished people with precarious living conditions, by constructing a sufficient number of public social housing units and implementing a fair allocation system.
2. Prevent forced evictions through integrated housing and social measures, including social and medical assistance and benefits for those in need.
3. Legally ban the relocation of Roma and other poor or homeless people to areas near toxic sites such as landfills, water treatment plants, and industrial sites.
4. Guarantee that each urban regeneration plan has a housing component. Because such projects change the built environment and the social structure of the population in areas undergoing

significant urban change, it should be necessary to protect the vulnerable victims of these transformations and provide them, as appropriate, with suitable housing alternatives.

5. Measure air pollution in residential areas near landfills or other toxic areas and monitor the measurements made by private polluting companies. Communicate the results of these measurements to the people affected and take action, both against the polluters and on behalf of those affected by pollution.
6. Establish and respect the minimum distance between a residential area and a toxic zone that guarantees the health of residents.
7. Inform and consult the public about infrastructure developments that affect their safety and health.
8. Provide those who (continue to) reside in contaminated areas with free periodic screening services and, where necessary, guarantee specialist consultations and appropriate therapies, and offer an alternative residential area in the city as soon as possible.
9. Recognise the uneven geographical development at the level of localities, that is, the existence of infrastructurally underdeveloped areas exposed to pollution, inhabited by racialised minorities such as Roma.
10. Provide the racialised Romani people with affirmative measures that may combat structural inequalities and the long-term effects of anti-Romani racism. Among others, these measures should appropriately sanction and prevent the public authorities from considering a toxic environment as a suitable area for living for impoverished and inferiorised Roma.

Implementing anti-racist environmental and housing justice as a norm in public policies requires not only the legal recognition of rights related to health, housing, and environment but also efforts to change a series of economic, social, and environmental policies to ensure that all people can exercise their right to an adequate home in a healthy environment. Our political understanding of anti-racist environmental and housing justice highlights that, in itself, the legal recognition of the right to a healthy environment does not bring about necessary effective change. This is so because, despite existing legal rights, a profit-driven capitalist society and discriminatory and racist institutional treatment of vulnerable groups continue to expose them to exploitation and dispossession of the means necessary for a decent life.

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# Racialised Stereotypes of Scrap Iron Collection as Failures of Ecological Citizenship

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## Abstract

Despite scrap metal collection being a valuable ecological practice, one which exposes collectors to health hazards and poor working conditions, it is frequently devalued and rarely portrayed as a positive environmental contribution. Our article examines views regarding scrap metal collection expressed in response to *Charlie Hebdo's* caricature of the (non-Romani) Romanian tennis player Simona Halep as a scrap iron collector. We argue that the reactions to the caricature are evidence of a racially charged negative stereotype of Roma as (illicit) scrap iron recyclers. Second, we argue that what makes this stereotype wrong is not (just) that it is false or demeaning, but that it contravenes duties to reduce material footprints through activities like metal recycling. Drawing on Andrew Dobson's work, we explore the stereotype's negative framing of metal collection as a failure of ecological citizenship, and we consider how its racial elements challenge Dobson's neutral image of ecological citizens. We argue that addressing the stereotype requires a more inclusive and transformative understanding of ecological citizenship, and we end by considering ways in which focusing on the duties of ecological citizenship can boost the struggles against the various forms of ecological injustice and exploitation that Romani communities face.

## Keywords

- Ecological citizenship
- Ecological justice
- Roma minority
- Scrap metal recycling
- Stereotypes

## Introduction

Advances in recycling technologies, infrastructure, policies, and sustainable practices are customarily praised in the media, with frequent calls for improving recycling methods, supporting recycling targets, and making facilities more accessible. Among the various materials that can be recycled, metals present distinct advantages. First, as metals are used in a high proportion of everyday products, their footprint is incredibly high, so recycling metal significantly reduces waste. Second, recycling metal is incredibly efficient because metals are relatively easy to separate from contaminants, making the potential recovery rate over 95 per cent (Hagelüken 2012). Finally, as metal is a raw material, recycling it reduces both human and environmental costs of extraction, directly protects habitats, lowers the actual expense of extraction, and cuts waste in production. For example, aluminium requires 186 MJ/kg for primary production due to the high temperature needed to produce it, but only 10–20 MJ/kg for recycling due to the relatively lower temperature required at this stage (Gaustad et al. 2012).

However, metal recycling is often difficult or hazardous, especially in lives already marked by extensive social and political challenges (Saethre 2020). Unlike recycling paper or plastic, metal objects can be bulky and heavy, making handling more difficult – especially if handled without proper equipment. Discarded metal objects are also prone to rust and are often found outdoors or in other spaces where soil bacteria (including tetanus) can fill rusty crevices and infect handlers. Moreover, for objects not entirely made up of metal, handling difficulties are compounded by the laborious activity of manually taking components apart.

This combination of the desirability of metal recycling on the one hand, and its hazardous nature on the other, should indicate that scrap metal recyclers would be seen as extremely valuable. People engaged in scrap metal recycling are doing valuable work at considerable cost to their own health, well-being, time, and safety. But this is not always the case as scrap metal collecting is often portrayed as a negative, illicit practice even while dominant discourses encourage recycling.

Our paper identifies a negative stereotype of scrap metal recycling in a caricature of the Romanian tennis player Simona Halep as a scrap iron collector in the satirical French magazine *Charlie Hebdo*, and in the reactions of diplomatic institutions, European media, Romanian sports newspapers, and others to the caricature. We argue the frequent mention of Romani identity and insistence on separating it from (non-Romani) Romanian identity in this context is evidence of a negative *racialised* stereotype. We briefly present two views of what makes the depiction in the media morally wrong, and then we argue these explanations cannot properly capture the racialised underpinnings of the stereotype. Instead, we suggest that an especially useful standpoint is Andrew Dobson's political theory of ecological citizenship, which links a global conception of citizenship to individuals' material contributions to ecological risks. We then explore the implications of adopting an ecological citizenship standpoint in addressing ecological (in)justice for the Romani minority.

However, we also identify two ways in which the notion of ecological citizenship is insufficiently critical of the socio-economic context of recycling practices which a racialised stereotype of scrap iron collection

highlights. First, by decontextualising discussions of ecological duties from systemic inequalities, Dobson ends up proposing an image of virtuous ecological citizens which risks promoting racial and/or class-based hierarchies even more. Second, by focusing exclusively on nature-human relationships, ecological citizenship does not take advantage of the more transformative possibilities inherent in the notion of citizenship to question the human to human relations in which recycling practices take place. We show how emphasising a shared ecological vulnerability can serve to contest the racially charged hierarchical depiction of scrap iron recycling as deviant.

This article addresses stereotypes predominantly perpetuated by white politicians, media commentators, and third parties, by linking discussions of racial and environmental injustice in Romani communities (Latta 2007; Harper et al. 2009; Saethre 2020) to theoretical debates in environmental politics and theory (Dobson 2004; MacGregor 2006; Bourban 2023). Our position as non-Roma but otherwise minoritised (in terms of race, gender, and/or disability) migrants to the United Kingdom and the European Union allows us critical insight into the way dominant populations propagate stereotypes about vulnerable groups in the context of migration. However, our position might also bias us towards preferring an account of citizenship from a political theory that emphasises a seemingly universal standpoint of non-territorial wrongs beholden to a cosmopolitan community. Although we draw on insights from critical race theory and critical Romani studies to outline ways in which ecological citizenship erases the standpoint of marginalised people when advancing, for example, a kind of purity of motivation, our own proposed remedies might not go far enough in challenging “the invisibility of white positionality” (Howard and Vajda 2016, 44; Fremlova 2018, 105).

## 1. Shiny Trophies, Rusty Iron

In June 2018, the (non-Romani) Romanian tennis player Simona Halep beat Sloane Stephens in the Roland-Garros women’s final. Among the various depictions of Halep holding the coveted Suzanne-Lenglen cup, one stood out for the wrong reasons: the satirical French magazine *Charlie Hebdo* published a caricature of Halep holding the trophy, her smile morphed into a grin through long, sharp teeth, and exclaiming “*Ferraille! Ferraille!*” (“Scrap iron! Scrap iron!”). The caricature was accompanied by the text “*Une Roumaine remporte Roland-Garros*” (A Romanian wins Roland-Garros).

The caricature attracted widespread criticism, prompting a formal complaint against the publication by the Federation of Romanian Associations in Europe (FADERE), as well as formal statement from both the French and Romanian ambassadors. FADERE filed a lawsuit against *Charlie Hebdo* for not just depicting Halep’s victory in a negative light but also for the magazine’s “mockery of the community of Romanians in France,” as FADERE president Daniel Tecu put in in a TV interview for Antena 3 (News.ro 2018). This anxiety about how the Romanian diaspora is represented is in line with reactions by the Romanian UK diaspora to the “Romanians are coming” ITV documentary in 2014 (Popescu 2014) as well as the 2007 “Romanians in Europe” campaign which aimed to rehabilitate perceptions about Romanian migrants in EU countries following the murder of an Italian woman by a Romanian man in 2007 (Kaneva and Popescu 2014).

The French and Romanian ambassadors also viewed the caricature as having higher stakes than the way Halep herself was depicted. The French Ambassador to Bucharest Michele Remis stated the Embassy regards Halep as a “beautiful and powerful symbol” and that while freedom of expression is a fundamental principle,<sup>[1]</sup> the caricature “is in no way representative of French public opinion” on the matter (*LeParisien* 2018). Similarly, the Romanian Ambassador to Paris, Luca Niculescu, mentioned a flurry of positive reactions he had received on Halep’s victory, while reassuring Romanians that the French embassy “is fighting against stereotypes, clichés or prejudices which sometimes arise” (*Ziare.ro* 2018). Halep herself declined to comment on the incident.

Interestingly, lingering over (and intersecting with) this concern for attitudes towards Romanians in European countries is a pervasive understanding of the caricature as referring to Romani people. This might be surprising, as no Romani persons were depicted in the caricature or directly mentioned in its captions. Nonetheless, most reactions within Romania read the caricature as referring to stereotypes about Romani people (for example, Mihaiu 2020; Toma 2021; Jumatate 2023). This angle was also adopted by various international publications. *Balkan Insight* interpreted *Charlie Hebdo’s* caption of the caricature to refer to “Romanian Roma who often peddle scrap iron” (Luca 2018). *Deutsche Welle* reported the incident as “*Charlie Hebdo* angers Romanians with ‘racist’ cartoon” (*Deutsche Welle* 2018), saying the publication “had likened the country’s popular tennis champion Simona Halep to a Roma scrap metal collector” as it alluded “to the fact that some members of the Roma community have traditionally made a living from gathering scrap metal”. Similarly, the Spanish paper *Marca* read the caption about scrap iron as an “allusion to the stereotype that Romanian ‘gitanos’ [sic] steal [iron] in France” (*Marca* 2018).

How should we interpret the stereotype depicted in the caricature, and what (if anything) makes propagating the stereotype morally wrong? The rest of this article is devoted to analysing the various components of this question, and it is organised as follows: first, the article seeks to demonstrate that the caricature should be understood as depicting a racially charged negative stereotype. Then, the article asks what makes propagating the stereotype morally wrong, arguing the answer does not lie with the accuracy or inaccuracy of the empirical reality the depiction is hinting at, but with power asymmetries that allow dominant groups to erase the contributions of subaltern voices, with a particular application to erasing contributions as ecological citizens. The final section of the paper explores how integrating subaltern perspectives should be used to extend the ecological citizenship framework.

## 2. The Caricature as a Racialised Stereotype

As discussed above, *Charlie Hebdo’s* caricature of Halep’s victory did not depict any Roma, yet it was widely read as such. What makes this interpretation plausible? This section argues the caricature is plausibly interpreted as propagating a stereotype about Romani people for two reasons: first, the interpretation can

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<sup>1</sup> This could be a reference to a terrorist attack at the *Charlie Hebdo* headquarters in 2015, in response to the publication’s depiction of Islamic religious symbols. The attack, which killed 12 people, was met with affirmations about the importance of freedom of speech in the face of disagreement.

be corroborated by depictions of the stereotype of Roma as scrap metal collectors in Romanian media outlets. Second, the stereotype follows a similar pattern of other constructions of Romani alterity in the context of the “othering” of Romani people in official reactions to European attitudes towards Romanians.

A first reason to consider the interpretation of the caricature as depicting a negative stereotype about Romani people is that there is some evidence of an ethicised stereotype of Roma as scrap metal collectors, whereby we understand “stereotype” as “cognitive structures that contain the perceiver’s knowledge, beliefs, and expectations about human groups” (Peffley et al. 1997, 31). While demonstrating the prevalence of this stereotype in Romanian society is beyond the scope of this paper, we have found evidence of a racialised stereotype in the associations between scrap iron collection and ethnicity in the only Romanian publication to have a dedicated archive for the label “fier vechi” (scrap/old iron): Digi24 (*Digi24* 2012–2023). DIGI24 is “a 24-hour TV news channel with leading positions both offline and online”, being rated as the third most widely read Romanian news source in 2023 (Radu 2023). Of the 67 articles spanning 11 years filed under this label, we found that nearly two-thirds (42) link scrap metal collection to illicit activity, most notably theft, tax evasion, fraud, destruction of public goods, destruction of art works, causing pollution, and even physical violence. Only two articles portray reusing scrap iron in a positive light, both concerning the benefits of recycling (*Digi24* 2013a; *Digi24* 2014a).<sup>[2]</sup> Moreover, when the impact of scrap metal recycling on the environment is mentioned, there are as many articles highlighting its *negative* environmental impact (through, for example, the theft of iron leading to a spill) as there are mentions of the *positive* environmental effects of scrap metal recycling (*Digi24* 2013b; *Digi24* 2017). While it is possible for the theft of metal items to lead to environmental disaster, it is unlikely that the practice (even when done illicitly) would lead to negative environmental consequences just as often as to positive benefits. This limited analysis does not prove but supports the interpretation that scrap metal collection is frequently portrayed in a disproportionately negative light, as a demeaning or illicit activity.

While the articles filed under “scrap iron” in the *Digi24* archive do not frequently mention the ethnicity of scrap metal collectors, when the ethnicity *is* mentioned, it is overwhelmingly Roma. Except for the Halep scandal, the news articles about old iron which mention ethnicity at all, mention Romani ethnicity – such as Romani people living in Parisian slums (*Digi24* 2014c) or palaces allegedly built by wealthy Roma with profits from scrap metal collecting (*Digi 24* 2014b). Given that a very large proportion of the stories concern theft where the ethnicity remains unknown because the culprits are not identified, the selective mentioning of Romani people indicates scrap metal collecting is at least intermittently associated with Romani ethnicity. The association is not a strong one whereby “thieves” are invariably identified as Roma, but a weaker one whereby the salient ethnicity associated with scrap metal collection (when it is) is Romani ethnicity. Given the power that mainstream institutions like the media have in constructing, propagating, producing, and re-producing stereotypes, the effects of this association between Romani people and the largely illicit practice of scrap metal collecting by authoritative sources deserve further scrutiny.

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2 The remaining articles include 11 articles about how government mismanagement has laid to waste (“scrap iron”) once thriving factories, and 3 articles on the Simona Halep scandal.

In addition to the evidence that negative stereotypes regarding scrap metal collecting tend to be associated with Romani people, interpreting the caricature as targeting Romani people is also plausible considering a persistent pattern of constructing Romani alterity in post-socialist Romania. Returning now to the reactions to the caricature in Romanian media, a key critique of it has been that the behaviour imputed to Halep (a non-Romani Romanian) is only true of Romani people. For example, a Romanian organisation for Women in Sports called the cartoon racist and complained the problem was that Halep was portrayed like “une gitane”, being called “gypsy [sic] because she’s Romanian” (Femei din Sport 2018; see also Burcescu 2018). For their part, *Charlie Hebdo* seem aware of this interpretation when writing on their website a few days after the initial caricature that “Romanians do not want to be confused with the Roma, Gypsies who steal scrap metal within the collective consciousness” (*Charlie Hebdo* 2018).<sup>3</sup> As the EU-focused Rroma Foundation summed up reactions to the caricature, “the outrage is not about the racist portraying of Roma – it is about associating Simona Halep and thus Romanians to Roma” (Rroma.org 2018).

The existence of a pattern of constructing Romani alterity as distinct from Romanian identity has been evidence by Nadia Kaneva and Delia Popescu in the context of the “Romanians in Europe” campaign, which can be said to pursue construction of “Romani alterity as an explicit national goal” (Kaneva and Popescu 2014, 511). The incident which prompted the campaign was allegedly perpetrated by a Romani person, yet the legal response by Italian authorities was motivated by reference to all Romanians, as it was said that those who commit most crime are “the Romanians” (Hooper 2007). With Romani people being over-represented among the Romanian citizens who were deported from EU countries like France (Vrabiescu 2021), various voices insisted on demarcating Romani and Romanian identity as clearly as possible.

Highlighting differences between Romanians and Roma is reminiscent of the nationalist stance some former communist states took after 1989 aiming to “recreate the national community of the pre-communist state” (Dumbrava 2017, 1500). A consequence of this focus on recreating the pre-communist nation is that “forms of marginalisation and second-class citizenship among ethnic minorities persists [sic] despite access to formal citizenship” (Dumbrava 2017, 1494). A clear instance of this, analysed by Kaneva and Popescu, is a poster by the Noua Dreapta (New Right) political movement showing a family of “Roma” and one of “Romanians” pictured side by side. While the Romani family has “visibly darker” skin and is pictured next to a “wire-fence [and] a low-cost, concrete apartment building”, the family of “Romanians” are all “dressed in white shirts and blue jeans”, all “have fair complexions”, and are “all blonde” (Kaneva and Popescu 2014, 512). A black arrow points to the Romani family, while an arrow in the colours of the Romanian flag (blue, yellow, and red) points to the (non-Romani) Romanian family, with the caption “Gypsies (Rom) and Romanians are two different peoples!”

Although the “Romanians in Europe” campaign is not as explicit, it is nonetheless most convincingly read as manifesting the same pattern of constructing Romani alterity out of anxieties over the

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3 The French original: “Les Roumains ne veulent pas être confondus avec les Roms, les Tsiganes chapardeurs de ferraille au sein de la conscience collective.”

acceptance of Romanian identity abroad. The campaign, which led to an overall increase in the number of Italian and Spanish people holding positive attitudes towards Romanian migrants (Kaneva and Popescu 2014, 513) and earned the Saatchi & Saatchi team multiple PR awards (Tabacu 2009, cited in Kaneva and Popescu 2014, 514), seems to be characterised by overpowering depictions of whiteness. Not only are people with dark tones absent from the campaign's clips, but literal whiteness is emphasised. Nadia Kaneva and Delia Popescu provide a critical analysis of the campaign's travelling pavilion called "Casa Romania", which aimed to showcase a "typical" Romanian apartment. The model house consisted of "[w]hite walls, a white couch, white tables, chairs, and bookcases, a white television set, a white stereo, and a white, blonde hostess, wearing a white shirt" (Kaneva and Popescu 2014, 517).

Kaneva and Popescu convincingly read the campaign as akin to the reaction of the New Right poster's aim to "impose a correct image of Romania in Europe" (Noua Dreapta 2007, cited in Kaneva and Popescu 2014, 511) by delineating a Romanian identity distinct from negative stereotypes associated with Romanian Roma. The depiction of "Casa Romania" as dominated by literal whiteness gives a visual representation "the complete opposite of mediated images of squalid Romani camps and their dark-skinned inhabitants" (Kaneva and Popescu 2014, 517). While the aim of creating a visually striking separation between white Romanians and non-white Roma was never expressed this bluntly, other outlets commenting on Romania's nation-branding campaign, such as the France24 news channel, also noticed:

It's easy to work out what the Romanian government is doing. [...] The government can neither say that Roma people are not Romanian, nor that all Romanians, Roma included, are respectable [...] so they are saying that "most Romanian citizens are respectable." What that means is that some Romanian citizens are not respectable – search them out! (Dacheux and Campinez 2008, cited in Kaneva and Popescu 2014, 517).

This decades-long eagerness to "dissociate the (white) Romanians from the (nonwhite) Roma" (Dumbrava 2017, 1502) in the face of unflattering representations by other EU member states provides further evidence that the stereotype propagated by the *Charlie Hebdo* caricature should be understood as ethnically marked. In line with other attempts by politicians and state institutions to demarcate (non-Roma) Romanian identity and Romani identity as clearly as possible by using the term "Tigani" (Gypsies) in official documents as early as 1995 (Rostas 2010), we can read the insistence that the stereotype depicted refers to Romani people as part of national and international processes of othering Romani identity. Although it does not depict any Romani persons, the cartoon nonetheless conjures up an image of destitute scrap metal collectors, which is read along ethnic lines both in Romanian media, and in the context of anxieties over how Romania is depicted abroad. But what (if anything) makes propagating this stereotype in a satirical French publication morally wrong? As we argue below, the answer has less to do with the accuracy or inaccuracy of the stereotype, and more to do with the power dynamics behind devaluing the practice of recycling when this practice is ethnically marked.

### 3. Why Is It Wrong To Propagate the Stereotype?

A compelling reason for rejecting the stereotype of Roma as scrap metal collectors is to argue it is empirically false. This aligns with voices saying the “racist portraying o[f] Roma” should be scrutinised (rroma.org 2018). Finding mismatches between empirical reality and stereotypical portrayal would show the stereotype does not apply to Romanian Roma, just as it did not apply to Halep. An analysis of empirical reality might serve to put an end to the stereotype altogether. This strategy would be in alignment with early approaches to stereotypes that regarded them as inaccurate, rigid generalisations (Lippmann 1922/1991) or hyperboles with small “kernels of truth” (Allport 1954/1979). This view has influenced legal practice, for example, with Canadian courts when striking down practices excluding non-citizens from practicing law by invoking false stereotypes about non-citizens being less knowledgeable and trustworthy (*Andrews v. Law Society of British Columbia* [1989] 1 SCR 143, cited in Moreau 2016, 289). Relying on facts seems a powerful and long-standing tool in combating stereotypes as inaccurate generalisations (Bargh and Chartrand 1999).

However, insisting on the (in)accuracy of stereotypes is insufficient to capture the power relations behind them. Power asymmetries render the accuracy-centred approach inadequate for two reasons. First, even factually true stereotypes might be morally wrong if what makes the stereotype true results from discrimination, subordination, oppression, and other forms of power exerted over the stereotyped group. For example, stereotypes about ethnic or racial minorities being less educated, or women dropping out of the labour due to the child-care market might be true, but often this is the result from prejudice, discrimination, and lack of access to child-care or education. What matters more than the empirical accuracy or inaccuracy of the stereotype are the structural power relations which produce and re-produce that reality (Richard et al. 2003; Lockenhoff et al. 2014; Basu 2018).

With respect to the stereotype of Roma being scrap metal collectors, this critique of the accuracy-based approach prompts us to consider the racism, deprivation, social exclusion, and socio-economic conditions that might make it more likely for Romanian Roma people to practice scrap metal collection as a form of subsistence. Even if the generalisation had some “kernel of truth”, we would argue that it would still be wrong to propagate the negative stereotype because it is not true of everybody. Generalisations do not apply to individual cases, and not all Roma are scrap metal collectors. Individual Romani people can rightly claim fairness requires that each of them be given an individual assessment (Moreau 2016, 290). Propagating the stereotype presents the effects of unjust treatment of a group as a negative characteristic of the victim-population, adding insult to injury.

Another possible explanation of the wrongness of the stereotype relies on its demeaning message. Stereotypes are wrong because they deny the equal standing of the targeted groups or individuals, painting them as less worthy of esteem than others. In a survey article on the wrongness of stereotyping, Anita Bernstein writes that many stereotypes are reductive and demeaning (Bernstein 2013, 659). When stereotypes claim members of targeted groups manifest undesirable or criminal characteristics, they reinforce demeaning prejudices and cement an inferior status for the members. The difference between the inaccuracy approach and the demeaning approach is that the latter focuses on the attitudes and

selective presentation of information by oppressors, not the victim-population. The key point is how the population entertaining the stereotype maligns members of the target group by obscuring their individual agency (Eidelson 2015).

In the case of scrap metal collecting, propagating the stereotype is wrong on this view even if more Roma than non-Roma are engaged in it, because the stereotype interacts with background racial injustice. It furthers negative perceptions towards an already stigmatised ethnic group and demeans its members by presenting them as inescapably manifesting the group's alleged characteristics. It is wrong to say individual women are not reliable witnesses in sexual assault cases because of psychological or emotional dispositions (Moreau 2016, 294) and similarly wrong to say individual Roma are prone to scrap metal collecting based on group generalisations. This approach explains why stereotypes add insult to injury even when true, which the accuracy approach failed to do.

However, this second understanding does not fully explain the stereotype at issue either. Although it engages with some aspects of background injustice, the demeaning approach does not question how practices attributed to a minority group by a stereotype come to be painted as deviant or commendable. It takes the negative connotations of the stereotype as given instead of questioning why even a beneficial practice can be depicted as negative if it becomes associated with a devalued identity. While the approach forbids propagating negative prejudices about criminality, poverty, and disregard for public goods, it does not engage with the positive environmental contributions that scrap metal collectors, Roma and non-Roma alike, make through the practice. The positive nature of these contributions to the environment points to a need for a more ambitious diagnosis of what makes these suggestions wrong.

## 4. Scrap Iron Collection and Insights *from* Ecological Citizenship

How can we find an independent standpoint, untainted by negative mainstream attitudes, which would allow capturing the environmental benefits of scrap metal recycling and the hazardous work of scrap iron collectors as a positive contribution? A compelling proposal is to employ Andrew Dobson's notion of ecological citizenship as a framework that incorporates ecological concerns as well as duties towards one another globally as citizens (Sagoff 1988; van Steenberg 1994; Smith 1998; Dobson 2004, 2006; Dobson and Bell 2006).

Ecological citizenship focuses on what we owe one another as "dwellers on the land [and] natives of the Earth" (Reid and Taylor 2000, 452). In contrast to the dominant paradigm of social citizenship, largely inspired by T. H. Marshall (1950, 1964), which focuses on relations between human beings who make up the current body of citizens, ecological citizenship highlights the duties that fall to currently existing citizens once we recognise obligations towards the environment and future generations. Since our actions have ecological implications beyond contemporary people (and beyond our co-nationals), ecological citizenship indicates that we have duties to all who will be affected by our actions. From this, Mark Smith draws "a new politics of obligation" that can

include “animals, trees, mountains, oceans, and other members of the biotic community”, taking us beyond the three dimensions of civil, political, and social citizenship (Smith 1998, 99; see also van Steenberg 1994, 142). Most importantly, actions that affect future generations fall within the remit of our current citizenship obligations, since “today’s acts will have implications for tomorrow’s people” (Dobson 2004, 106).

According to defenders of ecological citizenship, once we adopt a wider view which includes animals, plants, the environment, and future people, we see that the focus on reciprocal duties for currently existing people (“generationism”) is in fact “as indefensible as racism or sexism” (Roche 1992, 242; Dobson 2004, 107). In this extended, ecological conception, citizenship takes on a dynamic dimension and refers to a “continual process of creation and transformation of both nature and society” (Gilbert and Phillips 2003, 319). Ecological citizenship “converts relationships we had thought to be ‘Samaritan’ into relationships of citizenship” (Dobson 2004, 98). Such obligations regard duties for pursuing the common good, sometimes at costs to personal self-interest, and are therefore similar to standard citizenship obligations (Sagoff 1988, 8). For example, practices previously regarded as supererogatory – such as reducing our ecological footprint, collecting waste, or recycling materials – are regarded as morally binding duties.

The duties we have as ecological citizens are, moreover, non-territorial (Bourban 2023). Dobson’s notion is meant to reflect the materiality of one’s ecological footprint, or the amount of material or space one takes or uses. This puts relations of impact and sustainability at the heart of ecological citizenship, instead of state or political ties. Because such relations cut across state borders, ecological citizenship is not defined in terms of membership in a pre-existing political community but constructed “in a new political space that overflows the boundaries of discrete nation states” (Latta 2007, 381; see also van Steenberg 1994). Dobson can be said to endorse a “post cosmopolitan model” of ecological citizenship, where “the material relations of the ecological footprint” take precedence over pre-existing political ties (Latta 2007, 389).

A critic might be concerned that practices of scrap metal collection do not evidence ecological citizenship because, intuitively, citizenship involves actions which integrate citizens into public processes and deliberation, with voting being a prototypical example. Finding, selling, and recycling scrap metal does not seem to obviously relate to citizenly activities or to public processes. However, Dobson is explicit that, since actions that appear on their face to be private have impacts on our and others’ ecological footprints, those impacts are enough to generate duties in line with ecological citizenship. This can be true even of actions taken in the most private sphere, in one’s own home.

Regarding scrap metal collectors and their interlocutors as ecological citizens re-frames group relations in terms of environmental activity – as opposed to power relations in general. Viewed through the lens of ecological citizenship, scrap metal collectors – Roma and non-Roma alike – are acting in commendable ways by reducing the impact of (metal) materiality of others, and thus their environmental footprints, in a concrete way. Collecting, selling, recycling, and upcycling scrap metal reduces demands on material inputs in a way that is relevant to ecological and sustainable processes. Scrap metal and other waste collectors reduce the material footprint of others., and this benefit must at least be weighed against any potential negative consequences. Unadulterated public denigration, therefore, undermines an example

of ecological citizenship – in a context where much of the ecological work would otherwise have gone undone. Since leaving scrap metal by the wayside is not a fact of life we should just accept but a failure of ecological citizenship, those who dump the scrap metal are the ones violating their citizen duties. Conversely, scrap metal collectors are the ones who fulfil their ecological duties and benefit others, and this benefit should be mentioned when the practice is discussed.

Additionally, ecological citizenship can serve as a basis to interrogate how attitudes towards reducing material footprints are portrayed through stereotypes propagated by authoritative sources. In contrast to promoting ecological practices through monetary motivations or other sanctions, ecological citizenship implies a “politics of attitude change” (Latta 2007, 379) through the “recognition that sustainable development requires shifts in attitudes at a deep level” (Dobson and Valencia Saiz 2005, 157). When media outlets, politicians, and other citizens propagate stereotypes that consistently present discarding scrap metal as normal or respectable, and collecting scrap metal as deviant or shameful (as in the case of the Halep caricature), they are going against the recommendations of ecological citizenship for attitudinal change. Just as dirt was defined by Mary Douglas as “matter out of place” which implies “a set of ordered relations and a contravention of that order” (Douglas 1966/2000, 36), so the people who handle waste are consistently portrayed as “people out of place” who contravene ordered relations, instead of participants in a socially commendable, and indeed necessary, process.

Finally, ecological citizenship allows us to explain why it is wrong for French media to propagate negative stereotypes about Romanian scrap metal collectors. The non-territoriality of ecological citizenship means the perpetuation of the negative stereotype is wrongful – even beyond the borders of the state an individual or group occupies. Since ecological citizenship takes action at a distance seriously when it impacts material relations underpinning the ecological footprint, it helps explain why it is problematic for the contributions of citizens of one country to be erased by stereotypes disseminated in another. The fact that *Charlie Hebdo* perpetuated a negative ethicised stereotype in France so gratuitously – and without the excuse of, in this instance, condemning an illicit form of collection – can thus be said to violate obligations stemming from ecological citizenship by painting waste collection practices *in themselves* in a negative light.

## 5. Scrap Iron Collection as a Racialised Stereotype: Insights for Ecological Citizenship

The ecological citizenship analysis can explain why it is wrong to overlook the positive contributions of scrap iron collectors and propagate overwhelmingly negative stereotypes regarding the practice – and why it is wrong to do so even across borders. Yet it does not engage with the *racial* dimension of the stereotype in question. Can ecological citizenship explain the wrongness of the racialised portrayal of Romani people as scrap metal collectors? The short answer, which we elaborate below, is that ecological citizenship itself is amenable to including these concerns, but only if we were to extend the concept beyond Dobson towards a more democratic inclusion of subaltern voices and a more transformative understanding of the meaning of citizenship.

The notion of ecological citizenship presented above captures the wrongness of propagating negative stereotypes by drawing on the importance of caring for the natural environment (and those who will be impacted by depleting it in the future). Focusing on the direct impact of the actions of scrap metal collectors on the natural environment solves the difficulty of diagnosing the stereotype by taking material footprints as starting point for defining citizenship obligations. Yet this focus on the material aspects of ecological citizenship risks overlooking what Alex Latta calls the “politics of nature” (Latta 2007, 388). As Latta puts it, ecological citizenship does not develop independently of political conceptions of nature and its role in human life but is underpinned *by* “substantive human–human relations that engender highly differentiated experiences of citizen duties and agency” (Latta 2007, 385). Overlooking the way political and social contexts shape ecological citizenship binds the notion to an apolitical image of citizenship – which was at stake in the case of the stereotype in question.

The first oversight in taking human-nature relations as primary in conceptualising ecological citizenship is that it *operates with a mistaken view of virtuous ecological citizens* – one that, as we shall see, also affects the stereotype of Romani scrap metal collectors. Latta convincingly argues that ecological citizenship operates with an allegedly neutral model, whereas in fact the image is geared towards currently privileged citizens. The expanded obligations of ecological citizenship are understood to pertain to the powerful – not subaltern or marginalised people. Model ecological citizens “have the duty to right injustice, but never appear to be the sufferers of injustice” (Latta 2007, 384). The key protagonists are “[t]he economically (and ecologically) powerful”, with obligations to help, the sufferers of injustice who are their “silent” and “passive counterparts” (Latta 2007, 384). This oversight of the politics of recycling practices can also be highlighted in the case of gender, where – as Sherilyn MacGregor argues – there is little acknowledgement of the disproportionate number of “green” tasks that are associated with traditionally female domestic work (2006, 119). Model ecological citizens are therefore poised to reproduce, in the ecological space, the main economic and gendered cleavages that mark the current political arena.

In the case of scrap metal collecting, this tendency to take privileged agents as model citizens can be evidenced in Dobson’s discussion of what it means to be a virtuous ecological citizen. Dobson seems to think that for recycling activities to have merit for ecological citizenship, they should stem from virtuous dispositions rather than monetary remuneration. An ecological citizen is virtuous when she “does the right thing not because of incentives, but because it is the right thing to do” (2004, 129). If we took stories of the kind distributed by *Digi24* at their word, it would indeed seem that financial incentives are important, especially in contexts where scrap metal collection is a primary source of income. When this is the case, it is safe to assume that those who engage in scrap iron collection are primarily motivated by pecuniary interests – such as ensuring their survival – instead of intending primarily to contribute to sustainable processes. In Dobson’s account such motivations render the collectors unvirtuous.

Yet it is the very possibility that some might practice iron collection for a living should give us pause before concluding that disadvantaged people in this situation are thereby violating their duties as ecological citizens. Insisting on non-pecuniary motivations risks reproducing existing social hierarchies as hierarchies between well-motivated, economically powerful citizens and financially-motivated, economically weak citizens. Ecological citizenship needs to aim to guard against the possibility that second-class citizens will become second-class *ecological* citizens in a social context rife with economic

inequality. When recycling becomes a livelihood, the insistence on pure, non-financial motivations risks (re)producing significant social inequalities since middle-class, full-time employees (for example, in creative industries) will typically find it easier to discharge the duty of recycling “because it is the right thing to do” compared to more deprived citizens. Criticising the motivations behind recycling practices to make sure they are not tainted by pecuniary incentives risks subjecting the actions of poorer citizens to increased scrutiny, exacerbating social suspicion.

Ecological citizenship therefore carries a dual risk: first and most directly, a risk of replicating unjust social relations in which the Other’s misgivings are rendered salient, while the question of what others owe to (Romani) scrap metal collectors is not considered. This oversight might run against a crucial recommendation of ecological citizenship, the recognition that scrap metal collectors are reducing the (metal) materiality impact of others. Second, the alleged neutrality of insisting on non-pecuniary motivations risks perpetuating strategies to de-contextualise the practice from wider elements pertaining to systemic inequality and socio-economic conditions. This second risk affects the racialised form the stereotype takes. We can read the oversight in the context of a more general tendency to ignore wider structural factors that produce a “class to race cascade” in perpetuating racialised poverty for Romani people (McCombs 2018) or a view of begging as a practice divorced from socio-economic inequalities (Breazu 2024). Similar to these cases, by ignoring the wider factors that shape motivations and classing financial motivations as wrong places the responsibility for forming correct motivations on Roma themselves.

To avoid this devaluation of the ecological practice of scrap iron collecting we need to be sensitive to “the substantive human–human relations that engender highly differentiated experiences of citizen duties and agency” (Latta 2007, 385). In the case of gender, this means politicising the image of the model ecological citizen by allowing feminist perspectives to challenge dominant assumptions underpinning the division of recycling responsibilities (MacGregor 2006). In the case of including Romani voices, this means challenging the wider socio-economic context in which the practice takes place and the way it conditions incentives to participate in the practice – pecuniary or otherwise. It also means questioning our assumptions of who takes part in the practice, and under what conditions, rather than responding to negative stereotypes of scrap metal collecting through counter-examples – since combating stereotypes through counter-narratives can still be essentialising (Tittel 2021).

So far, we have discussed the socio-economic issues that a purely nature-focused approach to ecological citizenship would take and argued that these fall along racialised lines. Yet the overlooked human-human relationships also include more direct ways of (re)producing racialised or ethicised hierarchy formation. In line with hierarchical definitions of race or ethnicity as categories which mark “locations of privilege and disadvantage in a set of power relationships” (Mills 2015, 76–77), we can read the very image of the destitute Romani scrap metal collector as part of racialised hierarchy formation meant to “construct a hierarchy of peoples for differential treatment” (Heng 2018, 27). Some recent constructionist approaches have emphasised the fact that such processes are ongoing and subtle, as mainstream society “weav[es] hierarchical relations and differential norms and expectations into the fabric of social reality through seemingly unrelated combinations of actions and interactions” (Popescu-Sarry 2024, 899).

In the case of the stereotype of Romani scrap metal collectors, we can highlight such hierarchical elements in the “seemingly unrelated combinations” of various depictions, reactions to them, omissions (of the duties of white people to recycle and the benefits of the practice), and active othering in the process. The implausible choices of two-thirds negative stories mentioning scrap iron collecting by *Digi24*, in a context where only the ethnicity of Romani people is mentioned creating a racialised association, add a distinct racial angle to the violation of the ecological citizenship duty of promoting recycling practices. Just as, according to Roger Brubaker, the meaning of ethnicity in the phrase “ethnic conflict” is given by the way the actors and institutions involved in it “position themselves *as ethnic*” (Brubaker 2002, 170, original emphasis), so the way diplomatic institutions, national and international media, sports commentators, and ordinary citizens position themselves in respect to the *Charlie Hebdo* caricature constitute it as a racialised negative stereotype. The active portrayals, passive omissions, othering Romani identity through the reactions of non-Romani Romanians, and so on match a dynamic of depicting Romani migrants as a criminal threat in media outlets in ways that legitimise structural domination (Cortes Gomez 2020).

A distinct solution to diagnose and combat such depictions is to rely on forms of solidarity that arise out of the shared position as occupants of the earth and duty-bearers to future generations. Instead of focusing on what follows from obligations towards nature and future generations for citizenship, we could rely on the fundamental equality of citizenship to question inequalities in the ecological vulnerability that existing social groups face. In other words, instead of taking nature as primary in defining citizenship obligations, we could start from equal status as citizens to challenge hierarchical depictions of fulfilling citizen obligations to re-define ecological citizenship as “a continual process of creation and transformation of both nature *and society*” (Gilbert and Phillips 2003, 319, emphasis added).

In the case of the stereotype of Roma scrap metal collectors, insisting on the equality implied by ecological citizenship also helps to push back against the way differential ecological vulnerability is shared along ethnic, gendered, or racial lines. By insisting on the solidarity inherent in the idea of a shared ecological citizenship, the notion might be aligned with the progressive potential of citizenship ties to blur “the boundaries between allegedly homogeneous communities” and “challenge the production of difference through differential inclusion” (Van Baar 2017, 154). The standpoint of equal ecological citizenship is particularly useful for contesting “middle-class normality” in ascribing deviant behaviour to racial groups (Becker 1992, 288) by recognising that the extant value system protects the interests of dominant groups. The contestation can take two forms: a factual route of contesting the attribution of the devalued practice to Romani people, or a value-based contestation of framing the practice as deviant. As in the case of the criminalisation of the allegedly Romani practice of fortune-telling (Meier 2023), combatting the stereotype can point both towards factual inaccuracies in attributing the practice to Romani people and towards unjust criminalisation of a non-harmful practice.

An expanded notion of ecological citizenship is therefore able to uncover three distinct ways in which current depictions of scrap iron collection as a negative racialised stereotype are wrong: First, it can explain how framing scrap iron collection as a negative racialised stereotype perpetuates narratives of Romani deviance, amplifying the stigmatisation of an already disadvantaged group. Second, painting the

Romani minority as associated with a practice that is characterised as itself primarily deviant, instead of useful, contributes to constructing Romani identity as being ‘out of place’ from everyday citizenship practices. And finally, insisting on the material contributions of scrap iron collecting is only a partial solution, because the racial underpinnings of the negative stereotype of scrap iron collection make it necessary to adopt a more inclusive and solidaristic view of ecological citizenship itself.

## 6. Ecological Citizenship and the Struggle against Environmental Injustice

We have argued that the standpoint of ecological citizenship allows for capturing the wrongness of the way the stereotype of (Romanian) Roma as illicit scrap metal collectors is portrayed in some influential media outlets in both France and Romania. Nonetheless, the concept of ecological citizenship does not capture many other forms of ecological injustice that Romani people encounter. Relocating evicted Romani children and adults to rubbish dumps, taking advantage of marginalisation to expose Romani communities to dangerous substances, and the associated health hazards that compound pre-existing inequalities in healthcare are more direct ways that the lives of Romani citizens and their families are affected by the neglect of ecological responsibilities.

The notion of ecological citizenship is not meant to replace these other dimensions of environmental injustice but to inform and hopefully complement struggles against them. First, ecological citizenship complements approaches to ecological injustice that focus on rights and the environment. Demands for a safe and healthy environment can be justified in terms of protecting already recognised human rights, since a safe environment can be seen as a pre-condition for exercising one’s “rights to life, personal security, health, and food” (Shelton 1991, 105). Regardless, the rights approach faces difficulties when it comes to identifying “the degree of accuracy necessary to support legal action against specific alleged polluters” (Hayward 2000, 564) due to the highly complex and unpredictable nature of environmental problems (also cf. Meyer 2013). Ecological citizenship helps solve this problem by drawing attention to (not just) rights violations but also to *whose obligation it is* to act so as to ensure those rights are respected. Focusing on what polluters owe to current and future members of society ensures more visibility for ecological hazards by broadening the scope of potential stakeholders.

Second, focusing on obligations to reduce the materiality of our ecological footprint helps uncover the currently exploitative nature of ecological practices. On the expanded, more inclusive, interpretation proposed above, ecological citizenship would guard against the possibility that second class citizens become second class *ecological* citizens in a social context rife with economic inequality. Studying the social egalitarian aspects behind compliance with our duties as ecological citizens would reveal differences in how worst-off and better-off members of society might negotiate between selfless ecological acts and financial motivations in fulfilling their ecological obligations. Studying such social egalitarian aspects would also bring into focus the economic aspects of ignoring the contributions of worst-off members of society and highlight the discrepancy between the high value of their actions and the low (monetary and attitudinal) recognition received for their efforts.

Ultimately, adopting the perspective of ecological citizenship recovers the position of populations who are the victims of environmental breakdown and economic injustice as a privileged and even revolutionary site. It does so while avoiding the influential concern that ecological citizens are expected to do more (political) work while also engaging in (private) ecological choices, since Dobson's ecological citizenship theory is determined solely through material contributions (MacGregor 2006). In situations when the breakdown of ecological processes and economic conditions leading to them become plain, communities suffering from economic injustice become one of a decreasing number of social positions from which one "cannot escape the contradictions that are reaching the explosion point" (Reid and Taylor 2000, 455), which renders the experience of such communities a privileged site of "potentially revolutionary resistance" (Reid and Taylor 2000, 454). Ecological citizenship hence reveals both the unacknowledged contributions of Romani people engaged in scrap metal collection practices, and how the current situation of Romani people as disproportionate victims of ecological injustice can become a site of empowerment.

## Conclusion

The privileged role that the media plays in society gives media outlets the power to reinforce stereotypes and fail to express appropriate sympathy or care for subjects. In this instance, we believe that there are a variety of issues that might apply to the coverage of Roma in certain European media. Not only are such stereotypes often inaccurate, as the ratio of negative to positive stories about a recycling practice in the *Digi24* archive suggests. Even when accurate, such stereotypes can wrongfully disrespect groups. And even when respectful, they can reify or reinforce existing power relations.

We hope to have shown that there is a more theoretically and normatively interesting problem in the context of Roma and metal scrap collecting, namely that media depictions of scrap metal collection as incompatible with success (as in the Halep caricature) might be failing to act in an ecologically citizenly way. In the context of a racialised stereotype this amounts to failing to recognise the ecological citizenly way Roma are acting according to the depictions.

Second, we hope to have showcased some advantages of ecological citizenship as a tool for diagnosing the issues addressed in this paper, while also exposing some underexplored shortcomings. The strengths of the concept are that it is not dependent on national boundaries and that its focus on material footprints is a suitable basis for highlighting the benefits of a devalued practice. However, some understandings of the concept risk exacerbating existing social inequities, some which fall along distinctly racialised lines. We hope the above analysis has demonstrated both the high adaptability of ecological citizenship which makes it a ripe concept to incorporate into Romani studies, but also how employing the concept to account for a racialised practice shows the need to expand it in more inclusive and democratic directions.

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# Slow Violence and Environmental Racism: Romani Recyclers in North Macedonia's Circular Economy

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## Abstract

This article analyses the environmental injustices faced by Romani communities in North Macedonia through case studies of five locations by applying the “slow violence” framework. By examining the long-term and often invisible harm caused by environmental pollution and hazardous working conditions, the paper highlights how Romani waste pickers are disproportionately affected by these slow onset, cumulative forms of violence. Drawing from field visits and secondary sources, it explores the living conditions, financial deprivation, and health issues prevalent in these communities. The analysis reveals that unemployment and inadequate living conditions force Romani families into informal waste recycling as a means of survival. This practice, while providing a necessary income, exposes them to significant health hazards and environmental pollution. The Covid-19 pandemic exacerbated these vulnerabilities, with restrictions limiting access to waste and deepening financial struggles. The study also highlights systemic discrimination and legal challenges faced by Romani waste pickers. By framing these conditions within the concepts of slow violence and environmental racism, the article underscores the long-term consequences of environmental injustice on marginalised communities. The findings call for comprehensive policy approaches that recognise and integrate the contributions of informal waste recyclers into sustainable waste management practices. This research aims to contribute to a deeper understanding of the intersection between environmental sustainability and social justice, advocating for more inclusive policies that address the specific needs and rights of Romani communities.

## Keywords

- Circular economy
- Environmental justice
- Environmental racism
- Health
- Recycling
- Roma
- Slow violence

## Introduction

On a global scale, environmental injustice and environmental racism have long been documented and studied among researchers (for example, Godsil 1991; Bullard 1994; Hamilton 1995; Bullard 2002). Robert D. Bullard, an environmental sociologist, who is labelled the “Father of Environmental Justice”, referred to victims of environmental injustice as “invisible communities” (Bullard 1994). What renders them invisible is that their issues and struggle for justice are often overlooked or ignored by mainstream society and policymakers. Akin to the invisible communities described by Bullard (particularly African Americans in the United States), European Roma also suffer from multiple forms of injustice, including environmental justice, which often go unrecognised. Within environmental justice research, scholars have increasingly called for placing some overlooked groups at the forefront of discussion – groups such as waste pickers (Amorim de Oliveira 2021). Waste pickers are described by researchers both as a group particularly vulnerable to environmental injustice (for example, Parizeau 2006) and as environmental contributors to urban sustainability and key actors in building just and inclusive societies (for example, Dias 2016). The role of waste pickers in the context of environmental justice merits further research and attention.

The term environmental racism was coined by the former NAACP<sup>[1]</sup> director Benjamin Chavis in 1982 to describe how people of colour face racial discrimination in environmental policies, laws, and regulations, as well as the disproportionate exposure to toxic waste and pollution in their communities (Lazarus 2000). In Europe, research on environmental justice and environmental racism generated some attention decades ago, when several scholars stressed the importance of addressing the intersection of environmental inequalities and social exclusion (most notably, Varga, Kiss, and Ember 2002 and Harper, Steger, and Filčák 2009). However, this issue has only gained more significant attention from researchers and policymakers in recent years. In particular, Green and pro-Romani organisations have been crucial in emphasising the importance of environmental justice for Romani communities. They have also initiated the collection of first-hand data on the various forms of environmental injustice Roma face (for example, Heidegger and Wiese 2020, Meynen and Marin 2022, and REDI 2023). Since this research is still emerging, a significant challenge is the lack of a clear conceptualisation of environmental justice. This gap necessitates the development of a systematic approach to study the intersections of discrimination and environmental justice.

This article is concerned with filling this gap by theorising the situation of Romani waste pickers, conceptualising their position through the lens of slow violence, and integrating this perspective into the broader environmental justice debate. Namely, the issue analysed in this article is the severe socio-economic deprivation experienced by Romani communities, which forces them into informal waste picking as a primary means of subsistence. Compounded by systemic discrimination and exclusion from social services, Romani waste pickers face a cycle of poverty and marginalisation that

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<sup>1</sup> The National Association for the Advancement of Colored People (NAACP) was formed in 1909 as a civil rights organisation in the United States, to advance justice for African Americans.

is perpetuated by their reliance on hazardous informal work. As the World Health Organization aptly highlights: “informal waste management activities can provide income and support the livelihoods of families and local communities, but the price in terms of direct health impact for those involved is likely to be very high” (WHO 2015).

To unpack this paradox, the case of Roma in North Macedonia is used; considering the understudied case of Romani waste pickers in Europe, North Macedonia stands out due to available data generated through a series of studies by international organizations (REDI 2023 and Dunajeva and Marin 2023). The article looks at the following question: how do the environmental injustices faced by Romani waste pickers in North Macedonia reflect broader issues of slow violence and environmental racism? Through the analysis of five locations in North Macedonia, the paper investigates the lives of various Romani communities that rely on waste collection and recycling for survival. This study seeks to elucidate the multidimensionality of the marginalisation of Romani waste pickers and highlight the complex role waste plays in their everyday lives.

## 1. Methodology

This research relies on desk research and first-hand data that was collected within the framework of European Environmental Bureau's (EEB) project entitled “Roma and COVID-19: Build Back Better through Sustainable Waste Management”. As part of this collaboration, a report entitled “Between Circularity, Environmental Justice & Slow Violence: The Case of Roma Informal Recycler Communities in North Macedonia” was published (Dunajeva and Marin 2023), for which the Roma Entrepreneurship Development Initiative (REDI) generously shared their primary data, analysed and published in February of 2023 in a seminal report entitled “Informal Waste Collectors in North Macedonia: Perspectives, Constraints and Opportunities” (REDI 2023). For this report, REDI interviewed 512 waste collectors in 15 cities of North Macedonia.

The current study builds on the above-described collaborative endeavour and expands on the findings from an academic perspective, focusing on the theoretical underpinnings that elucidate our understanding of waste pickers in the ongoing environmental justice discourse. The author of this paper also wishes to acknowledge the valuable contribution of Diego Marin who is currently works with the Global Policy team at the EEB.

Fieldwork in North Macedonia was conducted in June and July of 2022 in five Romani communities by Mustafa Asanovski, as part of the commissioned research by the EEB. Consequently, the methodological and ethical considerations of fieldwork were arranged by the EEB. The study was guided by exploration purposes and general inquiry, rather than academic standards, posing some limitations on its generalisability. Data gathering primarily involved qualitative data collection: fieldwork observations and unstructured interviews taken on-site. Interviews were recorded or transcribed by the researcher, assuring anonymity and with the informed consent of all participants. The field researcher relied on his best judgment to identify interviewees; 10 people were interviewed per site, in each case addressing as many key informants as possible. Through interviews, the goal was to learn from personal accounts

about the role waste plays for informal Romani recyclers and their families. A key informant is defined as someone who provides information and has a significant connection to the research topic, providing valuable insights (Gilchrist and Williams 1992, 73). In so doing key informants allowed researchers to access information that would otherwise be unavailable and to gain specific insights or interpretations of cultural information (Gilchrist and Williams 1992, 73–74).

The following sites were examined in detail: Municipality of Kavadarci and the Teneke Mahala Community, Municipality of Kočani and the ASNOM Community, Municipality of Shtip and the Old Neurology Ward, Municipality of Bitola and the Petocna Voda Romani Community, and the Municipality of Šuto Orizari. These sites were selected due to the field researcher's familiarity with the communities in order to access key informants and capitalise on the trust between informants and field researcher. Trust between researcher and researched communities is necessary to ensure that opinions are expressed without reservations (Akhter 2022, 392) and to minimise social hierarchy (Dunajeva 2019). Also, these sites were discussed in various earlier reports, which allowed contextualisation of fieldwork data in other findings.

The article uses the term “waste pickers” broadly to describe individuals collecting waste for any purpose, and the term “recyclers” is applied to those who collect waste specifically for recycling as a livelihood strategy. The article emphasises that Romani waste pickers often function as recyclers, particularly because their activities directly contribute to the circular economy and urban sustainability. The author of this article does not intend to inflict any derogatory or demeaning undertones by using any of these terms. In the reviewed literature, there is no consensus on what terminology is the most practical and ethical. In a study by Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (GIZ), the term “collectors” is used because informants used this term themselves, yet the report makes an appeal to readers to shift to using “informal recycling collectors” to honour their role in recycling (GIZ 2018). The report by REDI, however, uses “informal waste collector” in its title and reverts to the term “green agents” to divert attention from informality and highlight their agency and role in green practices (REDI 2023). Further concepts used in the paper are summarised in the table below.

Table 1. Definitions

<b>Waste pickers</b>	Individuals who collect waste materials from streets, bins, or landfills for various purposes, including but not limited to recycling, reselling, or personal use. This term encompasses all informal collectors of waste.
<b>Recyclers</b>	A subset of waste pickers who specifically collect waste materials with the intention of recycling them for income. This practice forms part of the informal economy and is often driven by socio-economic necessity.
<b>Slow violence</b>	A form of harm that occurs gradually and out of sight, resulting from long-term exposure to environmental hazards, such as pollution and unsafe working conditions. It is cumulative and often unacknowledged as violence in the traditional sense.
<b>Environmental racism</b>	Discrimination in environmental policies, practices, or regulations that disproportionately affect marginalised communities, such as Roma, by exposing them to environmental hazards or depriving them of resources and services.
<b>Critical environmental justice (CEJ)</b>	An analytical framework that examines the multidimensional and intersecting inequalities faced by marginalised groups, emphasising systemic discrimination and its impact on environmental injustice.
<b>Informal waste sector</b>	The economic sector involving waste collection, sorting, and recycling carried out by individuals or groups without formal recognition, regulation, or integration into the official waste management system.
<b>Circular economy</b>	An economic model that aims to reduce waste and environmental impact by promoting reuse, recycling, and sustainable resource management.
<b>Romani recyclers</b>	Romani individuals engaged in waste recycling as part of the informal economy. Their work often lacks formal recognition despite contributing significantly to urban sustainability and the circular economy.

## 2. Findings

The findings presented in this section are structured into two sections: first, the analytical and theoretical framework of critical environmental justice and slow violence, and second, the empirical insights derived from case studies. The analytical and theoretical framework draws from a comprehensive literature review, exploring concepts of environmental justice through a critical lens that emphasises the systemic inequalities and slow violence experienced by marginalised communities. Building on that, the case studies provide empirical data gathered from field research within Romani communities in North Macedonia. These studies offer a nuanced understanding of how environmental injustices manifest in real-world contexts, particularly focusing on the experiences of Romani waste pickers and their struggles with poverty, discrimination, and health hazards exacerbated by their reliance on informal waste collection for livelihoods. Together, these findings contribute to a deeper understanding of the complex intersections between environmental injustice, social inequality, and human rights violations in marginalised Romani communities.

## 2.1 Analytical and Theoretical Framework: Critical Environmental Justice and Slow Violence

The evolving environmental justice movement was largely driven by environmental racism claims in the United States, started in the 1960s by Black and minority groups who demanded equal environmental protection and rights for their communities. As environmental justice movement and scholarship expanded and took on a global scope, scholars have examined and re-examined the very concept of environmental justice and what it entails. In the recent years, a novel framework was promoted – that of critical environmental justice (CEJ), which advocated for the need to unpack systemic inequalities, while developing a grounded theory that acknowledges environmental racism.

Critical environmental justice (CEJ) analysis examines how environmental burdens and benefits are distributed. CEJ also emphasises the multidimensional and intersecting forms of inequalities (for example, political exclusion, material deprivation, spatial separation, and alike) and conceptualises environmental injustice as a form of social violence. CEJ maintains that environmental racism is a state-sanctioned violence; it targets indigenous and racialised communities by controlling their bodies. This harms their economic, political, and social well-being (Waldron 2018, 19). Moreover, “the critical environmental justice (CEJ) framework contends that inequalities are sustained through intersecting social categories [...] the perceived expendability of marginalized populations, and state-vested power” (Carrillo and Pellow 2021, 815).

Research on environmental justice has been increasingly applied to the Romani populations of Europe. A (critical) environmental justice framework has been used as an analytical framework to examine more generally the intersection of environmental inequalities and social exclusion of Roma in Central and Eastern Europe (for example, Varga, Kiss and Ember 2002; Harper, Steger and Filčák 2009; Vincze 2013a), or focusing on various issues, such as waste management practices neglecting Roma (Majko 2019; Dunajeva and Kostka 2021). Some scholars have provided detailed accounts through fieldwork about the daily lives of Romani scavengers (Saethre 2020). Other studies specifically looked at the imperative role of Romani informal recyclers, such as that by Vaccari and Perteghella (2016), who argue that “informal recyclers have a central role in the solid waste management system” in the Balkans. More recent studies highlight that not only environmental degradation affects marginalised communities disproportionately but also the imperative importance of empowering a marginalised group to promote sustainability in the future (for example, Saaida and Saaidah 2023; Dushkova and Ivlieva 2024). What is common to these accounts is the understanding that environmental injustice leads to multiple forms of violence, inflicted onto the bodies of racialised and marginalised groups, such as Roma. In other words, instances of environmental injustice are framed as violence.

Erik Kojola and David Pellow (2021, 101–104) called on scholars to examine environmental injustice as a form of violence, as it offers four analytical advances: (1) it frames environmental injustices as “direct assaults on entire communities”; (2) it highlights the importance of long histories of discrimination, disposition and marginalisation of affected communities; (3) it brings to the surface that “unearned

environmental privileges for dominant groups” are maintained at the expense of vulnerable groups; and (4) it focuses on the state, state institutions, and state narratives as drivers of environmental injustice. With that, the authors have unequivocally put the state and violence in the centre of analysis to understand forms of environmental injustice. This article presents several case studies (for example, Šuto Orizari and the Municipality of Shtip), where Romani communities suffer from infrastructural isolation, with no, or limited, access to services such as sewage, electricity, water, or waste management, as well as geographical isolation, which exemplifies environmental racism by disproportionately exposing them to environmental hazards and denying them equitable living conditions.

The current study contributes to this ongoing conversation by framing the environmental burdens of Romani waste pickers as a form of slow violence. Slow violence is defined as “violence that occurs gradually and out of sight, a violence of delayed destruction that is dispersed across time and space, an attritional violence that is typically not viewed as violence at all” (Nixon 2011, 2). It is a violence of delayed destruction and often related to environmental pollution and health hazards caused by industries directly, and indirectly by state institutions that allow for such contamination. Considering that the perpetrator is not present during slow violence, culpability becomes difficult to determine. Hence, this type of violence gives a more accurate account of how environmental injustice should be accounted for. Through case studies, the article shows that Romani waste pickers (for example, in the Petocna Voda Romani Community) burn wires to extract metals, as a result of which toxic fumes are released, posing various health risks, alongside environmental degradation from hazardous waste practices. This example illustrates how slow violence manifests as a long-term, cumulative burden on marginalised Romani communities.

The concept of slow violence has been explored in various environmental justice contexts. Examples include youth-focused environmental organisations in New Jersey, United States (Cairns 2021), organisational disasters (Rice 2016), and toxic pollution (Davies 2022). In addition, resistance to slow violence inflicted through environmental injustice has also been studied by some scholars (Cahill and Pain 2019). However, to the author’s knowledge, no research so far has applied this framework in attempting to theorise and understand the situation of Roma in Europe. To demonstrate how this theoretical framework is applicable to the Romani recycler community, this paper uses the case study of North Macedonia.

## 2.2 Case Study: North Macedonia

The case of North Macedonian waste pickers has attracted some attention, albeit mainly by international organisations and media, in addition to the already mentioned REDI (2023) report. For example, in 2005, a report by the World Bank highlighted the importance of the informal market, including “marginal subsistence occupations” such as recycling, that mitigated high unemployment among Roma in the region of Eastern Europe (Ringold, Orenstein, and Wilkens 2005, 40). Shortly afterwards, UNHCR (Galic 2008) published a report about a Roma-Macedonian entrepreneur who turned a garbage dump into a recycling business, employing Romani refugees in Skopje to support UNHCR’s self-reliance strategy amidst high unemployment rates. In these reports, rubbish

recycling appears as an activity to replace employment and allow the impoverished Roma to meet their existential needs.

Renewed attention on Romani recyclers was apparent in connection to the intensification of the EU's green revolution: the European Commission adopted the Circular Economy Package in 2015 and the European Green Deal was launched in 2019. The EU's focus on the circular economy and the Green Deal in turn has encouraged North Macedonia to enhance its recycling initiatives, aligning with EU environmental standards. These initiatives not only seek to improve environmental sustainability but also address social equity. This context sets the stage for re-examining the role Romani recyclers play in waste management, and for considering the broader implications for integrating marginalised communities into sustainable development agendas.

Given this revived focus, a 2020 article by Al Jazeera discusses efforts to formalise the grey recycling work of Romani collectors in Skopje, North Macedonia, aiming to highlight their contributions to sustainability and improve their working conditions and societal standing (Saldana 2020). An article by Euronews Albania (2021) discusses the importance of the Sofia Declaration signed on 10 November 2020 by Western Balkan leaders, pledging to make the continent carbon-neutral by 2050 and ensuring the inclusion of vulnerable groups like Roma in the Green Agenda, which could formalise their work in the recycling industry and reduce unemployment. International organisations also maintain their interest in the topic; for instance, the European Environmental Agency (2022) pointed out that Romani informal recyclers play a crucial role in waste collection amidst low recycling rates and inadequate municipal services in North Macedonia, highlighting the need for awareness, increased funding, and infrastructure to improve waste management and integrate marginalised groups.

This article explores the case of North Macedonia further, to contribute to this ongoing discussion. For that, five locations in North Macedonia are analysed. A brief description of the five case studies is summarised in the table below. The table provides information on the community (size, year of establishment), living conditions and social problems of Romani residents. Information is either based on secondary literature with sources provided, or on fieldwork observations.

Table 2. Description of case studies

Location	Number of Romani individuals	Living conditions	Social problems
<b>Municipality of Kavadarci and the Teneke Mahala Community</b>	The neighbourhood of Teneke Mahala was established in 1976, and currently around 200 Romani people reside there in 18 houses, close to some 500 homes occupied by non-Romani families in two nearby streets (ERRC 2015).	Romani families live in substandard living conditions, and there is a general sense of blaming the local authorities for their apathy. Residents recalled only one occasion when the municipality of Kavadarci distributed hygiene and food packages during the pandemic. Houses occupied by Roma lack electricity, water, and sewage systems.	The majority of residents are unemployed and most, including women and children, are engaged in the informal recycling sector, collecting and selling plastics and cardboard.
<b>Municipality of Kočani and the AS-NOM Community</b>	In the 1970s, Romani families were moved into the former ASNOM <sup>2</sup> ) army barracks for housing, and 24 families continue to live in the rundown barracks today, which amounts to approximately 100 residents. <sup>3</sup>	The lack of housing maintenance is of significant concern to residents. The area is littered with solid waste and plastic bottles. There is no sewage, no sanitary services, and no access to electricity.	Unemployment is high and residents live in deprivation. Many try to make ends meet through the grey economy and waste picking.

2 ASNOM – Anti-fascist Assembly for the National Liberation of Macedonia, a representative body established by the Macedonian Partisans from August 1944 until the end of the Second World War.

3 The Environmental Justice Atlas (2019) (Environmental Justice Atlas 2019) mentions “more than hundred people”, while a report by Marjan Nikolov (2019, 21) in preparation for local road construction mentions “20 households with some 80 citizens.”

<p><b>Municipality of Shtip and the Old Neurology Ward</b></p>	<p>In the broader downtown area of Shtip, a small Romani community live in an abandoned neurology ward of a former hospital. Based on field observations and interviews with residents, there are approximately five Romani families who reside there.</p>	<p>Some dwellings are made from scavenged materials, makeshift supplies, cardboard, and wood. The inadequate building lacks basic infrastructure and utilities, such as access to sewage or drainage systems, and Roma live in overcrowded, substandard conditions.</p>	<p>Among the foremost complaints from residents were poor health, discrimination, and financial deprivation. All families receive a meagre social allowance, which is not enough to make ends meet. With no employment opportunities, most families work as plastic bottle collectors.</p>
<p><b>Municipality of Bitola and the Petocna Voda Romani Community</b></p>	<p>Roma residents of “Petocna Voda” live in the poorest area in the city of Bitola. Bair is considered “the Romani neighbourhood” in Bitola, with around 95 per cent of Roma living there; Bair is further divided in three areas: Centralen Bair, Ljubojno, and Karaorman. The estimated population of the latter is 700–800 people or 175–200 households (AECOM 2019).</p>	<p>Poor living conditions and lacking infrastructure characterise the neighbourhood. Furthermore, many families suffer an absence of adequate sanitation facilities, electricity, and running water.</p>	<p>Many Roma suffer from health problems, dismal living conditions, and low or no formal income. With high unemployment, respondents stated that the majority of Roma in the community engage in the grey economy, such as collecting waste.</p>
<p><b>Municipality of Šuto Orizari</b></p>	<p>Over 11,000 Romani people live in the city municipality of Šuto Orizari (City Population 2021). Fieldwork assessed only some households that reside mainly on two narrow parallel unpaved streets.</p>	<p>The homes consist of improvised barracks. Some households had no access to water, sporadic access to electricity, and the neighbourhood is exposed to flooding due to the lack of drainage systems. The neighbourhood also lacks a sewage system. Inadequate waste management is a serious problem as well.</p>	<p>Due to the large concentration of waste in the location, nearly all Romani residents make ends meet by collecting and separating waste, excluded from other sources of income.</p>

In terms of social problems, financial deprivation, primarily caused by unemployment, stood out as the most pressing issue, along with inadequate living conditions and poor health. In all cases, it is through improvisation, inventiveness, and resourcefulness that Romani families make ends meet. For example, with no access to basic services, residents of the Municipality of Shtip and the Old Neurology Ward tapped into public services to channel water and electricity into their neighbourhood. In the Municipality of Kočani and the ASNOM Community, with neither sewage, sanitation, nor utility services, the community was forced to connect to the electric grid of a nearby electric pole to access electricity. Unemployment, as one of the most acute concerns of the communities, is mitigated through grey employment, especially waste picking.

Conversations regarding waste embodied the paradox of relying on rubbish to make ends meet, while also recognising that it was a source of health and environmental hazards for the entire community. Reliance on waste for sustenance must then be seen as an act of recycling for income, while simultaneously an environmental and health hazard as well. This paradox is described in more detail below.

### 2.3 Waste as a Source of Income

In all cases, waste was seen as a source of income, on which entire households depended, despite the health risks and environmental harm this reliance represents – a form of slow violence that accumulates harm over time and perpetuates marginalisation. In addition, during fieldwork many reported barriers to accessing social services (mainly due to lacking documents or bureaucratic concerns), or those who qualified for assistance reported that the amount was significantly lower than basic family needs – reflecting the systemic discrimination and infrastructural neglect characteristic of environmental racism – meaning supplementing income was a question of survival. To make ends meet, most families engaged in waste recycling, as they lacked education for other jobs or complained of “no jobs for Gypsies”. In the Municipality of Kavadarci and the Teneke Mahala Community, residents referred to waste collection as a “family business”.

An inability to access waste during the Covid-19 pandemic lockdowns highlighted the reliance on waste of these communities, where restrictions and curfews further deepened vulnerabilities, exemplifying the slow violence inherent in systemic poverty and exclusion. Most residents complained that they were unable to collect bottles and scraps due to restrictions and curfews during the pandemic and lost their livelihoods. Attempts to limit access to waste jeopardised waste collectors' survival strategies. The following quote by a 41-year-old informal waste collector from the Municipality of Kavadarci and Teneke Mahala testifies to this:

Twelve of us live in one room of 30 square meters, none of us are employed, and we are all engaged in the collection of plastic bottles – that is our primary source of income. Our daily earn is about 1000 MKD (€16) and we pay VAT on top of that, which is not enough to survive. We are not entitled to minimal social welfare assistance as we do not have personal documents. In addition, my seven underage children do not attend any educational institution, as one of the criteria to be enrolled in elementary school is having a birth certificate, but my children do not have them.

In all communities, given that many families relied on waste, making access to waste illegal led to further deepening of Romani vulnerabilities. It was also grounds for discrimination by local authorities and police. In all neighbourhoods, concerns over discrimination were voiced with waste picking often framed as criminal behaviour by local authorities and police – an example of environmental racism that stigmatises Romani waste pickers while ignoring their contributions to recycling efforts and sustainability. For example, in Šuto Orizari, a resident explained that two minors from the community were collecting bottles during the pandemic, thus breaking lockdown rules; when they were caught by police officers; they were physically abused and charged with theft, reflecting the violent consequences of social exclusion. In a similar vein, a 32-year-old informal waste collector from the Municipality of Kočani and the ASNOM Community claimed that: “During the pandemic, police officers used to fine us for crossing streets with our carts and were instructing us not to collect bottles from the streets.”

These findings were further supported by the field survey conducted by the REDI in North Macedonia, interviewing 512 waste collectors in 15 cities, revealing that waste collecting work is the main source of income for 33 per cent of respondents. This finding then suggests that the inability to access waste, with no additional forms of income provided, threatens the livelihood of one-third of waste collectors. Other studies that looked at Romani recyclers also concluded that, with heavy dependence on the informal solid waste sector, waste collection is seen as “a kind of self-employment and the main source of income for households” and limited access to waste threatens livelihoods of waste recyclers (Vaccari and Perteghella 2016, 866). One study suggested that for Romani recyclers, waste picking is an activity that not only provides them with an income, “but also allows them to assemble their access to the city and its multiple resources – people, objects, spaces” (Rosa and Cirelli 2018, 1407).

## 2.4 Waste as a Source of Pollution and Poor Health

While waste picking was seen as a form of income in the absence of formal work, during fieldwork many residents explicitly connected this practice with the deterioration of their own and their community’s health. For example, respondents in the Municipality of Bitola and the Petocna Voda Romani Community described the extraction of metallic and metal-bearing waste for copper, iron, and lead, in which wires are burnt, and recognised it as a hazardous practice for their health and the environment. Consequently, residents of this community complained about the massive air pollution resulting from wire burning and illegal landfills in the vicinity of their houses. Interviewees of the Teneke Mahala community were acutely aware that living in close proximity to waste exposes the community to vermin and viruses – a reality shaped by environmental racism and its neglect of Romani neighbourhoods.

Poor health was mentioned at every field site, sometimes in connection with the waste and sometimes, due to low living standards, or, even more commonly, as a result of the combination of the two. Residents of various communities reported cases of severe respiratory illnesses, skin rashes, tuberculosis, and lung diseases, illustrating the concept of slow violence as harm that unfolds gradually due to prolonged exposure to pollutants. Others complained of pests such as rats and mice, which is a problem especially during the summer months, and respiratory issues due to damp, moisture, and mould. Treating these health conditions was particularly hard, as discrimination deterred them from using any medical services

or facilities. For example, a 31-year-old informal waste collector from the Municipality of Kočani and the ASNOM Community lamented her experience at the pharmacy when buying medication:

We were not allowed to enter pharmacies. We were told to wait outside [...] while non-Roma were allowed to enter. When I had to take my child to a hospital due to a high fever, a doctor asked where I was from, and when I told her that I was from the old military barrack ASNOM, she got scared and angry because she saw me as a transmitter of the [Corona] virus. We were afraid to seek medical assistance during the pandemic, because whenever we needed medical assistance and we went to the local medical centre, we were told that there was not a doctor present to help.

Waste pickers themselves face disproportionate risk factors and hazards during the collection and separation of recyclables (Gutberlet and Uddin 2017). In North Macedonia, the REDI survey also concluded that Romani waste pickers are aware of the unhealthy and risky conditions of performing waste collection, although their health remained relatively good (REDI 2023). Nevertheless, studies in various parts of the world indicated that waste pickers are increasingly subject to developing health conditions, including mental health issues, the more time they spend picking waste (Gutberlet and Uddin 2017; Makhubele et al. 2019; Uhunamure, Edokpayi and Shale 2021). This raises the question whether self-estimation of one's health within the framework of the REDI survey is a reliable measurement, and whether respondents were aware of chronic conditions or were able to assess their mental health issues themselves. Further inquiry is necessary here.

In general, exposure to waste is then associated with poor health and pollution, especially in cases where extraction of recyclables requires skill. As one study notes: "Informal waste pickers' basic techniques and poor management of secondary pollutants worsen environmental pollution of air, soil, and water, while inadequate occupational health measures expose them to health risks and shorten their life expectancy" (Yang, Ma, Thompson, and Flower 2018).

### 3. Discussion: Culture of Blame and Slow Violence

Analysed case studies have shown that due to rampant unemployment in the examined sites and the abundance of waste nearby, many residents reverted to waste picking as an activity to generate income. Waste then gained a meaning as both a source of income-generation and a source of ill-health at the same time. In some articles, the health-related hazards of waste picking are referred to as "occupational health risks", which in many cases implies a formal recognition, or the ongoing formalisation of waste pickers, such as in the case of South Africa, where cooperatives are actively promoted by the state as a way of formalising the informal waste picking sector (Uhunamure, Edokpayi, and Shale 2021). In the case of Europe's Roma, there is little to no formal recognition of their recycling activities, let alone the risks they face as a consequence. The exclusion of Roma from the labour market and their unrecognised work as informal labourers was criticised by several scholars (many of whom see non-recognition and exclusion tied with neoliberal policies) (for example, Vincze 2013b; Szilvasi and Dunajeva 2021).

In the absence of academic accounts (with a few notable exceptions noted in this paper), the tension between waste constituting a source of sustenance and simultaneously a health hazard and environmental concern has perplexed journalists. For example, a 2021 article about Romani residents of Romania's Bair neighbourhood called it a "contradiction" that Roma would engage in a practice like burning cables, understanding that it causes air pollution, even though waste picking was acknowledged as a "means to have a livelihood and therefore an income" (Barberá 2021). This contradiction lies at the heart of the presented case studies as well, depicting the everyday reality of impoverished Romani waste pickers whose existential needs depend on accessing recyclables. Under current conditions, waste became the only source of survival, despite the immense environmental and health costs – these are not immediate consequences but should be seen as slow-onsetting contamination and direct consequences, which are core to slow environmental violence (Rice 2016).

For example, Romani waste pickers in the Petocna Voda Romani Community who burn wires to extract metal-bearing wastes are victims of slow violence as a manifestation of environmental injustice. While this form of metal extraction is particularly risky to the health of the exposed population, potentially leading to chronic nausea, debilitating headaches, back problems, infected wounds, and respiratory health issues from toxic fumes (Cesaro et al. 2019, 11042), metal (for example, iron, aluminium and electrical waste) is the primary type of waste collected for 39.8 per cent of surveyed waste pickers in North Macedonia, only exceeded by plastic with 43.2 per cent (REDI 2023). It is also a common practice among poor Roma in other countries in Central and Eastern Europe as well, such as Romania, as sporadic accounts demonstrate (McGrath 2021).

Case studies also have demonstrated that inability to access waste for those who rely on it for their sustenance puts them in an even more vulnerable position. Romani residents in all case studies described their inability to make ends meet when access to waste was restricted, such as during the pandemic. There have been other studies regarding waste pickers, pointing out the importance of respecting their rights to accessing waste (for example, Dias 2016). Reports on Bosnia and Herzegovina and Serbia also highlight that limiting access to waste, such as through measures leading to the closure or modernisation of municipal rubbish tips, severely threatens the livelihood of Romani waste pickers if they are "pushed out of formal and informal picking of recyclables" (Leht mets 2021; Hergan 2022). In Serbia, for example, Roma account for up to 80 per cent of the country's overall recycling effort, calling for an inclusion of informal waste collectors into the management system, rather than excluding them or branding them "illegal" or "informal" (GIZ 2018).

Instead, restrictions have intensified in recent years: the case studies have shown that a combination of Covid-era restrictions and racism towards Roma served as reasons for limited access to waste. Global trends show that with waste seen as a commodity and a resource that is increasingly being exploited by private companies, access to municipal waste will be scarce. As one article analysing the case of India aptly put it, "the informal waste recycling sector has been an indispensable but ironically invisible part of the waste management systems," and hence with liberalisation of economy and consequent privatisation of municipal solid waste management, "the long important stakeholder, the informal sector has been sidelined and left to face the adverse impacts of privatization" (Sandhu, Burton and Dedekorkut-Howes 2017, 545). In addition, access to waste may be restricted by bulldozing the waste before waste pickers can

reach it; local authorities, security guards or municipal workers preventing waste pickers from accessing landfill sites; or mechanization of waste processing (Schenck, Blaauw, and Viljoen 2016; Marelllo and Helwege 2018).

Case studies demonstrated that environmental injustice is often accompanied by racism. In all cases, while reliance on waste stemmed from financial necessity, respondents complained about discrimination, with many instances directly related to waste picking practices. It was also common to describe the visibility of waste and dirt in association with Roma or consider waste picking as an act of stealing, suggesting that the lives of Roma are less valuable and, in fact, superfluous. For example, a 60-year-old informal waste collector from the Municipality of Bitola and the Petocna Voda Romani Community lamented that “the non-Roma in Bitola perceive us, waste collectors, as thieves.” In the Municipality of Shtip and the Old Neurology Ward, the Romani neighbourhood was called an “environmental hazard” and a “landfill” by neighbouring non-Romani communities (Alfa TV News 2022). In the same community, a 50-year-old female informal waste collector claimed that “non-Roma do not like us in their proximity, and during the pandemic, they were afraid to get close to us because they thought we would transmit the virus.” In this framing, “superfluous life can lead to imagining that there really are disposable people” (Denning 2016).<sup>[4]</sup>

In addition, “superfluous” people tend to be geographically excluded. In all reviewed cases, Romani communities lived remotely in deplorable housing conditions, at a considerable distance from non-Romani neighbourhoods. This way, they were hidden from public scrutiny, rendered invisible, and, in a symbolic way, uncoupled from the idea of belonging to society. The cases of the Municipality of Kavadarci and the Teneke Mahala Community as well as the Municipality of Kočani and the ASNOM Community well illustrate societal resistance to changing the exclusion of living conditions of people perceived as “undeserving”: in the former, a racially charged petition from non-Romani neighbours in June 2015 led to the eviction of the community by the local authorities (ERRC 2015), while in the case of the latter when the mayor of the Municipality of Kočani announced in early 2021 the construction of residential buildings as a site for permanent housing for Romani residents, non-Romani residents protested and argued that Roma were “thieves and criminals” (Muratov 2021). In other words, attempts to provide better housing in each case were met either with resistance from the majority society or not realised due to politicians’ reluctance to deliver on their promise due to public pressure.

Case studies in this report also showed that Roma were often associated with criminality and treated as a threat to public security and hence undeserving. State abandonment of Roma – manifested in a lack of basic services such as sewage, rubbish removal, running water, and other services – characteristic of all case studies analysed, is in turn further legitimised by the discursive linkage of Roma with dirt and rubbish. This is precisely where the responsibility of the state and state institutions lies as well – in not challenging and in many instances fuelling and upholding racist and discriminatory institutional practice, failing to address instances of discrimination, and not recognizing the short- and long-term consequences – or fast and slow forms of violence – inflicted on Roma through the environmental injustice they face.

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<sup>4</sup> The author of the cited article focuses on the economic dispensability of those outside of wage labour capitalist economy.

To summarise the findings, the figure 3.1 depicts below depicts a cycle illustrating how waste acts as a mechanism through which slow violence is perpetuated against marginalised communities, specifically Romani waste pickers. Due to inadequate waste management systems and socio-economic disparities, waste becomes a central aspect, which leads to a combination of issues: economic dependence, since Romani waste pickers rely on collecting recyclables from waste as their primary source of income; health and environmental impacts, considering that the process of waste collection exposes them to hazardous materials and contributes to environmental degradation; and social inequities, as stigmatisation further marginalises Romani waste pickers. The combination of these negative consequences perpetuates a cycle where Romani communities remain trapped in poverty, facing ongoing threats to their health and well-being without adequate institutional support or recognition.

Figure 1. Mechanism of slow violence through waste



## Conclusions and Implications

In summary, this article has framed the environmental injustices faced by Romani waste pickers as forms of slow violence and environmental racism. By synthesising and analysing fieldwork from five Romani communities in North Macedonia, the article highlighted the consequences of environmental injustice. At the beginning of this article, the following question was posed: how do the environmental injustices faced by Romani waste pickers in North Macedonia reflect broader issues of slow violence and environmental racism? To answer this question, this article analysed fieldwork from five Romani communities in North Macedonia to understand the situation of Romani waste pickers from the perspective of environmental justice. For analysis, critical environmental justice was fused with slow violence, generating a more nuanced understanding of the current conditions and long-term consequences of environmental injustice Roma face.

In short, the study found that Romani waste pickers in North Macedonia experience environmental harm and health risks due to their reliance on informal waste collection, a practice driven by socio-economic marginalization and inadequate access to basic services. In particular, informal (labour) practice, while providing essential income, contributes to long-term health issues and environmental degradation, with Romani waste pickers facing systemic discrimination and exclusion from formal waste management systems. These effects can be understood as forms of slow violence, where harm accumulates gradually over time, exacerbating their vulnerability. With that, this study emphasises the need for a critical environmental justice framework that considers both immediate and gradual impacts on marginalised communities, in order to “facilitate a deeper engagement with histories and ongoing practices of domination that devalue life and lead to premature death for marginalized peoples” (Kojola and Pellow 2021, 102).

In lieu of a summary, some policy implications are presented as a way to highlight several important findings from this analysis. First, the conclusions of this study, urging more inclusive policies and recognition of Romani contributions to waste management, align with the EU Roma Strategic Framework for Equality, Inclusion, and Participation (2020–2030), which emphasised the importance of (economic) empowerment, equal opportunities, and social inclusion of Roma in various spheres of life. Second, in light of the Circular Economy Action Plan (2020) and the European Green Deal (2019), with its call to transition to a circular economy, green economy, and reduction of inequalities, Romani informal recyclers emerge as key actors that can foster the goals formulated within this policy.

In particular, for North Macedonia, the Green Agenda for the Western Balkans (2020) provides a policy framework for environmental regulation and a commitment to a circular economy. The circular economy presents an encouraging approach to address the issue of a linear economic model, yet the absence of justice in environmental policy has led to an uneven distribution of environmental benefits and burdens. Thus, there is a need to strengthen social considerations within the concept of circular economy (Corona et al. 2019; de Oliveira 2021). Without explicit consideration of environmental justice, there is a possibility that a circular economy may perpetuate the marginalisation and exclusion of vulnerable groups (Carenzo 2017; Weslynne et al. 2022).

Integrating Romani communities into the Green Agenda requires recognising their role in informal waste management and creating inclusive policies that address their socio-economic challenges. Formalising their contributions through cooperative models, like those in Colombia and Brazil, can ensure their inclusion in municipal waste management plans, providing them with legal protection and access to social services. To that end, educational programmes and vocational training may be implemented to enhance their employment opportunities either beyond waste picking, or to conduct waste picking in a more professional manner. To do so Romani waste pickers can be provided with training on safer waste handling techniques and equipped with appropriate protective gear. This can reduce health risks and environmental hazards, improving their working conditions and enabling them to operate more efficiently and sustainably within the waste management system.

Additionally, addressing systemic discrimination and improving living conditions by providing access to basic services such as electricity, water, and healthcare is crucial. In other words, by incorporating

Romani waste pickers into the circular economy framework, the EU can promote a more equitable and sustainable green transition that values their environmental contributions while improving their quality of life. In so doing, the EU can set a global example of inclusive environmental policy by demonstrating how marginalised communities can be integrated into formalised waste management systems, thereby advancing both social equity and environmental sustainability. This inclusive approach aligns with the principles of the European Green Deal and the Green Agenda for the Western Balkans, fostering social inclusion and economic empowerment for marginalised communities.

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# Living on Trash: Wasted Identities and Wasted Bodies among Belgrade's Ashkali and Romani Trash-pickers

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## Abstract

Amid global economic restructuring and increasing precarity, more and more people are reusing and reselling discarded commodities. For Ashkali and Romani refugees living in Belgrade's informal settlements, trash work is essential for survival. Clothing, building materials, and food are all sourced from dumpsters, as is cardboard, plastic, and metal, which are sold to recycling corporations for cash. Trash-picking is not simply an economic strategy; it requires negotiating a complex social, political, and material environment. Following Ashkali and Roma as they collect and recycle trash from city dumpsters, this article argues that waste is not simply a livelihood, or means of survival, but rather a process through which people and places become wasted. Through trash, Ashkali and Roma are consigned to living in substandard settlements, made to assume a series of stigmatized identities, and left vulnerable to the structures of global capitalism, and the debilitation of their bodies.

## Keywords

- Ashkali
- Roma
- Serbia
- Trash-picking
- Waste

## Introduction

Garbage suffuses our public and private spaces yet is relegated to the edge of our attention. Trashcans, dumpsters, and their contents are often unreflexively taken for granted. Nevertheless, waste plays a central role in our world. As factories churn out mass-produced, discardable commodities, trash has proliferated. Consequently, the management of waste has become a global industry. Governments set environmental standards and award disposal contracts while private corporations consolidate, transport, and transform garbage. And as formal labor markets are restructured and destabilized, trash-picking has become a staple for a growing number of people (Downs 2000; Davies 2012; Crang et al. 2013). Garbage is now a lifeline for survival in an increasingly precarious world (Whitson 2011; Resnick 2018; O'Hare 2019). But trash is also denotatively powerful. Waste is often used as a metaphor to typify and stigmatize excluded groups (Reno 2009; Alexander and Reno 2012; Giles 2014; Millar 2018; Reno 2015). Trash is both complex and productive, transforming economies, personhood, and corporeality.

In Serbia's capital, thousands of Roma, Ashkali, and Balkan Egyptians derive an income from collecting garbage from dumpsters, landfills, and building sites (Simpson-Hebert et al. 2005, 3).<sup>[1]</sup> Many of these individuals live in substandard Romani settlements: informal communities that lack formal housing and government services such as electricity and running water (Macura 2009; Schwab 2013; Živković and Đorđević 2015). The Polje settlement, for instance, was home to approximately 200 Ashkali and Romani migrants, displaced persons, and refugees, all of whom relied on garbage (Saethre 2020). One of its residents, Bekim, a 24-year-old Ashkali man, often told me that his family lived on trash.<sup>[2]</sup> Each morning they woke up in a shack built from discarded doors and plywood from worn-out couches. Bekim's clothes, ranging from Dolce and Gabbana sweaters to neon-orange construction vests, were all found in the garbage. His wife Fatime prepared the family's meals from rotting vegetables discarded by supermarkets. The family's income was earned by selling paper and metal to recycling companies and junkyards.

To gather these materials, Bekim spent his days pedaling a cart from dumpster to dumpster. He would visit approximately 80 dumpsters in a two-hour circuit, making as many as eight circuits a day. As Bekim searched the dumpsters, his body was routinely injured, malnourished, and threatened with violence. Serbians often referred to Ashkali, like Bekim, as *cigani*, a word often translated as Gypsy but far more pejorative.<sup>[3]</sup> This reflects a larger pattern throughout Europe, where Roma were stigmatized

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1 While often historically considered to be as Roma, Ashkali later rejected this label, in part due to the Kosovo War, in favor of a unique ethnicity (Balcer 2007, 259). In contrast, Balkan Egyptian was popularized as an identity in the early 1990s using evidence from Byzantine texts and folktales of a Romani kingdom in North Africa (Marushiakova and Popov 2001, 467). In southwestern Europe, the acronym RAE is sometimes used to include all three groups.

2 To protect people's privacy, I have used pseudonyms and disguised the identity of the settlement.

3 *Cigan* (*cigani* – plural, *ciganski* – adjective) has its roots in eleventh century Byzantium and may refer to a heretical sect that was associated with magic, as were Roma. In contrast, Gypsy was introduced a few centuries later and is derived from the misidentification of Roma as originating in Egypt (Fraser 1995, 46). Because the epithet *cigan* is commonly employed in stigmatized and pejorative portrayals, I invoke it when communicating these narratives and perspectives.

and portrayed as permanently marginal, potentially dangerous, and inherently alien (International Crisis Group 1999; Imre 2005; Sigona 2005).<sup>[4]</sup> In Serbia, these views were often linked to waste. The association between Roma and trash was so pervasive that one dumpster close to Polje was spray painted with graffiti declaring it the “home of *cigani*.”

The intersection between trash, spoiled identities, and segregated spaces like Polje is not coincidental. It reflects the ways in which ethnic stigmatization, economic marginality, and imposed debility work together in excepted geographies. Dirt is not trans-historical or intrinsic but rather contextual and fluid. But the notion of waste need not only apply to objects. Rather, wasting can be conceptualized as a process of discarding that classifies people and places as disposable (Armiero 2021; Baumann and Massalha 2022). This is made possible through capitalist and racial logics that devalue the labor of wasted individuals, deny their political citizenship, and consign them to zones of indistinction (Gidwani and Reddy 2011). Racial capital – the social, economic, and political value associated with one's racial identity – structures the opportunities or constraints afforded to different groups of people. In settlements such as Polje, this operates in tandem with spaces of exception, where the rule of law is suspended and inhabitants are stripped of personhood. Therefore, these are also wasted spaces, where the bodies are desiccated and maimed in the service of economic “progress” (Mbembe 2011; Yates 2011; Puar 2017; Mbembe 2019; Gupta 2022). Ultimately, wasted bodies exiled to wasted geographies not only mark matter out of place but matter tied to place (Armiero 2021; Bauman and Massalha 2022).

## 1. Waste Makes Wasting

To understand this process, I spent fifteen months collecting trash alongside Polje's residents, eventually moving into Bekim's family's one-room shack.<sup>[5]</sup> As a white, male, middle-class American, my own positionality was in many ways very dissimilar from those with whom I was laboring. To ensure my understandings and interpretations reflected people's lived experiences, I consistently discussed our work together in the dumpsters with Polje's residents. I came to learn that wasting occurs through three interrelated processes: political and economic marginalization that creates wasted spaces, the perpetuation of wasted identities, and corporeal wasting. Exploring each of these concepts in turn, this article begins by recounting the history of war, dislocation, and economic crisis that resulted in both the growth of informal Romani settlements and a preponderance of trash. The subsequent section follows Bekim from dumpster to dumpster as he collects trash, illustrating the social consequences of reclaiming the discarded property of Serbians.<sup>[6]</sup> Finally, the corporeal realities of trash-picking – cantilevering

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4 These portrayals echo representations of Gypsies that have circulated throughout Europe and North America for centuries: thieves, fortunetellers, and vagabonds (Silverman 1988; Lemon 2000; Csepeli and Simon 2004; Myall 2004; Bhopal and Myers 2008; McGarry 2014). As a result of being cast as perpetual foreigners, European nations have attempted to limit the rights of Romani citizens (van Baar 2012; O'Nions 2015; Maestri 2017).

5 Primary fieldwork was conducted from 2013 to 2015, and a follow-up visit was made in 2017.

6 Although Serbs comprise the majority ethnic group in Serbia, the nation is home to Bosniaks, Croats, Hungarians, and others. Consequently, when referring to the general population of Serbia, I will use Serbian rather than Serb.

bodies over dumpsters, collecting food from dumpsters, and being covered in smelly, sticky residue – are explored to demonstrate the ways in which Ashkali and Romani bodies are debilitated and maimed through trash work.

## 2. The Political Economy of Trash

Over the years, the context and conditions of trash and trash-picking have changed dramatically. Today, trash work is routinely viewed as dirty and degraded, but this was not always the case. Prior to the Industrial Revolution, trash-picking was lauded as an efficient reuse of resources and an inherently moral enterprise (Downs 2000; Strasser 2000). In fact, trash contributed materials vital for the development of modern technology: a significant amount of the books and treatises that made the Scientific Revolution possible were printed on paper derived from rags (O'Brien 2007, 58). But the rise of mass production gradually transformed these ideas, making trash-picking synonymous with poverty and poor hygiene (Stallybrass and White 1986). As factories churned out an ever-growing number of goods, producers needed to expand the markets for their wares. They stressed the value of newness and argued that older items, even those that remained functional, should be discarded in favor of the latest models. Disposing of the “obsolete” was thought to precipitate progress and economic advancement (Strasser 2000, 15). Whereas trash was once a valuable resource, it became despoiled. In post-socialist Europe, in particular, the transition to capitalism and a focus on European integration has increasingly linked trash with dirtiness (Gille 2007, 209).

While trash and trash work are now stigmatized, it has nevertheless become a major source of income for many Ashkali and Roma in Belgrade. Bekim's reliance on trash was the result of particularly recent events, namely the confluence of violent European ethnic nationalism alongside the growth of neoliberal states. Beginning in 1991, Yugoslavia started disintegrating as its constituent republics declared independence. War would break out in Croatia, Bosnia and Herzegovina, and, eventually, Kosovo. Competing claims of Serb, Croat, Bosniak, and Albanian sovereignty excluded Roma, who were often the targets of violence. In 1999, after the withdrawal of Serbian forces from Kosovo and under the watch of NATO troops, 12,600 Romani, Ashkali, and Balkan Egyptian homes were partially or completely destroyed in ethnic reprisals (Bloom et al. 2002, 21). As a result, approximately 100,000 Roma, Ashkali, and Balkan Egyptians fled to Serbia and the European Union (European Roma Rights Centre 2011, 21). Bekim, then a young boy, was among these refugees.

Ashkali and Roma escaped ethnic cleansing only to arrive in Serbia to face discrimination and legal barriers to full participation in Serbian society (Cahn and Peric 1999; International Crisis Group 1999). Like many of the displaced, Bekim's family lacked identity documents, which rendered them unable to secure a bank account, access welfare payments, own or rent a home, or have legal employment. Unable to rent or buy property, many refugees and internally displaced people built shacks on undeveloped or unclaimed land. Belgrade's landscape had been dotted with informal Romani settlements for decades, but the wars and economic collapse of the 1990s led to their proliferation, with illegal settlements like Polje eventually comprising an estimated eight percent of Belgrade's area (Macura 2009, 6; Schwab 2013, 1). As settlements expanded, Serbians typically blamed the lifestyle choices of Roma, rather than

acknowledging the history of popular racism, state economic policies, and asylum laws in creating these spaces of exception (Fekete 2014; Saethre 2020).

Due to the wars and sanctions against Serbia, international trade was severely reduced. Foreign goods, mostly cheaper items produced in China, were smuggled over the border from Hungary (Milutinović 2008; Blagojević 2011; Korać-Sanderson 2013). This established a market for Chinese goods even as Serbia possessed weak links to global trade. Within this economy of scarcity, Chinese merchants faced minimal competition and government oversight (Nyiri 2007, 139). By 1996, Serbia relaxed its immigration laws for Chinese traders, hoping to court investment (Korać 2013, 251). A similar pattern occurred in other central and southeastern European countries— including Bulgaria, Hungary, and Romania—as they sought to attract international investment and commodities (Chang 2012). Economic necessity prompted these nations to adopt a graduated sovereignty, in which state authority and citizenship became flexible (Ong 2000).

As Serbia's trade relations and immigration laws were reshaped, so too was its trash. Serbia's dumpsters came to be filled with toys, clothes, and other mass-produced products. While the variety of trash increased due to economic restructuring, it was a history of war and racial capitalism that would consign Ashkali and Romani refugees to picking through dumpsters. Ethnic Serbs fleeing conflict were routinely assisted by the Serbian state, which often provided social housing. However, Ashkali and Romani refugees were disregarded and excluded. With the country's resources severely strained and prioritized for Serbs, displaced Ashkali and Roma were afforded few resources. One of the few outlets of material goods that they could freely access was garbage. This, in concert with the restructuring of Belgrade's trash, created an avenue through which Ashkali and Roma could fulfil many of their needs, including a cash income.

While the wars, displacement, and increased trade with China all played a role in remaking trash as a livelihood for Ashkali and Roma, so too did the growth of the international recycling industry. Serbia itself provided only limited investment but, just next door, EU environmental regulations and initiatives prioritized sustainable industries. This resulted in significant EU funding for the construction of processing plants as well as related infrastructure, which led to the growth of Serbia's recycling capacity (Hempfling 2010, 19). Consequently, trash-pickers were but one link in an international supply chain that moved materials from Serbia to the European Union and beyond. This is apparent in most informal Romani settlements in Belgrade. Anyone walking through Polje would notice that beside almost every shack stood a large 1.5-meter-high metal "basket" (*korpa*) used to hold paper waiting for recycling. Distributed by paper consolidators, these industrial containers had a permanence that residents did not. As families moved in and out of a shack, the basket beside it remained in place. Polje may have been an illegal settlement without government services, but capitalist infrastructure was nonetheless entrenched within it.

Examining Romani livelihoods, Brazzabeni et al. (2015) assert that while scholars often describe Romani strategies as "niche," these practices are firmly entrenched within commercial markets, albeit in unique ways. Highlighting the simultaneous internality and externality of Romani work within global capitalist networks, they (2015, 1) note that it "is embedded in the modern economic system and created in relation to a milieu from which it cannot be dissociated, but which nevertheless cannot be fully characterized

with reference to the modern economic system alone (such as being ‘outside’ it) without looking at the material processes that in each instance went into its fabrication.” These complex relationships are embodied through the visible, material, and economic integration of global capitalism into settlements through recycling.

Ashkali and Roma were not excluded from the “real” economy: corporate recycling baskets stand next to Polje’s shacks while Chinese Hannah Montana bags littered its thoroughfare. Rather, they were relegated to its lowest ranks. This constituted a form of racial capitalism, separating marginalized groups and extracting surplus value from their labor (Yates 2011; Gupta 2022). Bekim’s efforts collecting and selling metal, paper, and plastic may not have given him a paycheck, but it provided recycling companies with resources to create wage labor for others. This was only possible because of entrenched racism, international trade, the disposability of mass-produced goods, and, crucially, war. The conflicts that displaced Ashkali also resulted in a neoliberal order in which Chinese merchants could prosper as independent entrepreneurs and recycling companies could export cardboard to the EU.<sup>[7]</sup> Bekim exemplifies a burgeoning trend whereby economic integration is made possible through a reliance on limited and unstable resources. This is a double precarity, born of capitalist processes, that both comes from and produces urban life (Lancione 2019). Furthermore, this process continues a longstanding practice, though which European cities are racialized and Roma are segregated (Picker 2017). These social, economic, and spatial relationships significantly shaped the identities of Ashkali and Roma within Belgrade.

### 3. Scavenged Identities

Whether riding through traffic, sorting through garbage, or stacking recyclables in the cart, Polje’s trash-pickers were constantly being observed by Serbian passers-by. Removing items from dumpsters was a deeply significant act because garbage is the result of an individual’s actions not an object’s inherent qualities. Private possessions only became collective waste through the process of disposal, often by placing it in a dumpster. Ultimately, gathering refuse required traversing a shared interactive space where liminal objects moved from Serbians to Ashkali and Roma. This persistent exposure impacted Bekim’s material interactions with trash, his relationships with Serbians, and his public identity. Every time that Bekim pedaled out of Polje on his cart, he had to negotiate a jumble of identities, both for himself and for the trash he was collecting. But in each instance, Bekim’s agency was constrained. Not only did Serbians decide what items became trash, their responses to Ashkali and Roma necessarily shaped Bekim’s personhood in ways largely beyond his control.

The overlapping registers through which Serbians regarded Polje’s residents were apparent when walking past dumpsters. While most people simply threw their refuse inside, some individuals hung small bags of items over the exterior. These parcels contained things Serbians believed struggling Ashkali and Roma could readily use such as old clothes, worn shoes, and broken electronics. Simultaneously garbage and gifts,

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7 While precipitating the flow of cardboard to the EU, neoliberalism simultaneously reinforces a racial capitalism that labels Romani migrants, including those with EU citizenship, as illegitimate (Kóczé 2018).

they embodied Serbian attitudes toward Ashkali and Roma. In Belgrade, dumpsters adorned with bags reinforced the notion of charitable Serbians and destitute Ashkali and Roma. Simply leaving trash on the side of a dumpster was a declaration of morality. Furthermore, this gesture of “giving” required no social or physical interaction. Serbians left their parcels confident that it would aid an underprivileged family. The actual lives and experiences of their Ashkali and Romani neighbors never had to be interrogated.

When I first began trash-picking with Bekim, I became hopeful every time I spied a bag hanging from a dumpster, assuming it held something of value. Unfortunately, a bag's contents were often, as far as Bekim was concerned, nothing more than junk. Household electronics were only valuable if they functioned, which few did. Most clothing was old, damaged, or soiled, and thus rendered useless. After opening a bag to find a pair of shoes ridden with holes, an Ashkali man told me that no one was so poor that they would take them. Instead of replacing the shoes for another person to find, he threw them into the dumpster. Reflecting on the contents of most ‘gifts,’ Bekim complained that Serbians must think that Ashkali and Roma lacked standards and pride.

One afternoon as Bekim and I were walking down an alley, we encountered a Serbian man cleaning out his garage. When he beckoned us over and offered us several boxes of items, Bekim was careful to be docile, polite, and thank the man. Once we were out of sight, Bekim examined the goods, which he deemed unprofitable. Shaking his head in irritation, Bekim noted that Serbians seldom parted with anything of value. Without another word, we promptly walked to the closest dumpster and threw almost everything inside. Even if giving items to waste collectors was ostensibly motivated by compassion, these acts were, in some cases, also about convenience. The man's “gift” notably shifted the responsibility of disposing of his trash, an onerous and dirty task, to Bekim and me. Gift giving created an illusion of charity while allowing Serbians to exploit Ashkali and Romani labor.

The material that Bekim sought the most, metal, was almost never given away. Compared to other recyclables like paper and plastic, metal commanded a higher price and could more easily be exchanged for cash. However, dumpsters contained only small objects such as aerosol cans, tins, curtain rods, automobile headlights, shower hoses, and pans, which fetched relatively little. Bekim was constantly on the lookout for larger items like old piping, broken boilers, and dilapidated refrigerators. But when Serbians did dispose of these articles they did so for a price. Serbians were aware that waste collectors sold metal to junkyards and expected to receive a portion of this money. When Serbians believed trash could be readily commoditized, charity had limits.<sup>[8]</sup> The shifting distinction between worthless junk as valuable metal also transformed trash-pickers from beggars to middlemen. Through these exchanges – metal for money – personhood was remade, and Bekim's public identity was constructed yet again through trash. While Bekim disliked paying for metal, it benefited him much more than gifts from Serbians. He was able to profit from these transactions because, as he frequently boasted, Serbians possessed scant knowledge regarding the true value of metal.

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8 However, this had not always been the case. It was only after the Yugoslav wars and the subsequent economic downturn that Serbians sought to profit from recycling.

Given the uncertainty of metal, Bekim spent the majority of his time searching for paper products. Paper was the least valuable recyclable material but, in part because of this, dumpsters were routinely filled with cardboard boxes. Hoping to maximize his yield, Bekim strategically targeted receptacles behind convenience stores and supermarkets, where empty shipping boxes were thrown away en masse. And if we spotted any empty boxes lying outside these businesses, we asked permission to take them. While staff often assented, they watched us intently, worried that Ashkali and Roma would steal any unguarded merchandise. We routinely encountered suspicion and even disdain. For instance, employees rarely handed cardboard directly to us. In some cases, they made a point of tossing the boxes in the trash while Bekim and I watched. Only when the workers were finished could we then retrieve them. At other times, staff kicked boxes off the loading dock, forcing us to pick them up from the ground while dodging incoming boxes flying toward our heads.

In these instances, trash-pickers were transformed yet again, this time into impoverished individuals who were prone to theft. Serbians, including several who worked in retail establishments, routinely told me that if store employees were not vigilant, Ashkali and Roma would use waste collecting as a cover to shoplift. This shift in identity to devious thieves occurred, in part, because the line separating public from the private was particularly thin at retail spaces. Stores were openly accessible as was their merchandise. Furthermore, trash-pickers were the antithesis of customers because they took items without making payment. Although boxes were deemed trash, their removal destabilized the order of capitalist enterprise. Consequently, Roma and Ashkali were recast into potential thieves. This led to discernible surveillance and hostility. As hypothetical criminals, Ashkali and Roma deserved to have boxes thrown at them. Bekim was well aware of his status and bristled at being portrayed as deceitful. Collecting boxes, Bekim repeatedly said, was an honest job to earn honest money.

Serbians not only created trash through the disposal of goods; this act also constructed Ashkali and Romani identity. On the streets Bekim was simply another Rom going through dumpsters. Neither his Ashkali identity nor his experiences as an IDP escaping the Kosovo War were acknowledged. Instead, he had to fit into the mould of the deserving poor, recycling middleman, or devious criminal. But these differing personas created a productive space for maneuver. For instance, after collecting discarded boxes at a market, Bekim, Fatime, and I were confronted by security guards, who claimed the cardboard belonged to the market owners. Taking them was stealing, they said. Concerned that the police could be called and reluctant to abandon the cardboard, Bekim and Fatime began pleading with the guards to let them leave with the cardboard. Fatime added that they had three children at home who were hungry and needed to eat. She then stretched out her hands and asked the men to observe how dirty and sore they were. This was proof that she was a hard worker not a criminal. After more entreaties, the guards finally agreed to let us depart with the cardboard, which we did immediately.

As we drove home from the market, Bekim took pride in our accomplishments. He had collected a considerable amount of cardboard and while there was a confrontation, it was successfully resolved. Then, while we waited at a traffic light, a Serbian woman pointed her mobile phone at us and took a photo. At that moment, I became aware of how we must have looked to Serbians. We were covered in grime and sitting in a wooden horse cart that was brimming with trash. While circumscribed by economic and political constraints, trash-picking gave Ashkali and Roma an opening, albeit a limited one, to create their

own authority. Through informal interactions and economies, individuals are able to snub state strategies and generate their own localized forms of sovereignty (Humphrey 2007). The informal nature of trash-picking refashioned social and political life through shared experience and cooperative labor. In searching through dumpsters, Ashkali and Roma established an independent sociality and economy. What Ashkali saw as good fortune was, for Serbians, an embodiment of the stereotypical Rom: dirty and poor.<sup>[9]</sup> But in appearing this way, Ashkali and Roma carefully negotiated their positionality by surreptitiously throwing away useless gifts, being polite to the authorities, and tactically invoking stereotypes of neediness. In this way, trash-pickers actively manipulated imposed social identities to exert an independent agency over their lives and livelihoods.

## 4. Wasted Bodies

As Polje's residents sought to navigate the social world of trash-picking, they also had to engage with its materiality. Garbage was inherently physical and as such it drastically impacted trash-pickers' bodies in a number of different ways. Foremost, waste collecting was a dirty, malodorous, abject enterprise. This was impressed upon me as I began hunting for cardboard alongside Bekim. Every time we leaned over and peered inside a dumpster, we were greeted with a potent stench. As I sifted through debris, my hands became black with the remnants of discarded meals, dirty diapers, and wet coffee grounds. Because garbage was uncertain and to ensure nothing of value was missed, we delved to the bottom of each receptacle and tore open every trash bag found inside. Ripping open trash bags released another cacophony of smells and textures.

In the heat of summer, when the odor was even more overpowering, I become nauseous. On the final circuit of the day, I occasionally skipped a row of dumpsters, unable to face the stench. I was not alone in these reactions. Bekim often refused to eat, saying the ubiquitous smell of garbage left him perpetually nauseated. When Fatime occasionally searched dumpsters during her pregnancies, she repeatedly stopped to heave and vomit. Wiping her mouth after each incident, she calmly walked to the next dumpster. But given the conditions of life, repulsive and nauseating odors were not only found in dumpsters; it embedded itself in and around one's body. Not only were our hands stained and sticky, so were our clothes, shoes, and hair. Without access to running water for washing, there was no relief. Like everyone else in Polje, I stank.

Dumpster residue contributed quite a bit to my odor but so did the exertion of the work itself. Trash-picking was strenuous, debilitating, and sweaty. Just sorting through a dumpster was painful. While items on the very top were relatively easy to reach, accessing anything further down required awkwardly bending over the side and stretching out an arm as far as possible. Each time I performed this procedure, the hard metal rim of the dumpster cut into my ribs as my back bent uncomfortably. Even more demanding was retrieving a box from the very bottom of a dumpster, which involved carefully cantilevering my body over the rim. The entire maneuver took strength and concentration.

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9 Slippages between varying identities have been highlighted as one significant reason why governmental Romani policies have failed to be effective (Rostas 2019).

But removing boxes from a dumpster was only the first step. Next, they needed to be broken down. This entailed punching, kicking, and tearing to remove packing tape and industrial glue. Then, the flattened boxes were stacked onto the cart and pedaled to the next dumpster. By the end of the circuit, a full load could weigh over 200 kilograms. I often returned to Polje exhausted, drenched in perspiration, and out of breath. But even then, our work was not over: the boxes needed to be unloaded and placed on a large pile at the rear of Bekim's shack.<sup>[10]</sup> After a short rest, it was time to repeat the process. By the evening, my back, arms, and legs ached, and my hands were peppered with cuts and lacerations.

In addition to collecting paper, preparing it for recycling was also a monumental task. While most shacks in Polje possessed a recycling basket, Bekim's did not. Instead, he simply dumped the paper on the ground. After a couple of weeks, the resulting mound could measure as much as 35 square meters and be as deep as 20 centimeters. Prior to recycling, Ashkali saturated the mound with water in an effort to make the paper heavier and, in theory, command a higher price.<sup>[11]</sup> This process involved transporting a large plastic bin to a small creek behind the settlement, filling it with water, then carting the heavy receptacle to the paper pile and forming a human chain to drench the paper. This process was repeated at least three times. One man commented that this was the recycling task that he disliked the most. Transporting water was heavy and cumbersome, he said, and it always strained his back. However, the recycling process was still not completed.

It was also our responsibility to load the paper onto the truck that would subsequently transport it to the depot. Working as a group, we stooped over, gathering bundles of paper, and tossed them onto the flatbed. The only effective way to separate the overlapping layers was to grip two or three pieces of cardboard and roll them into a large cylinder. If too much paper was used to create the roll, it grew heavy and unwieldy. But without enough material, it would not hold together. Dry and rigid cardboard would not bend into a roll but if too wet, the bundle dripped, sagged, and fell apart. And throughout this process, the odors and textures of the dumpsters were revisited. Burrowing into the pile uncovered rancid pizza grease, decayed vegetable matter, and pockets of unidentifiable goo. As children also used the mound as a toilet, lifting up a layer of paper could reveal a pile of faeces. Earthworms permeated it all. As I scooped up piles of paper, their mangled bodies fell through my fingers and onto my clothes, adding to the stains that festooned everything I wore.

Packing a truck took at least two hours and often much longer. On one occasion, we moved ten tons of wet paper over the course of seven hours.<sup>[12]</sup> Repeatedly bending over, wrestling with the wet cardboard, and then hefting the heavy rolls to the truck was exhausting. That evening, it felt like I had strained every muscle in my body, and I tried to move as little as possible. My back hurt, my arms were sore, and my

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10 All the items that I collected from Belgrade's dumpsters were given to Bekim and his family.

11 The recycling companies were well aware of this tactic and attempted to counter it by paying less per kilogram for damp paper. Nevertheless, Ashkali still felt the practice was advantageous, and so it continued.

12 This earned 28,000 dinars (€280) and represented two months of sifting through dumpsters, breaking down boxes, contending with store clerks, and avoiding assault.

legs ached. And I stank. When I remarked upon the fortitude necessary to recycle paper, Bekim simply shrugged and commented that this was the life of a trash-picker. And it came with profound long-term consequences. Men in their early twenties routinely complained of chronic pain, while those in their forties could become impaired. The strain of trash work wrecked people's ability to function.

Once the truck departed, we sat down for a hard-earned evening meal, but even then trash played a critical role in nourishing bodies. The majority of food that Fatime served to her family came from the dumpsters. As supermarkets sought to showcase blemish-free foods devoid of decay, wilted and moldy produce were routinely discarded.<sup>[13]</sup> Yet these items were still at least partially edible. What Serbians deemed to be rotten, trash-pickers turned into meals. Nevertheless, recyclable produce was always difficult to reliably locate and in short supply. As a result, food insecurity and the chronic hunger were commonplace (Saethre 2020). Bekim's thin frame barely exceeded 150 centimeters, a result of constant malnutrition.

Although produce from the dumpster was trimmed, washed, and cooked prior to consumption, these meals, like all meals in Polje, would nevertheless become embedded with trash. Polje's residents eschewed knives and forks, preferring instead to scoop up their food using bread purchased at a local convenience store. Furthermore, the lack of water dissuaded people from washing their hands prior to eating. Consequently, the dirt of dumpsters, which coated everyone's hands, was transferred to food and ingested. During a meal, bread quickly became dotted with dark fingerprints, while a murky film congealed on the surface of other dishes.<sup>[14]</sup> Not only did food come from the dumpsters; meals became saturated with waste. Consequently, trash was not only a job and an identity: it was embodied.

In Polje, bodies were quite literally wasted. Trash and trash work ensured that settlements were spaces where everyday existence was made difficult. People were simply worn out, what Puar (2017, 16) refers to as the "slow death of debility." This is made possible by evolving technologies through which bodies subsidize capitalism and "are made to pay for 'progress'" (Gidwani and Reddy 2011; Puar 2017, 13). The debilitated bodies of trash work, then, were evidence of human disposability through corporeal wasting (Yates 2011). Restricting infrastructure, such as legal access to the electrical grid, as well as calories are also part of this process. But equally important was the stinking, cloying, abject nature of waste. Trash-picking produced deeply physical reactions through the body and its senses. Chronic filthiness and nausea were significant sites of incapacitation.<sup>[15]</sup> Consequently, Ashkali and Roma were not only managed through stigmatized identities, economic marginalization, and racialized labor; through trash, their bodies were actively and repeatedly incapacitated and wasted.

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13 Meat and cooked food were always rejected for fear that they were spoiled. Meanwhile, packaged foods such as candy and potato chips were only retrieved if they were unopened.

14 As a result, gastrointestinal complaints were common among Polje's residents.

15 Furthermore, the association between waste workers and abjection acts as a sensorial marker of their social transgression and expulsion to excepted geographies (Baumann and Massalha 2022, 560).

## Conclusion

For Polje's residents, trash – collecting it, managing it, recycling it, eating it – was at the center of their lives. The necessity of living on trash is the result of a series of intersecting factors. First, the materiality of garbage coupled with the rise of mass-produced goods created the potentiality for a plethora of discarded yet still useful items. Furthermore, when Serbia's economy and infrastructure was devastated after the Kosovo War, the government looked to China, the major producer of low-cost merchandise, to provide goods that it could no longer access via other markets. Just as Chinese imports were pouring into Serbia, so too were refugees. The war itself was sparked by ethnic nationalism which not only excluded Ashkali and Roma; it subjected them to violence. As families like Bekim's arrived in Belgrade, longstanding prejudices regarding Ashkali and Roma ensured that they were viewed as dangerous and relegated to informal settlements while being denied the opportunity to work legally. With few other options, many like Bekim turned to trash.

Polje, a discarded and excepted geography, was functionally excised from the city that surrounded it. As they searched the surrounding dumpsters, its inhabitants were dismissed as dirty, needy, and deceitful. Finally, trash work debilitated people's bodies through chronic exhaustion, strain, and nausea. Yet even as these conditions increasingly structures people's lives, they often are taken for granted. Rather than an exceptional crisis, wasting has become a normative and banal aspect of social and economic precarity (Puar 2017). Indeed, Ashkali often spoke of the pain of trash collecting as boring and unremarkable. Broken bodies were not framed in terms of suffering but rather as ordinary. As Bekim had told me: this was simply the life of a trash-picker.

In a world increasingly characterized by precarity, where more and more people have become tied to detritus produced by others, trash transcends objects found in dumpsters. A reliance of wasted objects parallels the wasting of spaces, identities, and corporealities. But in Serbia, trash was also a lifeline. It allowed people like Bekim to earn a living and express agency in doing so. Acknowledging this, and the ways in which trash work is embedded into global capitalist networks, is one step in mitigating marginalization. Reframing trash-picking in terms of formal work could potentially lead to destigmatization and encourage its incorporation into fair labor practice legislation. Trash is fundamentally transformational and its status, and that of those who rely on it, is capable of change.

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Joan Martínez-Alier. 2023. *Land, Water, Air and Freedom: The Making of World Movements for Environmental Justice*. Cheltenham: Edward Elgar Publishing.

Book review by

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## Introduction

*Land, Water, Air and Freedom* by Joan Martínez-Alier covers global, comparative political ecology and delves into the intricate web of environmental justice movements unfolding across the globe. As a distinguished Professor of Economics and Economic History and author of a plethora of texts on topics such as social metabolism, environmentalism, environmental justice, environmental conflicts, and movements, Martínez-Alier brings a wealth of expertise to the table. In this book, he challenges the notion that the environmental struggle is the reserve of the white, middle-class of core countries and shows a growing number of environmental movements initiated by poor and indigenous peoples. These movements came into existence via struggles for access to clean air, land, and water amid the ever-expanding, extractive nature of capitalism, which relies on constant growth to sustain itself.

## Environmental Activism and the EJAtlas

Martínez-Alier lays the groundwork for a profound exploration of environmental activism, sustainability, and the urgent need for a paradigm shift from the circular economy to a degrowth economy. As we live on a planet with finite resources, the pursuit of constant and consistent growth becomes more and more challenging, as it is increasingly harder (and more expensive) to find new sources of raw materials and energy. This is where the circular economy comes into play, as it proposes reusing materials to counter the finite nature of resources and energy on our planet. Martínez-Alier argues, relying on the *Circularity Gap Report* (Haas et al. 2015, 2020), that this is not enough in itself: in 2017, 92 Gigatons (Gt) of raw materials, not including water, were pumped into the global economy and only 8.6 per cent of all used materials were recycled. By extrapolating the trajectory of the circular economy over the next 70 years, Martínez-Alier concludes that even if it grows from 8.6 per cent to 50 per cent, it will not be enough to sustain projected growth.

Extractive industries rely on new processes of social metabolism to sustain the constant need for growth. Martínez-Alier points to two concepts that are key here: commodity widening and commodity deepening. Commodity widening refers to spatial expansion, where extractive industries are looking for new areas to exploit, so attempting to dispossess and displace people. Commodity deepening refers to the use of new technologies (fracking, for example) to squeeze out even more from existing mines, plantations, or oil fields. These two processes frequently cause ecological conflicts, as they are, more often than not, even more damaging to the environment than previous methods. In this way, they force the creation of new environmental justice movements. The Environmental Justice Atlas (EJAtlas) maps and documents these cases in an interactive, free access, online database. As Martínez-Alier is one of the founders of this platform, the book draws upon 500 documented cases of environmental conflicts around the world, grouping them either geographically or thematically in different chapters.

Martínez-Alier uses the Environmental Justice Atlas (EJAtlas) as a tool for documenting and analysing environmental conflicts worldwide and sheds light on the interconnected nature of environmental issues and the importance of global solidarity in addressing these challenges. Through case studies

and empirical data, Martínez-Alier demonstrates how grassroots movements and community activism play a crucial role in advocating for environmental justice and holding accountable those responsible for environmental degradation. This analysis shows that vulnerable groups disproportionately bear the burden of environmental degradation and underscores the critical importance of inclusive, grassroots movements in advocating for sustainable practices and policies.

Returning to the concept of sustainable development, Martínez-Alier joins the company of Marxist and postcolonial authors (Jason Moore, Andreas Malm, Malcom Ferdinand, to name a few) in critiquing this concept. He uses the United Nation's Sustainable Development Goals (specifically goal eight on decent work and economic growth) to demonstrate his critique. This goal proposes seven percent economic growth in developing countries, aiming to do all that without accelerating environmental collapse through more efficient use of resources. Instead Martínez-Alier proposes stopping economic growth in developed countries, supporting environmental movements, and resolving the ecological debt of the Global North to the Global South.

As stated, the book analyses 500 (of around 3,800 in the EJAtlas as of December 2022) environmental conflicts around the globe and is organised geographically and thematically into 30 chapters. Some of the themes are as follows: extractivism and violence; women environmentalists murdered around the world; the Arctic as a commodity extraction frontier; biodiversity conservation; Mesoamerican and Caribbean environmental movements; agrarian justice and human ecology; corporate social responsibility and similar. Unfortunately, as it would be impossible to review all 30 chapters here, I will convey some thoughts on chapter 10: "The World Anti-nuclear Movement since 1970."

## Nuclear Energy Conflicts

At the time when *Land, Water, Air and Freedom* was written, there were 150 documented nuclear energy conflicts on EJAtlas, 25 of which are mentioned in chapter ten. In this chapter, Martínez-Alier delves into the intricate web of nuclear energy conflicts, shedding light on the global landscape of the disposal of nuclear waste, military testing of nuclear weapons, and uranium mining. Faced with these challenges, local environmental justice organisations around the world grapple with issues pertaining to nuclear technologies. Observing from the point of view of environmental justice and activism, this chapter portrays the anti-nuclear movement as a significant force in advocating for transparency, accountability, and the protection of communities affected by nuclear energy projects all around the world. While the author recognises historical opposition to nuclear power, and the closure of certain nuclear plants, as successes in environmental justice, he does not explicitly advocate for a complete abandonment or endorsement of nuclear power. Overall, the chapter presents a balanced perspective that promotes critical reflection on the complexities and intricacies of nuclear energy, leaving room for readers to draw their own conclusions on the benefits and drawbacks of the use of nuclear power based on the information provided.

## Relevance for Romani Studies

As of March 2024, in the EJAtlas there are more than 30 recorded cases of environmental justice movements involving Romani communities. For example, a Sinti settlement was established near the Henkel company in Heidelberg, Germany, and situated on heavily polluted land resulting from the industry's chemical production, leading to contamination of both soil and water sources. In response to concerns about race-based segregation faced by Sinti and Roma in Germany, the government's main stance, as highlighted in a 2000s UN report, was that these communities live in self-contained areas by choice. Despite the long history of Sinti and Roma in Germany, the European Roma Rights Centre notes that they are often perceived as foreigners. This perspective suggests that the government views the responsibility for the well-being of these communities as resting with the individuals rather than necessitating systemic change (<https://ejatlas.org> 2022a).

In a famous case from Kosovo, between 1999 and 2013, around 600 Romani families displaced during the Kosovo conflict were housed by the United Nations in camps located on lead-contaminated land near the Trepca industrial complex in Mitrovica, Kosovo. Trepca, known for its lead smelter and toxic waste ponds, has been a significant source of pollution since the 1970s. Despite early reports of lead poisoning among Romani residents, preventative action was delayed until 2006 and deemed insufficient by the World Health Organization. Meanwhile, protective measures for peacekeeping soldiers were implemented in the year 2000. Lead exposure is believed to have caused deaths and severe health issues, particularly among children. In addition to lead-contaminated land, the camps lacked basic amenities, exacerbating health risks. Recent testimonies reveal ongoing health problems in affected individuals, highlighting the long-term impacts of lead poisoning (<https://ejatlas.org>, 2022b).

Authorities in various countries build walls around Romani settlements, create dump sites near or around them, or implement forced evictions to utilise the space for capital investment projects, so Roma are forced to live near toxic sites or similar (Rorke 2023). As the topic of environmental justice becomes more popular and relevant in Romani studies, EJAtlas offers an excellent starting point for researchers. Martínez-Alier's recommendations are exceptionally relevant to Romani environmental justice movements. Environmental degradation affects everyone, and this is especially true for racialised and disenfranchised communities. Instead of suppressing resistance by Romani communities to environmental injustice, EU, national, and local governments should support environmental justice movements and provide reparations for affected communities.

In the non-profit sector, organisations that work with Romani waste collectors frequently point out the impact that individual Roma have on a country's efforts towards circular economy and waste management. Romani waste collectors are constructed as vital to the preservation of the environment, praised for their skill in dealing with solid waste, and the circular economy is seen as a chance to improve their overall position in society (Simpson-Hebert et al. 2005; Balic 2008). From my own experience working in the non-profit sector in Serbia, this narrative was even more apt with the announcement of the EU's Green Deal policies. A circular economy is praised as the solution to our environmental issues and a guarantee of sustainable development in the future. The analysis of these concepts in *Land, Water, Air and Freedom*

allows us to think critically about them. As presented above, the book deconstructs both the circular economy and sustainable development myths, proposing a form of degrowth as a more viable solution.

## Conclusion

*Land, Water, Air and Freedom* by Joan Martínez-Alier represents a comprehensive guide on environmental justice and environmental movements around the world. While it can be argued that the book does not necessarily express a new theory or significantly expand on the key concepts it relies on, it excels in providing empirical data and deeply insightful analyses on the state of contemporary environmental justice movements and environmental conflicts. The one aspect of the book I cannot emphasise enough is how all-encompassing, in terms of geography and themes, the book really is. It is indeed a comprehensive global review of environmental activism. If we add the fact that both the book and the EJAtlas are completely free, I see no reason not to recommend both wholeheartedly.

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Richard Filčák and Daniel Škobla, eds. 2022. *Odpad ako sociálny problém vo vylúčených rómskych osídleniach* [Waste as a social problem in marginalised Romani settlements]. Bratislava: Center for Social and Psychological Sciences at the Slovak Academy of Sciences, Institute of Ethnology and Social Anthropology.

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In Slovakia, an overwhelming majority of Romani communities live on the periphery of society. Romani settlements lack basic infrastructure such as access to water and sanitation or paved roads. They are most often confined to segregated areas, located on land unsuitable for habitation – on a steep hill, in a flood risk area, next to a waste dump or a big factory and so on. Is this a coincidence? The authors of the publication *Odpad ako sociálny problém vo vylúčených rómskych osídleniach* (Waste as a social problem in marginalized Romani settlements) published by the Centre for Social and Psychological Sciences at the Slovak Academy of Sciences think otherwise.

The book elaborates on the issue of social exclusion of marginalised Romani communities in Slovakia, and the issue of waste management and municipal waste landfills polluting the environment. It deals with the intersectionality of three theoretical areas: social exclusion, environmental justice, and social administration (governance).

The authors argue that social exclusion and the issue of environmental justice are very closely connected. Socially and ethnically marginalised groups are more likely to be housed in environmentally hazardous locations when compared to the majority of the population. This is demonstrated in Slovakia by the localities in which marginalised Romani communities have been settled.

In the past few decades, waste and waste management have been some of the most major challenges for many municipalities in Slovakia. The growing amount of waste and the resistance of the majority to the construction of new landfills near their homes has resulted in a situation where the burden of waste management has become discriminatory, as it unfairly burdens lower social classes or disadvantaged ethnic groups. The authors of the publication claim that this is due to the fact that these groups occupy a weaker bargaining position and do not have decision-making powers, lacking adequate social capital and sufficient social networks to promote their own interests.

In municipalities, there are dominant political actors and institutions which have considerable power to dictate the rules and policies within them and impose these on others. On the other hand, marginalised groups such as Romani communities are in a very weak position within municipalities, manifested, amongst other things, by a disadvantaged position when it comes to the effect of waste and municipal waste management. As the authors note, waste management in many Romani communities is reduced to the mere placement of a large container. Therefore, it is unsurprising that these places are often portrayed in the media as waste hills, while Roma themselves are portrayed as, stereotypically, too lazy to clean up their surroundings.

Two aspects of waste management in relation to Romani settlements are addressed in the book. The first concerns the encumbrance caused by waste stored near homes, for example, waste from industrial activity or landfills. The second concerns the management of waste produced by the dwellings themselves in specific conurbations of people, for example, in municipalities or parts thereof.

The book seeks to look at these aspects of waste management through the lenses of various experts. The authors are researchers and experts in the fields of law, sociology, economics, and social administration. Therefore, they offer both theoretical and practical perspectives on the subject. It is divided into five main

chapters, each written by different authors. The publication was edited by Daniel Škobla and Richard Filčák of the Slovak Academy of Sciences, who also wrote the introduction and the final chapter. The authors are researchers and experts in the fields of law, sociology, economics, and social administration, and they offer both theoretical and practical perspectives on the subject.

The first chapter, *“Management of waste and environmental justice as a human rights matter,”* was written by Maroš Matiaško and Sandra Sakolciová, lawyers from the Central European NGO “Forum for Human Rights”. They write about waste management from the perspective of the right to adequate housing and health as protected by international human rights law. The chapter summarises international mechanisms and continues with case-law from the European Court of Human Rights on the right to the protection of one’s home as well as on the disadvantaged and vulnerable position of Romani communities. Matiaško and Sakolciová also examine the domestic legal framework on waste management and the rights and duties of municipalities in that regard. They emphasise that these have to be interpreted and applied in accordance with international human rights obligations to which Slovakia is bound.

*“Waste and Romani communities in light of quantitative data”* was compiled by Dušana Dokupilová who works at the Prognostic Institute at the Centre for Social and Psychological Sciences, Slovak Academy of Sciences. Dokupilová used the data from the Atlas of Romani Communities and studies by the Institute of Environmental Policy at the Ministry of Environment to analyse the situation of waste management and landfills in municipalities in Slovakia, specifically focusing on Romani communities. She found out that, overall, in 24 municipalities in Slovakia there is no waste management whatsoever in Romani communities. However, in those municipal areas where the majority population live waste management is regularly accessible. She also identified potentially risky, illegal landfills in 240 municipalities.

*“Municipal self-governance in the communal waste management system”* by Zuzana Polačková focuses on the position of municipalities in the waste management and communal waste process, in particular. Polačková focused mainly on smaller villages and analysed waste management challenges faced by municipalities in the Atlas of Romani Communities. She mentions the good practices of some municipalities with marginalised Romani communities and which managed to remove illegal landfills and introduce effective processes for collecting and sorting municipal waste.

Edita Rigová is the author of *“Waste management in municipalities with marginalised Romani communities. Qualitative analysis.”* Rigová works as a doctoral student at the Institute of Ethnology and Social Anthropology, Slovak Academy of Sciences. She brought a qualitative perspective to municipalities with marginalised Romani communities and the waste management challenges they encounter. She conducted interviews with several stakeholders, including people working for municipalities, assisting professionals, and people from Romani communities. The author concluded that costs related to waste transportation and the low level of waste sorting are the main challenges for participating municipalities. The level of waste sorting is linked to state funding.

Daniel Škobla and Richard Fličák, two researchers from the Slovak Academy of Sciences with vast experience, authored the fifth chapter – *“From the city to the landfill. The case of an urban settlement where the social marginalisation of Roma is accompanied by environmental injustice.”* They brought a case study

of a segregated Romani settlement with the characteristics of an urban ghetto located in the suburbs of a town, which itself is a regional centre. The community is in an industrial area in the immediate vicinity of a landfill and lacks basic infrastructure. The authors describe the process by which the landfill was set up, and its related environmental impact assessment. They see the settlement as a prime example of a locality where social exclusion, based on ethnicity, meets environmental injustice.

*Odpad ako sociálny problém vo vylúčených rómskych osídleniach* is a complex publication which may appeal to various groups of Slovakian readers thanks to its roster of authors who come from divergent backgrounds and bring different perspectives to a single subject. The information inside can be used by NGOs in their advocacy endeavours and, potentially, for them to pursue public cases before the courts to push the state and municipalities to improve living conditions in Romani communities.

This volume is also an excellent source of information for anyone interested in the subject, as the number of resources dedicated to this particular issue is very limited. It details the grim reality of marginalised Romani communities to whom environmental justice does not apply and, by explaining the reasons behind it, tackles stereotypes many people hold.

# Housing Crisis in a Hungarian Romani Settlement Due to Environmental Damage: The Case of the Municipality of Recsk and a Local Mine

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## Abstract

This study is a compilation of recent articles from the Hungarian press about the case of Recsk, a settlement in northern Hungary where Andesite-Bau Ltd., was awarded a permit to operate during the Covid-19 pandemic. The mining pushed ahead despite being in close proximity to its Romani neighbours. Individuals were traumatised and their property was damaged by the mine's explosives; later, deforestation at the site resulted in a mudslide which inundated Romani streets below the mine. Environmental racism is at play at this contested site, for neither before the mine opening nor after the mudslide did any Recsk villagers contribute to a relocation of Romani families to safer areas. To this day, victims have not received compensation or been able to move to safe residences. The owner of the mine project does not admit any wrongdoing, although an official investigation found that the mine caused the damage. Compensation offered by the government has not been forthcoming, and housing solutions offered by the state impose additional financial burdens on the victims. It is difficult to find a legal basis that would provide a satisfactory solution to the affected community.

## Keywords

- Environmental justice
- Housing security
- Human rights
- Mining
- Racism
- Roma

## Introduction

Located in the rugged Mátra Mountains of Hungary's Heves County, Recsk and its surroundings have been known for mining ore deposits since the eighteenth century. Copper, lead, and zinc were first extracted, later followed by gold and silver mined by a Hungarian mining concern (*Magyar Királyi Állami Mátrabánya*) since the 1930s. Moreover, in the 1950s, a forced labour camp operated next to the *Csákánykő* quarry in Recsk. Two quarries operate several kilometres away from the village to this day, while metal ore mining has been discontinued for some time.

In 2020, a company based in Debrecen, Andezit-Bau Ltd., approached the municipality's administration with a proposal to establish a new andesite quarry on Valéria Hill. This third quarry on the outskirts of Recsk is in the immediate vicinity of a settlement of 2,500 inhabitants, and the entrance to the site is less than 250 metres from Hunyadi Street, noted for its Romani population and individuals with low social status (according to 2011 census data, 13 per cent of the village population belong to the Roma ethnic group). According to locals, these residents did not choose the site voluntarily; the settlement's leaders designated the area for Romani families who were building houses with the help of social housing policy benefits twenty years ago.

To start any official licensing procedure, the company only needed the land in question to be reclassified for mining. During the Covid-19 pandemic, the mayor, Sándor Nagy (formerly of Jobbik, now independent), held the power necessary to decide on this permit almost single-handedly. Municipal council members had some knowledge of this decision, for during the public health emergency they were given special authority<sup>[1]</sup> to exercise all the functions and powers of the council of representatives. Later, it turned out the municipality's officers had ignored the undeniable fact that Romani family housing was situated in close proximity to the quarry, and they did little to ensure the affected population was informed properly about the planned mine on their doorstep. According to Dezső Farkas, head of the local Roma minority self-government in Recsk, only one public hearing was announced by the municipality in 2019. By then, very few people had been reached for comment, and no legal path was available to stop the reclassification process.

The mayor and the mining company agreed without objection on a settlement planning concept, in which the investor bears the costs, and the municipality amends its local settlement plan and building codes accordingly. An amendment to the regulation document<sup>[2]</sup> describes the expected consequences of the quarry's operation as follows: "The proposed development will neither contribute to a good quality of life nor healthy living conditions in the immediate environment, but the plan does attempt to mitigate these. Forest cover will disappear completely, habitat destruction is expected, and the impact on people's quality of life is well understood" (Recsk Municipality 2020, 11).

1 Pursuant to Section 46 (4) of Act CXXVIII of 2011 on Disaster Management and the Amendment of Certain Related Acts.

2 Available online: <https://www.recsk.hu/?module=news&action=getfile&fid=293753>.

Despite such a forecast, the opening and operation of the Recsk VII andesite mine went ahead and was approved by several authorities, including local government, the Mine Inspectorate (*Országos Bányakapitányság*), the Environmental Protection Agency, and the Regulated Activities Inspectorate.<sup>[3]</sup>

## 1. Problems

Permits in Hungary do not specify how far a mine must be from residential housing. The decisive item is rather the noise level. A 2021 Environmental Impact Assessment published by the Heves County Office states that blasting, crushing, cleaning, and haulage must be at least 600 metres from residential homes.<sup>[4]</sup> The assessment concludes that there will not be any air quality, noise, or pollutant impacts in excess of human health and safety limits during the mine's planned 40-year operation near residential homes.

Hence, with all the paperwork in place, the work on the mining site began in February 2023. The residents of Hunyadi Street suddenly were confronted by a mine opening a few metres above their houses, with all the attendant consequences: between eight and ten blasts annually, dust, machinery, mud, trucks, and so forth. People living in the area were not informed about the interruptions, according to their statements. Blasts went unannounced, so residents ran from their houses in alarm during the explosions, fearing earthquakes and then reporting subsequent damage to their houses.

When the online portal 24.hu visited the settlement in March 2023, several residents – and the mayor – spoke out in the investigative report (Nagy 2023b).<sup>[5]</sup> Residents listed the problems regarding the mine: “I thought someone had driven a car into the side of my house because it was so strong. The foreman suggested it was not good that earth has been piled on top of the hill as a protective barrier, for when a big rain comes, it will turn into mud and will slide down on us all. He says that the problem is that it's close, too close. And the work, the noise is disturbing.” Despite the dangers, no one informed them about the mine or about the blasts. Local residents honestly fear for their physical safety and that the hillside may collapse.

Another resident of Hunyadi Street said: “The mayor and the entrepreneur think that they can do this because 150 *cigány* live here on Hunyadi Street. They wouldn't dare to do it near Hungarian homes.” In an article by 24.hu, the mayor, Sándor Nagy, admits that the mine is very close to a populated settlement. When asked why nothing was done to move the residents to a safer place, despite the multi-billion-forint investment, he gave the following answer: “People would lynch me if the [*G*]ypsy neighbourhood were to be moved into the village. The suggestion is completely absurd. Who would dare do that?”

3 The authority was established in 2021 based on Act XXXII. It regulates and supervises a large portfolio including cyber security, gambling, geology, judicial enforcement, liquidations, mining, and tobacco. Available online: <https://net.jogtar.hu/jogszabaly?docid=a2100032.tv>.

4 Available online: [https://www.kormanyhivatal.hu/download/5/7e/37000/KVO\\_3030-34-2021\\_KÖZLEMÉNY-határozat%20kivonat\\_alairt.pdf](https://www.kormanyhivatal.hu/download/5/7e/37000/KVO_3030-34-2021_KÖZLEMÉNY-határozat%20kivonat_alairt.pdf).

5 Available online: <https://24.hu/belfold/2023/03/17/recsk-robbantas-kobanya-szegenyseg-riport>.

In the end, people's fears in Recsk were confirmed when heavy rain fell on 8 June 2023, resulting in waste from the mine flooding houses on Hunyadi Street. Substantial media coverage followed in the immediate aftermath. A new 24.hu investigative report series on the Recsk case<sup>[6]</sup> (Nagy 2023c) described the situation as the following: "All the tailings and alluvium washed down the mountain and my home was gone [...] This is the mine, guys, this is the mine! [...] Guys, the whole mountain has come down! [...] And the contractor said it was safe. It's safe, you can see for yourself!"

As a result, a total of 70–80 people were affected, and about 40 people had to be moved. Some had relatives who were able to take them in, but many were unable to find decent accommodation. During the rescue, racial discrimination also made it difficult to house Roma without accommodation. The owners of guesthouses and other facilities in the area did not accept Romani guests or refused them on the grounds of full occupancy. The local government made a half-hearted effort to create temporary accommodation for them in the minority club and in the village's dilapidated sports hall, while the mine owner distributed emergency aid to the families. The police did not let the residents back to their homes until the end of June.

## 2. Responsibility, Accountability, State Intervention

Due to adjoining forest clearance by Andezit Bau Ltd., a large amount of water from the hill above the houses washed away a dam built from excavated soil. According to locals, drainage ditches were dug only after the waste tailings had already spilled over the houses below. After the rainy period subsided, the dam was rebuilt.

After the events in June 2023, Hungary's Mines Inspectorate, under the Authority for the Supervision of Regulated Activities, launched an investigation into the case. The investigation determined that the mining company was not operating in accordance with the so-called technical operating plan.

- They cleared the entire area of vegetation, especially in areas where mining was not planned until 2025 or 2026.
- Sludge and so-called tailings ponds (storage for waste materials from mining) were mis-placed and deviated from the original plans.
- The slope towards Hunyadi Street is steeper than shown in the plans.

As a result, Hungary's Mining Department fined Andezit Bau Ltd., three million forints (€ 7,300) and ordered them, among other things, to cover the slope of the mine with vegetation (Nagy 2023a).<sup>[7]</sup> However, the mine's managers have not publicly acknowledged these findings; moreover, they have denied any responsibility (Szalai 2023).<sup>[8]</sup>

6 Available online: <https://24.hu/belfold/2023/06/14/recsk-banya-iszap-falu-kikoltoztetes-riport>.

7 Available online: <https://24.hu/belfold/2023/12/06/recsk-banya-jogsertes-vizsgalat-banyahatosag>.

8 Available online: [https://nepszava.hu/3216098\\_recsk-sarlavina-karterites-per-banyaceg](https://nepszava.hu/3216098_recsk-sarlavina-karterites-per-banyaceg).

Although the mine has since been found responsible for the disaster, the Recsk mayor and village leadership still are looking to Hungary's central government for a solution, as they have been from the start. Negotiations were launched at the level of the Ministry of Interior to repair the damage. Miklós Dukai, state secretary for local governments, informed the public that 500 million forints<sup>[9]</sup> (Czinkóczy 2023) from the central budget would be used to help Recsk residents whose houses were damaged by the mudslide in early June due to “*extraordinary weather*.” In other words, the government blamed the weather for the damage.

This statement is also significant because, until the mining company's responsibility came to light, decision-makers publicly emphasised the victims' responsibility as homeowners. According to Miklós Dukai, the properties were uninsured, despite the responsibility of private owners to insure their properties.<sup>[10]</sup> László Horváth, Fidesz MP for the Recsk District, questioned the ownership and use-status of some properties, saying that they were built on municipal land without building or housing permits. This statement foreshadowed that the government and the municipality would look for excuses and want to shift the responsibility to the victims instead of providing necessary and urgent government assistance. Hungary's prime minister withdrew the decision (1269/2023) on the 500-million-forint compensation in September 2024.<sup>[11]</sup>

Several rumours about social rental housing schemes have circulated in Recsk, but these ideas have not been substantiated and there has been a lot of controversy among locals. The municipality would like to avoid housing solutions for victims and residents of Hunyadi Street, yet the mayor and some non-Romani residents explained to a *Népszava* journalist<sup>[12]</sup> (Doros 2023) that “there is a part of Hunyadi Street with uninhabited, dilapidated houses, and if they were demolished, they could develop suitable plots on a new site.” Non-Romani inhabitants also expressed that they would like Roma to continue living on the outskirts of the village, in a virtually isolated settlement away from the centre, and not in front of their “eyes.”

As part of the state intervention, the MR Community Housing Fund (a government-financed agency) – established by the Hungarian Reformed Church and the Hungarian Maltese Charity Service – contacted the affected families in the autumn of 2023.

According to one resident, before the MR Community Housing Funds were released, they were offered containers as compensation. They were imagined as social rented housing, and users were expected to

9 Available online: <https://444.hu/2023/07/12/a-kormany-ugy-tesz-mintha-a-ner-es-ugyved-banyaja-ott-sem-lett-volna-a-recski-hegyomlasnal>.

10 Available online: <https://kormany.hu/hirek/otszazmillio-forinttal-segiti-a-kormany-a-recsken-megrongalodott-hazak-helyzetenek-rendezeset>.

11 *Hungarian Official Gazette*. 2023. A Kormány 1269/2023 (VII. 10.) Korm. Határozata a Recsk Nagyközséget 2023. június 8-án ért rendkívüli időjárási körülmény következtében károsodott lakóingatlanok helyzetének rendezéséről 102: 5206; *Hungarian Official Gazette*. 2024. A Kormány 1291/2024 (IX. 19.) Korm. határozata kormányhatározatok felülvizsgálatáról 93: 6675, Item 121. Available online: <https://magyarkozlony.hu>.

12 Available online: [https://nepszava.hu/3199707\\_sarlavina-elotelet-recsk-banya-riport#google\\_vignette](https://nepszava.hu/3199707_sarlavina-elotelet-recsk-banya-riport#google_vignette).

pay a monthly rent, even if their own property was made uninhabitable by the operation of the private mine. Residents did not accept this offer, and the options offered by the MR Housing Fund ignored the fact that they were trapped in a housing crisis through no fault of their own. Residents reported being unable to get help to resolve their situation<sup>[13]</sup> (Nagy 2023d). Some opinions shared by locals follow:

László M.: Now they say that it's good, they are helping us to sell the house, and we had to fill in a form. I said to them, sorry, but how do they want to sell it? Who wants to buy it? [...] They also say that if they can sell it, and we choose a house from the MR Housing Fund, they will give us the option of paying in instalments. Excuse me, we own our own property, and we have to buy another flat so that I can move there because of the mine.

Julianna: Can we rent a flat, is that the offer? They're going to flood me with mud, and then I must pay to live in a property that doesn't belong to me, but at least they won't flood it? This is ridiculous. Sell the flat and buy another one? Who wants to come here, I ask you? Who wants to buy this apartment after what happened here with the mine?

The environmental damage in the area is significant. It cannot escape our attention that the damage caused to the property of people living beneath the mine was due to irregular work and faulty engineering that significantly damaged the natural environment. Hungary's mining authority also considered as a matter of particular gravity that the mining contractor deviated significantly from its planned mining activities and authorised a technical operations plan in which forest clearance significantly exceeded the authorised level. In other words, these elements impact the long-term quality of life of the residents of Hunyadi Street. Nevertheless, the mine remains in operation today despite the deviation from its permitted activities.

## Conclusions Regarding Social and Environmental Justice

The Reck case has clear implications for both social and environmental justice in which housing security is key. On this front, domestic legal options should be examined along the lines of environmental justice and environmental racism. For instance, housing is not a fundamental right under Hungary's Basic Law. Those investments and omissions that affect areas of lower housing value that people have been living in for many years, weak advocacy communities, poor people and minority groups seldom protest and are not seen as negotiating partners. Vulnerable groups cannot defend their private property against state and private investors or actors with political power. Their housing is at risk because of unclear ownership of land and buildings, and there is no affordable housing alternative for low-income families in Reck or elsewhere in Hungary.

Nonetheless, there are a few legal regulations on this matter. According to Section 23 of Book 5 (Law on Property) of Hungary's Civil Code (Civil Code),<sup>[14]</sup> "The owner is obliged to refrain from any conduct

13 Available online: <https://24.hu/belfold/2023/11/24/reck-banya-sarlavina-kartalanitas-riport/amp>.

14 Act V of 2013, § 5:23, General Private Law Limitation on the Use of Property.

that would unnecessarily disturb others, in particular neighbours, or that would endanger the exercise of their rights.” The Civil Code also provides for liability for non-contractual damage. The relevant sections of the Civil Code may form a basis for legal proceedings, since it can be established without a doubt that the operation of the mine has disturbed the residents of Hunyadi Street. As a consequence of unregulated events at the mine, affected residents could not exercise their right to property, causing many residents to leave their uninhabitable properties, while others have remained and live in constant peril.

In addition, Andezit Bau Ltd., has violated the terms of the various environmental permits issued by the authorities, as established by a decision of the Hungary’s Mining Authority (Captaincy?), and has caused considerable environmental damage.

The European Parliament and the European Council are exerting pressure on member states to act, and they have reached an interim agreement on criminal law’s protection of the environment. Overall, the EU is taking strong action against environmental damage: defining new categories and clarifying existing definitions of offences and strengthening sanctions against those who seriously damage the environment.<sup>[15]</sup>

Despite this pressure, Hungary has re-interpreted the effort to further protect corporate and state interests in mining. Since 23 November 2023, the Hungarian government’s decree on the Environmental Protection Authorities Contract (432/2023 (IX.21)) entered into force, which prioritises the economic interests of polluters and other health-damaging operators, effectively protecting them for the duration of any contract.<sup>[16]</sup> Clearly, there is a need to generate significant changes in the field of legal protection and to use and develop the available legal instruments.

The case of the Recsk mine also shows that the available procedures and regulations are inadequate and fail to protect disadvantaged groups with weak representation or other low-income groups. According to the Aarhus Convention ratified by Hungary in 1998,<sup>[17]</sup> implementation is not localised, and the case of Recsk demonstrates that all three pillars – access to information, participation in decision-making, and right to legal remedy – were violated, and there were no mechanisms available for the public to enforce the relevant parts of Hungary’s Environmental Law.

Environmental justice and the promotion of equalities and democratic approaches are hardly on the agenda of decision-makers and social movements in Hungary. Environmental democracy and environmental justice approaches must be promoted and used, as they could elevate and amplify the voices of actors and populations that historically and systematically have been excluded from national, regional, and global decisions.

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15 European Commission. Available online: [https://ec.europa.eu/commission/presscorner/api/files/document/print/en/ip\\_23\\_5817/IP\\_23\\_5817\\_EN.pdf](https://ec.europa.eu/commission/presscorner/api/files/document/print/en/ip_23_5817/IP_23_5817_EN.pdf).

16 Government Decree (432/2023 (IX.21)). Available online: <https://net.jogtar.hu/jogszabaly?docid=a2300432.kor#>.

17 2001 Act LXXXI, which, in addition to the Aarhus Convention adopted in 1998.

## Epilogue

For the moment the case is in the prosecution phase and not yet in court according to a recent article on the case (Bakró-Nagy 2025). Unfortunately, after the mine inspectorate had established the mine's responsibility, in January 2025 Heves County Police closed the investigation on the grounds that the company is not guilty and that the houses concerned were in bad condition, despite a criminal charge of occupational endangerment (not for compensation). The attorney representing Romani families from Recsk has asked the court to exclude Heves County Police from the proceedings. This key legal step would remove police jurisdiction over the mine's territory because of a conflict of interest during the police investigation (for example, their main witness was the environmental expert who was doing the preparation work for Andezit-Bau Ltd., before the mine opened). The families' legal representative says a recent decision dismissing their complaint is full of contradictions because "while they establish the violations and liability of the mining company, they go beyond it and there is no criminal consequence for doing so." A new legal process has been introduced that can be applied to force a trial. The conclusion of the rule of law procedure (done by the EU Commission) has led to a new domestic regulation, which allows anyone to file a motion for reconsideration in criminal cases involving public authority or public money. In such cases, the court decides whether the prosecution's decision was lawful. If not, the prosecutor's office is ordered to prosecute. Sources close to the case indicate that the Romani plaintiffs intend to take the case further, filing a motion for reconsideration.

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Szalai, Anna, 2023. "Sárlavina Recsken: Mossa kezeit a bányacég, pert indítanak a károsultak" [Mudslide in Recske: The mining company washes its hands, the injured parties file a lawsuit]. *Népszava online*, 20 November 20. [https://nepszava.hu/3216098\\_recsk-sarlavina-karterites-per-banyaceg](https://nepszava.hu/3216098_recsk-sarlavina-karterites-per-banyaceg).



# A Quest for Environmental Justice for Roma in Thessaloniki: The Case of the Tsairia Settlement

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## Abstract

This article explores the complex relationship between environmental justice and antigypsyism, taking the Tsairia Romani settlement in Thessaloniki as its case. The author, a human rights lawyer, has represented the residents of Tsairia in their efforts to protect themselves from forced evictions, shedding light on the challenges faced by the Romani community due to their marginalised status rooted in antigypsyism. The Tsairia case is examined in detail, highlighting issues like limited access to essential services, unregulated waste disposal, and the use of collective criminality to justify forced evictions. The Tsairia case illustrates how antigypsyism perpetuates environmental injustices by using alleged environmental crimes as justification for coerced relocations. This is a unique case-study that lies at the crossroads of where environmental injustices are perpetrated under the guise of environmental protection. Furthermore, it highlights instances of institutional antigypsyism, in which it is claimed that Roma will not be harmed by evictions because they are nomadic. The article underscores the role of community-based advocacy and legal efforts that enable some families to endure in Tsairia. In summary, the Tsairia case exemplifies the intersection of antigypsyism and environmental injustice, trapping residents in a cycle of exclusion, marginalization, and poverty. It emphasises the exploitation of anti-Romani rhetoric for political gain, worsening environmental injustices and undermining the principles of democracy.

## Keywords

- Antigypsyism
- Environmental justice
- Evictions
- Greece
- Roma

## Introduction

In August 2019, the author led a delegation of international experts to Thessaloniki, Greece. The delegation's members were tasked with exchanging good practices and visiting Romani communities. Upon their arrival in the Tsairia settlement, the delegation encountered many distressed Romani residents. Known for their resilience in the face of adversity – and having endured over 30 years of dire living conditions – these residents, on this particular day, were overwhelmed with despair and faced the imminent loss of their homes and livelihoods.

A senior Romani woman's heartfelt plea, "Where are you? You have forgotten us!" succinctly epitomized a recurring pattern of initiatives by governmental and non-governmental entities marked by promises and subsequent disappointment. The residents expressed their immediate concern: the looming threat of eviction.

A new municipal mayor had attributed various illicit activities to the Romani community, even suggesting the construction of a wall to isolate them (Voria 2019a). Simultaneously, a community movement emerged in response to alleged environmental violations by Romani residents (Voria 2019b). The movement began innocently enough with an idea to protect the local area from environmental degradation due to an illegal factory salvaging metal; however, this initiative was later hijacked by far-right and extremist groups to collectively accuse Roma of environmental crimes, which then escalated into ugly Neo-Nazi rhetoric (Kouzinopoulos 2019a, 2019b).

Filčák's *Living Beyond the Pale* (2012) highlights an Eastern Slovak perspective which views Romani settlements as beyond normal legal and environmental standards, leading to environmental injustices. This raises questions about how environmental factors influence Roma during their settlement selection and how they respond to limited access to basic services such as water sources. In many cases, Romani communities are located in isolated rural settlements, on the outskirts of towns and villages, or in urban ghettos, and they receive neither regular nor irregular public environmental services as emphasized in a European Environmental Bureau report, *Pushed to the Wastelands*, which categorizes environmental racism into endangerment, isolation, and marginalization (Heidegger and Wiese 2020, 22). This article assesses their applicability to the Tsairia case.

## Environmental Injustices and Roma Settlements in Greece

Romani communities in Greece face dire living conditions, segregation, and frequent forced evictions. Environmental injustices – like the well-documented case of Aspropyrgos in the run-up to the 2004 Athens Olympic Games (Global Atlas of Environmental Justice n.d.) – threaten the well-being of residents near landfill sites.

The Greek National Roma Contact Point identified 462 Roma living areas in Greece with varying infrastructure levels (types I, II, and III) (Tsiakalos 2023, 95–96).

These vary according to the typology of settlement:

- **Type I:** self-made huts or shacks lacking basic infrastructure facilities like electricity, tap water, and sewage systems, as well as access to public transport and waste disposal services. Usually, these are in isolated and/or environmentally hazardous areas, such as next to municipal or industrial waste dumps.
- **Type II:** mixed housing (shacks and prefabricated houses) with some basic infrastructure including electricity, tap water, and sewage systems, which are often used on a permanent basis, usually in the vicinity of a built-up area.
- **Type III:** often impoverished urban neighbourhoods with houses, apartments, and prefabricated houses.

Most Roma live in substandard housing with limited access to basic amenities. Geographic isolation and socio-spatial segregation worsen their marginalization. In 2021, Greece's Statistical Agency revealed significant deficits in infrastructure within Romani settlements, with various essentials lacking.

The European Commission against Racism and Intolerance (ECRI) recommends – in line with §§ 6 and 17 of ECRI's General Policy Recommendation No. 13 on combating antigypsyism and discrimination against Roma – that Greek authorities ensure that Roma are not evicted illegally without proper notice or opportunity for rehousing in decent accommodation and, in this context, enjoy effective access to adequate legal aid (ECRI 2022, 25).

Forceful evictions not only result in fines and criminal charges but also contribute to social exclusion and criminal records for its victims, significantly hindering employment prospects and societal integration. Beyond the direct act of eviction, whether via legal means or not, additional indirect methods are employed such as continuous prosecutions and fines for offenses like electricity theft, illegal occupation, and unauthorized construction. An absence of mechanisms to enforce social housing policies calibrated to the situation of Roma living in marginalized and excluded areas, together with not holding local authorities to account, breach the European Social Charter as seen in collective complaints against Greece (International Centre for the Legal Protection of Human Rights 2008; ERRC 2003).

Specifically, forced evictions without the provision of alternative accommodation, alongside discrimination in housing access, have prompted two collective complaints before the European Committee of Social Rights (ECSR) under the European Social Charter, as well as two decisions by the United Nations Human Rights Committee.<sup>[1]</sup> These bodies concluded that the evictions of Roma violated established standards. Presently, the case study analysed in this paper is pending before the European Court for Human Rights and is led by the author of this article. The Court, after initially issuing an interim measure in 2023, later prolonged it indefinitely, suspending the eviction of Romani residents due to the municipality's insistence

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<sup>1</sup> *Georgopoulos and Others v. Greece*, Communication No. 1799/2008, views adopted on 29 July 2010; *Cultural Association of Greek Gypsies Originating in Halkida and Suburbs 'I Elpida' and Mr. Stylianos Kalamiotis v. Greece*, Communication No. 2242/2013, views adopted on 3 November 2016.

on eviction without providing alternative accommodation. This ruling is exceptionally rare, since interim measures are typically designed to address matters for a limited and short period (Tsiakalos 2023, 96–97). Additionally, according to the ECSR, Greece violates Article 31 of the revised Charter by failing to provide adequate and permanent housing for the Romani population. The government has not addressed adequately the severe shortage of permanent dwellings, forcing many Roma to live in degraded camps lacking essential services like electricity, sanitation, and water. Additionally, temporary camp sites are scarce, and forced evictions occur without suitable alternatives, further destabilizing communities. Although initiatives have been established, their implementation has been slow and ineffective, resulting in ongoing substandard living conditions. Reports from various organizations confirm that despite some governmental efforts, Roma's living standards remain unacceptable, highlighting Greece's non-compliance with the Charter's requirements to protect housing rights and ensure adequate living conditions (Conclusions 2019 – Greece – Article 31-1 2019/def/GRC/31/1/EN). Instead of Roma who live in these conditions being protected, tens of thousands of Romani residents face criminal liability nationwide due to their dire living conditions stemming from authorities' failure to provide suitable housing, public services, and utilities. In essence, environmental racism flips them from victims to alleged perpetrators.

## The Tsairia Settlement

Nestled alongside the Thermaic Gulf, the informal settlement of Tsairia is situated near Thessaloniki's airport and rests under the jurisdiction of the municipalities of Thermaikos and Thermi. Despite its isolation from the urban fabric, the Romani community has called Tsairia its home for over three decades. According to the 2015 Operational Action Plan for Roma Social Inclusion of the Central Macedonia Region, the Tsairia settlement lies near city limits yet is disconnected from its urban infrastructure. The land parcels housing the huts and shacks are owned by the University of Macedonia and originally were designated for expansion, a plan that has since been abandoned by the university, with efforts now underway to return the space to municipal ownership. Additionally, the area has been earmarked for sale by the Hellenic Republic Asset Development Fund S.A. Romani communities have inhabited this area for nearly 30 years. Despite ongoing efforts to find a durable resolution to the conflict, the housing issue remains unresolved. This impermanence has led to frequent changes in the population and the temporary nature of housing construction. Roma selected this location for settlement according to their accounts. Transportation to and from the settlement is primarily by car, public transport, or on foot.

It is essential to note that Romani residents have consistently expressed their willingness to relocate to better living conditions closer to the city. However, forced evictions, without assurances of alternative accommodation and support, could worsen the situation for the remaining 30 families.

According to Kuletz (1998), when development projects emerge in central urban areas, Romani communities often face displacement due to rising property values and pressure from developers. This process disrupts their social networks and access to essential services, perpetuating cycles of poverty and marginalization. This is illustrated clearly in the context of the Tsairia settlement.

This issue is linked to the New Special Spatial Plan for Thessaloniki's coast, which aims to revitalize the coastal region of Thermaikos and develop it into a key marine recreation zone for Thessaloniki. A study indicates that the planned development activities focus on the Tsairia settlement area, necessitating the relocation of its Romani residents (Kouskouni 2020). Additionally, Tsairia is strategically located at the centre of an ongoing development plan for a neighbouring technology park, as reported by local news sources (*Metrosport* 2019). The park's environmental impact assessment reinforces the notion that the removal and relocation of the Romani community is an inherent and necessary component of this development initiative (Eurotec 2021). As the study notes:

Within the Direct Impact Zone, no conflicts over land use are found, since most of it remains unstructured and unused, while no nuisance or pollution facilities are found. However, an arbitrary [G]ypsy camp in the centre of the Alexander Innovation Zone could be perceived as 'unwanted use', not so much because of the arbitrary settlement (given that the surrounding area consists of wasteland and farmland), but because of frequent delinquency and environmental pollution (uncontrolled burning of vehicles and tires, among others, the odours and smoke of which are a nuisance to neighbouring residential areas of P.E., and the uncontrolled dumping of construction waste, rubble, and so on); this has created conditions that exacerbate social pressures and conflicts, with the final recipient of the local community's complaints being the municipality of Thermaikos and the police. Therefore, in the context of a more general consideration and targeting of this Special Urban Plan, the removal/relocation of the said [G]ypsy population to another location and the consolidation of their current position is considered self-evident (Author's own translation).

Tsairia lacks essential infrastructure like sewage and water supply networks. Residents once pumped water from a source located 200 meters away, but it was sealed during the pandemic according to Romani residents. This forced residents to carry water in containers, leading to fines for curfew violations during a strict Covid-19 quarantine and lockdown. Additionally, no waste bins are present and no waste is collected, posing a public health risk as confirmed by the regional government (Ministry of Digital Governance 2015, 83) and a 2020 County Court ruling (Parallaxi n.d.).<sup>[2]</sup>

In 2019, the settlement's access road has worsened, hampering regular vehicle movement and exacerbating flooding. Sadly, a child's tragic death occurred in 2020 when they fell from a truck (*News247* 2022). Despite persistent requests for road repairs, no action has been taken.

While most children attend school, their education is greatly affected by their living conditions. The absence of a school bus service forces children to walk long distances. A video that was produced within the framework of the ENVIROM Network, developed by the Dendropotamos Roma Women's Association, and funded by a grant of general support from the Open Society Foundations, together with the UNICEF Office in Greece, demonstrates these struggles (UNICEF Greece 2023).

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<sup>2</sup> The objection of the residents of the Romani settlement in Tchsairia of Peria was accepted. Any eviction without being accompanied by a relocation measure is illegal.



Figure 1. Substandard housing at Tsairia, Thessaloniki, Greece by Georgios Tsiakalos, 22 September 2022

Environmental injustice in Tsairia is compounded by the continuous illegal dumping of solid waste near the Romani settlement. This area serves as an unregulated disposal site for construction waste and discarded appliances, often originating from non-Romani individuals and even companies (BestCity 2023).

This location also serves as an unauthorized site for salvaging metals and other materials, damaging the local ecosystem and multiplying the vulnerabilities of Romani residents. Importantly, there is no evidence implicating Romani residents in these environmental violations (Stefanidou 2023).<sup>[3]</sup> Moreover, Romani residents claimed that they had caught outsiders setting fires near the settlement, apparently in an effort to cast blame on Roma (Thermis News 2019). Nevertheless, residents are blamed collectively, fostering antigypsyism that justifies and enforces their forced eviction.

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3 As the article notes: “On 23 September 2019, an eight-member committee of the ‘Citizens’ Movement’ knocks on the door of the Prosecutor for Prosecution and Environment and files a criminal complaint, co-signed by 551 citizens and accompanied by 2,000 signatures of protesting citizens. This complaint was archived on 11 April 2022, due to unknown perpetrators.”

As mentioned, a citizens' movement against environmental crimes with a strong social media presence played a pivotal role in the decision to evict the remaining residents (Stefanidou 2023). Their intention was a good start, but far-right and extremist elements infiltrated the initiative, triggering extreme anti-Romani sentiment and even incitements to violence.

## Forced Evictions: Legal Aspects and Community Advocacy

Forced evictions and the legal battles surrounding them have been central to the experiences of Romani residents of Tsairia. These evictions serve as a stark example of the interplay between antigypsyism and environmental injustice.

In September 2019, many make-shift homes were destroyed (Makedonia 2019). On 25 September 2019, the mayor of Thermaikos posted on social media: “With all the objective difficulties we faced, we managed to remove the thorn from our area, and I see all of you helping for the final good result, I thank you all. We have received an environmental, health, and humanitarian ‘bomb.’”<sup>[4]</sup> The mayor claimed in his post that 205 out of 210 shacks were removed; this, however, was immediately rebutted by the remaining Romani residents, who claimed to be more than 30 families.

The municipality of Thermaikos issued a protocol of administrative expulsion in October 2019, without ensuring the provision of alternative accommodation, despite the fact that the settlement is recognized officially by the Greek National Roma Contact Point as a Type I settlement requiring relocation and other measures. A range of legal challenges, both at the national and international level, were initiated against this decision by many remaining residents who are represented by the author (Stefanidou 2023).



Figure 2. The access road to Tsairia by Georgios Tsiakalos, autumn 2019

<sup>4</sup> Georgios Tsamaslis, Facebook, 25 September 2019, [https://www.facebook.com/permalink.php?story\\_fbid=2715295108521815&id=100001240577265&ref=embed\\_post](https://www.facebook.com/permalink.php?story_fbid=2715295108521815&id=100001240577265&ref=embed_post).

Residents faced multiple charges such as electricity theft, land occupation, and non-permitted building, leading to hefty fines. According to residents, these charges are aimed at creating an indirect eviction and were initiated approximately at the same time as the evictions of 2019 – and continued even during the pandemic. The author has been defending many residents in the courts but providing *pro bono* representation for all is not feasible.

## Legal Challenges



Figure 3. Illegal waste at Thessaloniki, Greece by Georgios Tsiakalos, 1 October 2022

Tsairia residents, assisted by legal counsel, challenged the eviction decree. It is pertinent to note that the decision was not disseminated to all residents, and some individuals named therein had moved on. Despite these inherent complexities, a majority of the remaining residents came together to navigate a demanding legal proceeding.

The legal recourse undertaken rested upon the infringement of provisions within the European Convention on Human Rights, with a specific emphasis on Articles 2, 3, 8, and 14. These violations

were rooted in the adverse impact of the forced evictions, compromising their right to life, especially in the context of pandemic-induced risks, encroaching upon their right to private and family life – as spelled out similarly in the *Yordanova and others v. Bulgaria* case (European Court of Human Rights 2012) – and the prevention of discrimination based on their Romani origin.

The opposition to the administrative protocol was accompanied by an injunction to immediately suspend its execution, which was granted. Subsequently, on 10 March 2020, the County Court of Thessaloniki annulled the eviction order.

The Court underscored the necessity to secure alternative accommodation before effecting eviction, thereby safeguarding the well-being of the community and stopping a vicious cycle. This decision was grounded in the doctrine on the abuse of rights, as no instances of adversarial actions against Tsairia residents had been launched during their decades-long habitation, thereby casting doubt on such claims at that juncture.

On 7 February 2022, the Appellate Court reversed the prior decision, affirming the legality of the administrative eviction protocol. This ruling placed significance on a comprehensive list of alleged

infractions encompassing the entire settlement compiled by the police. It included a range of offenses attributed to Roma, such as burning plastic, disturbing the peace, itinerant trade, and traffic violations during the sale of their goods. Furthermore, with a simple assumption that all Roma are nomadic in nature, the ruling presumed that Romani residents would not suffer harm from their forced displacement. It should be noted that some of the plaintiffs tried to relocate to another municipality far from the settlement, only to face serious opposition from any new neighbours. As a Romani resident who made efforts to relocate attests, non-Romani parents will not send their children to school where Romani children attend (*Thermis News* 2019). Local elected officials in this municipality attest to residents' strong opposition to Roma settling in their neighbourhoods (*GR Times* 2019).

Immediately after notice of the appellate decision, on 8 February, the author agreed to represent the applicants and made a Rule 39 request for interim measures before the European Court of Human Rights. The European Court of Human Rights initially granted an interim measure, which was later extended multiple times. On 17 March 2022, the Court decided, in the absence of sufficient official assurances regarding alternative housing for the applicants and their minor children, to prolong the interim measure. This measure instructs Greece to refrain from evicting the applicants until further notice, effectively for an indefinite period. This decision has been hailed as a significant precedent for future cases involving forced evictions of marginalized communities, particularly Roma. As of the date of this document, an eviction has not been carried out.

## Current Developments

Despite the European Court of Human Rights' prohibition against evicting the applicants, no effort has been made to relocate them to a better site. Nonetheless, the development of the technology park progresses; it will be built in the area where the applicants currently reside and has received both a Spatial Building Plan and funding from the Recovery and Resilience Fund (Karagiannis 2024). As mentioned in a recent meeting with developers, the mayors of Thermaikos and Thermi, the Hellenic Police, and the Ministry of Social Cohesion and Family, preliminary roadwork restoration will be carried out to ensure that heavy vehicles can use the road before starting the project. Simultaneously, the clearing of the green areas will proceed gradually. However, finding a solution to relocate the Roma community remains challenging, as it requires significant time and the allocation of suitable land. The same article by Karagiannis mentions the position of the president of the development company of the technology park, who acknowledged that: "It is indeed a problem as they are right next door, but I think that as work progresses they will also understand that they will have to leave from there" (Eliades 2024).

It must be noted that a shelter for stray animals that also was in the area is being relocated (Proiou 2024). During the latter part of 2024 and into February 2025, residents reported a heavy and daily police presence in the entrance of the settlement, along with numerous prosecutions and arrests for electricity theft and other violations. Even when they attempted to restore service to their only malfunctioning water faucet, they were arrested. Residents believe these incidents represent yet another indirect attempt to evict them. The residents are preparing a complaint before the Greek Ombudsman.

## Conclusion

This case study highlights the intersection between environmental injustice and antigypsyism. Romani residents of Tsairia grapple with abysmal living conditions, inadequate access to basic services, and the looming threat of forced eviction. The alleged lack of infrastructure has been used as a pretext for eviction, obfuscating the role of antigypsyism in perpetuating these injustices.

The rhetoric of collective criminality, a clear manifestation of antigypsyism, influences local elections where candidates often are judged on their willingness to evict Roma. This not only fuels antigypsyism but also undermines Greek democracy.

At a critical moment when Tsairia's residents were smeared with accusations of environmental crimes and a campaign was initiated aiming at their eviction, the author was compelled to defend them, recognizing the transformative impact of interacting with vulnerable communities as part of a life-long dedication to the cause of justice. Tsairia's residents have demonstrated remarkable resilience, using community-based advocacy, legal avenues, and media attention to challenge their forced eviction. This case serves as a milestone in combating forced evictions of marginalized Roma communities in Greece, setting a precedent for future cases.

In conclusion, the Tsairia case highlights the urgent need to address environmental injustices and racism against Roma communities in Greece and Europe. It also calls for a restorative environmental justice model, which includes reversing fines and criminal penalties and investigating and addressing the health issues of those affected.

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# ‘Designated Sites’: A Review of the Photography of Valentin Merlin

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“Designated Sites” is the expression used by French Travellers to describe the stopping places where they are forced to live by the authorities.<sup>[1]</sup> In France, there are over 1,200 official caravan sites for French Travellers. The photographer Valentin Merlin travelled around the country to document those places and has photographed over 230 of them since 2015.

Valentin Merlin wanted to go against the prevailing tendency in Western photography to represent so-called *Gypsies*. He writes:

You know as well as I do those stereotypical photographs featuring children’s faces, men with guitars and women in long skirts. The ‘Designated Sites’ project shows no people, you will see no one in the pictures, just the sites where the French State is keeping those who have chosen to continue living in caravans. What characterizes those caravan sites is that they are almost all located in problematic places: near cemeteries, waste dumps, factories, motorways, and so on.<sup>[2]</sup>

Figure 1.  
Clermont-Ferrand, Puy-de-Dôme by Valentin Merlin, 2020



1 In French, *terrains désignés*. The French government calls these caravan sites, *aires d'accueil*, literally in French “welcoming areas”.

2 Valentin Merlin, “Série ‘Terrains désignés’”. In *Barvalo. Roms, Sinti, Gitans, Manouches et Voyageurs...* Marseille: Anamosa/MUCEM, 2023, p. 208–207.

Figure 2.  
Saint-Germain-en-Laye, Yvelines by Valentin Merlin, 2020



Figure 3.  
Figeac, Lot by Valentin Merlin, 2020



Indeed, photography has the power to show places in a new way. Valentin Merlin asked himself how he could shed light on the environmental segregation suffered by French Travellers. The answer was quite straightforward: by enlarging the frame, by taking a step back and by making visible what surrounds a caravan site – a railway, a nuclear power station, a highway, for example. To use his own words: “I climbed up in trees, on electricity poles, on the roof of my truck to document and to produce evidence that French citizens are being placed under house arrest in places that are hostile to all forms of life.”

What we learn from Valentin Merlin’s photographic project is that if you are categorized by the French authorities as *gens du voyage* [Travellers] and if you do not own a piece of land, you are obliged by law to live in specific places chosen by the local administration. The photographs reveal that the places chosen to accommodate so-called *gens du voyage* are marginal areas. These areas are considered unsuitable for housing, often for environmental reasons. But as dedicated caravan sites are not classified as residential sites – because a caravan is not recognized as a residence – it is therefore possible for local authorities to build caravan sites very close to chemical plants or highways.

The “Designated Sites” photographic project shows not only that French Travellers are victims of environmental inequalities but also that France does not respect the Universal Declaration of Human Rights which states that “everyone has the right to freedom of movement and residence within the borders of each state.”<sup>[3]</sup> So-called *gens du voyage* are forced to live in guarded enclosed places, surrounded by

Figure 4.  
Givors, Rhône by Valentin Merlin, 2019



3 Article 13 of the Universal Declaration of Human Rights.

fences. Most of the time, those sites are being run by private companies who make a profit by having Travellers live in polluted and dangerous areas.

As we remember the colonial legacy of photography, projects such as Valentin Merlin's can become reliable allies in the fight against environmental inequalities.<sup>[4]</sup>

Figure 5.  
Petit-Quevilly, Seine-Maritime by Valentin Merlin, 2019



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4 To learn more about French Gens du Voyage facing environmental inequalities, see Lise Foisneau, "Dedicated Caravan Sites for French Gens du Voyage: Public Health Policy or Construction of Health and Environmental Inequalities?" *Health and Human Rights Journal* 19 (2): 89–98, 2017.

Figure 6.

Hellemmes-Ronchin, Nord by Valentin Merlin, 2019



Figure 7.

Rive-de-Giers, Loire by Valentin Merlin, 2019



Figure 8.

Riom, Puy-de-Dôme by Valentin Merlin, 2020



# Leveraging the European Green Deal for Roma: Reflections on the Roma Environmental Justice Conference Organised by the European Environmental Bureau in Cluj-Napoca, Romania, 2023

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## Recognition and Summary Statement

With an ambitious title, “First Roma Environmental Justice Conference – Leveraging the EU Roma Strategic Framework”, the European Environmental Bureau (EEB) invited academia, civil society organisations, policymakers, and public authorities to discuss environmental racism as a policy concern under the national Roma strategic frameworks, as well as other national policies regarding education, employment, environment, housing, and social protection policies in Cluj-Napoca in October 2023 (EEB 2023).

Together with the publication of its flagship report, *Pushed to the Wastelands: Environmental Racism against Roma Communities in Central and Eastern Europe* (Heidegger and Wiese 2020), and a more recent follow-up, *Bearing the Brunt: Roma and Traveller Experiences of Environmental Racism in Western Europe* (Marin 2024), the conference was an attempt to engage Europe’s largest network of environmental citizen organisations with the inequalities that Roma in Europe face regarding their exposure to environmental pollution and harm.

However, if the topic is to gain a foothold in current environmental policymaking at the EU level, sustained efforts and active linkages are required between environmental injustices faced by racialised communities in Europe and today’s most dynamic environmental policy field in the EU – that is, climate change adaptation and mitigation under the European Green Deal.

Both academics and policymakers attended this three-day event in Cluj. The first day, dedicated to a closed workshop for civil society organisations, aimed to work on a Cluj Manifesto for environmental justice. On the second and third days a public conference, with experts and academics devoted to the topic, took place. Its location allowed for a field visit to one site that has become infamous for environmental injustices faced by Roma – the landfill Pata Rât, which participants toured on the last day.

Contributions included concrete case studies on environmental injustices, analysis of the limitations of currently available qualitative and survey data, as well as reflections on the way these injustices are addressed in current policy frameworks. During the opening panel, Thomas de Jong from the European Public Health Alliance pointed out the effect of climate change on increasing extant health inequalities. Gabriela Hrabánová, Director of the ERGO Network, pointed out how NRSFs (National Strategic Reference Frameworks) currently omit most environmental aspects. Diego Marin (European Environmental Bureau – EEB) presented an overview of the case studies of the new EEB report *Bearing the Brunt* that show existing and historically entrenched forms of environmental injustices against Roma in cities in Western Europe. Isabela Mihalache (ERGO Network) analysed the EU Roma Strategic Framework for Equality, Inclusion and Participation for 2020–2030 (ERSF) and found a comprehensive consideration of Environmental Justice (EJ) in only four schemes (Croatia, France, Hungary, and Spain). The most advanced was Spain, where the NRSF aims for horizontal integration with the National Energy Poverty Strategy. The ERSF includes one section on environmental injustice that tackles unequal exposure to harm through desegregation.

The afternoon section of the conference dealt with Roma inclusion and the European Green Deal. Andrey Ivanov, from the EU Agency for Fundamental Rights, presented data sources that speak to environmental

injustices faced by Roma. Enikő Vincze (Desire Foundation) presented existing injustices related to the placement of landfills where the Aarhus Convention is *de facto* not followed by many countries that have ratified it. Vincze concluded that the environmental aspects of social inclusion are not part of the European Pillar of Social Rights. Finally, Jekatyerina Dunajeva (Pázmány Péter Catholic University and HUN-REN Centre for Social Sciences) looked at the component of the European Green Deal concerned with upskilling for the green transition. Collectively, these presentations revealed the pervasive nature of environmental justice that needs to be addressed by policy measures.

## Critique and Contextualisation

While these contributions to the unjust distribution of environmental harm are important, what is missing is more systematic engagement with how, after we established the fact of unequal exposure, this problem should be dealt with. Specifically, it remains unclear which policy area the problem of environmental justice should inhabit. My personal view is to locate environmental injustice in Europe's current green transition, and firmly anchor it into policies addressing the climate crisis.

The climate crisis is one of the concerns which has triggered an expansion in EU social policymaking capacity (Miró et al. 2024). With the European Green Deal, the European Commission adopted an ambitious set of initiatives to make the continent carbon-neutral by 2050 with the declared goal of “leaving no one behind”. This momentum could be used for Roma inclusion by contextualizing the environmental injustice these communities face within the current discussion on climate and energy justice.

## Relevance of Environmental Justice for Climate Change Adaptation and Mitigation

Environmental injustice is exacerbated by climate change. Overheating and floods tend to be worse in areas with high pollution and little green infrastructure and access to basic services. The idea that inequalities shape (access to) climate change adaptation and exposure to extreme weather events was spelled out in the 2022 briefing “Towards ‘Just Resilience’: Leaving No One Behind When Adapting to Climate Change” by the European Environment Agency (2022) and in the background report to this briefing by the European Topic Centre Climate Change Adaptation (ETC/CCA) entitled “Social Vulnerability to Climate Change in European Cities – State of Play in Policy and Practice” (ETC/CCA 2018). The concept of “just resilience” has very recently been added to Commission Guidelines on Member States' adaptation strategies and plans (European Commission 2023).

The question of how “just resilience” could be measured and monitored, what the indicators could be, is currently being developed (European Topic Centre Climate Change 2023). Currently, the concepts used to define and methods used to measure “social vulnerability” suffer from significant weaknesses. First, it categorises “Sinti and Roma” as homeless and “difficult to map” populations. Second, the report “unequal exposure” proposes including “vulnerable groups” in climate change adaptation via emergency measures

(instead of systemic solutions) (ETC/CCA 2018). Environmental justice has important insights to offer here. From environmental justice studies we see the workings of environmental racism against Roma as it is entrenched in institutions, which throws the question of “difficult to map” back at the institutional practice of mapping, and the racist, and other, exclusions caused by this practice (epistemological injustice). Second, the plethora of case studies of decades-long environmental injustices bear witness to the need for systemic solutions, such as providing adequate housing instead of “heat shelters” for those currently most exposed to extreme weather events.

Second, environmental justice and environmental racism affect the integration of vulnerable populations into climate change mitigation policies. One of the most important among them is the upcoming decarbonisation of the housing stock which will impact energy costs – especially for those households that cannot afford to switch to renewables and that cannot adequately insulate their houses. With the most recent adoption of the Energy Efficiency Directive recast (European Union 2023), more and more emphasis is put on making such renovations accessible to low-income households. However, just transition policies still pay little to no attention to the way in which the unequal access to basic goods and services is shaped not only by low-income but compounded by other inequality dimensions, such as gender and, importantly in this context, belonging to a group that faces racist discrimination.

## Conclusion

The EU Anti-racism Action Plan 2020–2025 (European Commission 2020) acknowledges that “high levels of inequality among people with a minority racial or ethnic background represent an obstacle to sustainable development”. However, just transition policies so far fail to address the risks that racist discrimination poses to sustainable development, or how to ensure the inclusion of racialised groups in the green transition (Civil Rights Defenders 2023). This significant blind spot can be highlighted via the diverse perspectives and insights shared at this conference.

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