



ROMA NATIONAL CONGRESS

UMBRELLA ORGANIZATION OF THE EUROPEAN ROMA CIVIL RIGHTS MOVEMENT

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Proposal for the Settlement of the Class Action Suit against Swiss Banks October 1999

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7. The Settlement

For the first time in the history of Roma in the context of the Holocaust and its reparations, Roma are not in the positions of beggars. For it is what they turned out to have to be, beggars in their own country begging for recognition of their fate, often from the very same people who sent them to their fate. We are therefore extremely thankful to those, especially in the USA who brought the class action suit against the Swiss banks, and important in our eyes, who proposed that Roma should be included and who proposed they should receive their share. Whatever comes out of it, we, as representatives of many of those victims are already happy about this inclusion and explicit acknowledgement of the Roma fate.

In the context of the current class action suit against Swiss Banks and on behalf of victims of the Holocaust and its Settlement we are thus advocating the creation of a foundation. This especially in view of the precedents and the specifics we have presented above.

This foundation, for both the victims in the sense of the German Haertefonds and for the Roma at large in the sense and idea of the foundations whose aims we have presented very briefly should be Europe based, under democratic control and totally transparent.

Let us thus go into the details of the how as well as into the structure of such an entity and how it should be structured and function.

8. The Foundation

a. The Foundation's Aims

The Foundation's aim would be to help Roma, first the victims of the Holocaust and also all the others, namely those who are living now. For the largest injustice of the Holocaust can never be repaired. One cannot bring the dead back to life and one needs also to think about the living. This help would work along two lines.

- First, a fund for payment of pensions to victims of the Holocaust themselves, and for as long as they live
- second, for financing projects enhancing the situation of Roma at large throughout the world. The range of these projects is almost unlimited and will be presented in detail below.

One should also keep in mind that the current upheavals in Europe, the fall of communism and the rise of nationalism has put the Roma under an extreme pressure. Everywhere countries are trying to establish themselves along purely national or even ethnic identities. Example abound, the most actual and notorious being the former Yugoslavia. For Roma, who have a truly European - opposed to national - identity, this represent a turn for the worse or even a step backwards in history. It will remain the irony of the last years of the twentieth century that Europe is trying to build itself while countries are busily cleaning up their ethnical and cultural identities, often at the cost of Roma.

b. Repartition

Our aim is by far not to deny victims their Rights and money, on the contrary, the aim is to provide the victims with both the actual "reparation", if such a word can be used as well as to provide them with the security in their surrounding and the knowledge that their plight and survival will help their children and other Roma to better their currently often dreadful situation.

To that end we envision that whatever amount of money is to be given to Roma in the context of this – and possibly following²⁶ - class action suit, this money is to be invested according to strict guidelines and that the proceeds of this investment are to be shared between actual victims and community projects.

²⁶ Such as the current class action suit against the industries which employed slave labour.

In the beginning phase of such a foundation, we do believe that two thirds of the proceeds – the interests on the principal – should be handed out directly to the victims in the form of a monthly stipend. The other third would then be used for projects, according to the foundation guidelines and decided upon by the foundation's Board of Experts.

c. Administrative Costs

The administrative costs have to be held at a minimum. Our calculations and experience show that the overall costs will be held at under 1%, so as to allow the maximal amount of money to be paid to victims and projects. This will mean a lean staff and a Board working on a voluntary basis. This low estimate is based on our longstanding experience in Roma projects all over Eastern Europe, both for the Soros Foundations' Network and for the German Haertefonds - special funds set up to deal with pensions for Holocaust survivors²⁷.

These cost reduction for the foundation's work is made possible by the presence of RNC's affiliated organizations in most countries which would act as local offices to help find potential recipients as well as to help these to fill out the application forms. Thus, the foundation would not need any field infrastructure. The foundation's staff can thus be held at an absolute minimum.

d. Victims

In view of the problems and specifics of the Roma situation, we envision that the Foundation will issue clear guidelines as to who would be entitled to a monthly stipend. Our current idea – which may be subject to amendments – is that all Roma who survived this horrendous period should be entitled to this aid. It is also clear that this help is meant to be an acknowledgement of their plight during the War and this for as long as they live; for once, Roma should not have to beg and prove what was done to them but feel the recognition of their sufferings.

The required documentation needs to be established by the Board of the foundation. In our view, this should not be restricted to official papers but should also allow interviews with cross-checking and fact finding so as not to exclude Roma from many countries.

²⁷ The RNC and especially the Roma and Sinti Union - Hamburg - Germany has been working for the last decade with these funds - both in its board and in its organisation.

The initial stage of this work would be constituted by an information campaign aimed at all possible recipients. This campaign would start upon the final Settlement and would be based on the preparatory work done in conjunction with Kinsella Communication during the last months.

Only individual applications will be considered but Roma grass-root organizations may help these potential recipients to establish their credentials and obtain the necessary documentation. The Board will then decide who will receive the stipend and the amount drawn for the 2/3 of the interests on the principal will be decided upon. This leaves money for further applicants as both the experience of the German Haertefond and the Swiss Fund for Needy Victims of the Holocaust have shown that applicants require time.

e. Payments to Recipients

The foundation will pay the pensions directly to the recipients. This is possible in most countries simply via Post Office payments - the recipients having to identify themselves. This provides a simple, cheap and reliable mean of payment and suppresses possible corruption, as unfortunately happened in the case of the Swiss Fund for Needy Victims of the Holocaust Shoa. In countries where this is not quite possible (i.e. Byelorussia, Serbia etc.) other means can be implemented via existing neutral organizations and agencies.

f. Projects

i. Aims and Scope

The aims of projects are twofold. First, enhance and improve the situation of Roma and second, empower the Roma themselves to decide upon their future. This scope is wide enough to allow for projects in many different fields, and, our experience in Foundation's work with Roma in Eastern Europe shows that a lot can be achieved through such community projects.

ii. Fields of Interest

Broadly stated, two main directions are to be considered. The first one concerns grass-root programs and projects, the second being human Rights and information to combat the prevailing attitudes among the general population. We need to stress here that these projects should come from the Roma community and be run by Roma - although external help from non-Roma is of course possible.

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- **Grass Root Projects:** These include projects in the field of **education**, for example to integrate Roma in the regular educational system or to allow them to survive in the current economical situation; in the field of **community projects** aimed at bettering the living conditions of Roma; **business**, helping the Roma setting up their means of existence; **culture**, aiming at maintaining and furthering it but also at sustaining and improving the sense of unity among Roma; **civil society** projects, such as helping Roma to obtain the necessary documents such as passports etc...; **media**, aimed at both Roma and non-Roma alike; **health care**, both in information and prevention and many more worthy possible projects.
 - **Human Rights and Tolerance:** Much needs to be done in this direction. This includes campaigns to better the understanding of Roma in the population at large; projects aiming at providing legal defense and representation for Roma; community centers where the needs of the Roma community can be assessed and which can provide the necessary help from within the community; global actions to improve legislation in given countries concerning Roma etc.

iii. Seed Money

An important task of such a foundation is to provide seed money. In many cases, projects can be financed in part or almost wholly by other foundation or governmental agencies. What is often missing to unlock these funds are the first few percents of the financing. Thus, one of the foundation's aims will be to select projects which can then be financed in part by other agencies as well as to provide the applicants with both the necessary expertise and help to find these other sources of funds²⁸.

²⁸ The experience of the Soros Rroma Foundation shows that this has happened as many of the projects which were originally exclusively funded by this foundation have by now attracted many other sources of funding.

9. Organization of the Foundation

Such a foundation, with its international aims and activities needs to be set-up as an independent legal entity subject to regular laws and reporting. The organization thus follows the usual guidelines of foundations. Its organization comprises a Board, a Board of Experts and a staff and director.

- The **Board's** responsibilities will be threefold. First, to oversee the activities and accounting of the foundation on both the financial and the projects' side, deciding for example, second to lay the general guidelines and decide how much finances should be allocated and finally appoint investors and oversee the investment of the Foundation's capital. The Board will also be responsible for the decisions on both projects' applications as well as about the survivor's applications. It will also be responsible for asking Supplementary information should the need arise.
- First of all, such a foundation needs qualified people in both its Board and staff. People who have already dealt with the establishment of such a foundation for Roma, who have already years of experience and expertise in the field of Roma NGOs in grass-root projects are selfless, integer and respected by the Roma community at large. One should - and we are opposed to - to selection along ethnic or cultural lines. We do want unity and quality. Unity in the goals and quality in the work. Fortunately, a pool of qualified people does exist. So as to guarantee a safe and sound investment of the funds, we have already spoken to several Swiss bankers and have verbal agreements. We have already several other potential members in mind and are more than willing to present you with their curricula and other details.
- The **Staff and Director** are responsible for the day to day business of the Foundation as well as for the information and co-ordination between the boards and applicants. It will be responsible for payments (as approved by the Board of Experts), for the reviewing of projects as well as for helping successful applicants to find additional funds from other sources.
- **Statutes** will of course depend on the law of the country in which the foundation is established - i.e. Switzerland. Most important, the statutes will include the restriction that the foundation's capital not to be spent as well as the specifics of the board's responsibilities and duties about

the investment of the mentioned capital²⁹. All these details can be set and discussed while establishing the foundation.

- An **ombudsman** will be put in place to both follow up on complaints on the part of applicants and to mediate between the foundation and other organization or Roma.
- An **independent controlling institution** will be set up to assess the use of the funds and the proper completion of both projects and the foundation's activities.
- The Foundation will be put under the overall responsibility of the Roma National Congress. This, together with the democratic election of Board members and the overall control of the activities of the foundation will ensure the proper use of the Assets at hand.

²⁹ Note that in many countries, a foundation's capital is by law inalienable.

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