

Democratization through European Integration: The Case of Minority Rights in the Czech Republic and Romania*

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While scholars have tended to focus on domestic factors as most critical to the consolidation of democracy, the post-communist European Union (EU) candidate states have exhibited a unique confluence of domestic and foreign policies, due to their objective of EU membership. This article assesses and compares the impact of the EU on policy making in two diverse candidate states in their first decade of transition, focusing on minority rights protection as a fundamental requirement of both EU membership and a stable democracy. I find that the EU has played a principal role in the reform process and democratic consolidation of candidate states, even in the controversial field of minority rights. The degree and nature of the EU's impact, however, has depended in part on the activism of the particular minority, EU interest and pressure, EU Member States' own domestic policies, and the persistence of racism in society.

In the post-communist transitions in Central and Eastern Europe (CEE), few issues have been as contentious as minority relations in multiethnic states. With minority discontent a potential threat to stability and democracy across Europe, the European Union (EU) has given considerable attention to minority rights in CEE over the past decade and has used membership as an incentive to enforce compliance with human rights norms and agreements. While international institutions can be neither blamed nor credited for many of the developments in this region, the EU candidate countries in CEE appear to have been more successful at peacefully resolving minority rights concerns

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than non-candidate post-communist states. This article considers the influence of international norms and conditions on domestic policies and democratic consolidation in CEE, focusing on the EU role in the development of minority rights in two diverse candidate countries.

In much of CEE, the desire to join the EU arose concurrently with the collapse of communism, and a unique confluence of domestic and foreign policies emerged. Required to harmonize domestic legislation with over 80,000 pages of EU laws and regulations constituting the *acquis communautaire*, compatibility with EU law quickly became a principal requirement in the proposal and formulation of domestic legislation in candidate countries. Various leaders acknowledged the EU influence on internal affairs. As former Czech Prime Minister Miloš Zeman stated in 1996, “We shall not conceive our entry to the EU only as a foreign policy matter, but also as a domestic affair, because the impact of European norms on the Czech law is basically a matter of domestic policy” (CTK News Wire: 1996). Former Romanian Minister of Foreign Affairs Teodor Meleşcanu (1996: 27) similarly stated that “the goals of accession [to the European Union] are similar with the goals of internal reform, in general, in Romania...a very important interdependency linking the process of preparation for accession, on the one hand, and of reform, on the other.” The myriad requirements of EU membership appear to have largely directed the overhaul of the political, economic, and legal systems in the ten countries that signed Europe Agreements.¹ As the Romanian Institute for Human Rights (1997: 3-4) points out, even “the observance and promotion of fundamental rights and freedoms has come under the symbol of the requirement of harmonizing and aligning Romanian legislation to the norms and normative standards of the European Union.” But how effective has the EU been in its efforts to promote the protection of minorities in candidate countries?

Democratic Consolidation, Ethnic Politics, and International Interference

The impact of international organizations and international socialization on domestic policies or democratic consolidation of post-communist CEE states has not been systematically examined in the literature on EU enlargement, democratization, or ethnic politics. Nonetheless, the seeming dominance of the EU in the politics of this region has challenged previous assumptions, and in the last few years a number of empirical studies on CEE have begun to examine the critical role of international organizations, not only on regime changes and transitions to democracy, but also on domestic political development (e.g., Ram 1999; Zielonka and Pravda 2001; Linden 2002). Although its relevance is often overlooked or assumed, it indeed would be difficult to argue that conditions of EU and NATO membership—the key foreign-policy goals of most countries in the region—have not in some way affected the domestic politics of candidate countries. In the case of the EU, domestic reforms by prospective members can be induced not only through political pressure, but also through the extensive requirement of legislative harmonization (see Ram 1999, 2002a). Yet, the process and impact of such external “interference”—i.e., how and when external norms or conditions are internalized, the types of

external pressure that are effective, the relevance of national characteristics, and so on—have not been extensively studied or fully understood.

Comparative politics scholars and area studies specialists alike have explained democratic transitions and described post-communist reforms in terms of domestic elite bargaining and negotiated pacts, political culture and civil society, electoral and party systems, nationalism, and historical legacies, often ignoring external factors. Democratization theorists who study the region have considered international factors mostly in regards to regime change and the fall of communism, and give short shrift to post-1989 democratic consolidation. Despite the dearth of systematic testing in CEE, democratization theorists such as Juan Linz and Alfred Stepan (1996: xiv) recognize only a limited influence of international factors on democratic consolidation. Others consider EU conditionality to have played an important role in the democratic transitions of Southern Europe, and by implication CEE. For example, Phillippe Schmitter (2001: 44) indicates that EU membership in the past served to stabilize political and economic expectations and, while not guaranteeing consolidation of democracy, “indirectly makes it easier for national actors to agree within a narrower range of rules and practices.” Laurence Whitehead (2001a: 381) believes, however, that “since 1989 the European Community has proved less reliable as an agency of democracy promotion in East-Central Europe than might have been expected, given its record in southern Europe.” He later recognizes that EU enlargement is “a major, but under-theorized, component of the post-cold war drive for ‘democracy promotion’” (Whitehead 2001b) in the post-communist countries and adds a concluding chapter on this subject to his volume on international dimensions of democratization, but he does not assess the impact on CEE countries.

Are national characteristics still the most important determinant of domestic change, as comparativists and area studies scholars have repeatedly argued? International relations scholars have begun to suggest otherwise, although they have hardly tested their models on CEE states after 1989. Have international organizations been able to “teach” countries new norms, as Martha Finnemore (1993) has argued? Are transnational advocacy networks that link domestic and international actors essential to induce governments to comply with international norms by creating pressure for change from both above and below (see Risse, Ropp, and Sikkink 1999)? Or has domestic reform in candidate states merely been a rational approach for governments in the region to attain their key foreign policy objectives? How does the relatively new literature on “Europeanization,” mostly used to explain EU impact on Member States’ domestic policies (e.g., Börzel and Risse 2000), apply to candidate countries? Moreover, might democratic governments “designed” from abroad not backfire by actually limiting the domestic participation necessary for sustainable democratic development? The extent and process by which external variables have influenced the reform of institutions, laws, policies, norms, and the consolidation of democracy in post-communist states remains relatively unanswered in the literature.

In the ethnic politics literature, there are also differing views on the relative importance of international organizations, neighboring “kin” states, and do-

mestic factors in the prevention of ethnic violence, the accommodation of minorities' interests, and the reform of domestic minority rights institutions and policies. Claus Offe (1997) argues that there is "rationality" in the pursuit of ethnic politics, and far from being able to overcome this rationality, the external imposition of rules by transnational bodies such as the EU may *encourage* ethnic separatism and heighten hostile ethnic sentiments. Even if external threats and rewards prove temporarily successful, they are unlikely to engender any lasting moral and political commitment to the changes made. Various scholars point to the critical importance of historical and institutional legacies, new political institutions, and characteristics of the particular ethnic minority (see Stein 2000). Meanwhile, Rogers Brubaker (1995) has highlighted the importance of support from an external "kin-state" or national "homeland" (such as Hungary for the ethnic Hungarians in Romania) to enable minorities to gain new rights and domestic policy reforms. International organizations and non-governmental organizations (NGOs) have also been studied to a limited extent for their recent role in the development of minority rights in CEE. However, the past decade of minority politics in CEE suggests that Western efforts to prevent ethnic violence and to help build democracy throughout the region have indeed seen mixed results.

Case Studies

Some scholars suggest a rather strong dichotomy between Western influence on countries closer to joining the EU (and geographically closer to EU Member States) and those further from gaining admission. For example, Alex Pravda (2001: 25) writes that "the more liberal states," particularly Poland, Hungary, and the Czech Republic, "are more receptive to the democracy promotion project." Countries with strong ethnic nationalism, on the other hand, such as Romania and Slovakia, at times, have been more resistant to both external influence and liberal democratic consolidation. Similarly, Karen Smith (2001: 54) writes that "those East European countries closest to Western Europe have been those where the 'pull of the West' has been strongest; countries further away have been much less susceptible to Western influence on democratic consolidation." On the other hand, she concludes that "where the domestic context was more troubled, Western influence was even greater, as, for example, in Bulgaria and Romania" (Smith 2001: 57).

This article questions and tests such conflicting views, using the Czech Republic and Romania as case studies, and focusing on the protection of minorities, a critical component of democratic governance. About 7 percent of the Czech Republic's population are minorities—4 percent Slovaks and 2 to 3 percent (approximately 250,000) Roma or gypsies. In Romania, there are over 1.4 million ethnic Hungarians, constituting approximately 6.6 percent of the population.² Legislation affecting the Hungarian minority has important implications not only for Romania's democratic consolidation, but also for its relations with Hungary, and by implication for regional stability. The Roma constitute another 2.5 percent to 7 percent of the Romanian population.³ The Czech Republic and Romania both signed Europe Agreements in 1993 and

submitted their official applications for EU membership in January 1996 and June 1995 respectively. The Czech Republic is now expected to join in 2004; Romania hopes to join in 2007. While some political parties and leaders have been reluctant to make the hard sacrifices and accept the curtailment of sovereignty necessary for joining the EU, Euro-Atlantic integration (EU and NATO membership) has been the primary foreign policy goal of both countries for the past decade.

Using interviews, press reports, government statements, and public records, I outline below the minority rights obligations and expectations for EU membership and assess the EU impact on the development of national institutions and civil society, the process and character of domestic debate, the timing and content of certain domestic legislation, and the evolution of minority rights. I focus on the Roma in the Czech Republic and the ethnic Hungarians in Romania in order to gain insight into the EU's influence on different types of minorities and different types of candidate states. The key minority issues addressed are those which these minorities, international human rights observers, and the EU have given the most attention in the past decade—the citizenship law in the Czech Republic and language rights in Romania. I consider if and how similar EU requirements and expectations regarding minority rights shaped or changed domestic attitudes and policies on the most difficult minority issues these two countries faced as they consolidated their democracies. The final section considers various factors limiting the EU's influence.

In the case of the Czech Republic, always in the group of candidate countries closest to joining the EU, and having twenty years of experience with parliamentary democracy (from Czechoslovakia's independence in 1918 until 1938), one might expect quick development of liberal democratic institutions as well as greater susceptibility to Western influence. Using the case of the Roma, however, a relatively unorganized, widely dispersed minority with minimal financial or political resources and no "kin" state (and thus minimal lobbying power), it is unclear whether external pressure for minority rights would have the intended effect on government policy. The case of Romania provides an important counterpoint, as it is a country which by many accounts began from the worst position in its chances of democratic consolidation and minority rights (e.g., Fischer 1992: 45, 60; Huntington 1991: 270-9), and started and remains at or nearly last in line for EU membership among the candidate states. With a strong, organized minority group supported by Hungary and domestic political organizations, and strong public support for EU membership, one might expect the government to readily accept special minority rights. Yet, public opposition to such reforms, more distant chances of EU membership, and a less liberal past to build upon made this less likely (see Figure 1). If analogous EU requirements and expectations have similarly affected the domestic reform processes of these two diverse candidate states in the field of minority rights, results should have broad application to less contentious issues and to other candidate countries. The findings would also have implications for other countries that hope to join the EU in the future and practical implications for external actors that hope to induce domestic change.

Figure 1
Expectations of Domestic Policy Change in CEE Candidate States on Minority Rights in Response to EU Requirements

| Strengthened Minority Rights | Negative or No Change in Minority Policies |
|--|---|
| Existence of minority kin state | No “homeland” support |
| Liberal democratic history | Newly formed state or no democratic history |
| Geographically close to EU | Distant from EU |
| Advanced candidate state | Lagging candidate state |
| Strong public support for minority rights | Strong domestic opposition to minority rights |
| “Mobilized” ethnic minority | Weakly organized minority group |
| NGOs supporting minority | Absence of NGOs supporting minority |
| Strong EU pressure | Limited or mixed EU pressure |
| Minority participation in government and/or Parliament | No minority representation in government/Parliament |

European Union Obligations

The protection of human rights and minorities has been identified as a precondition for EU membership by the Maastricht Treaty, the Copenhagen criteria, the Europe Agreements, the Common Foreign and Security Policy (CFSP), and the Amsterdam Treaty. Moreover, the protection of human rights is the basis for membership and a primary focus of activities and conventions of the Council of Europe (COE), an organization that all EU candidates must first join.

The 1992 Maastricht Treaty on European Union declares that “the Union shall respect fundamental rights, as guaranteed by the [COE’s] European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community Law” (Art. F). The Amsterdam Treaty, which entered into force in May 1999, added a new provision (Art. F1) which makes it possible to suspend certain rights of a Member State found to violate this principle, thus strengthening the EU’s human rights requirements. The European Commission (1997a: 15) made clear in its 1997 Opinions on the eligibility of candidate countries for the start of accession negotiations that “observance of human rights is part of the *acquis communautaire*” and any state wishing to join the EU must ratify the European Convention first. The 1950 convention set forth a list of fundamental civil and political rights and freedoms (including prohibition of discrimination). As a

means of enforcement, it also established the European Court of Human Rights, enabling any contracting state or individual (if the country accepted the right of individual petition) to file a complaint against another state for violating the convention.

In addition, a European Council Declaration in May 1992 stipulated that every Cooperation or Association Agreement the EU signs with a member of the Conference on Security and Cooperation in Europe (now OSCE) must include a human rights clause. Thus, the Association Agreements signed with the Czech Republic and Romania in 1993 required respect for human rights as the very first "General Principle":

Respect for the democratic principles and human rights established by the Helsinki Final Act and the Charter of Paris for a New Europe, as well as the principles of market economy, inspire the domestic and external policies of the Parties and constitute essential elements of the present association (European Commission 1994a, 1994b).

The EU could use this clause to suspend the agreement in the case of any human rights violations. Domestic institutions guaranteeing respect for and protection of human rights and minorities were also part of the "Copenhagen criteria" for membership outlined at the European Council meeting in June 1993.

With the signing of the Amsterdam Treaty in 1997, anti-discrimination has become a founding principle of the EU. Article 13 gives the EU a legal basis for taking action to combat discrimination on the grounds of racial or ethnic origin, religion or belief, disability, age, or sexual orientation. An Employment Directive, a Race Directive, and an Action Program put these principles into effect in 2000, introducing new anti-discrimination requirements for current and prospective members. The Race Equality Directive stipulates equal treatment irrespective of race or ethnic origin in employment, education, housing, and other areas. Member States must comply with this directive by July 2003, which will require designating an institution to promote equal treatment, provide independent assistance to victims of discrimination, and offer recommendations on racial equality. A prohibition against discrimination on ethnic or other basis is also included in the EU's new Charter of Fundamental Rights adopted in December 2000, which was drafted to highlight the importance Member States attach to human rights.

The EU also expects candidate countries to join the Council of Europe (COE) and to comply with its standards and conventions on human rights and minorities, and the protection of minorities in CEE has been a subject of joint COE-EU programs. The COE tries to bring the laws and institutions of members gradually "into conformity with European norms," which are reflected in its conventions (Council of Europe 1991: 31). As stipulated in its Statute of 1949, every member "must accept the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms" (Art. 3). The European Convention on Human Rights and the Framework Convention for the Protection of National Minorities (which entered into force in 1998) are two of the COE's most fundamental texts, the obligations of

which must be honored by all member states. One of the first legally binding multilateral agreements on minority rights, the Framework Convention was intended to protect minorities at the national level by promoting equality and creating conditions in which they can preserve their culture and identity. According to the COE's Parliamentary Assembly, it is also particularly important that member states and applicants comply with Recommendation 1201 (1993) regarding the rights of national minorities (Council of Europe 1995). Recommendation 1201 was intended to add the protection of minority rights to the European Convention, including the right to use one's mother tongue in private and public and (in regions in which there is a large minority population) in contacts with administrative authorities, as well as the right to education in one's mother tongue. Although the COE's recommendations are not binding, its conventions are binding upon signatories and have obligated many states to modify their laws and practices.

The EU and its Member States have communicated their expectations and opinions on minority rights in candidate states in a variety of ways that go beyond the requirements of EU treaties, directives, Council conclusions, and international human rights agreements. Most notably, the European Commission's 1997 Opinions and the subsequent annual Regular Reports have explicitly assessed the progress and problems of prospective members in meeting membership obligations, including human rights and minority rights. Regular meetings at various levels between EU and country officials in the form of Association Councils, Association Committees, and Joint Parliamentary Committees, as well as ad-hoc meetings, official visits, and direct criticism on particular issues of concern, have supplemented these reports and legal obligations in order to transmit the EU's expectations on minority rights and other issues.

Overall, human rights and particularly the protection of minorities in CEE are of concern to the EU as partial proof of democracy and as an important element in maintaining peace and stability within countries and in the region by preventing cross-border conflicts or massive emigration. In this respect, the EU is not the only relevant or influential organization affecting the domestic and foreign policies of CEE countries. The COE, and on some issues the Organization for Security and Cooperation in Europe (OSCE), have been particularly important in defining European norms regarding minority rights and adding pressure to adopt and implement them.⁴ NATO membership has been a goal almost equal in importance to EU membership and more quickly attainable, and thus has been particularly influential, for example, in getting countries to sign "friendship treaties" that address minority concerns of their neighbors. Yet, due to the complex structure of the long European integration process, the regular meetings and reviews, the tremendous scope of the reforms required for admission, and the larger presumed long-term benefits, the EU's influence has been much more extensive and pervasive than any of these other organizations alone.

Steps Towards the West and the Institutional Development of Minority Rights

The CEE countries viewed membership in the Council of Europe as an important first step towards EU membership, by certifying their democratic values

and beginning to reintegrate them with the rest of Europe. Czechoslovakia joined the organization in February 1991 (and as the Czech Republic in June 1993). While Romania applied for membership in March 1990 (less than three months after its revolution), the country was supervised by the COE for almost four years before being granted admission in October 1993. According to the COE, Romania was “subjected to the deepest possible scrutiny” in evaluating its application for membership, more than any past applicant, because it began “from the lowest possible base in the denial of human rights, lower even than that of the Soviet Union” (Council of Europe 1994). The Romanian government made a number of commitments in order to join, including agreeing in writing to the COE’s controversial Recommendation 1201 on minorities.

Both the Czech Republic and Romania signed the European Convention for the Protection of Human Rights and Fundamental Freedoms and accepted the rights of individual petition to the European Court of Human Rights and compulsory jurisdiction. This provided citizens with an extra-national guarantee of human rights protection, which many have already exercised. Romania ratified the convention in June 1994, “in somewhat record time,” according to COE Secretary General Daniel Tarschys (1995: 34). Both countries also signed the Framework Convention for the Protection of National Minorities. Romania signed it the day it was opened for signatures on 1 February 1995 (the same day its Europe Agreement entered into force) and was the first country to ratify it.⁵ President Iliescu did not miss the opportunity to emphasize that Romania’s quick signing of the convention was “clear evidence of the responsibilities to which our country commits itself in directly assimilating European standards” (Iliescu 1995: 50). Romania also signed the European Charter for Regional or Minority Languages in July 1995; the Czech Republic signed it in November 2000. Moreover, the post-communist constitutions of both countries protect minority rights and, significantly, give ratified international treaties or conventions on human rights precedence over domestic law and consider them directly binding and applicable as part of national law.

Besides joining “precursor” institutions such as the COE and signing human rights conventions, both the Czech Republic and Romania established numerous domestic institutions to protect minorities and enable minority opinions to be heard in the formulation of government policies. While the EU did not mandate the establishment of such institutions, their number, focus, and timing reflected EU expectations or criticism and were often modeled on EU Member States’ institutions. The Czech Republic first established institutions specifically for Roma protection in 1997—the year the EU was to decide with which countries to start accession negotiations. In Romania, strong external criticism and the objective of COE membership prompted the government early on to demonstrate some concern for the Hungarian minority. Additional institutional reforms were made in 1996 and 1997, following the 1996 elections and preceding the EU’s first decision on accession negotiations.

In the Czech Republic, both chambers of Parliament established standing committees on human and minority rights. There are no guarantees of minority representation in Parliament, however, and only a few Roma have been

members of Parliament.⁶ The government created a twelve-member Council for National Minorities (including four Roma representatives) in May 1994 to advise the cabinet on minority affairs. In October 1997, following the European Commission's July 1997 Opinion and preceding the December 1997 decision on the start of accession negotiations, the government established an Interministerial Commission for Roma Community Affairs (replaced by the Council for Roma Community Issues in December 2001) as an advisory body to coordinate government policy, and published a comprehensive report on the situation of the Roma. In August 1998, the new Zeman government outlined how it would improve Roma rights in its Policy Statement (Czech Republic 1998). The following month, the government appointed a UN Human Rights Commission expert to the new post of Commissioner for Human Rights. The Interministerial Commission was expanded in December 1998 to twenty-four members (including twelve Roma and twelve government representatives). According to the U.S. State Department's 1999 Human Rights Report on the Czech Republic, this Commission "has taken an increasingly active role in resolving disputes."

The Czech government established a Council for Human Rights in January 1999 to provide advice on human rights, propose legislation, and monitor compliance with international treaties. It also proposed establishing a human rights ombudsman who, "as in most EU Member States," would observe the protection of human rights and propose legislative changes or initiate court proceedings when necessary (Czech Republic 1998). Parliament approved this measure in December 1999 and the position was established in February 2000, enabling victims of discrimination to file complaints with the government. The government adopted a long-term policy on the Roma in June 2000, shortly after the European Commission's 1999 Regular Report indicated that the Czech government needed "a comprehensive long-term policy to fight discrimination and social exclusion" (1999: 17). The government's first anti-racism campaign, launched in February 2000, also shortly followed this report. The Czech Ministry of Foreign Affairs signed a Memorandum of Understanding and Cooperation with the International Romani Union in April 2001, hired a coordinator for Romani issues in June, and appointed a new advisor on Roma affairs in November. In May 2001, despite the opposition of the Civic Democrats (ODS), the lower house of Parliament approved an Ethnic Minorities Law, giving minorities certain rights in education and official contacts with local and state administration in their mother tongue.⁷

In Romania, minorities have special rights of representation in Parliament with fifteen seats reserved in the Chamber of Deputies, and both houses of Parliament have a Standing Committee on human rights and minorities. A Council for National Minorities (an advisory body including representatives of each national minority group) was created in 1993. In 1996 the new coalition government included two ministers from the Democratic Union of Hungarians in Romania (UDMR, or RMDSZ in Hungarian, the party that represents the Hungarian minority). One minister from UDMR became head of a new Department for the Protection of National Minorities, established in 1997 as an advisory body of the government. A National Office for Roma was created

within the department. The government also established an ombudsman position (People's Advocate Institution) in 1997 to address complaints related to government civil rights abuses and issue recommendations on proposed legislative amendments. An Inter-Ministerial Committee for National Minorities was established in 1998 within the Department for the Protection of National Minorities. In 2001, the new government administration changed the name of this department to the Department for Interethnic Relations and moved it to the Ministry of Public Information. In line with the EU's new anti-discrimination policy and directive, the government issued an ordinance in August 2000 on preventing and punishing all forms of discrimination and establishing a National Council against Discrimination (CNCD). The CNCD became operational in August 2002 with the role of monitoring, fighting, and eliminating discrimination by responding to complaints, initiating investigations, and fining offenders.

The decision to include UDMR in the new government coalition in 1996, while made possible by the election of the opposition, was prompted in part by concern for Romania's international reputation and EU membership chances. President Constantinescu indicated that "the presence of the UDMR in the ruling coalition was brought about by the need to show Europe and the Hungarians a positive sign over the rights of minorities in Romania" (S.P.A. 1998).⁸ According to member of Parliament and Chairman of the Foreign Affairs Committee Victor Bostinaru (1997), the decision was "good for Romania and [sets] a good example for Europe." Radu Vasile, then Secretary General of PNTCD (the Christian Democratic National Peasant Party, the largest party in the ruling coalition), later Prime Minister, noted, "UDMR's presence in the government was a highly effective political solution, as it has projected a positive image of Romania abroad" (Rompres 1997c). European aspirations also may have prevented UDMR from carrying out its threats to leave the coalition, despite often bitter disputes. As a Romanian newspaper noted, there might be negative consequences for the coalition if UDMR quit, because this party's presence in the government "can be considered the sole success achieved on the international plane by Romania since the November 1996 elections" (Chirieac 1998).⁹ The EU was thus an important factor in the very design of the Romanian government, which had major implications for minority legislation and protection.

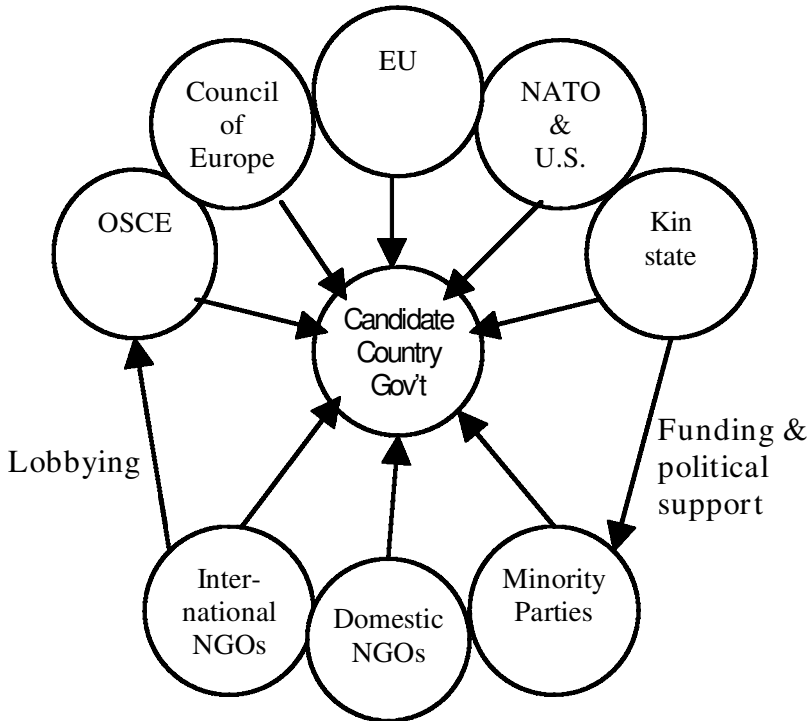
Even when the opposition PDSR and Iliescu returned to power and UDMR was no longer part of the government coalition, the two parties have signed cooperation agreements each year since December 2000. EU and NATO membership was always an important joint objective of the two parties and a reason for their continued cooperation. In their 2002 agreement, for example, UDMR pledged to support the government in achieving certain major goals, including Euro-Atlantic integration and economic objectives. PSD¹⁰ President and Prime Minister Nastase noted the importance of signing the 2002 protocol in view of "our endeavors to ensure positive developments in Romania next year, which will be an important year for attaining our fundamental goals such as NATO integration and speeding up negotiation for integration into the European Union" (Radio Romania 2002).

Refracting the EU Message

The EU has also indirectly affected domestic policies in candidate states by supporting civil society. Financially supported in part by the EU's Phare program, NGOs provide social, cultural, educational, and legal support for minority groups, attempt to improve public awareness, and independently monitor and criticize their government's actions regarding minority rights. Meanwhile, domestic and international NGOs, minority parties, and kin states have re-transmitted or "refracted" EU norms and demands, often using EU membership conditions and European norms and treaties as powerful tools in getting their interests addressed. For some minorities, lobbying international organizations to in turn pressure their own government may be more effective than lobbying their government directly for domestic reforms (see Figure 2).

The political representation of the Hungarian minority in Romania is mainly through the UDMR political party, which was established in 1989 and actively represents and promotes Hungarian interests at both the national and local level. It can directly promote the interests of its constituents at the international level through its membership in the European Democratic Union, the Federal Union of European Nationalities, the Unrepresented Nations and Peoples Organization, and the European Peoples Party, and through its contacts with in-

Figure 2
Sources of Minority Demands on EU Candidate States



ternational organizations such as the Council of Europe, the European Parliament, the OSCE, the West European Union, and the Inter-parliamentarian Union. Hungarians in Romania also have the support of the Government Office for Hungarian Minorities Abroad, a public administrative body in the Hungarian government supervised by the Political State Secretary responsible for Hungarians abroad.

NGOs representing the Roma and established by Romani activists have proliferated over the last decade. However, according to Zoltan Barany (2002: 205-24), the vast majority of organizations run by the Roma in CEE focus on socioeconomic concerns rather than political participation, compete with each other for scarce resources, tend to be poorly organized and poorly funded, are often unaccountable to their funders or "constituents," are not very representative of their communities, and are largely ineffective. Quite unlike the Hungarian minority, "the Roma's preparation for collective political action is extremely poor by virtually all criteria of successful ethnic mobilization" (Barany 2002: 77). Even the International Romani Union is widely considered to be ineffective. Nonetheless, a number of domestic and international organizations, such as the Czech Helsinki Committee, the Tolerance Foundation, the Helsinki Citizens Assembly, the Gremium of Roma Regional Representatives, and the European Roma Rights Center, have played an important role in monitoring and publicizing the problems that Roma have confronted in the Czech Republic and in this way have influenced both European and domestic policy (see U.S. CSCE 1999).

Legislation Affecting Minorities

Over the past decade, two issues in the Czech Republic and Romania garnered significant EU and international criticism for their negative impact on the Romani and Hungarian minorities, respectively: the Czech citizenship law and Romanian language policies.

The Roma and the Citizenship Law in the Czech Republic

International attention to the plight of the Roma in the Czech Republic was initially raised by the new citizenship law, which took effect when the Czech Republic became an independent country on 1 January 1993. Soon after it was adopted, it became apparent that the requirement for Slovaks living on Czech territory to demonstrate a clean police record for the previous five years in order to qualify for Czech citizenship prevented many Roma from becoming citizens. This stipulation violated international law as it retroactively increased the penalty for a crime (to loss of citizenship) above that which existed at the time the crime was committed and also violated the law of state succession (U.S. CSCE 1996: 3). Some Czech scholars believe the law was specifically designed to exclude many Roma from attaining Czech citizenship (see, for example, Šiklová and Miklusaková 1998).

EU and U.S. officials immediately criticized the law for discriminating against the Romani population, but the Czech government strongly resisted amending

it, considering the issue solely a matter of state sovereignty. When opposition members of Parliament challenged the law in the Czech Constitutional Court in September 1994, the Court also ruled that the law was “in no way discriminatory.” In November 1994, Council of Europe Deputy Secretary General Peter Leuprecht visited Prague, and Czech Vice-Premier Jan Kalvoda authorized a COE commission to review the citizenship law and offer recommendations. Nonetheless, Leuprecht considered it highly unlikely that the Czech government would change the law. As head of the government’s Council for Minorities Hana Fristenka explained in December 1994, “The political will to amend this law does not exist. The law simply will not be amended” (Lyman 1994). Even President Václav Havel, often looked to as the moral voice of his country, noted that the law “genuinely does correspond to analogous laws in other states. I do not think amending it somehow is at present a burning question” (Lyman 1994). Jirí Payne, chairman of the Foreign Affairs Committee in Parliament agreed, stating, “I am convinced that [international] critics of the law don’t understand exactly how it is in our country” (McClune 1996).

Despite the lack of any significant domestic support for changing the citizenship law, and the government’s strong opposition to any outside interference on the issue for over three years, the law was amended in April 1996 to remove the most criticized aspect of the law—the “no criminal record” requirement. As a Prague newspaper acknowledged, “The amendment—authored by a member of the ruling coalition Civic Democratic Party (ODS)—indicates a major policy turnaround for the right-wing party” (McClune 1996). It was made in direct response to European criticism and pressure, as concerns grew that the issue might hurt the country’s international reputation and thereby hinder its ability to attain EU membership.

Jirí Payne, who drafted the amendment (and had earlier strongly opposed any changes to the law), told reporters that it was “designed to bring the citizenship application procedures closer to the European model” (McClune 1996). According to a member of the Helsinki Citizens Assembly human rights organization, “growing international pressure, catalyzed by the sharp reprimand from the Council of Europe in 1994, is almost certainly the reason behind the ODS’s change of heart” (McClune 1996). Some Czech scholars give the COE even greater credit: “Although nongovernmental organizations criticized the law as early as 1994 as retroactively discriminatory toward one minority, the government started a dialogue on the subject only when the Council of Europe handed down its recommendations” (Šiklová and Miklusaková 1998). Although Czech opinions on the Roma had not significantly changed, the government became more responsive to international pressure when its broader goals such as EU membership were at stake. As one Czech observer recognized, “Only in the last two years, when awareness of the [Roma] problem extended beyond national boundaries and affected the interests of the majority of the population, did the Czech government start to look for a long term policy to address minority problems” (Turnovec 1998: 15). Ladislav Body, the only Roma representative in Parliament, noted that the government’s compromise on this issue was a result of intense international pressure (Baker 1996).

When there was some continued criticism of the amended law,¹¹ Czech Deputy Minister of the Interior Martin Fendrych (1996) reiterated that “we hold the stipulation of conditions for granting citizenship as an exclusive domain of national legislation.” In its 1997 Opinion, the European Commission (1997b: 19, 20) pointed out that the Roma experience daily discrimination, are subject to racially motivated attacks, do not have adequate police protection, and are discriminated against most notably under the citizenship law. After the application of the law was criticized again in the European Commission’s 1998 Regular Report and elsewhere, the government adopted another amendment in July 1999, making it easier to attain Czech citizenship. The Commission’s 1999 Regular Report praised this amendment.

In October 1999, the Roma of the Czech Republic once again drew international attention when the town of Usti nad Labem built a wall dividing the Roma in city apartment buildings on one side of the street from non-Roma residents in adjacent houses who had complained of noise and garbage. Again, a domestic issue became an international one. Immediately after the wall was built, European Commissioner for EU expansion Guenter Verheugen called it a violation of human rights that would hurt the Czech Republic’s reputation as a civilized democracy, and said the EU would require the Czech government to quickly resolve this issue (CTK News Wire 1999a). Several Czech officials, including Vaclav Klaus, Usti nad Labem mayor Ladislav Hruska, and the chairwoman of the Czech Senate’s human rights committee, took offense at the foreign intervention on this issue, especially as the central government was not involved. Nonetheless, the Czech government this time quickly condemned the wall following the criticism, Prime Minister Zeman conveyed the EU’s criticism to Parliament (while pointing out that this was not the only reason it should be removed), and the Parliament voted for its removal (CTK News Wire 1999b).¹² With the promise of a state subsidy, the town dismantled the wall in November 1999 one month after it was built.

The government’s reform of the citizenship law, the removal of the wall in Usti, and the continued attention to Roma issues in the country exemplify how the EU membership objective has affected domestic policies on even highly controversial minority issues. The EU, with the support of the COE and human rights organizations, kept low-priority minority issues in the public eye, induced the government to reform its legislation despite tremendous domestic opposition, and prompted additional steps to reduce discrimination and improve the situation of the Roma. New institutions and reforms took place both under the “euro-skeptical” Klaus government and subsequently under the opposition Social Democrats brought to power by the June 1998 elections. In both cases, they would not likely have occurred without international pressure.

Hungarian Language Laws in Romania

The protection of the Hungarian minority in Romania was a considerable concern of the EU from the beginning of the country’s reform process, as tensions had already erupted in violence in Tirgu Mures in March 1990. Conflict arose

not only on ethnic grounds but also over territorial issues, with nationalist Romanians claiming that Hungary intended to re-annex Transylvania or that the Hungarian minority wished to secede from Romania. Language rights were among the highest concerns of the Hungarian minority, and former Prime Minister Victor Ciorbea called the Education Law one of the “burning issues” of Romanian society because of its important implications for minority and language rights (Rompres 1997b). Hungarians had strongly criticized the Romanian government and the Education Law because of restrictions on teaching in Hungarian and establishing a Hungarian university. As expressed by a Hungarian-language newspaper in 1994, “the legislature adopted, and continues to adopt laws that gravely violate fundamental human and civil rights. . . . The law on education takes first place among these measures” (Gazda 1994).

The Romanian Parliament passed a new Education Law in July 1995, just one month after the government submitted its application for EU membership. Hoping to forestall any EU criticism, the government’s Public Information Department produced a glossy pamphlet in English entitled “The New Education Law in Romania: One of the Most Democratic in Europe,” explaining the law’s democratic nature and European inspiration:

[The law] seeks to be modern, to combine the most democratic provisions that exist in similar laws of European nations with the tradition and specific traits of the Romanian school, considering the existing situation in Romania. It is in accordance with all the international documents Romania has signed (Romania 1995: 1).

The European Parliament had earlier issued a resolution on the protection of minority rights and human rights in Romania at the initiative of Otto von Habsburg, “a well-known staunch supporter of the Hungarian interests” according to the pamphlet. In response to alleged misinformation provided by von Habsburg, the publication intended to provide “a clear and accurate image of this law and of the democratic and humanistic principles underlying it” (Romania 1995: 1). Government officials proudly cited the COE’s commissioner for minorities, who evaluated the law as “elaborated on Western standards, guaranteeing all ethnic groups the right to have an education in their native language” (*East European Constitutional Review* 1995: 23). The document noted that only Hungarian minority leaders were not satisfied with this law (Romania 1995).

The production of the Education Law pamphlet demonstrates not only the government’s efforts to satisfy the EU (perhaps even more than the Hungarian minority), but also the deep understanding government officials had developed of international expectations and European norms. The full text of the Romanian law was included in this pamphlet, juxtaposed with excerpts from European agreements (the COE Framework Convention on the Protection of National Minorities and the European Charter for Regional or Minority Languages) and even Hungarian legislation. The content of the law was guided by specific European and international legal requirements, including the Document of the Copenhagen Meeting of the Conference on the Human Dimension

of the CSCE, the U.N. Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and Recommendation 1201/1993 of the Parliamentary Assembly of the COE (Romania 1995: 36).

EU approval of the Education Law was eagerly sought, both to improve EU membership chances and to quell domestic criticism of the law from the Hungarian minority, mutually reinforcing goals. Just as the government defended its domestic legislation in an international arena, the Hungarian minority party, UDMR, similarly carried out its criticism of the law in external fora, for example, by sending students to protest it at the COE's Parliamentary Assembly in Strasbourg (*East European Constitutional Review* 1995: 23). Thus, the EU membership objective wholly altered the approach to domestic policy making in Romania, making international approval a critical element as well as a useful tool.

The November 1996 elections marked an important turning point in minority rights in Romania, as Hungarian activists considered President Iliescu to be "anti-Hungarian," and the new government appeared much more responsive to their interests. The Education Law remained the primary concern of the Hungarian minority after the elections, and they continued to criticize it due to remaining limits on teaching in minority languages. As the new government brought UDMR into its coalition, it was also concerned about the party's expectations on education and language issues.

Just before the EU was to issue its Opinion on Romania's eligibility for accession negotiations in July 1997, the government revised the minority language provision of the Education Law again. With support of UDMR, and after long negotiations among the coalition parties, the amendment gave national minorities the right of education in their mother tongue at all levels from primary to university education and opened the possibility of establishing a Hungarian-language university. The opposition parties, however, in particular the Party of Social Democracy (PSDR) and the Romanian National Unity Party (PUNR), strongly opposed the law because it would expand minority rights. Thus, passing the Education Law in Parliament would have required more votes than guaranteed by the ruling coalition (Dimofte 1997: 11). The government had submitted the proposed amendment to the Senate Education Commission at the end of June 1997, but soon after withdrew it and instead issued an emergency ordinance on 10 July 1997 to bypass protracted debates likely in Parliament.

The emergency ordinance on local public administration adopted in May 1997 was another critical decision affecting minority language rights. It declared the right to use minority languages to conduct business in the public institutions of communities where at least 20 percent of the population belongs to this minority. This law had been changed to harmonize with the COE's European Charter for Regional or Minority Languages, the European Charter of Local Self-Government, and Recommendation 1201. The progressive changes in the law were made during a three-day COE Parliamentary Assembly meeting in Bucharest that coincided with a visit of Hungary's president, less than two months before the European Commission's Opinion. The Romanian government asked the COE to monitor the new legislation and assist with its implementation.

The Romanian government received positive reviews from abroad with the adoption of the two emergency ordinances in 1997. The Hungarian Minister of Education and Culture, for example, congratulated his Romanian counterpart and the Romanian government for “the successes they have achieved in mother-tongue education” (Duna TV 1997). Von Habsburg, the European MP who had criticized the 1995 Education Law, also expressed his approval of the changes: “Your new cabinet has made a very good impression, especially through the way it treats minorities” (*Romania Libera* 1997). The European Commission recognized these positive reforms in its 1997 Opinion, although it did not recommend starting accession negotiations with Romania. In its September response to the Opinion (preceding the European Council’s final decision on accession in December 1997), the Romanian government listed the minority-language provision of the public administration law, “conforming to European norms,” as one of the country’s key achievements (Romania 1997: 6).

The emergency ordinances, however, remained “bitterly contested” by Romania’s opposition parties, and the government could not prevent subsequent debates in Parliament to amend them (see Rompres 1997a). In December 1997, over strong objections of President Constantinescu and just days after the Luxembourg Council accepted the Commission’s recommendation not to start negotiations with Romania, the Romanian Senate voted to amend the Education Law and to rule out the establishment of a minority-language university or faculty. As the Chamber of Deputies continued debate on these issues throughout 1998, they lacked clear European norms on the most disputed topic of the Education Law—the establishment of an independent state-funded Hungarian-language university. Questioned about Romania’s international commitments on the issue, Max van der Stoep, OSCE High Commissioner for National Minorities, explained that “there is no such international norm, which would instruct Romania as to what it should do” (HHRF 1998). After ongoing debates and threats by UDMR to leave the government coalition, the Education Law was again amended in July 1999 to establish minorities’ right to education in their mother tongue at all levels of education and to allow the establishment of Hungarian-language sections and faculties within existing universities and the possibility to establish multicultural state universities.¹³

The local public administration law also continued to be debated before entering into force in the previous EU-approved and UDMR-supported form in May 2001. This result was achieved after President Iliescu and the PDSR returned to power following the December 2000 elections, and UDMR considered it a strong victory in its cooperation with the ruling party. Politicians and the media had again stressed the necessity of adopting this legislation in order to apply European standards and COE requirements in Romania.

The Romanian government’s acceptance of Hungarian language rights and cooperation with the Hungarian minority party, even when the opposition regained power in 2000, exemplifies how difficult domestic reform issues in this country’s post-communist transition have been deeply affected by international factors, the EU membership objective above all. The Romanian govern-

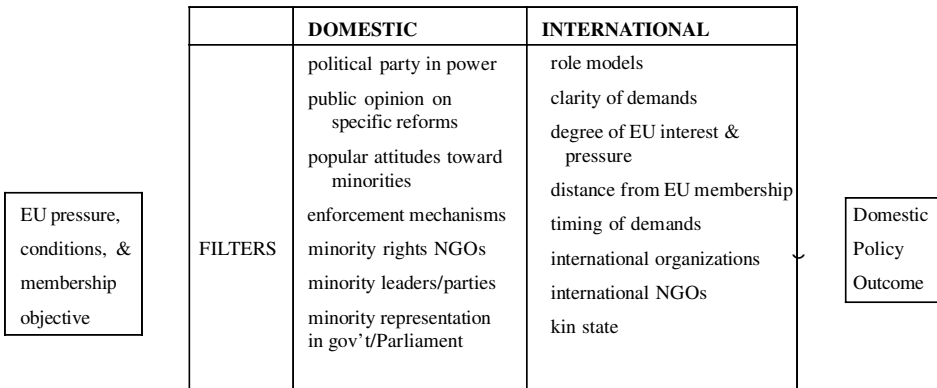
ment made strong efforts to convince the EU that its new policies were fully consistent with European norms, and both the government and the minority lobbied the EU or COE to defend their position. Despite occasional setbacks and frequent disagreements, the government's attention and response to the interests of the Hungarian minority has gradually increased over the past decade and relations have significantly improved.

Limitations to EU Influence

In the resolution of some of the most controversial post-communist minority issues in both the Czech Republic and Romania, the EU significantly influenced the agenda, political debates, and policies, as demonstrated by the above cases. The governments in these countries responded in different ways to controversial EU membership requirements. The Czech government, for example, was more apt to cite sovereignty as a reason the EU's interference on such domestic issues was invalid. In Romania, the necessity of gaining international approval and recognition often prompted the government to issue emergency ordinances to push through controversial legislation. Both countries in some way changed their legislation in response to EU and international criticism, despite intense domestic opposition. However, a number of internal and external factors limited the overall impact of the EU on the protection of minorities (see Figure 3).

Domestic Politics. First, the relevance of domestic politics should not be discounted. In particular, the change of political party in power (especially with the elections in 1998 in the Czech Republic and 1996 in Romania) led to important improvements in minority rights. It is difficult to assess the importance of the change in government relative to other factors since the EU's stance on minority issues also changed over time and the EU made important enlargement decisions in 1997 and 1999. In some CEE countries, most notably Slovakia, domestic politics clearly and significantly limited the effect of

Figure 3
Factors Filtering EU Influence on Minority Rights of Candidate States



international pressure on minority rights. In all cases, however, the EU has altered the options available to political leaders and leaders' decisions have often been in direct response to EU conditions, criticism, or expectations. In the Czech Republic and Romania, even the earlier governments made some significant policy reforms against their will because of international pressure. In addition, following the elections of the opposition, the EU membership objective was still often a necessary factor in the adoption of institutions or legislation protecting minorities. Moreover, while the Hungarian minority considered the PDSR and Iliescu an obstacle to its objectives in the first half of the 1990s, UDMR's cooperation with the government when the PDSR regained power in 2000 garnered significant successes in minority rights. Even in Slovakia, the EU only gradually increased its pressure on the government and its emphasis on democratic accountability, and the government was slow to recognize that it might be forced out of the group of frontrunners for EU membership if it did not make appropriate reforms. As Kevin Krause (2002: 21, 22) writes, "By the time the EU had become more insistent in its demands, the avoidance of accountability [by Prime Minister Meciar] had gone beyond personal preference to political necessity." Thus, domestic political leaders and international institutions may play an equally important role in the development of minority rights in EU candidate states.

Civil Society, Minority Parties, Kin States. Second, minority leaders, NGOs, and the ethnic minority "homeland" have all helped bring international attention to domestic minority issues, while some minority groups have been more adept than others at using their government's EU membership objective as a tool to attain greater rights. Hungarian activists, the Hungarian minority party, and the Hungarian government have all helped to promote international attention to their demands in Romania, and this—in coordination with the EU's interest and concern for regional stability—has advanced their cause. While Hungarian activists have had some significant differences among them, until now they have been able to present a more or less united front to the government on major issues through the UDMR. The Roma, on the other hand, have not been very organized or politically active as a cohesive minority group, and thus were less effective at pressing their concerns with their government or with the EU. Significant disagreements among Roma leaders and their lack of a concrete, unified domestic political agenda have also made it more difficult for their governments to respond appropriately to their interests. Moreover, while the Roma have been supported by a number of domestic and international NGOs, they lack the powerful political and economic support of a kin state. Therefore, while the EU effect on protection of the Roma has been strong, it has been more limited than the effect on Hungarian rights.

Unclear Demands, Poor Models, and Double Standards. Third, the mixed record and approaches to the protection of minorities in EU Member States and sometimes vague EU requirements made quick resolution of some issues by candidate states more difficult. There are no universally accepted practices on a number of minority issues, including minority-language education, collective versus individual rights, and autonomy versus integration. Thus, the EU often cannot provide an "easy fix"; nor does it always offer a good role

model. Many international agreements that candidate states are expected to sign to demonstrate their protection of minorities have not even been signed by EU Member States. For example, the Framework Convention for the Protection of National Minorities has been signed and ratified by all ten CEE candidate states except Latvia (which has signed but not yet ratified it), while EU Member States Belgium, Netherlands, Luxembourg, and Greece have yet to ratify the agreement, and France has not even signed it. Moreover, some EU members have equally poor or worse protection of minorities than candidate countries. For example, a recent International Helsinki Federation (2001) report on human rights in the OSCE region finds that racism has notably increased in Germany; Slovakia, Spain, and Sweden, among others, have been reluctant to identify racially motivated crimes as such; and the Roma are discriminated against and subject to violence in almost every OSCE country.

Thus, in CEE both those who sought special protection of minorities and those who opposed it looked for and found European models to justify their stance. Activists and even government officials who looked to the West to provide clear guidance on expected reforms and easily transferable models to emulate were often frustrated. The EU would have better leverage in bringing about change in its neighbors' policies if it could enforce similar changes in its own Member States. In some ways, EU Member States have even fostered racism in CEE through their efforts to stop the flow of immigrants and asylum seekers. A recent example of this is the British government's passport inspections at Prague Airport from July 2001, based on a Czech-British Agreement to prevent an influx of Roma asylum seekers. Some Czech Roma criticized their government for accepting what they considered a racist arrangement solely "to please a country with so much influence on the EU enlargement process," while the opposition and the press criticized the government for allowing such an encroachment of Czech sovereignty (Roma News of Radio Prague 2001a). Most recently, the Romanian government has been concerned that the EU or its Member States may reimpose visa restrictions in order to keep out the Roma. This has reinforced the popular perception that the Roma are the problem and that EU countries are also prejudiced against them, thus weakening the credibility and effectiveness of the EU in criticizing prospective members.

The EU's Learning Curve and Pressure. Fourth, effects on minority rights are limited by the EU's own degree of interest and pressure. As the EU did not at first consider the Roma a threat to regional stability, addressing their situation did not appear to be an urgent matter. It was the official EU view at the end of 1996 that there was no problem with the Czech citizenship law and that the human rights situation in the Czech Republic was sufficient for membership (Greger 1996). In 1997, the European Commission (1997b: 19) acknowledged that it had insufficient information on the actual situation or even number of Roma. Thus, while noting the problem of widespread discrimination against the Roma in its Opinion on the Czech Republic, the Commission's conclusions were rather positive, and it prescribed only that the "already substantial efforts of the Czech authorities in the cultural sphere . . . must be stepped up in the future" (European Commission 1997b: 19-20).

The EU paid relatively little attention to the Roma until they began seeking asylum in Western Europe, and EU members began to recognize that indeed the Roma pose a potential threat to regional stability through massive emigration if their rights are not protected at home. The Commission's annual Regular Reports have become noticeably more detailed each year about the problems the Roma confront in their home countries, and the EU has now made specific improvements in Romani rights a more explicit condition of the Czech Republic's EU membership. In July 2000, the head of the European Commission delegation in the Czech Republic even stated that "the protection of minorities will soon be one of the most important conditions for the admission of candidate countries" (CTK News Wire 2000). As EU attention and pressure regarding the Roma situation has grown each year, the attention and response of the Czech government has also grown.

EU attention to the Hungarian minority in Romania, on the other hand, was initially quite strong. Romania was originally one of the countries of greatest concern to the international community regarding minority rights, and protection of the Hungarian minority was one of the first explicit requirements for COE and EU membership for Romania. The large Hungarian population living outside Hungary (mainly in Romania and Slovakia) was also one of the two key concerns the 1995 European Stability Pact was created to address (Arnould 1995: 18). Thus, international pressure resulted in quite dramatic gestures in Romania, where observers had expected little advancement and feared further violence on minority issues. The signing of the friendship treaty with Hungary in 1996 under the Iliescu government and the inclusion of the Hungarian minority party in the government coalition in 1997 were major accomplishments spurred in large part by the EU incentive (as well as NATO in the case of the Treaty). For all of Romania's transition difficulties, improvement in the country's human rights situation from the most dismal level in 1989 has been steady and dramatic. In general, human rights observers in both countries agree that their governments' actions have tended to depend on the human rights agenda of the European Union; the issues most readily addressed were those that the EU considered especially important.

The chances of gaining EU membership are also relevant; membership must remain attainable in order to provide a strong incentive for reform. Eight CEE countries are slated to join the EU in May 2004, leaving out only Romania and Bulgaria of the current candidate states. Because the EU has such a strong influence over minority rights (and a multitude of other issues) in candidate states, "second wave" countries such as Romania must continue to see the benefits of making sacrifices for membership. While at times Romania has been prompted to make greater reforms than the Czech Republic because it is further from EU membership and must "prove" its worthiness, the acknowledged distance from joining has sometimes reduced this pull.

Popular Attitudes. Fifth, changing racist attitudes among the general population in post-communist countries has been neither a focus nor a result of EU intervention. Thus, despite government efforts to improve the situation of the Roma, racism remains strong across the region, and discrimination is still prevalent, especially in employment, education, and housing (see Ram 2000; U.S.

Department of State 1999). Prejudice against the Roma is deeply ingrained in much of the population of the Czech Republic (and elsewhere), and appears to be growing. A study released by the Czech Interior Ministry in 2001 found that support in the country for far-right and far-left groups has increased, as has the number of racially motivated attacks by skinheads (Roma News of Radio Prague 2001b). In Romania, nationalist parties have also received significant public support in recent years, and the country came close to electing a nationalist president in the 2000 elections.

In addition to protective laws and institutions, tolerance education and information, more experience with racial equality under the law, and at least a generation may be necessary before discrimination will greatly diminish. In the case of the Roma, improvements in their own education and employment opportunities will also help change negative perceptions among the general population. A change in public attitudes would help reduce the government's need to mandate tolerance and would decrease problems of enforcement of controversial minority rights laws on the local level. The removal of the wall in Usti nad Labem, for example, may be considered a less than ideal outcome because it required federal action to overrule a local decision, and money—rather than a change of attitudes or approaches at the local level—ultimately resolved the situation. As the rhetoric of ultra-nationalist Cluj mayor Gheorghe Funar in Romania and the mayor of Usti demonstrate, central government support for EU membership and European norms on minority rights has not always been matched with support at the local level or from the public. Thus, EU efforts to promote minority rights have been limited to some extent by persistent negative public attitudes. Recognizing this, the Czech government earmarked almost \$300,000 in 2000 for a coordinated media and education campaign against racism and the EU has also recently provided monetary support for such initiatives. Increased public support and a culture of tolerance are essential for sustained protection of minorities.

Enforcement Mechanisms. Finally, adoption of legislation does not always lead to its universal implementation and enforcement. This is usually because a particular local government administration does not share the central government's support for the legislation or because the police and judicial systems are not equipped or trained to enforce it. In the case of the Czech Republic, many human rights assessments blame the courts and police for remaining problems, as police often do not take Romani accusations of discrimination or violence seriously, and courts often do not prosecute racially motivated crimes as such. In Romania, the implementation of the public administration law, for example, was stalled because Cluj mayor Gheorghe Funar vowed to prevent its enforcement. In April 2002, local UDMR leaders sued Funar for failing to implement provisions of the law regarding bilingual signs. In both countries, implementation and enforcement of legislation has improved over the years, but problems still remain. The European integration process by its nature has also made enforcement more difficult. The resolution of minority issues in candidate states to appease Western critics, while enhancing democratic rights, often meant bypassing public opinion and moving power from the local to the national level and from the Parliament to the president (Ram

2002b). While sometimes EU requirements provided an opportunity for public debate on critical minority issues, they often caused domestic discussions to be cut short rather than slowly try to build popular support which would facilitate enforcement.

Conclusion

As this study has demonstrated, the European Union has deeply influenced the domestic policy and politics of candidate countries on many levels and for many years. While domestic factors remain relevant to reform, the EU has had an equal and sometimes greater influence. The impact of international organizations and the international community on the consolidation of democracy appears far greater than many scholars have acknowledged. In the Czech Republic and Romania, both European human rights norms (bolstered by EU directives and international human rights law) and EU membership conditions have affected domestic institutions, policies, and policy-making processes on minority issues in direct and indirect ways. First, the governments in these countries accepted new constitutional and international treaty obligations and established minority rights institutions, creating a strong foundation for minority protection and providing new means for minorities to get their concerns addressed. Second, with the help of the EU and other donors, NGOs addressing minority rights issues in these countries rapidly multiplied, providing an additional source of pressure on their host governments, while also directly addressing specific needs of minority populations. Third, EU directives and international law served as a tool of minority activists as well as a basis for new domestic legislation. Fourth, as evidenced by the citizenship and language laws in particular, the Czech Republic and Romania revised domestic policies and legislation in response to international and EU criticism, despite strong domestic opposition.

At the same time, the depth of impact on minority rights has varied depending on the political party in power, the political and economic resources of the particular minority, the degree and timing of EU interest and pressure, the chances of gaining EU membership, EU Member States' own domestic policies, popular attitudes towards minorities, and domestic enforcement mechanisms. Despite limitations, the objective and conditions of EU membership compelled multi-ethnic candidate countries to begin a process of peacefully addressing minority concerns that has become stronger and more institutionalized year by year. In this way the EU has played a central role in the democratic consolidation of candidate states.

Given the significant historical, cultural, geographical, and institutional differences between the Czech Republic and Romania, it would be highly unlikely that these two cases are exceptions in Central and Eastern Europe. They show that both a forerunner for EU membership and a laggard candidate state are subject to EU influence. In addition, both an organized minority with a lobbying kin state and a dispersed, less politically active minority have been affected by, and benefited from, their country's EU membership objective, albeit in different ways. In fact, other candidate countries have repeatedly been

compelled to revise legislation and policies in various fields in order to comply with EU membership conditions. This has been possible because of the strong support for EU membership of most citizens and governments in CEE countries since the early 1990s.

While it is evident that the EU can have a positive and dramatic impact on the rights and protection of minorities and the peaceful resolution of minority disputes in candidate countries, there remains significant room for improvement in the protection of minorities in most CEE countries as well as many EU Member States. Continuing improvements may depend on several factors. First, in order to maintain the ability to influence domestic decision-making, the EU needs to maintain the incentive of membership and the provision of assistance for European countries not likely to join in the next round of enlargement. Second, continued international attention to minority rights will be necessary even for countries that may join as early as next year, as without the EU membership objective there is less incentive for governments to continue to give often unpopular support to minorities, and NGOs may have less leverage to encourage reforms without the backing of EU requirements. Third, the EU and its Member States must be cautious about the models and norms they convey through their own institutions and policies regarding immigrant and domestic minority populations, as well as asylum seekers. If they are seen as hypocritical and not true defenders of minority rights, the CEE response may be only perfunctory and unsustainable. Finally, with greater movement of people across borders in an enlarged EU, both from West to East and from East to West, the greater contact with minority populations could lead either to more acceptance of diversity or to greater intolerance. Therefore, strengthening and enforcing minority protections envisioned under new EU-mandated institutions as well as improving public attitudes towards minorities through information and education will be critical to the sustained and improved protection of minorities across Europe.

Notes

- * Earlier versions of this article were presented at the American Political Science Association Annual Meeting, 30 August-2 September 2001, San Francisco, CA and at "Voice or Exit: Comparative Perspectives on Ethnic Minorities in Twentieth Century Europe," Humboldt University, Berlin, 14-16 June 2001.
- 1. Europe Agreements (Association Agreements) were signed with Poland and Hungary (1991); Bulgaria (1992); Romania, Czech Republic, and Slovakia (1993); Estonia, Latvia, and Lithuania (1995); and Slovenia (1996).
- 2. These numbers reflect the preliminary results of the 2002 census, which indicate that ethnic minorities constitute a 4.9% lower proportion of the population than in 1992.
- 3. In the 2002 census 535,000 people, or 2.5% of the population, identified themselves as Roma. The number of Roma in CEE states, however, tends to be significantly underreported. While the Roma in Romania have faced similar problems as in the Czech Republic and throughout the region, only the Czech Roma—the initial focus of the EU's attention—will be discussed in this article.
- 4. By mandate, however, the OSCE's High Commissioner on National Minorities can only make recommendations on minority issues with security implications and tensions that have not developed beyond an early warning stage.
- 5. Signing the Convention was not without controversy. Romanian nationalist and President of the Romanian National Unity Party (PUNR) Gheorghe Funar, for example, had criticized it as "a

document designed to create concrete conditions for making Transylvania autonomous and later annexing it to Hungary” (Radio Romania Network 1994).

6. This is fairly typical across CEE, despite the large Romani populations. In late 1999, there were only six Romani MPs in the region: one in the Czech Republic, two in Romania, one in Bulgaria, and two in Macedonia, and only the Romanian MP represented a Romani political party (Barany 2002).
7. The Roma, however, were divided on support of this law. Some noted that learning Czech would help them to better integrate into society and others pointed out that the many Romani dialects would complicate the issue.
8. UDMR President Belá Markó, on the other hand, rejected the UDMR being depicted as a “show-piece” and contended that the Romanian Democratic Convention-Social Democratic Union (CDR-USD) also needed his party’s votes (S.P.A. 1998).
9. A similar scenario seemed to play out recently in Slovakia, as Prime Minister Dzurinda urged the Hungarian Coalition Party (SMK) to remain in the ruling coalition because leaving the coalition would “seriously jeopardize Slovakia’s [EU and NATO] integration ambitions” (RFE/RL Newline 2001).
10. The ruling party became the PSD (Social Democracy Party) in June 2001 when PDSR and PSDR merged.
11. There was continued criticism because the amendment allowed but did not require the Ministry of Interior to waive the criminal record requirement.
12. Under Czech law, a dispute between the national and local government could be decided by Parliament. The Constitutional Court later declared this vote invalid, and Parliament can no longer annul local council decisions. Future disputes would need to be settled in court.
13. While the establishment of a separate state-funded Hungarian-language university is still unlikely, the Hungarian government financially supported the establishment of a new private Hungarian-language university in Transylvania, Sapientia University, which opened in October 2001.

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