

The NGO Role in the Diffusion of EU Ideas and Policies

Melanie H. Ram

Department of Political Science
California State University, Fresno
2225 East San Ramon, MS/MF19
Fresno, California 93740-8029
USA

meram@csufresno.edu

Tel: 559-278-5324

Fax: 559-278-5230

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Abstract

This paper brings together the literature on European Union conditionality and transnational NGO advocacy by considering the fundamental role nongovernmental organizations (NGOs) played in the EU's efforts to bring about reforms in countries working to join the organization. Based in part on interviews in Romania, the Czech Republic, and Brussels, and focusing on the case of anti-discrimination and the Roma (Gypsies), I consider both how the EU helped NGOs achieve their objectives and how NGOs influenced the creation and effect of EU requirements on candidate countries from Central and Eastern Europe (now new Member States). I argue that the transfer of EU rules and ideas to candidate countries was not a direct, one-way process, as it often appears in the conditionality literature. Rather, NGOs have played an important, often overlooked, intervening role by translating, supporting, and helping to enforce ideas and policies promoted by the EU. Moreover, the EU did not act independently in its development of conditions on candidate countries. Rather, important feedback loops have influenced EU conditionality every step of the way. On the one hand, the EU was more successful in diffusing its ideas and policies to candidate countries because it directly supported local and international NGOs. The support the EU provided (which supported its own objectives) included funding, capacity-building, agenda setting, role creation, bridge-building, and the provision of norms and conditions as advocacy tools. On the other hand, NGOs helped develop and ensure the implementation of EU rules and norms by "educating" or providing essential information to the EU, enhancing the legitimacy of EU-promoted policies, serving as proxy or handmaiden for the EU to criticize local policies and promote minority rights, and monitoring and enforcing government compliance with EU rules and conditions. The NGO role is frequently disregarded in the top-down EU accession process, but I find that neither NGOs nor the EU would have been successful at advancing or sustaining domestic change in candidate countries on their own.

The literature studying the effects of the European Union's conditions on policy reform in candidate countries in Central and Eastern Europe¹--now new Member States—has tended to overlook the role of nongovernmental organizations (NGOs). NGO advocacy, however, appears to be crucial in some cases to getting an issue on the agenda of EU bodies and national governments, as well as ensuring the implementation of domestic policy changes. At the same time, the EU seems to have been crucial to some of the work of NGOs in candidate countries. In this article, I investigate two questions. First, have EU support and membership conditions been necessary for NGOs and activists to win attention and support for their policy prescriptions? Second, have NGOs and civil society been necessary for getting candidate countries to adopt EU requirements? In other words, was the EU critical to successful NGO advocacy, and in turn were NGOs critical to successful EU conditionality? Did the EU enable NGOs to diffuse their ideas more effectively, and were NGOs also a necessary element in the diffusion of EU ideas? This article uses the Roma (Gypsies) as a case study to examine the NGO role in EU conditionality. In doing so, I hope to present a more comprehensive picture of the EU conditionality process and provide a better understanding of how NGOs promoting the rights of the Roma both benefited from and supported the EU's developing relationship with prospective members. Based in part on interviews in the Czech Republic, Romania, and Brussels,² this article brings together the literature on EU conditionality and transnational NGO advocacy to uncover the links between the EU, NGOs (local and international), and the development of national and international policies on the Roma.

¹ The candidate countries referred to here are the ten countries from Central and Eastern Europe and the former Soviet Union that joined the EU in 2004 (Czech Republic, Hungary, Poland, Slovakia, Slovenia, Estonia, Latvia, and Lithuania) and 2007 (Bulgaria and Romania).

² In addition to an exhaustive survey of NGO and EU documents, data used in this study comes from over 40 interviews I conducted in the Czech Republic, Romania, and Brussels in 2002, 2004, and 2007.

International Organization Prescriptions, Transnational Networks, and Domestic Policy

Change: Exploring the Literature

How international rules and norms affect domestic policies is an issue that has been of increasing interest in recent years to both international relations and comparative politics scholars. A subset of this literature, on “EU conditionality,” focuses on how EU membership conditions influenced policies adopted by countries hoping to join the EU (see for e.g. Ram 1999; Linden 2002; Ram 2003; Jacoby 2004; Kelley 2004; Schimmelfennig and Sedelmeier 2005). A separate, growing body of literature focuses on the influence of transnational networks of advocacy NGOs on domestic policies. Yet, it is surprisingly difficult to find work that combines these two literatures and systematically studies the role of NGOs in enhancing, limiting, or mediating the EU influence or conditions on candidate countries during the accession process. This article links and builds on these literatures in order to better understand this NGO role and the EU’s support for it.

As a number of scholars of EU conditionality and Europeanization have argued, domestic context matters in the translation or impact of international rules and norms on the national level (see for e.g. Schimmelfennig and Sedelmeier 2005; Jacoby 2004). Yet, such scholars tend to overlook or discount the effects of civil society on the success of EU requirements and expectations in changing state behavior. When explored, “domestic context” overwhelmingly focuses on historical legacies, domestic elites, and veto players that may prevent domestic adoption of international rules, rather than the agency of NGOs and other civil society actors that may actively influence the adoption or acceptance of rules and norms.

Moreover, scholars that explore domestic factors in the conditionality process, including the handful that consider the role of NGOs or civil society, draw varied conclusions. For

example, in discussing the adoption of EU social policy in Poland and Hungary, an area in which societal actors might have been thought to play a central role, Sissenich (2005, 175) indicates that non-state actors “have participated only marginally in accession preparations and have not used their direct ties to EU institutions and other international actors to enhance their domestic influence, as conditionality would predict.” This is in part because the non-state actors had limited resources and opportunities for participation. Thus, Sissenich (2005, 175) writes, “the EU rewards intergovernmentalism while urging organized interests to get involved. Rather than offer alternative points of leverage for NSAs [non-state actors], EU accession has reinforced domestic weaknesses in state-society relations.” The intergovernmental nature of EU accession negotiations automatically limited the role of civil society in the development of new policies in candidate countries in Central and Eastern Europe (see Ram 2002; Sissenich 2005, 177). According to Schimmelfennig et. al. (2003, 514), civil society was also quite weak and –their study concludes—“largely irrelevant” in the success of EU conditionality.³

On the other hand, Vachudova (2005, 162) argues that certain domestic groups in candidate countries--especially opposition political parties, but also sometimes civic groups—benefited from the EU’s actions, which provided them with “useful information” and “a focal point for cooperation.” This had the effect of enhancing political competition in illiberal democracies. She explains that “the EU’s active leverage cannot work alone but only in synergy with the efforts of domestic political elites” (2005, 182).⁴ The role of domestic factors thus

³ Studying the impact of the EU on democratization in Turkey, Kubicek (2005) draws similar conclusions regarding the role of civil society. While he believes that NGOs were not irrelevant, he concludes that they were not consequential in the adoption of domestic reforms.

⁴ While not focusing on EU conditionality, McMahon (2005, 17) also notes the importance of considering the “synergy” among various intergovernmental and non-governmental organizations working “to influence governments from above and below.” In a previous article (Ram 2003, 39), I also noted that “domestic and international NGOs, minority parties, and kin states have retransmitted or ‘refracted’ EU norms and demands, often using EU membership conditions and European norms and treaties as powerful tools in getting their interests addressed.”

remains debated in the EU conditionality literature, and the specific role of NGOs (as opposed to elites or other domestic actors) only tangentially explored.

This lack of clarity is surprising given that a second strand of literature—on transnational advocacy networks—suggests that NGOs working together across borders, occasionally with the support of intergovernmental organizations (IGOs) or other external actors, can have a powerful influence on the behavior of states. For example, the transnational network model of Keck and Sikkink (1998) shows how local NGOs may be able to induce policy change with the help of like-minded NGOs in other countries that can put pressure on their governments from outside. Human rights NGOs in states that violate international human rights norms often undertake such an approach (see for e.g. Risse and Sikkink 1999). According to the literature, such networks are often able to change state behavior by socializing states to new norms (see for e.g. Price 1998). In this literature, however, the characterization of how these NGO networks function does not account for the context in which Central and East European NGOs and their international counterparts worked; in this case, the prospect of EU membership was a key motivating factor of domestic policy reforms and directly affected the activities of NGOs. Moreover, the grassroots, “bottom-up” transnational advocacy network model does not describe the Roma advocacy case very well (Ram 2004). How did EU conditionality affect the efforts and ability of NGOs to change state behavior, and how did supporting these NGOs affect the EU’s ability to alter the same behavior? This literature has not sought to answer these questions.⁵

⁵ The related social movements literature has considered the EU as a target of protest (see for e.g. Tarrow 2001), but as Gupta (2008, 77) notes, it does not often consider the EU as a potential facilitator and support to movements. Gupta is one exception, as she explores how the EU affects the relationship between nationalist movements and states, using the European Free Alliance as a case study. Vermeersch (2007, 500; 2006, 212) considers the EU influence on the activism of the Ukrainian minority in Poland and the Romani minority in the Czech Republic, Slovakia, and Hungary and concludes that the EU had little if any impact on minority mobilization. He notes that in the case of the Roma, however, it is difficult to determine whether criticism of domestic policies by IGOs empowered international advocacy NGOs.

I link these two literatures by exploring, in the words of Cortell and Davis (1996, 3), “how international rules become intertwined with the interests and purposes of domestic actors” and may empower such actors in their efforts to influence national policies.⁶ Like Risse-Kappen (1995, 31-32), I recognize that international institutions may “facilitate the *access* of transnational actors to the national policy-making process” and these actors’ demands may be accepted as more legitimate when they promote norms supported by an international regime. Rather than focus on the role of elites or the domestic importance of the issue, however (which in both cases would appear to be low regarding the Roma), I investigate the agency of domestic and international NGOs and ethnic minority leaders and consider how their activities affected the EU’s conditionality and vice-versa.

The EU accession process provides an opportunity to bring together the study of domestic policy response to IGO rules and the influence of NGO advocacy, while adding new dimensions to the study of both processes. The EU gave democratizing states of Central and Eastern Europe very specific requirements and incentives, coupled with external oversight that went far beyond the typical intrusion of IGOs into domestic politics, especially that of non-member states. Candidate countries were in general willing to accept EU membership conditions, at least on a rhetorical level, because of the strong support in their countries for EU membership and the expected long-term economic gains, but certain domestic groups were sometimes strongly opposed to specific changes. Thus, NGOs found themselves in a special environment in which they might have increased leverage due to their country’s EU membership

⁶ Cortell and Davis (1996, 452) find two factors of central importance in determining to what extent an international norm will affect state behavior: the norm’s “domestic salience” or legitimacy and “the domestic structural context within which the policy debate transpires.” From a different perspective, Risse-Kappen (1995, 6-7) investigates under what circumstances transnational coalitions and actors are able to influence domestic policies and argues that it depends on the domestic structures of the state (state or society dominating) and international institutionalization (how much the issue is regulated on the international level).

objective, but reduced leverage due to the incipient civil society in their countries and their general exclusion from government decisions regarding EU accession.

EU Conditionality and Transnational Advocacy: The Roma Case

Absent EU conditionality, the Roma are clearly a tough case for testing the influence of NGOs on domestic policies. Although accounting for a population of eight million or more across Europe, they are not organized into (nor consider themselves) a single community, and they tend to be politically unrepresented, socially segregated, and economically disadvantaged. They also continue to face widespread discrimination. With little public support for ameliorating their situation, governments could have largely disregarded their problems and concerns. Yet, attention to the Roma dramatically increased in recent years at the national and international level (see Ram 2007).

Did governments in EU candidate countries change policies affecting the Roma merely as a result of emerging European norms and EU membership conditions (in combination with the desire to gain EU membership)? Alternatively, did NGOs and the Roma themselves⁷ also play critical roles in government policies affecting them? Finally, what was the interest and role of the EU in supporting such an NGO role, and did the NGOs influence EU conditionality? As the “candidate countries” in the 1990s became new EU Member States in the following decade, these remain important questions from both a theoretical and a practical standpoint. Whether interest and attention remains focused on the still generally deplorable situation of the Roma may very well depend not only on if new policies and programs were adopted, but if *both* the EU and civil society (NGOs and the Roma themselves in particular) are active and capable of keeping

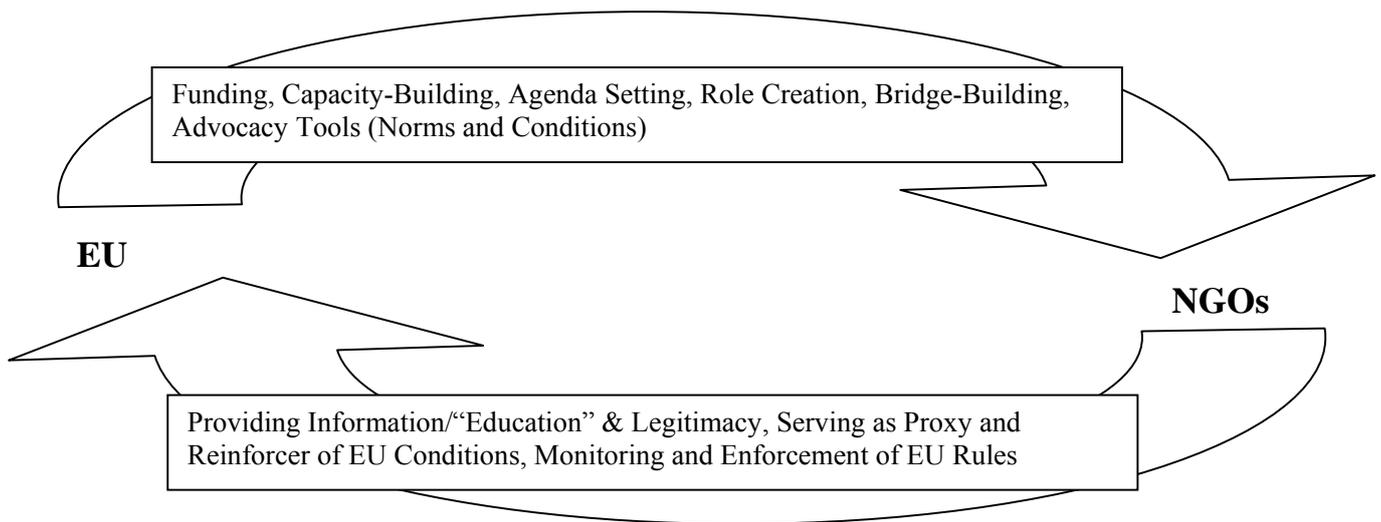
⁷ Many NGOs advocating for the Roma cannot be correctly characterized as “Roma” organizations as they had few Roma staff or leadership. They are labeled here as “pro-Roma organizations.”

the issue on government and IGO agendas and providing viable policy prescriptions. These questions of course also remain relevant for current NGO work in prospective EU members, including in the Western Balkans.

EU Support to NGOs

How did the EU influence the approaches, capabilities, and ultimate success of NGOs advocating for the Roma? As part of the EU accession process, the EU provided various types of direct and indirect support to NGOs that were working to improve the situation of the Roma and influence government policies or programs in candidate countries in Central and Eastern Europe. This support in turn supported the EU’s conditionality efforts. The six main EU inputs that helped NGOs advocating for the Roma were funding; capacity-building; agenda-setting; role creation; bridge-building; and advocacy tools in the form of norms and EU membership conditions (see Figure 1).⁸

Figure 1. The NGO Role in EU Conditionality: The Case of the Roma



⁸ Some of these inputs are similar to those found by Gupta (2008, 63) in her study of EU member states and how the EU affected “the relationship between [nationalist] movements and states that remain the immediate targets of protest.”

Funding and Capacity-Building

What has come to be called the “Roma industry” by some was in its infancy in the early 1990s. The number of NGOs working on Roma issues across Europe (and the number of Roma projects) has grown exponentially over the past decade, thanks in part to the EU. For example, a report on Roma projects in Romania-- itself financed by the EU’s PHARE program and published by a Romanian NGO that works on Roma issues--found 1013 projects aimed at Roma communities implemented by 519 organizations from 1990 to 2000. NGOs (associations and foundations) implemented at least 79% of these projects (other implementers being primarily government institutions). While no more than 20 projects per year were implemented from 1990 to 1992, there were approximately 300 projects in 2000 (Anăstăsoaie and Tarnaovschi 2001, 36-7, 59, 181). Over time, the EU has increasingly provided funding for activities to improve the situation of the Roma generally and to build the capacity and advocacy abilities of Roma NGOs specifically.

Through the PHARE program, the European Commission has been supporting Roma programs in Central and Eastern Europe since 1993, providing approximately €5.5 million from 1993 to 1997 (European Commission 2002; UNDP 2002, 103). EU funding jumped significantly after the European Commission made integration of the Roma an Accession Partnership priority in 1998 for Bulgaria, Czech Republic, Hungary, and Romania, and in 1999 for these countries as well as Slovakia. From 1998 to 2002, the EU spent €64.5 million on Roma programs in these five countries; another €31 million was spent on these programs in co-financing (European Commission 2004a, 4). In total, prior to EU enlargement, the EU provided over €100 million to Roma-targeted projects under PHARE (European Commission 2007).

Only a small percentage of these funds directly supported NGOs—including less than €6 million of the almost €96 million allocated in the five candidate countries above from 1998 to 2002 (European Commission 2004a). These NGO funds nonetheless supported hundreds of projects. For example, in 1998 alone, the PHARE program in the Czech Republic supported 132 Roma projects, many managed by Roma NGOs (European Commission 2002, 8-9). In the Czech Republic and Romania, where most of the NGO funding went, the distribution of the funds was itself managed by local NGOs, helping to build their capacity and experience. Many international advocacy NGOs working on Roma issues have also received some funding from the EU, including three of the most active and well-known organizations focused exclusively on the Roma today--the European Roma Rights Center (ERRC), the European Roma Information Office (ERIO), and the European Roma and Travellers Forum (ERTF). The Open Society Institute (OSI), an international NGO that established local foundations in Central and Eastern Europe, has been another critical source of funding for many Roma-focused NGOs, including initial funding for the ERRC.

Funding from the EU increased the number and visibility of Roma projects and Roma NGOs, increased attention to Roma concerns at national and international levels, and increased the ability of NGOs to form effective coalitions or networks. It also helped build a Roma elite, providing many Roma with skills and expertise that could support their future participation in policy-making or advising roles.⁹ Without EU and OSI funding, few NGOs would be advocating for the Roma. EU funding also increased as accession approached and has expanded further with enlargement, benefiting some Roma programs. For example, the social integration programs of

⁹ Long-time Romanian Roma activist, Nicolae Gheorghe, blames EU, OSI, and Council of Europe funding of Roma NGOs in part for drawing Roma into NGOs rather than public administration. Nonetheless, he acknowledges that Roma have also benefited from the experience, and he credits his own “NGO training” as “crucial” in preparing him for his leadership position on the Roma in the OSCE (ERRC 2001).

the People in Need Foundation in the Czech Republic—the target of which are primarily Roma—expanded approximately six-fold in the last four years thanks to an increase in EU funds to municipalities; since 2006, the NGO was able to establish nine branches across the country.¹⁰

Some of the EU’s support has been directed specifically at increasing the advocacy capacity of Roma organizations. A 2004 European Commission tender explained that this was necessary because “the advocacy role of NGOs working on the various grounds of discrimination is crucial for combating discrimination” (European Commission 2004c, 2). The 2004/2005 Commission-funded project on “Capacity Building of Civil Society dealing with Anti-Discrimination” included the design of local language training manuals and training sessions in the ten new Member States, Bulgaria, Romania, and Turkey in order to support NGO activities and capacity in combating discrimination (Human European Consultancy 2005). Altogether, this project trained 559 NGO representatives (European Commission 2006a, 17).

By funding a transnational Roma NGO network, the European Commission also sought to enhance the ability of NGOs to represent Roma interests in Brussels, to partner with the European Commission, and to share information in both directions. The call for proposals for this network noted the Commission’s priorities of capacity building of organizations that represent the interests of the Roma, “supporting individuals to develop the skills and abilities they need to advocate effectively for themselves,” and building public awareness and support on issues of concern to Roma in order to reduce discrimination (European Commission 2005). In addition, the Commission funded the European Network against Racism (ENAR), a network of hundreds of NGOs across the European Union working to fight racism, and it “strongly

¹⁰ Interview with Karel Novak, Director, Social Integration Programs, People in Need Foundation, Prague, Czech Republic, 12 July 2007.

encouraged” ENAR in 2004 to include the Roma as a specific focus of its work, which it has done.¹¹

Thus, the EU provided funding to build the capacity and to encourage and support the advocacy work of NGOs working on Roma issues specifically, and on anti-discrimination and social integration of minorities generally, including linking these NGOs to the EU. EU Structural Funds to new Member States have also opened new possibilities for funding Roma NGOs and projects. Overall, EU funding and capacity-building increased the number, capabilities, activities, international connections, and advocacy work of Roma and pro-Roma NGOs.

Agenda-Setting, Role Creation, and Bridge-Building

The EU also put the Roma on the agenda of governments in candidate countries, engendered new roles for them, and built communication links between them and their governments. Because of EU requirements and criticism, governments across the region established Roma strategies and programs and Roma advisory bodies. They included Roma leaders and NGOs in these bodies and (to varying degrees) consulted Roma in the formulation of new policies and programs. Numerous conferences and workshops to discuss Roma policies and programs also brought together government officials and NGOs working on these issues. Thus, Roma that were outside of the political process were brought into the discussions of policies affecting them due to EU conditionality.

In working to meet the conditions of EU membership, all Central and East European candidate countries where Roma were identified as a priority issue by the EU¹² developed Roma

¹¹ Interview with Pascale Charhon, Director, European Network Against Racism (ENAR), Brussels, Belgium, 24 July 2007.

strategies or programs, usually using EU funding for their design and implementation, and consulted with Roma NGOs on these plans. The adoption of these strategies and the inclusion of Roma in their design and implementation were important to the EU (see for example European Commission 2001, 29), and it is likely that neither the strategies nor the Roma consultations would have occurred without the EU. For example, the 2001 Governmental Strategy for Improving the Situation of the Roma was Romania's first comprehensive plan to deal with issues confronted by the Roma (OSI 2002, 478). Beginning with EU PHARE funding for a project in 1998, two million Euros from the European Commission supported its design (Government of Romania 2001; OSI 2002, 478-480). Throughout the process, there were "considerable consultations" with Roma NGOs, especially with the Roma Party and the Working Group on Roma Associations—a coalition of NGOs formed to influence the process (Neacsu et. al. 2003, 73-74; OSI 2002, 478, 523). These NGOs played an "essential role" and some of the recommendations of the Working Group on Roma Associations became part of the government strategy.¹³ Overall, the strategy that emerged reflected many of the concerns of Roma NGOs, and also brought about the establishment of offices and positions to enable "Roma participation at all levels of Government," including local offices set up in each county and staffed by Roma (OSI 2002, 523).

Some governments took Roma NGO perspectives into account much more than others (see OSI 2002), and some favored partnership with a select group of Roma rather than a broad spectrum, but all involved Roma in the process in some way, sometimes following criticism from the EU that they did not do so enough initially. The EU also continued to encourage—if not

¹² Eight of the ten candidate countries from Central and Eastern Europe and the former Soviet Union designed Roma programs. Estonia and Latvia instead developed "integration" strategies focused on Russian-speaking minorities.

¹³ Interview with Florin Moisa, Executive President, Resource Center for Roma Communities (RCRC), Cluj, Romania, 15 June 2004.

require—such Roma participation after strategies were adopted. For example, a 2004 European Commission call for proposals for EU PHARE funding for Roma projects in Romania specified that “all projects must include solid partnerships between public institutions and community decision-making groups of the Gypsy minority and will ensure the Gypsy representatives' participation in all preparation, implementation and evaluation stages” (Divers 2004). Thus, EU support for the formulation of government Roma strategies was critical to getting the Roma on their governments' agenda and getting NGOs involved in government policies on Roma.

Roma also obtained some say in government policies by joining newly established advisory bodies created by EU candidate countries to help them fulfill membership conditions. These bodies gave Roma some means of input on government programs and projects despite the fact that the Roma had few or no elected representatives in these countries.¹⁴ Romania, for example, established a National Office for Roma (now the National Agency for Roma), a Joint Committee for Monitoring and Implementation (of the Roma Strategy), 16 Ministerial Commissions on Roma, and County Bureaus for Roma, all of which included Roma representatives. Sometimes well-known Roma activists were tapped as members or leaders of such advisory bodies, as was the case for example with the person selected to be the Government Commissioner for Roma Affairs in Slovakia (Vermeersch and Ram 2009).

The EU's 2000 Racial Equality Directive (Directive 2000/43/EC, 29 June 2000), which prohibits discrimination on grounds of race or ethnicity in employment, education, social security, healthcare and access to goods and services, also explicitly recognizes a role for NGOs. Governments should be in “dialogue” with NGOs that have “a legitimate interest in contributing to the fight against discrimination” (Art. 12), and these NGOs should be allowed to defend the

¹⁴ The establishment of such institutions does not necessarily suggest that they are influential. Some governments have been criticized for giving some of their Roma advisory bodies little authority or resources.

rights in the Directive in courts and other formal bodies (Art. 7). EU enlargement also offered new roles for Roma, for example bringing Roma from new Member States into the European Parliament. By some accounts the EU continues to influence the establishment of institutions and participation of Roma in new Member States.¹⁵

Norms and Conditions

Without EU membership requirements, national governments would likely have ignored the concerns of the Roma and issues of discrimination altogether. Thus, the EU's promotion of certain norms and membership conditions regarding the protection of minorities (and the Roma specifically) were also critical to the work of NGOs promoting Roma rights. Without these norms and conditions, NGO advocacy would have had little impact on government policies. Thus, in addition to supporting NGOs directly, putting the Roma on their governments' agenda, and bringing Roma into contact and consultation with governments, norms and conditions offered by the EU were useful advocacy tools in the hands of Roma activists.

In 1993, the EU set out in the Copenhagen Criteria a requirement that countries that wish to join the EU must have institutions "guaranteeing democracy, the rule of law, human rights, and respect for and protection of minorities." Protection of the Roma falls under this requirement, and was further specified in the European Commission's annual reports on candidate countries beginning with the 1997 "Opinions" on each membership application and followed by Regular Reports until each country gained membership. Priorities and conditions were also outlined in several Accession Partnerships. For example, the 1999 Accession

¹⁵ For example, it influenced the creation of a Subcommittee for Roma Issues in the Czech Republic, which led to a decision to reserve part of the European Social Fund (ESF) specifically for grants to Roma projects. (Interview with Petra Francová, Head of EU Section, Civil Society Development Foundation (NROS), Prague, Czech Republic, 11 July 2007).

Partnership with the Czech Republic specified one short-term priority for meeting the EU's political criteria of membership. It was focused on the Roma, and required the government to "implement actions contained in the Government Resolution of 7 October on Roma including provision for the necessary financial support at national and local levels; implement measures aimed at fighting discrimination (including within the public administration); foster employment opportunities and increase access to education" (European Commission 1999, 4). The Roma were also the focus of the only medium term political criteria for the Czech Republic. The Commission's final comprehensive monitoring report prior to accession gave the Czech Republic numerous pointers on what it should do regarding the Roma, including putting "more emphasis" on the Roma in its proposed programs for ESF support (European Commission 2003, 35).

Besides annual written assessments by the Commission, EU expectations and criticism of candidate countries regarding the Roma were included in various other EU (or EU commissioned) reports, such as the European Parliament's annual reports on human rights since 1995, the 2004 EU commissioned report on "The Situation of the Roma in an Enlarged Europe" (European Commission 2004b), and recent reports assessing the implementation of the anti-discrimination directives. Prescriptions were further provided in meetings with candidate country governments, official speeches and statements (for example by the EU Commissioner for Enlargement), and European Parliament debates and resolutions (at least four of which have focused on the Roma).

Although the EU's specific expectations regarding minority rights were not always clear, and nor were minority rights universally applied in the old EU member states, the EU promoted the idea of minority protection and anti-discrimination in candidate countries. As one European

Commission staff member stated, “respect for minorities is something the EU stands for, regardless of the practice of some Member States.”¹⁶ Thus, both overall expectations of protecting minorities, combating discrimination, and respecting human rights, and specific conditions and criticisms regarding the situation of the Roma provided NGOs with critical tools to carry out their work, as they could refer to EU conditions as a reason specific policies or programs must be adopted.

For example, NGOs invoked the EU’s Race Directive to pressure their governments to change policies. Staff of the Czech Helsinki Committee, for example, noted that this was their “favorite” EU tool; they used it in both public hearings and in their reports that they shared with the government in order “to argue with the government for changes.”¹⁷ NGOs also used the EU membership objective and European norms and requirements on the Roma and minority rights in general to encourage (or prevent) their government’s adoption of certain policies. For example, in criticizing Bucharest’s eviction of Roma from their homes in 2005, a Roma NGO in Romania called the action “a mockery of the European Charter [of Fundamental Rights]” and noted that “such actions of social exclusion carried out by some public local authorities against Roma endanger the [sic] Romania’s accession process to the European Union” (Romani CRISS 2005). In addition, some NGOs frequently lobbied the EU directly to use conditionality to force Central and East European governments to address particular problems faced by Roma communities. Many international NGOs also believe that EU-level policies are essential to trickle down to the national level, and have lobbied the EU to adopt new approaches, such as a Roma Integration Directive. As the Director of OSI Brussels explained at a European Commission conference, the

¹⁶ Interview with Nadia Constantini, Policy Advisor (Human Rights and Minority Issues), Delegation of the European Commission, Prague, Czech Republic, 17 Dec. 2002.

¹⁷ Interview with Pavel Bilek (Deputy Director) and Petra Žrivalová, Czech Helsinki Committee, Prague, Czech Republic, 13 Dec. 2002.

Roma issue is “a political loser, because you can’t tackle the situation within an electoral cycle... That’s why we’re looking towards the European Commission.”¹⁸ Overall, many NGOs find the EU’s conditions and policies essential to their efforts to change domestic policies.

In sum, although EU accession is largely a government-to-government top-down process, NGOs have been involved in many ways in this process, and the EU has directly supported and encouraged such involvement, increasingly over time. The EU accession process gave Roma NGOs new life, capacity, roles, connections, and tools through funding, training, norms, and membership conditions. EU rules and conditions provided a critical tool for local and international activists to get government attention and support for their policy prescriptions. Without the EU, NGO advocacy regarding the Roma would have likely been far less successful. Nonetheless, these NGOs did not have sufficient capacity or enough government interest to bring about changes independently, and their actual involvement in government policies was much less than many would have liked. As stated in a European Commission evaluation of the PHARE program, “NGOs have been champions of the Roma cause by maintaining a level of pressure and by stimulating activities at local level. Such organisations can operate as effective partners and can be drivers of change, making sure that pro-Roma policies are translated into reality on the ground but, on their own, they have neither the power nor the resources necessary to stimulate change of the magnitude required” (European Commission 2004a). Thus, NGOs, supported by the EU, played a necessary, but not sufficient role; the EU’s role, supported by NGOs, was also critical.

¹⁸ Andre Wilkens, comments at conference of High Level Advisory Group on “Social and Labour Market Integration of Ethnic Minorities in the European Union: Challenges and Prospects” 3-4 Dec. 2007.

NGO Support to EU Conditionality

The EU's support for Roma and pro-Roma NGOs described above directly supported the EU's own objectives in its relations with Central and East European candidate countries. It may seem easy to discount the role of NGOs in supporting EU conditionality, as Central and East European governments were eager to gain EU membership. Governments involved NGOs in the process to the extent required, but most governments would have done what was necessary (probably the minimum necessary) regarding the Roma to satisfy the EU and gain membership, regardless of what the NGOs said or did. But it would have been difficult, if not impossible, for governments to do even this without Roma participation, and the NGOs helped to create the very requirements their governments were expected by the EU to address. NGOs supported and increased the effectiveness of the EU conditionality process by playing at least three critical roles: providing essential information regarding the situation and interests of the Roma to the EU, serving as proxy or handmaiden for the EU to criticize policies and promote minority rights in candidate countries, and monitoring and enforcing government compliance with EU rules and conditions (see Fig. 1). Without NGOs providing such support to the EU, the outcome of EU conditionality would have been much less certain, and conditionality on this particular issue may not have happened at all.

Information

First, without information from local Roma and NGOs, the EU would have nothing on which to base its requirements for candidate countries regarding the Roma (for the Commission to include in its Regular Reports, speeches, etc.), and little legitimacy for establishing any conditions. For example, the European Commission's 1997 Opinion on Romania stated that

“further information is needed on the situation of the Roma and a reliable assessment of their numbers and social situation (rate of unemployment, health statistics, level of education) in Romania, for which no figures are currently available” (European Commission 1997b, 18). A very similar statement was included in the Opinion on the Czech Republic: “A better knowledge of the social situation of the Roma (level of unemployment, health indicators, level of education, etc.) would make it easier to [sic] the appropriate decisions” (European Commission 1997a, 16).¹⁹

Given the EU’s poor knowledge of the situation and interests of the Roma on the domestic or international level, especially in the mid-to late 1990s, NGOs (both Roma-led and international) played a critical role, somewhat like an epistemic community, in providing the essential information needed by governments and the EU. According to the Policy Advisor for Human Rights and Minority Issues at the European Commission Delegation in the Czech Republic in 2002, “the Regular Report is our main instrument for giving our opinion to the Czech government. All information in the report regarding the Roma came from contacts from NGOs or people on the ground working on these issues,” including various Roma NGOs, pro-Roma NGOs, Roma advisors, the Council for Human Rights, and the Council for Roma Affairs. The Advisor also noted that with the increased information available, including secondary sources such as OSI’s EU Monitoring and Advocacy Program reports, “it is now easier to point out the weaknesses in the [government] program, rather than give general prescriptions.”²⁰

The EU has also sought information by directly commissioning NGOs working on Roma issues to write reports. This was the case with the 2004 European Commission report on *The*

¹⁹ Knowledge about the situation of the Roma in Europe has significantly grown in recent years, thanks to numerous studies and reports by NGOs and others. There remain critical data gaps, however, especially as there is little data collected that is disaggregated by ethnicity.

²⁰ Interview with Nadia Constantini, 17 Dec. 2002.

Situation of Roma in an Enlarged European Union, written by the European Roma Rights Center, the European Roma Information Office, and Focus Consultancy. Its content was also based in part on consultations with Roma organizations and on discussions among government, civil society representatives, and IGOs at the 2004 Conference on Roma in an Enlarged EU (European Commission 2004b, ii, 1). The EU Agency for Fundamental Rights (formerly the EU Monitoring Centre on Racism and Xenophobia), which collects information on racism from NGOs in Member States,²¹ and other independent bodies established by the EU also provided information. For example, members of the European Network of Legal Experts in the Non-Discrimination Field often come from NGOs and consult with other civil society organizations in writing commissioned reports for the Commission.²² While most local Roma NGOs do not have the resources or interest to lobby in Brussels, many provided additional information to the EU through conferences organized by IGOs or international NGOs (such as the Project on Ethnic Relations and OSI's EU Monitoring and Advocacy Program), reports (their own or those of international NGOs), and discussions with the European Commission Delegation.

Conferences and seminars have become a frequent means by which the EU obtained information about Roma, built contacts with (and legitimacy of) Roma leaders, and raised governments' and public attention to Roma concerns. The EU has funded, co-sponsored, and/or participated in numerous conferences organized by international NGOs or other IGOs about the Roma. One of many examples was the 2003 conference co-sponsored by OSI, the World Bank, and the European Commission to launch the "Decade of Roma Inclusion," which brought together "an unprecedented range of top government representatives, senior officials from

²¹ The People in Need Foundation, for example, is the NGO that serves as National Focal Point in the Czech Republic.

²² For example, the July 2007 *European Anti-Discrimination Law Review* lists Pavla Boucková (Director of a Czech NGO) as the Czech Republic's country's expert and Lilla Farkas of the Hungarian Helsinki Committee as the Legal Expert on Roma Issues.

international organizations, and leaders from the Roma community and civil society” (World Bank 2003). In 2004, the European Commission funded the “Roma in an Enlarged EU” conference in Brussels, which brought together 140 Roma activists, government and NGO representatives from both member and candidate countries, and officials from the EU and other IGOs (European Commission 2004b, 1). In 2005 there was a conference or forum on the Roma almost every other month in Brussels in which European Commission officials gave speeches (see European Commission 2008).

EU officials also sometimes met with local Roma leaders, gathering and at the same time adding further credence to Roma opinions. For example, when EU Commissioner for Enlargement Verheugen visited the Czech Republic in 1999 regarding the controversial wall built to separate Roma and non-Roma residents in Usti nad Labem, he met with Romani activists and told them that the EU would politically and economically support the improvement of their situation; he told the Czech Foreign Minister that the wall must be removed by the following month (Radio Prague 1999). In an NGO (OSI)-sponsored initiative beginning in 2005, young Roma have also been able to provide input to the EU through short-term internships at the European Commission. By seeking information from the affected populations, the EU of course also increased the legitimacy of its own prescriptions (while at the same time providing endorsement to the opinions of the individuals or NGOs providing the information).

Besides providing information about the Roma to the EU, NGOs helped the EU figure out what to do with this information. They did so by lobbying the EU to put in place certain policies or pressure national governments on particular issues. International NGOs such as the European Roma Rights Center (ERRC) and OSI have been lobbying the EU on Roma rights for years. In 2003, the European Roma Information Office was founded in Brussels specifically to

connect Roma organizations to the EU and advocate for Roma rights at the European level. Roma NGOs thereby helped shape EU conditions on candidate countries. For example, the EU could have framed the problems faced by the Roma as merely a poverty issue. Many NGOs, however, helped instead make it part of the human rights and anti-discrimination membership criteria. One might moreover argue that without lobbying by these NGOs, the Roma would never have been a subject of the accession process (see Ram 2004).

Like the former European Commission Delegations in candidate countries, EU staff in Brussels also say they rely on information in part that comes from Roma or pro-Roma organizations. “We get a lot of information directly from Roma activists,” says Ott of the European Commission, especially from ERTF, ERIO, and ERRC (international NGOs), and also a few national Roma organizations.²³ The European Network against Racism, funded by the Commission to work on discrimination issues, works in cooperation with, and is in frequent contact with, OSI, ERRC, and ERIO regarding the Roma. “Our agendas informed each other,” says Director Pascale Charhon.²⁴

NGOs as EU Proxy and Reinforcer

The EU also sometimes looks to NGOs to address issues or provide additional pressure on governments that the EU itself cannot provide due to structural limitations or political or legitimacy considerations. It is in the European Commission’s interest to motivate and facilitate domestic groups with similar objectives to lobby their own governments. For example, the OSI Brussels office notes that the Commission often “tries to lobby us to say something to Member

²³ Interview with Joachim Ott, Secretary of the High Level Advisory Group on Social Integration of Ethnic Minorities, European Commission, Anti-Discrimination Unit, Brussels, Belgium, 19 July 2007.

²⁴ Interview, Brussels, 24 July 2007.

States that it can't say directly."²⁵ Helping NGOs undertake this role was perhaps especially necessary in the case of the Roma, as their political participation and advocacy was not well developed. As Joachim Ott of the European Commission's Anti-Discrimination Unit explains, the Commission recognizes that "there's a need to build up Roma civil society that can put political pressure on national governments."²⁶ EU support has facilitated much of this NGO advocacy work, as explained above. Here is another case of mutual benefit to the EU and NGOs—the European Commission needs local NGOs that can support EU policies or positions, while the NGOs that support such policies need EU support to build their capacity to carry out their advocacy work. This process has continued post-accession, for example with the Commission supporting Roma NGOs to convince their governments to use Structural Funds for Roma projects.

Monitoring and Enforcement

Besides providing information on the Roma and lobbying both the EU and national governments, international NGOs such as OSI's EU Monitoring and Advocacy Program (EUMAP), the European Roma Rights Center, and the Helsinki Committees (earlier on), played an important monitoring role in the accession process. Their frequent assessment reports and press releases helped to bolster candidate country compliance with EU requirements. Without constant monitoring and criticism by many NGOs, countries could perhaps have easily convinced the EU that they were doing enough. The NGOs made it more difficult for them to do so.

²⁵ Interview with Ann Isabelle von Lingen, Policy Officer, Open Society Institute, Brussels, Belgium, 17 July 2007.

²⁶ Interview, Brussels, 19 July 2007.

NGOs also helped to ensure that EU rules were enforced in candidate countries (and later new Member States) by testing them in the courts. A number of NGOs have effectively used countries' new anti-discrimination laws (adopted to comply with the EU Race Directive) to test the application of the law with regards to the Roma. Some new Member States such as Hungary and Poland have given NGOs legal standing in the courts in full compliance with the Directive, while in other countries NGOs often pay lawyers to represent Roma clients (that is, they offer Roma legal aid to enable them to take their cases to court) (see Bodrogi 2007). For example, a District Court in Slovakia recently ruled on a case of alleged discrimination against three Roma who were refused entrance to a local café. The case was brought on behalf of the victims by two Slovak NGOs (Bukovska 2008). It was an appeal to a previous decision in August 2006, which was the first court case in Slovakia brought under Slovakia's Antidiscrimination Law (in force since July 2004) (ERIO 2006). Besides such a case only being made possible due to the EU's Race Directive, it also benefited from a transnational network of local and international NGOs advocating for the Roma. The Slovak NGO Poradna (Center for Civil and Human Rights) worked with Roma activists from the Slovak NGO Nova Cesta to conduct situation testing; this was part of a project funded by the international NGO OSI in Budapest to provide free legal aid to discrimination victims (ERIO 2006; Poradňa pre občianske a ľudské práva 2008).

The European Roma Rights Center (ERRC) has been supporting similar cases of "strategic litigation" in domestic courts across Central and Eastern Europe and at the European Court of Human Rights for many years. In domestic courts, it currently is representing Roma clients in over 140 cases (ERRC 2007). Many of these cases have been successful and have helped to ensure enforcement of the new legislation, while also reinforcing norms of anti-discrimination. As the ERRC writes in 2006 on the occasion of the sixteenth positive ruling in

Bulgaria following that country's adoption of an anti-discrimination law, "the emerging case law, which ERRC has supported, has served to begin transforming the new equality law into an effective protection instrument" (ERRC 2006).

The EU has recognized and even supported the essential role of NGOs in fortifying and ensuring the enforcement of Anti-Discrimination legislation. For example, in a report to the European Council and European Parliament (based in part on information from NGOs), the European Commission acknowledged that those suffering from discrimination will often not take their cases to court, due to either fear or financial considerations. Rather, they "are more likely to turn to an NGO or an equality body, from which they can usually obtain information and advice quickly and free of charge" (European Commission 2006b). A European Commission tender similarly notes that "for a variety of reasons...cases of discrimination are not reported by the victims unless they are assisted by NGO's and others to do so" and "civil society has a key role to play in making the anti-discrimination rights effective, via advocacy as well as awareness raising activities..." (European Commission 2004c). The tender was issued to support NGOs to more effectively carry out their advocacy work.

EU conditions, law, and pressure are of little consequence if rules are adopted and not implemented. Thus, for EU directives to be effective for the Roma, NGOs have been necessary, and they will continue to play an essential role in ensuring the rules can be and are effectively used by those they are meant to protect. Without local and international NGOs playing an information sharing, lobbying, monitoring, and enforcement role, EU conditionality regarding the Roma may have been an empty and vague threat, if it existed at all.

Reinforcement at Multiple Levels

Pressure on candidate countries from multiple sources (the EU, other IGOs, international and local NGOs) seems to have increased the chance of success of any one of these organizations. This clearly seemed to be the case in Romania. As the person in charge of national minority issues at the Romanian Helsinki Committee explained, the EU played an essential role “for sure,” but “both external and internal organizations [IGOs, international NGOs, and local NGOs] lobbied the Romanian government, using our data. Neither of us could be successful alone.”²⁷ A report on Romania draws a similar conclusion on the necessity of various lobby actors, including the EU and NGOs: “Few answers from the governmental sector were given to the ‘Roma problem’ until 2001, and mostly due to the recommendations of international institutions (such as the European Union, the Council of Europe, the Organisation for European Security and Co-operation, etc.), but also following a strong lobby campaign from the Roma civil society” (Neacsu et. al. 2003, 73). The Executive Director of a Roma-led Romanian NGO, Romani CRISS, also noted the benefits of multiple targets of his organization’s lobbying: “We need to focus our advocacy on three levels: international, national, and local. At the international level, we advocate both to strengthen the political will at the national level and to affect international policy.”²⁸ Thus, the NGOs’ activities informed and reinforced EU conditions and the EU’s requirements reinforced the validity of the NGOs’ complaints. In many cases, this reinforcement was critical, as either the EU or the NGOs sometimes lacked the capacity or the will to advocate strongly on their own.

²⁷ Interview with Gabriel Andreescu, APADOR-CH (Association for the Protection of Human Rights in Romania—Helsinki Committee), Bucharest, Romania, 1 June 2004.

²⁸ Interview with Costel Bercuş, Executive Director, Romani CRISS, Bucharest, Romania, 31 May 2004.

It should also be acknowledged that the EU was not the only organization to which the candidate countries had to report on (or respond to criticism regarding) their efforts to improve the situation of the Roma. Others included the Council of Europe, for example in the context of required reports on compliance from parties to the Framework Convention for the Protection of National Minorities; the UN Committee on the Elimination of Racial Discrimination regarding implementation of provisions of the International Convention on the Elimination of all Forms of Racial Discrimination; the World Bank and others in the context of the Decade of Roma Inclusion; and the OSCE. The constant attention to the Roma from various different IGOs reinforced international norms and EU conditions, required countries to continually justify and report on their actions, and gave NGOs additional opportunities to provide their input, for example by writing shadow reports to their government's reports and lobbying both their governments and various IGOs. The EU membership objective thus reinforced government efforts to satisfy other IGOs, and NGOs and other IGOs helped to reinforce the EU's norms and requirements. Despite the absence of EU conditionality today in the new Member States, such processes, as well as institutions, rules, and NGOs established during the accession process have helped to keep the Roma on national agendas as well as that of the EU.

Conclusion

It seems clear that—at least in the case of the Roma—intergovernmental organizations and NGOs had a mutually dependent relationship in bringing about domestic policy change. The European Union was directly (through funding) and indirectly (through its membership conditions) critical to making the work of NGOs advocating for the Roma possible and more effective. At the same time, without NGOs advocating for the Roma, the EU would not have had

the requisite information on the Roma to include in its membership conditions and may not have even considered the Roma a necessary focus. Continuous lobbying, monitoring, and enforcement efforts by NGOs meanwhile kept the EU and national governments from ignoring NGO concerns or adopting new rules without ensuring their effective implementation.

These conclusions should not in any way suggest, however, that all NGOs benefited from the EU or that most Roma have seen significant improvements in their lives, as neither appears to be the case. The EU helped to establish and strengthen the recognition and role of a Roma elite in candidate countries, while failing to have any significant impact on Roma being elected, and having only a small impact to date on socio-economic conditions and negative public opinion regarding the Roma (see Ram 2007). Certain savvy, well established organizations (usually non-Roma organizations) have tended to benefit disproportionately from EU funding, given the complexity of the EU funding process. EU rules requiring governments to partner with Roma NGOs also led governments to sometimes favor (or even create) a select group of Roma NGOs with which to consult. Court cases at the domestic and international level often take years and do not automatically bring about widespread changes in practice. Finally, EU institutions have tended to have stronger and more frequent contact with non-Roma international NGOs advocating for the Roma than with Roma themselves, although this has begun to change.

Overall, while tangible improvement in the lives of the Roma has been slow to materialize, and not all NGOs have benefited equally from EU conditionality, NGOs and the EU together have helped to bring international attention to the situation of the Roma. Together, they have induced governments across Europe to make legislative reforms to protect ethnic minorities from discrimination, to design policy strategies and programs for Roma with Roma input, and to create institutions and projects addressing many of the problems. An assessment of EU

conditionality leaving out the role of NGOs, or an assessment of transnational NGO advocacy leaving out the pull and pressure of the EU would thus leave out much of the story. Despite their lack of elite status, financial resources, or power, and despite the Roma being of little domestic salience, the Roma rose to the agenda of governments and intergovernmental organizations across the region due to the policies and activities of both the EU *and* NGOs.

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