

NEW PERSPECTIVES ON EUROPEAN CITIZENSHIP: ROMA AND MINORITY RIGHTS

[CONFERENCE DRAFT]¹

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Abstract:

Roma are actively engaged in a process of identity formation and transnational contentious collective action, using (and utilising) EU and European institutions to remedy longstanding grievances and a litany of state-sponsored abuses (inc. coercive sterilization, segregated schooling and social marginalization). Empowered by their newly acquired European Union citizenship, and improved political station at the international, European and local level, Roma activists are working to ensure their citizenship is never again usurped (as has been the case historically). Judicial victories at the European level have helped both to strengthen Roma identity and legitimise their national character. This begs the question: Can a polycentric polity, in this case the EU, accommodate opposing conceptions of citizenship and nationality without undermining its intergovernmental foundation/character?

I. INTRODUCTION

When the European Union (EU) became just that, a ‘Union’ of sovereign states linked together by an elaborate albeit historically rooted corpus of law and directives, discussion and debate concerning European citizenship, human rights and minority group protection, turned from normative (i.e. hypothetical/theoretical) to empirical (i.e. substantive citizenship rights). Several treaties, namely Maastricht (1993), Amsterdam (1999) and now Lisbon (2009), clearly aim to underscore the intergovernmental nature of the EU by emphasising member-state sovereignty and consensus decision-making. At the same time, however, these same treaties suggest certain ideas and rights as universally European, applicable to all twenty-seven member-states and the approximately 500 million Europeans living therein. It’s often argued (see Moravscik 2003) that these so-called European rights are little more than ‘recommendations’ and/or ‘non-binding rules’, bearing supposedly no real influence on politics or political discourse, and requiring little from member-states in terms of delivery and implementation. Nevertheless, and perhaps remarkably then, these soft targets are beginning to present disadvantaged

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² Art.42: Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, has a right of access to documents of the institutions, bodies,

Europeans, in this case Roma, with real, tangible political opportunities, reason to mobilise, initiate claims, and challenge conventional orthodoxy – from the top down (in a roundabout way). By confirming political and civil rights, a participatory model of decision-making that involves EU citizens (and nongovernmental organizations), and Roma rights at all levels, the EU and other European institutions, such as the European Court of Human Rights and Organization for Security and Cooperation in Europe, are empowering perhaps the most disadvantaged group in post-communist Europe, Roma.

What is perhaps most intriguing about European integration, in terms of its ability to influence political processes and discourse, is how it has been working to catalyse previously (or initially) disparate (even diasporic) peoples. Case in point, Roma, an ethnic group without a coherent pan-European identity are beginning to realise a more substantive identity as a nation within an evolving European polity – a polity discovering its own ideational order. Part of this involves the realization of European Union citizenship, an aspect of Maastricht (1993), and access to EU institutions, including the Ombudsperson, Commission and Parliament (see Lisbon Treaty and Charter of Fundamental Rights of the European Union), it provides.² Even though EU citizenship is deferential to national-state citizenship, in that one cannot be a citizen of the EU without first obtaining citizenship in a member-state, it does offer an additional set of enumerated civil and political rights. As the Lisbon Treaty clearly states, “citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union. Citizenship of the Union shall be additional to and not replace national citizenship” (Art. 20.1). Before proceeding, I should state clearly, this paper is not so much concerned with the logistical side of EU citizenship, though important, as it is with how conceptions of citizenship and correlated political opportunities enhance group identity and spur political mobilization.

With multiple venues, Europe is redefining the nature, scope and character of contentious collective action. Among other things, this means disgruntled

² Art.42: Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, has a right of access to documents of the institutions, bodies, offices and agencies of the Union, whatever their medium; Art.43: Any citizen of the Union and any natural or legal person residing or having its registered office in a Member State has the right to refer to the European Ombudsman cases of maladministration in the activities of the institutions, bodies, offices or agencies of the Union, with the exception of the Court of Justice of the European Union acting in its judicial role; Art. 44: Any citizen of the Union and any natural or legal person residing or having its registered office in a Member State has the right to petition the European Parliament (Charter of Fundamental Rights of the European Union).

‘Europeans’ are able to utilise European institutions, lobby European officials (and parliamentarians) and pressurise national lawmakers vis-à-vis European policy communities and minority rights networks. Citizenship at the European level is therefore an encouragement, inviting individuals and groups (NGOs. etc.) to recalibrate strategies and tactics for a highly disaggregated, fluid and ‘open’ policy arena. EU citizenship confers rights; EU institutions offer politico-judicial redress. Soysal (2010) captures the fluidity and ideational dimension of this kind of post-Westphalian citizenship:

[the national citizenship model] is losing ground to a more universal model of membership, anchored in deterritorialised notions of persons’ rights...[this new model] confers upon every person the right and duty of participation in the authority structures and public life of a polity regardless of their historical and cultural ties to that community.³

Such a model, admittedly normative, is useful in understanding how Roma could develop supranational and pan-European identity without first achieving a full complement of rights at the national-state level. In fact, their inability to realise appropriate human rights at the national level makes the European route much more enticing, even rational. I will explore this idea in more detail below. However, it should also be said that even with EU rights, inasmuch as Roma (were) are accorded mobility and employment rights under the TEU and Lisbon (etc.), France, in particular, was able to forcibly expel Roma this past August. As it was reported at the time, “France (...) insisted that the actions “fully conform with European rules and do not in any way affect the freedom of movement for EU citizens, as defined by treaties” (BBC 20 Aug. 2010). The Commission, however, pressurised France both to reconsider such deportations and also re-evaluate their policies relating to travellers. Persistent confusion over how EU citizenship works is certainly part of the problem. As reported, only 32% of respondents considered themselves well informed about their rights in relation to EU citizenship (Flash Eurobarometer 2010: 5). Along with a ‘democratic deficit’ there appears also to be a ‘knowledge deficit’ in that many Europeans are unaware of their new European rights and how these rights can be exercised.

The unfortunate thing (of many unfortunate things) about France’s ‘relocation’ of Roma is how it (a) perpetuates a common stereotype of Roma, in that they are criminals and a draw on social services, and (b) promulgates a pattern of

3 Soysal cited in Maria I. Baganha (2010) “The extension of citizenship rights to non-citizens” in Baet et al. (eds.) (2010) *Conflict, Citizenship and Civil Society*, New York: Routledge

maltreatment dating back hundreds of years (or longer). In response to France's deportation of Roma to Romania and Bulgaria, the director of the European Roma Rights Centre, Robert Kushen, said:

Mass expulsions based on ethnicity violate European Union law (...) and the failure of France to do individual assessments of each case — as opposed to cursory examinations of papers by the police — also violates European Union rules (NY Times, 19 August 2010).

The EU Commission did threaten Paris, as said, demanding Roma be accorded the same mobility and human rights as any EU citizen residing and/or working in France. In the end Paris agreed to institute a better screening programme that would ensure a more idiosyncratic approach to worker/residency verification (AP 19 Oct. 2010).

Again, one is left to wonder how EU citizenship can ameliorate more entrenched forms of racism directed at Roma and an enduring belief that Roma are a drain on social services and prone to criminality. The Roma problem, as it has often been characterised, is not easily solved. As well, European integration, and all it entails, has not produced the sort of panacea many had hoped for. As Fawn (2001) argues, “if one group of people seems today to be consistently verbally derided, subjected to physical abuse, social marginalization and even legal disenfranchisement in the post-communist space, it is them [Roma]” (1193). As a recognizable minority group (but not always) Roma in all parts of Europe continue to experience abuse. But as a heterogeneous and dispersed (and at the same time insular) group, Roma still lack the sort of national identity, and by extension political clout, needed to dismantle impediments to substantive societal change. And unlike the Scots or Welsh are without a delimited territory to call ‘their own.’ The conditions may therefore be ripe for the development of a pan-European Romani nation.

I am working from the premise that group identity formation is likely to occur *after* significant institutional and/or political change. This is similar to Gellner's notion that nationalism precedes nationhood, or as he wrote, “it is nationalism that engenders nations, and not the other way round,” (Gellner 2006:54) In this way ethnic group identity formation is a response to outside influences and external (external to the group) pressures, and not something that would have occurred *naturally* from the inside out. This is a strange argument to make considering Roma experience institutionalised forms of racism in almost all European countries, with the most callous forms of Romaphobia occurring in post-communist states, like the Czech Republic and Slovakia. The more EU institutions,

Commissioners and spokespeople refer to Roma as a nation, the more likely a more coherent Romani identity will emerge. The process of group identify formation is a complex and complicated one, and this is especially true of Roma. As it stands research on Roma (Guy 2001), Romani political mobilization (Vermeersch 2007), and impact of European integration on Roma and other minority groups (McGarry and Keating 2006) is proliferating and considering questions similar to the ones being asked here.

Theory

Though not always explicit, much of the argument here is informed by social constructivist theory (SCT). The theory, popularised by Alexander Wendt (1992;1999), is well-placed to explain the ideational and normative dimensions of European integration and how citizenship can be reconceptualised inside what is, ostensibly, an intergovernmental organization. Ideas flow through a constellation of institutions and actors, are reinforced by a decision-making model that is very much uncoordinated (and non-traditional), and find expression in EU directives and statements concerning ‘best practice,’ even when recommendations culminate in non-papers⁴. According to Alexander Wendt,

Students of international politics have increasingly accepted two basic tenets of “constructivism”: (1) that the structures of human association are determined primarily by shared ideas rather than material forces, and (2) that

4 The ‘non-paper’ gained some notoriety during the Temelín Nuclear Power Station (NPS) dispute (c. 2001) between EU member Austria and then candidate country, Czech Republic. There was some concern that non-nuclear (and anti-nuclear) Austria would block the Czech Republic’s entry if Temelín NPS, 80 km from the Austrian border, went online. Because energy projection is outside EU competency, officials had to turn to several non-binding directives, most notably Council Resolutions 22 (1975) and 18 (1992), which together call for cooperation in the area of nuclear technology and safety. Council Resolution 18 (92/C 172/02) is noteworthy because it extends the non-binding regime to non-EU countries in Central Eastern Europe and the Republics of the former Soviet Union. Many of these countries, like the Czech Republic, are now full-fledged EU members. The European Council and Commission have been responsible for establishing a normative order, of sorts, because most of what comes out of the Commission and Council relating to atomic energy is strictly non-binding. This does not mean however EU directives and Euratom are ineffectual instruments in establishing preferred practices in the field of atomic energy and energy production, because there is growing consensus. Governance literature has long suggested that non-traditional and informal sources of power and influence become much more significant in highly stratified polities, where decision-making occurs both vertically and horizontally (cf. Rhodes 1997: 46; Jachtenfuchs 2001: 250)

the identities and interests of purposive actors are constructed by these shared ideas rather than given by nature (1999: 1).

Turning to SCT for help explaining contentious collective action, identity formation, or even European integration itself, is not entirely remarkable (see Risse 1999; Trondal 2001; Checkel 2001; Christiansen et al. 2001). This paper, however, is attempting to link together notions of governance, citizenship, and rights, which taken together are central to European political integration (and the construction of a European demos), with contentious collective action and mobilization. It is the presence of ‘soft power’ at the supranational level, integrative processes, namely governance, and hybridity of decision-making that distinguishes the EU from other regimes and IGOs.

This essay will proceed in two parts. The first section offers a short description of Roma, summarising their socio-economic position and some of the difficulties they, as a group, have historically encountered. This section also touches on nationalism and the notion of ethnic mobilization. The second part examines European citizenship and governance as two separate albeit connected developments that are changing the nature of Romani mobilization and contentious politics.

II. ROMA

Roma, a heterogeneous group numbering between 12 – 15 million, have lived in all parts of Europe from around the 13th – 14th century. Since their introduction into Europe from northern India, Roma have experienced the gamut of cruel and unusual treatment. More recently (i.e. 20th century), Roma were forcibly relocated and murdered at the hands of Nazi forces, had their language and culture ‘taken from them’ through assimilatory policy in communist Europe (and elsewhere), experienced forced sedentarism, and Romani women, were subject to state-sponsored sterilization programmes. During Nazi occupation, Czechoslovakia’s Romani population was nearly liquidated, with only five percent of the pre-war population surviving the devouring (or *porajmos*).⁵ Twenty-two years after the collapse of communism in Eastern Europe Roma are still struggling to find their way.

⁵ <http://www.ceskapozice.cz/en/news/society/holocaust-%E2%80%98devouring%E2%80%99-czech-roma>.

While many books, monographs and articles have been published on the topic of Romani political mobilization and Roma culture, (see Guy 2001; Barany 2006; Vermeersch 2007; etc.), there still seems great uncertainty with respect to some fundamental 'facts' about Roma. These demographic hurdles are not easily jumped, as many ethnic Roma (to use an imprecise term) seem unwilling and/or unable to self-identify as Roma. In a recent interview with the *International Business Times* (2010), Nidhi Trehan argues,

Identity politics plays a huge role in estimating Romani population figures. Generally, Romani activists play up the figures and governments play them down. Because of centuries of persecution, many Roma are loathe to reveal their identity, as it could be tantamount to social suicide, this holds true for many Roma who can 'pass' or assimilate (either because of lighter skin color [sic] or better education). Over generations, some Romani families have completely assimilated (IBT 8 Sept. 2010).

Historically citizenship has been used to control Roma, monitor their movement, as justification for assimilatory policy, and as a way for the deportee to justify forcible relocation or renationalization. It has often been argued, and recent events in France and Italy seem supportive of the view, that Roma are from 'somewhere else' and as a result don't normally qualify for residency and/or citizenship. This was certainly the case when Czechoslovakia split along federal lines, as many Roma living in the Czech half were effectively permitted from obtaining citizenship in the new Czech Republic. As many Roma living in the Czech lands were forced to relocate from Slovakia decades earlier, it seemed odd (and seemingly discriminatory) to demand proof of residency from Roma.

Since the collapse of communism in 1989, and subsequent accession process that brought Poland, the Czech Republic and Hungary into the EU fold, Roma have borne the brunt of transitional angst and anger. In many ways socio-economic conditions worsened for Central and Eastern European Roma with the introduction of liberal democracy and a market economy. Whereas under communism Roma were guaranteed employment, an apartment and subsistence income, post communism they have been left to languish in what amount to Roma ghettos, very often miles away from urban centres. As Pogány (2004) reports, "hundreds of thousands of Roma, particularly in Slovakia, Romania, Bulgaria and in parts of the former Yugoslavia, live in settlements with limited access to clean drinking water, sanitation or basic medical care" (p.1). Awareness of these problems does not seem to correlate with purposeful action on the part of lawmakers to ameliorate them. In this way democratization has not been entirely enabling for Roma. But this is only

half the story. As Kymlicka (2005) argues, “since 1989 we [sic] have witnessed a remarkable trend toward the internationalization of minority rights issues in the European context” (p.191). Is it therefore only a matter of time until Roma realise their full ‘ethnic’ potential?

Under normal circumstances a coherent Romani lobby would have emerged immediately after the collapse of communism in Central Europe and *remained* active throughout the accession process. In other jurisdictions ethnic mobilization, collective action, and even single issue political parties have become commonplace. Thus far Central European Roma have been unable to sustain mass-based political parties. Other than very limited success immediately after the transition, Romani political groups remain disparate and ineffectual (Ringold et al. 2005). There is a paradox at play here however, which Zoltan Barany expresses succinctly below:

Given that in several East European states the Roma comprise a substantial percentage of the overall population (Bulgaria 8.5, Hungary 4.7, Romania 6.6, and Slovakia 9.5), one would expect that they, like other minority groups, would have gained a proportionate political presence once they were granted the opportunity to mobilize. This did not happen (2002: 278)

Ethnic mobilization, understood here as “the process by which groups organize around some feature of ethnic identity (for example, skin colour, language, custom) in pursuit of collective ends” (Olzak 1983: 355) is one form of political mobilization. Peter Vermeersch, Zoltan Barany and István Pogány have written very good accounts of Romani mobilization in post-communist Europe and tend to agree that Romani mobilization is far from a sure thing, perhaps even unlikely. There are at least two countervailing forces at play: first, independent Roma groups have been co-opted by large international (or European) NGOs, thus stifling grassroots political initiatives; second, the sheer complexity of the post-accession political environment coupled with the diasporic quality of Roma generally, means seldom do uniform movements emerge, and seldom are they able to speak for the whole of the Romani nation.

Before formal accession negotiations had even begun the EU Commission was already voicing concern over the maltreatment of Central European Roma, and had singled the Czech Republic and Slovakia out as persistent violators of Roma human rights. In 1999 the EU was already pledging to support, “both financially and politically, social programmes aimed at improving the situation of the Roma

minority in the Czech Republic” (AP 11 Nov. 1999). A year earlier in 1998 the EU was confronted with a clear-cut case of racism in a potential candidate country, the Czech Republic. In *Usti nad Labem* and *Plzen* the town council approved the building of a ‘separation wall,’ which would have in effect ghettoized the Roma population. This controversial project drew criticism from national Roma associations, international human rights groups and, the EU, which suggested the Czech Republic’s membership bid would be harmed if this segregation were permitted to continue (BBC 21 Nov 1999). As the BBC reported in 1999, “the gypsies of Usti Nad Labem believe what can help them now is the Czech Republic's eagerness for membership of the European Union...As the accession talks continue, the diplomatic pressure is growing on Prague to improve its record on human rights” (BBC 26 Feb 1999). With central government’s prompting (and financial assistance) the wall separating the Roma from the non-Roma was eventually torn down and, five years later, the Czech Republic joined the EU. The Commission stipulates the following.

The European institutions and Member States have a joint responsibility to improve the social inclusion of Roma by using all the instruments and policies for which they have the respective competence (...) The European Union has a strong legal framework to combat Roma discrimination, based among others, on article 13 of the Treaty of the European Community and the Directive 2000/43/EC on racial equality. Member States have the duty to translate the Directive into their own national legislations (European Commission)⁶

Citizenship woes

This paper is discussing EU citizenship as it relates to Roma. Perhaps this is premature given many Roma are without the full complement of citizenship rights at the national level, and are still facing dire living conditions in many parts of Europe. When Czechoslovakia separated into the Czech Republic and Slovakia, respectively, at midnight on 31 December 1993, many Roma were *ipso facto* without nationality/citizenship. As a result of complicated and onerous citizenship requirements, i.e. five years of unbroken residency, many Roma were unable to gain citizenship in the new Czech Republic. They were, for all intents and purposes, aliens in their own country, losing political rights and access to education, healthcare and consular services. Siklova and Mikluskova (1998) suggest this new regime was intentionally cumbersome.

⁶ <http://ec.europa.eu/social/main.jsp?catId=518&langId=en>

A confidential document had been prepared in the fall of 1992 by the Czech government, analysing in advance necessary legal step and legislation that would be needed in the event of a division of Czechoslovakia. At that time, and exodus of Roma from Slovakia was anticipated

The idea of citizenship, and not to be arbitrarily deprived of it, is integral to the modern state system. Richard Bellamy (2008) frames it according to ‘the right to have rights.’ This is very instructive and especially relevant in the context of European integration because the Charter of Fundamental Rights of the European Union underscores the ‘right to have rights,’ as it relates member-states, and it also works to elevate such rights, even minority rights, to the supranational level.

Nationalism

Ethnic nationalism is seldom championed. Construed as the root cause of civil war, violence, and intolerant political movements, it normally doesn’t fit well with a discussion of political integration, cultural diffusion and institutional isomorphism.⁷ Orwell argues,

By ‘nationalism’ I mean first of all the habit of assuming that human beings can be classified like insects and that whole blocks of millions or tens of millions of people can be confidently labelled ‘good’ or ‘bad’(...) But secondly — and this is much more important — I mean the habit of identifying oneself with a single nation or other unit, placing it beyond good and evil and recognising no other duty than that of advancing its interests.⁸

Ethnic nationalism garnered much attention during the break-up of Yugoslavia, as the wars clearly demonstrated that religion, ethnicity and culture, if used to promote hate, can become caustic. However, notions of ethnic nationalism were also applied (and used heuristically) to the separation of Czechoslovakia (1993) and to the devolution programme (1999) in the United Kingdom, which saw power

⁷ It is useful to quote Hendricks at length: “Organizations within a particular policy field often exhibit similar ways of doing things. This is called ‘institutional isomorphism’ and can be explained as the result of three forces (...) First, there are powerful external actors (most notably state agencies) that urge organizations and actors to adjust their codes of conduct (coercive isomorphism). Second, there is a general tendency to imitate popular models and methods (mimetic isomorphism). Third, there are professional associations and training institutes that transmit a certain logic of appropriateness (normative isomorphism)” (1999: 85).

⁸ http://orwell.ru/library/essays/nationalism/english/e_nat

reassigned from Westminster to new legislatures in Scotland and Wales. While negative connotations abound, ethnic or cultural nationalism should not exclusively be thought of as a destructive or dangerous. In many ways nationalism is a precursor to effective ethnic mobilization, especially amongst socio-economically and/or socio-politically weak constituencies that historically have lacked a static identity.

III. EUROPEAN CITIZENSHIP AND GOVERNANCE

At its core the EU is about politico-economic integration, cooperation and harmonization. Immediately after WWII, France, Germany, Italy and the Benelux countries began considering post-war settlement, reconstruction, and development. It was decided the best way to proceed was vis-à-vis an intergovernmental arrangement couched in the language of democracy, justice and Europeanism. From the outset the European project oscillated between strict inter-governmentalism, premised on inter-state negotiation, sovereign equality and consensus decision making, and supranationalism, which presented in the form of European institutions, Community directives, and ideational or normative networks (i.e. Europeanization). As Article 2 of the Treaty of Rome states,

The Community shall have as its task, by establishing a common market and progressively approximating the economic policies of Member States, to promote throughout the Community a harmonious development of economic activities, a continuous and balanced expansion, an increase in stability, an accelerated raising of the standard of living and closer relations between the States belonging to it (Treaty of Rome, 1957)

A recent report on EU citizenship, discussing some of the problems associated with Europeanization and extension of rights to all member-states, provides a good summary of how EU citizenship is construed.

The concept of citizenship of the European Union, introduced by the Treaty of Maastricht in 1992, added a new political dimension to the hitherto primarily economic nature of European integration. Every person holding the nationality of an EU Member State is now also automatically a citizen of the European Union. EU citizenship does not replace national citizenship. Instead, it confers upon all EU citizens an *additional* set of rights,

guaranteed by the EU Treaties, which lie at the heart of their everyday lives (EU Report 2010:2)⁹

The polycentric nature of post Maastricht Europe, replete with new and different loci/spheres of political power, judicial (and judicial-like) institutions and ideational frameworks, has significantly altered the nature and scope of contentious politics¹⁰. When the Czech Republic, for instance, acceded to the *acquis communautaire* in 2004, it was joining a polity with established transnational pathways, in both the policy and civil society spheres. The ways in which collective action and ultimately politics occur has changed in several profound ways. First, issue salience is the most important determinant of political action. Interest groups and NGOs seem unconstrained by political and/or geographic barriers and are more willing to support local campaigners and see benefit in collaborative enterprise¹¹. Second, advocacy groups have multiple access points from which to enter and/or influence the policy process, and importantly are not beholden to ‘normal’ lobbying techniques; money is also less important. Traditional forms of collective action, lobbying and protest have given way to non-traditional forms, which are characteristically episodic, transnational and multidimensional. As Cram (1998) suggests “the decision to embark on any form of collective action is, of course, made within the context of a set of opportunities facilitating collective action and of a set of constraints inhibiting the prospect of collaboration” (p.64). And third, an impressive corpus of European and international law has had an equalizing effect, as many member-states are entirely unsure about the nature and function of human rights law.

The EU is a polity *sui generis*, and the NGOs, advocacy organizations and professional associations that inhabit this novel political space have in many circumstances been making up the rules of the political contestation game as they go. Roma are utilising EU institutions, European-level judicial bodies (i.e. European Court of Human Rights) and other European and non-European organizations, namely the United Nations and the Organization for Security and

⁹ http://ec.europa.eu/justice/policies/citizenship/docs/com_2010_603_en.pdf

¹⁰ The notion of ideational framework refers to a cluster of ideas, norms, and even practices that impact politics and political action. An ideational framework constitutes a separate, albeit interconnected sphere, that shapes behavior and influences institutionalized politics. The ‘idea’ of governance is just as important as the institutions of governance; the ‘idea’ of advocacy is just as important as the institutions that enable it.

¹¹ This is especially true of environmental mobilization.

Cooperation in Europe (OSCE)¹², to advance grievances and ultimately change discriminatory policy and practice. Central to post accession Romani activism and repertoires of contention, then, is the notion of European governance, which offers groups institutional opportunities, new ideational framework and/or participant-friendly political cultural, and ultimately a more extensive network of human rights NGOs and related policy communities.

As a result of the EU Commission's 2001 *White Paper on Governance*, the European space (or polity), and chiefly the European Commission, Parliament, and ancillary agencies, became much more accommodating to civil society associations, NGOs, lobbyists, and in particular minority groups. The *White Paper* sought to ameliorate many of the problems, both real and perceived, that were contributing to the Union's democratic deficit. In this instance "deficit" refers to the apparent gulf between decision-makers in Brussels and the European citizenry, and a corollary of this, the absence of input legitimacy in the development of Union law. To make the Union more relevant, accountable and connected to Europeans, governance was proposed and subsequently incorporated into the European Constitutional Treaty and the Treaty of Lisbon, with the latter taking effect 1 December 2009.

Governance is a much more inclusive decision-making model than government as it includes both traditional political institutions and actors, e.g. legislatures and political parties, and third sector organizations, social movements, and supranational bodies in policy making. It reflects the reality of Europe's multi-level programme with its emphasis on consensus, non-zero-sum bargaining and shared goals. As Walzenbach (2006) argues, "European governance has become the most appropriate overarching term to capture the complex, dynamic and fast-changing features of the interdependent institutional ensembles operating as sub-national, national, and supra-national levels" (p.1). Here, governance has proven a cost-effective solution to the Union's looming (or existing) legitimation crisis, a way of encouraging the development of a participant political culture, improve the Union's image, and ultimately inject 'democracy' into the decision-making process. As stated in 2001, "The White Paper proposes opening up the policy-making process to get more people and organizations involved in shaping and

¹² OSCE's Office for Democratic Institutions and Human Rights has published several reports and 'action plans' summarizing the plight of Roma and proposing short and long-term policy to help mitigate some of the institutionally generated prejudices that negatively affect Roma and Sinti. A report entitled, *Implementation of the Action Plan on Improving the Situation of Roma and Sinti Within the OSCE Area*, places emphasis human security, police brutality and educational opportunities.

delivering EU policy. It promotes greater openness, accountability and responsibility for all those involved” (EU Commission).

European political integration has been hastened by a whole host of considerations and developments that have for the most part been dealt with *ad hoc*. Kohler-Koch identifies a very real conundrum:

The transfer of decision-making power to Brussels may take it out of reach for local grassroots activists. But European governance may also open opportunities for societal groups that so far had been excluded (...) That is to say, new opportunity structures may distribute the chances for political actors to raise their voice in the decision-making process unevenly (Kohler-Koch 2005:6)

Institutions therefore have an enabling and/or constraining effect on the actors who utilise them. Changes in procedure, either official or unofficial, can dramatically change the political opportunities available to a given constituency, interest sector or lobby. Equally important are rule changes and/or new regulation, which impact intergovernmental relations and accepted practice. Europeanization, in a word, encapsulates the European project¹³

IV. CONCLUSION

This paper sought to understand how European citizenship and correlated institutions and/or norms (i.e. EU directives, programmes and initiatives directed at Romani rights and inclusion) affect and/or impact Roma, Romani mobilization and minority rights discourse in post-communist Europe, and the EU more generally¹⁴. The goal, two-fold, was to demonstrate that changes at the EU and European level enhance political opportunities for minority groups, in this case Roma, and also that nationalism and group identity formation can occur simultaneously with or after ideational change – whether in the form of judicial decisions, public policy,

¹³ Radaelli (2003) provides a useful definition of Europeanization: “Europeanization consists of processes of a) construction, b) diffusion, c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, ‘ways of doing things’ and shared beliefs and norms...” (in Quaglia 2007: 407). This is a particularly illuminating conception of Europeanization because it regards institutional change and changes to the normative order as two reinforcing phenomenon. Kohler-Kock discusses a similar phenomenon but relates it to governance. For her, “governance has an ideational dimension as well as an organizational one” (1999).

¹⁴ Such programmes as the Decade of Roma Inclusion 2005 – 2010, the European Roma Summits, The European Platform for Roma Inclusion, and the Commission’s Roma Task Force (etc.) are now fully active and seek to redress exclusion, xenophobia and intolerance at all levels.

EU directives, or a combination thereof. EU citizenship is therefore an extremely important development in that it *confirms* basic human, political, civil and European rights, and in so doing presents Europeans an ideational framework rooted in intergovernmentalism *and* supranationalism.

With respect to EU citizenship, some minority groups are discovering socio-political advantage – but this should not be overstated because national governments still have controlling interest in who gains citizenship and how citizenship is ultimately exercised. Before 2000 Germany adhered to the notion of *jus sanguinis*, while other states, such as the United Kingdom, have been more amenable to the *jus soli* principle. EU officials cannot therefore conjure up citizenship for those without national-state citizenship, no matter what. But the EU does work to counteract changes at the member-state level that would otherwise jeopardise fundamental human rights, democracy and rule of law. The Copenhagen criteria (1993) ensured new EU states would at the very least establish procedural democracy and a legal regime capable of reinforcing a more inclusive, participant political culture.

This paper did not explore in any great detail potential problems associated with a rights discourse driven ostensibly by EU institutions, namely the EP and Commission, and NGOs – European or otherwise. Neither did it look at how this Romani cultural awakening/nationalism would play out when challenged by right wing reactionaries (i.e. Jobbik) and other ethnic nations. And there is something slightly paternalistic about what is going on. For a long time Eastern European states, particularly during the communist period 1948 – 1989, have been working on behalf of Roma, designing programmes and ‘special schools’ for Roma, assisting Roma acquire literacy and numeracy skills, relocating Roma for ‘their’ benefit, and insisting on assimilatory policy. But seldom have Roma directly been involved in such policy formulation and implementation. They have historically been recipients of social policy rather than initiators – and for new schemes to have legitimacy Roma must be involved. However the EU, OSCE, Council of Europe and countless NGOs, namely ERRC in Budapest and Human Rights Watch, have established a fairly inclusive process that should bring Romani activists into the policy formulation process.