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**An integrated strings model of transnational advocacy:  
case studies from Romania and the United Kingdom**

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DPhil Thesis

University of Sussex

September 2010

## Statement

I hereby declare that this thesis has not been and will not be submitted in whole or in part to another University for the award of any other degree.

Signature ...Maria-Cristina Panțiru.....

Date ...30/09/2010...

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The usual disclaimer applies: the views expressed in this thesis are based on my analysis of data from numerous sources and might not reflect views endorsed by the organizations and people I refer to.

## **An integrated strings model of transnational advocacy: case studies from Romania and the United Kingdom**

Maria-Cristina Panțîru

DPhil summary

Studies of transnational advocacy mainly explore separate processes – e.g. the use of persuasion, socialization, leverage, incentives and penalties – through which specific actors influence policy and law at national and transnational levels. These processes can be seen as *strings* pulled by the actors involved in order to promote their aims. However, the existing literature stops short of explaining the dynamics of advocacy across time, the number of strings necessary for inducing change and the failure of advocacy.

In order to address these shortcomings this thesis analyses the interactions between various processes that constitute transnational advocacy and proposes a conceptual model – labelled the *integrated strings model* of advocacy – to facilitate the understanding of the dynamics of advocacy. This model suggests that transnational advocacy is constituted by the following interlinked processes, labelled *stages* and *strings* in order to emphasize their dynamics:

- The *stages* are: the making of pilot or past solutions-in-practice, problematization, the development of a common frame for possible solutions, the creation of solutions-on-paper and the making of solutions-in-practice;
- These stages are constituted by six *strings*: the creation of social enterprises, the use of expertise, regulations, technology, the formation of alliances and the marketization of ideas and services.

This model provides a more comprehensive understanding of the dynamics of advocacy than the existing literature and explains why some advocacy processes were successful while other failed. The model is illustrated through three case studies of advocacy focused on: (a) heritage conservation and sustainable development in Romania; (b) children's rights in Romania; and (c) access to the UK' labour market for Romanian migrants in Britain. The integrated model was developed through empirical multi-sited research conducted in Romania and the UK. My methodology was influenced by multi-sited ethnography (Marcus 1998), grounded theory (Strauss and Corbin 1990) and actor-network theory (Callon 1986; Latour 2005).

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## List of Abbreviations

AFM	Association française contre les myopathies / French association of people with muscular dystrophy
ANPCA	Autoritatea Nationala pentru Protectia Copilului si Adoptii / National Authority for Child Protection and Adoptions
ANPDC	Autoritatea Nationala pentru Protectia Drepturilor Copilului / National Authority for the Protection of the Rights of the Child
ANT	actor-network theory
ANTREC	Asociatia Nationala de Turism Rural, Ecologic si Cultural / National Association for Rural, Cultural and Ecological Tourism
ATTAC	Action pour une Taxe Tobin d'Aide aux Citoyens / Association for the Taxation of Financial Transaction for the Aid of Citizens
A2	Bulgaria and Romania
A8	Estonia, Hungary, Latvia, Lithuania, Poland, Czech Republic, Slovakia and Slovenia
BBC	The British Broadcasting Corporation
BCC	British Chambers of Commerce
BIA	Border and Immigration Agency
BNE	Business for New Europe
CBI	Confederation of British Industry
CEC	Council of the European Communities
CEDAW	Convention on the Elimination of all forms of Discrimination against Women
CIMEC	Institutul de Memorie Culturala / the Institute for Cultural Memory
CWR	Child Welfare Reform
DPC	Directia pentru Protectia Copilului / Department for Child Protection
DFID	UK Department for International Development
DGASPC	Directia Generala de Asistenta Sociala si Protectia Copilului / Local Directorate for Social Assistance and Child Protection
ECAA	European Community Association Agreements

EEA	European Economic Area
EEC	European Economic Community
EMU	Economic and Monetary Union
EPCE	Environmental Partnership for Central Europe
EU	European Union
EU15	Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain and Sweden
FAST	Fundatia pentru Asistenta Sociala si Tineret / the Foundation for Social Assistance and Youth
FSC	Fundatia de Sprijin Comunitar
FSD	Fundatia pentru o Societate Deschisa
HHC	Hope and Homes for Children
HMRC	Her Majesty Revenue and Customs
GLA	Gangmasters Licensing Authority
IBLF	International Business Leaders Forum
ICOMOS	International Council on Monuments and Sites
ICT	information and communication technology
IMAS	Institute for Marketing and Polls, Romania
IMF	International Monetary Fund
INGO	international non-governmental organization
IOM	International Organization for Migration
IPPR	Institute for Public Policy Research
IRDPS	integrated rural development projects
IRSS	Immigration Research and Statistics Service
JCWI	Joint Council for the Welfare of Immigrants
MAC	Migration Advisory Committee
MET	Mihai Eminescu Trust
MIT	Massachusetts Institute of Technology
MP	Member of Parliament
NAFTA	North American Free Trade Agreement
NATO	North Atlantic Treaty Organization
NCLC	US National Child Labour Committee

NGO	non-governmental organization
ODA	Overseas Development Administration now DFID
OEP	The Ocean Education Project
OPSI	Office of Public Sector Information
OSCE	The Organization for Security and Cooperation in Europe
PCN	Pentru Copiii Nostru
PHARE	Pre-accession financial instrument for EU candidate countries, initially designed for assisting Poland and Hungary
PINs	Programs of National Interest
PM	prime minister
RIAC	Romania Information At Cleaford
RCA	Romanian Challenge Appeal
RCC	Romanian Cultural Centre London
REPF	Romanian Environmental Partnership Foundation
RFFR	Relief Fund for Romania
ROT	The Romanian Orphanage Trust
SAPARD	Special Accession Programme for Agriculture and Rural Development
SERA	Solidarité Enfants Roumains Abandonnés
SNT	single negotiating text
TUC	Trade Union Congress
UK	United Kingdom
UKBA	United Kingdom Border Agency
UMLSP	United Methodist Law of the Sea Project
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	The United Nations Children's Fund
USA, US	United States of America
USAID	United States Agency for International Development
USCB	US Children's Bureau
WHC	World Heritage Committee
WRS	Workers Registration Scheme

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# 1 Introduction

## **1.1 Why transnational advocacy?**

Transnational advocacy, understood as the process in which organizations and individuals working in two or more countries attempt to promote specific ideas, norms and services in order to induce changes in law, policy and practice at national and international levels, is a conspicuous part of everyday news and politics: take as illustrations the flourishing of online petitions, the promotion of human rights, the negotiations for candidate countries' accession to the European Union or the international summits for tackling climate change. All these have components of transnational advocacy.

Beside this strand of advocacy it is well acknowledged that international organizations and businesses lobby governments and other international actors in order to advance their organizational aims such as gaining funding for specific projects or gaining leverage on domestic markets<sup>1</sup> of products, services and aid (see Bob 2005; Deacon 2007; Grote et al. 2008; Stubbs 2003). However, this type of campaign is not usually included under the label 'transnational advocacy', although the two – advancing ideas, norms and international law and advancing organizational interests – are interrelated (see Carpenter 2007).

Transnational advocacy is worth studying not only because it is pervasive in the activities of non-profit organizations as well as firms, but also because of its potential and actual impacts on the lives of thousands, if not millions, of people. Take as example transnational processes related to promoting children's rights (UNICEF 2009), minority rights (Cowan 2007; Kelley 2006), specialised services and products for people with disabilities (Callon and Rabeharisoa 2008), market economy (Wedel 1998) and common currency within the European Union (Radaelli 1999). All these processes involve or

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<sup>1</sup> By 'market' I mean general processes of exchange and competition triggered by the supply and demand of ideas, services and products.

involved the promotion of ideas (thus advocacy) in policy and practice, at transnational, national and local levels.

There is no clearly delimited body of academic literature on transnational advocacy. This topic seems to come at the intersection of several bodies of literature: international relations, social movements, international organizations and diaspora studies. Scholars discuss mainly the *configurations* of transnational actors involved in advocacy such as international organizations, transnational social movements, diasporas, transnational advocacy networks and others (see Cohen 1999; Deacon 2007; Keck and Sikkink 1998; Risse et al. 1999; Schimmelfennig and Sedelmeier 2005a, 2005b; Stubbs 2003); the *tools* and *mechanisms* for inducing change in specific policies or institutions in a certain country (e.g. see Checkel 2001, 2007; Finnemore 1996; Finnemore and Sikkink 1998; Keck and Sikkink 1998; Raiffa 1982; Risse and Sikkink 1999; Sebenius 1984); or the processes through which ideas *shape international documents* (laws, agreements, declarations) (see Haas 1992a, 1992b; Riles 2001, 2006b; Raiffa 1982; Sebenius 1984). The duration and dynamics of advocacy across time, its effects (if any) in practice and the failure of advocacy are little studied though. The main research question of this thesis started from this 'blind spot' in the literature: (How) do transnational actors influence changes in practice? This question is of some importance, since the promotion of topical ideas and ideals such as human rights, children's rights or sustainable development stumbles on practical challenges, in both developed and developing countries.

## **1.2 From advocacy networks to the network of advocacy**

In this thesis I propose a shift of focus in the conceptualization of transnational advocacy from the interlinkages between the actors involved (advocacy networks) to the links between the processes that constitute transnational advocacy (the network of advocacy) in order to provide insights into the dynamics of advocacy across time.

Numerous scholars conceptualize the transnational actors involved in advocacy as 'networks': transnational advocacy networks (Keck and Sikkink 1998), transnational social movements (della Porta and Tarrow 2005a, 2005b),

epistemic communities (Haas 1992a) or global public policy networks (Stone 2008). The concept of 'network' is indeed very fashionable, especially for depicting transnational exchanges and flows: the transmission of information, political influence, personal relations, migration, economic exchanges, scientific discoveries and criminal activity (Castells 1996; della Porta and Tarrow 2005a; Guarnizo and Smith 1998; Keck and Sikkink 1998; Nye and Keohane 1971; Slaughter 2004; Smith et al. 1997; Riles 2001).

Scholars of advocacy networks (Keck and Sikkink 1998: 4; Slaughter 2004) point out that they use the concept of network not only in a descriptive sense (for depicting a web of relations) but also in an analytical sense, to emphasize structures. The concept of network as structure can be traced back to sociometry, social anthropology (Manchester School of Social Anthropology), and network analysis (see Scott 1991: 7-8). Moreover, the process of studying complex or transnational processes is also depicted as network-like: 'network ethnography' (Hannerz 1992), 'ethnography of global connection' (Tsing 2005), actor-network theory (ANT) (Callon 1986; Latour 1986; 2005; Law 1986, 1991; Law and Hassard 1999). The overlap between the descriptive and the analytical concepts of network leads to confusion and methodological hurdles (Latour 2005: 131; Riles 2001: 6). Latour (2005: 131) stresses that 'network is a concept, not a thing out there. It is a tool to help describe something, not what is being described'.

Riles (2001) points out the methodological challenges of studying organizations that describe themselves as networks while working within them. She suggests that being inside made her feel that the dynamics of the network was already known to her and thus difficult to research. Moreover, as the people she studied already deployed the term 'network' to describe their activities, the concept of network 'as a tool of sociological analysis' could not help discover a 'hidden analytical truth' (Riles 2001: 4). In such a situation, Riles contends, 'the focus of the [research] engagement must lie in (...) how to render the familiar accessible ethnographically'. Thus she explored various points 'of access from *within* the ethnographical material – it will require turning the Network Inside Out' (Riles 2001: 6). One point of access was to consider the network as a form, as a model of relationality, reproduced by its members in the

artefacts they produced and in their interactions (Riles 2001: 26-27), thus not as a specific organization or a specific type of organization.

Scholars associated with the actor-network theory (or approach) use the concept of network to refer to the associations or influences relevant to explaining action (see Latour 2005; Law and Hassard 1999), thus not to a type of organization. This conception of network is particularly suitable for looking into the process of advocacy. Moreover, according to proponents of the actor-network approach, not only human action but also skills, texts, money and technical objects can be conceived as networks and also as intermediaries in a wider network, which they describe and compose at the same time (Callon 1991: 135).

In this research I use the concept 'network' not to depict links between entities (people, organizations) but to highlight connections between the different processes which constitute transnational advocacy. Similarly to Riles (2001) I turn the advocacy 'inside out' and look into the relations *within* it, between the processes which constitute it. For this purpose I analyse comparatively the similarities between different advocacy campaigns. This should lead to a minimal set of similar processes which are joined together in advocacy, i.e. the string within the network of advocacy.

The well-known expression 'to pull the strings' is used to refer to the concealed manipulators of a course of affairs. However, the term 'string' is also used, according to the Oxford English Dictionary, to designate attachment, limits or succession.<sup>2</sup> I contend that the concept 'string' is well suited to refer to the process through which different local and transnational actors attempt to influence governments and others to follow their 'line' because it captures the agency implicit in advocacy. The 'strings' refer to something dynamic (as advocacy is) which can be 'pulled' or 'broken down'. In addition, a 'string' may bring the different parties in advocacy together (e.g. through an alliance) or may keep them apart (e.g. through setting boundaries, restrictions).

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<sup>2</sup> According to the Oxford English Dictionary 'string' may refer to: 'a line for binding or attaching'; 'a cord for leading or dragging along a person'; 'a limitation, condition, or restriction attached to something'; 'a cord for actuating a puppet'; 'to be in accord', 'to be united in purpose', 'to be closely connected (*at one's string's end*)'; 'a second resource available if the first should fail (*second string*)'; 'cord or ribbon worn as a decoration'; 'a number of objects strung on a thread; hence, a series, succession'; 'a set (of persons); a band, a faction'; 'a continuous series or succession (e.g. of stories, questions, incidents, historical personages)' (see Oxford English Dictionary Online 2010).

### **1.3 Methodology: an integrated multi-sited approach**

This thesis provides an analytical tool for understanding the dynamics of transnational advocacy and contributes to the literature regarding the role of transnational actors, ideas, knowledge and norms in promoting change at transnational, national and local levels, in practice and policy. It is based on comparative analysis of advocacy processes that took place between 1990 and 2008 and involved organizations linked to Britain and Romania. Although I have studied projects of British-Romanian organizations I do not aim to provide insights into wider transformations in Romania or with regard to British-Romanian ventures in general. These can be explored in further research.

The study of transnational processes contrasts with the traditional conception of fieldwork as the ethnographer's immersion in an exotic and remote place, in face-to-face relationships with a variety of 'natives' over an extended period of time (Amit 2000). The ethnography of transnational processes – following projects and advocacy campaigns – is inevitably fragmented and ramified. It may appear as 'multi-sited research' (Marcus 1998), 'network ethnography' (Hannerz 1992: 47-48), 'patchwork ethnographic fieldwork' or 'ethnography of global connection' (Tsing 2005: x).

I focused initially on *transnational projects* as sites of transnational relations and decided to follow their contours i.e. the people, money, documents and interactions involved in these projects. During data collection and analysis I realised that the projects I focused on initially relied on advocacy for promoting ideas in practice, law and policy. Consequently I refocused my enquiry on the constitution of *transnational advocacy projects*, spanning from promoting an issue as 'stake' or 'problem' to creating or developing specific services as solutions-in-practice. Then I reorganized my research focus: I moved from the study of transnational *projects* to the study of *transnational processes of advocacy* linked to the transnational projects I studied initially.

My focus on making sense (i.e. providing a clear and valid account) of the advocacy processes that involved organizations linked to Britain and Romania and other local and transnational actors shaped the structure of my research. I pursued three tracks, which were at times intertwined and at times juxtaposed,

in order to ensure that the conceptualization provided is valid (i.e. accurate, precise and reliable) and contributes to current academic debates. These tracks can be labelled: multi-sited data collection; multi-sited conceptual analysis and multi-sited literature review. I label my research route *integrated multi-sited approach* because the three tracks influenced each other.

Data collection and checking took place between August 2006 and August 2010 and involved the study of project- and advocacy-related documents, law and policies, interviews in Romania and the UK, and participant observation in various sites in the two countries. This process of gathering and checking data was multi-sited because it involved movement from one country or site (place, document or website) to another. Conceptual analysis and the writing of the research took place roughly between March 2007 and September 2010 and involved coding the data, formulating and testing hypotheses, comparative analysis across the advocacy processes under study and writing and rewriting the story of advocacy. This process was multi-sited mainly because it involved comparative analysis (Glaser and Strauss 1967) and thus movement between different projects and processes of advocacy. The process of literature review involved my movement from the literature on diaspora and transnationalism to the studies on transnational advocacy, international negotiation, epistemic communities and other topics, on a route interlinked with conceptual analysis and data collection.

The path of my research along the three tracks has been broadly influenced by the conceptualization of multi-sited research (Marcus 1998), grounded theory (Glaser and Strauss 1967; Strauss 1987; Strauss and Corbin 1990) and actor-network theory (Callon 1986; Latour 1986, 2005) in that it is a comparative analysis, uses diverse ethnographic sources, traces the links between local, national and transnational actors and processes and proposes a grounded conceptual model for the understanding of a certain process (of advocacy). I introduce briefly the main coordinates of each approach. A detailed presentation of my methodological route is provided in Chapter 3.

Marcus (1998: 81) used the term 'multi-sited ethnographic research' for ethnography that follows 'connections, associations and putative relationships'. He argued that 'multi-sited ethnographies' define their 'object of study' through several techniques: following the movement of people, the circulation of objects,

the constitution of metaphors, stories, allegories, biographies and conflicts (Marcus 1998: 90-95). He suggested four different (but complementary) ways for doing 'multi-sited research'. One way linked abstract sites with diverse spatial and temporal coordinates: 'modern interlocking institutions of media, markets, states, industries, universities – the worlds of elites, experts, and middle classes' (Marcus 1998: 81). Another way followed people, things, events and so on in different geographical locations: 'migration studies are perhaps the most common contemporary research genre of this basic mode of multi-sited ethnography' (Marcus 1998: 90). The third way linked virtual places in time and space, by following commodities, the making of metaphors, stories and biographies (Marcus 1998: 91-94). Finally, the fourth way linked abstract sites and diverse 'contexts' with the same temporal and spatial coordinates, as in the case of 'strategically situated ethnography' (Marcus 1998: 95). However, Marcus did not clarify how the researcher would theorize such processes and how s/he could link her/his findings to existing bodies of literature.

For data analysis I decided to follow the guidance provided by theorists of 'grounded theory' such as Glaser and Strauss (1967), Strauss (1987) and Strauss and Corbin (1990), because they were focused, like Marcus (1998), on the research of complex processes, in multiple sites. Glaser and Strauss (1967) pioneered the conceptualization of the process of comparative analysis based on empirical research and labelled it 'grounded theory'. They reviewed the use of comparative analysis for checking empirical accuracy, empirical generalizations, specifying a concept, verifying theory and generating theory (Glaser and Strauss 1967: 21-31). Strauss (1987) and Strauss and Corbin (1990) highlighted the following phases of generating theory through comparative analysis: coding data (open, axial and selective), theoretical sampling, creating memos, diagrams and case studies or case histories. During each stage, concepts and the relationships between them have to be tested against empirical evidence for checking their validity. Similarly to Glaser and Strauss (1967) and Strauss and Corbin (1990) I try to make sense of a certain process (i.e. transnational advocacy) through concepts and hypotheses derived from data and articulated in a coherent account, a 'theoretical rendition of reality' (Strauss and Corbin 1990: 22).

My focus on action and following people and projects resemble the approach labelled actor-network theory (see Callon 1986; Latour 1986, 2005) with regard to mapping the network of people, documents and events that shape the action or process under study. This approach is best illustrated in Latour's book *Science in Action: How to follow scientists and engineers through society* (Latour 1986). In one of the case studies in this book Latour followed links between scientific discovery in one laboratory – the triple helix (the structure of DNA) – and events, people and processes in other parts of the world, in different periods of time. Then he brought together, in a single account of the discovery of the triple helix, both scientists involved in the research of the DNA, across time and space (Whittaker in 1985 at the Institut Pasteur in Paris and Watson and Crick in 1951 at the Cavendish laboratory at Cambridge) and the engineers who created the computer on which the triple helix shape was generated (West and his team in 1980 in Westborough, Massachusetts) (see Latour 1986: 1-17). Latour summarised the methodology employed to follow scientists and make sense of their research findings in the following way:

(...) picture the following comic strip: we start with a textbook sentence which is devoid of any trace of fabrication, construction or ownership; we then put it in quotation marks, surround it with a bubble, place it in the mouth of someone who speaks; then we add to this speaking character another character to whom it is speaking; then we place all of them in a specific situation, somewhere in time and space, surrounded by equipment, machines, colleagues; then, we see how the people being convinced stop discussing with one another; situations, localisations, even people start being slowly erased; on the last picture we see a new sentence, without any quotation marks, written in a text book similar to the one we started with in the first picture (Latour 1986: 15).

Similarly to Latour (1986) I place within quotation marks the aims of the advocates under study (to promote 'integrated and sustainable development', 'children's rights' and the 'right to work') and follow them in their work, across time, in order to make sense of their success or lack of success in influencing governments and international organizations to take decisions along the 'line' advocated by them. I start from ideas or services that certain social entrepreneurs attempted to promote at local or national levels in response to an

advocacy issue which was advanced by them or other actors. I also look at the actors involved in promoting competing ideas and services at local and national levels (e.g. international organizations, government departments, businesses) because they are part of the same process of advocacy. I attempt to make sense of the interactions between the actors involved and the promotion of specific solutions in practice and policy, both via government strategy and the services endorsed in practice by social entrepreneurs. Like Latour, I try to make sense of the route of controversies and collaborations. To achieve this I follow three main principles of actor-network theory (ANT) coined by Callon:

agnosticism (impartiality between actors engaged in controversy), generalised symmetry (the commitment to explain conflicting viewpoints in the same terms) and free association (the abandonment of all *a priori* distinctions between the natural and the social<sup>3</sup>) (Callon 1986: 196).

Theorists stress that ANT is, like ethnomethodology, ‘a very crude method to learn from the actors without imposing on them an *a priori* definition of their world-building capacities’ (Law and Hassard 1999: 20). For this, researchers have to follow the actors and the web of influences that has generated their actions:

action should (...) be felt as a node, a knot, and a conglomerate of many surprising sets of agencies that have to be slowly disentangled. It is this venerable source of uncertainty that we wish to render vivid again in the odd expression of actor-network (Latour 2005: 44).

These three methodological approaches differ significantly due to their basic assumptions. Marcus (1998: 80) links ‘multi-sited ethnography’ with world system theory (Wallerstein 2004). Strauss and Corbin aim to provide a causal account, and trace ‘conditional paths’ at local, national and transnational levels for explaining a phenomenon. In addition they focus on ‘the meanings given to situations by the people involved’ (Strauss and Corbin 1990: 51, 167). This is an assumption of ‘symbolic interactionism’. On the other hand, actor-network theorists contest the assumption that social and scientific research illuminates causes of a certain phenomenon and advocate for replacing the focus on causality with a focus on tracing associations, conceptualizing descriptions and

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<sup>3</sup> In my research I make free associations between individuals, organizations, documents, law, websites, events, technology and other things.

making sense of the processes under study (Latour 2005; Woolgar 1988). In contrast to symbolic interactionists, actor-network theorists focus on what actors do in practice (Latour 2005), not on meanings attributed by actors to a certain situation. For actor-network theorists the meaning is in action.

However, the three approaches have a number of things in common:

- a) They place fieldwork at the centre of sociological or anthropological theorizing;
- b) They suggest the use of diverse ethnographic sources (participant observation, documents, events and interviews);
- c) They focus on processes and making sense of change (Latour 2005: 27; Marcus 1998: 93-35; Strauss and Corbin 1990: 143);
- d) They employ comparative analysis (Latour 1986; Marcus 1998: 86; Strauss and Corbin 1990);
- e) They trace the links between the process under study and the network of influences at local, national and transnational levels, and also across time and space (Latour 2005: 1-17; Marcus 1998: 81; Strauss and Corbin 1990: 158); and
- f) They endorse grounded i.e. empirically based, conceptual frameworks for the 'theoretical rendition' of the processes under study (Strauss and Corbin 1990: 22).

My methodology is inspired by these approaches but does not follow any of them dogmatically; moreover, it is different from them due to (1) the interlinkages between data collection, conceptual analysis and literature review and (2) my engagement with a wide academic literature conceptualized as an ensemble of sites which were explored in parallel with empirical sites. Due to these differences I label my methodology *an integrated multi-sited approach* in order to distinguish it from the approached that inspired it. I will provide more details in Chapter 3.

Following data collection, literature review and grounded conceptualization of the processes of advocacy under study, I formulated two competing perspectives (models) for understanding transnational advocacy: the *aggregated strings model*, based on literature review (outlined in Chapter 2), and the *integrated strings model*, based on grounded theory (outlined in Chapter 3). I present briefly these two models in the next two sections.

### **1.4 An aggregated strings model**

In Chapter 2 I discuss the insights of the existing studies of advocacy regarding transnational actors and their advocacy tools. Then I suggest that the tools of advocacy can be conceptualized as ‘strings’ which transnational actors ‘pull’ in order to influence governments and other actors to take a decision along the ‘line’ advocated by them. This leads me to propose an *aggregated strings model* of advocacy that collates the main insights provided by the literature; it is a wide but not exhaustive conceptualization of transnational advocacy including the following:

- Transnational actors: international organization (Deacon 2007; Finnemore 1996), transnational companies (Matellart 1983), mass media and the internet (Castells 1997; de Jong et al. 2004; Kolb 2005; Matellart 1983), epistemic communities (Haas 1992a), government networks (Slaughter 2004), global policy networks (Stone 2004), transnational religious organizations (Cohen 1999; Vertovec 2009), transnational social movements (della Porta and Tarrow 2005a, 2005b; Smith et al. 1997), transnational advocacy networks (Keck and Sikkink 1998; Risse and Sikkink 1999), diasporas and organizations of migrants (Adamson 2005; Lacroix 2005; Vertovec 2009).
- Advocacy tools: the use of persuasion (Checkel 2001, 2005; Majone 1989; Risse 2000), negotiation (Raiffa 1982; Sebenius 1984), socialization (Checkel 2005; Finnemore 1993, 1996; Finnemore and Sikkink 1998; Zürn and Checkel 2005), leverage through coalitions (Keck and Sikkink 1998; Risse and Sikkink 1999; Sikkink 1999), incentives and penalties (Schimmelfennig and Sedelmeier 2005b).

However, the existing literature faces at least nine challenges, detailed in Chapter 2. Moreover, even the aggregated model stops short of making sense of certain aspects of advocacy such as (1) the combination of strings that was or might be effective in advocacy; (2) the duration and dynamics of advocacy; and (3) the failure of advocacy. My discontent with the existing literature and the aggregated model prompted me to explore a grounded conceptualization of transnational advocacy, outlined in the next section.

### **1.5 An integrated strings model**

My comparative analysis of the factors that shaped transnational advocacy processes (involving British-Romanian organizations) across time leads me to propose a conceptualization of the interlinked processes that constitute advocacy: an *integrated strings model*. Overall, this model can offer a comprehensive understanding of the dynamics of transnational advocacy through highlighting processes that I label *stages* and *strings*, in order to emphasize their dynamics:

- There are five polarized *stages*: the making of *pilot* or *past solutions-in-practice*, *problematization*, the development of a *common frame for possible solutions*, the creation of *solutions-on-paper* and the making of *solutions-in-practice*;
- Each of these stages is constituted by two to six *strings*: the creation of social enterprises (*enterprise*), the use of *expertise*, *regulations* and *technology*, the creation of *alliances* and the *marketization* of ideas, products and services.

The local and transnational actors involved in these processes are ad-hoc social entrepreneurs, informal associations, non-governmental organizations, international organizations, government departments, politicians, professionals, academics, business people and the mass media. I place special emphasis on a type of actor that I label *ad-hoc social entrepreneur* because it is different from the types of social or political entrepreneur emphasized in the existing literature. I will provide a detailed description of this model in Chapter 3.

### **1.6 Illustrations through three case studies**

My conceptualization of 'case study' follows the definition provided by Strauss (1987): to illustrate a pattern noticed from the comparative study of different situations (i.e. the grounded conceptual model) not unique instances. It is important to stress the difference between this understanding of the case study as vehicle for showing the analytical usefulness of the grounded conceptual model, and an alternative understanding of 'case study' and the

'case study method' i.e. the 'study of the singular, the particular, the unique' (Simons 2009: 3; see also Platt (2007) for a detailed discussion of diverse conceptualizations of the case study in sociology and other disciplines).

In order to illustrate the interlinkages between advocacy, practice and policy-making I focus on advocacy processes chosen strategically: the promotion of heritage conservation and 'integrated and sustainable development' in an area in central Romania known as 'Saxon villages and towns' over a period of 10 years (1999-2008); the promotion of 'children's rights' through the reform of the state childcare system in Romania over a period of 12 years (1997-2008) and, finally, the attempts, over a period of 3 years (2006-2008), to influence the opening of the UK labour market for Romanian citizens following EU accession (the advocacy for the 'right to work'). These case studies are conceived as a battleground between the integrated and the aggregated models: each case study illustrates the integrated strings model and includes alternative explanations based on the existing literature and the aggregated strings model. The three case studies were chosen on the basis of the following criteria:

- *Diversity*: They involve *different issues and timeframes* and a wide variety of *different* transnational actors such as social entrepreneurs, international organizations, government departments, small transnational organizations, politicians, business people and experts. The major actors involved in one case study are not prominent in the other case studies. However, some of the actors do feature in two of the case studies, due to their diverse interests.
- *Complexity*: The case studies involve numerous different processes (e.g. the use of expertise, technology and regulations, the creation of alliances and social enterprises, marketization) and illustrate intricate advocacy processes.
- *Topicality* in current debates in the mass media, politics and business in Europe and beyond (not only in Romania or the UK): The promotion of children rights and the controversies around migrants' status are top issues in the mass media and in politics around the world. Ecotourism is part of the wider field of ethical business and receives great attention in the mass media particularly due to its association with sustainable

development, cultural and natural heritage and niche tourism (see Marriott 2008). Incidentally, the three case studies selected correspond to three key 'images' associated with Romania in the Western European and particularly British mass media: Dracula, orphans and migrants.

- *Contrasts*: They allow the juxtaposition and comparison of cases of 'successful' and 'unsuccessful' advocacy. Two of the three case studies show advocacy processes in which transnational actors influenced changes in practice and policy along their 'line'. The third case study shows a process in which advocates did not succeed in influencing the political decision-making process. The assessment of the advocacy as 'successful' or 'unsuccessful' is done from the perspective of the small ad-hoc social entrepreneurs who are at the centre of this research. I show that the integrated model can make sense of the route of advocacy, policy-making and changes in practice in both 'successful' and 'unsuccessful' cases.
- *Prevalence in practice*: One of the case studies, on 'children's rights', tackles types of project (childcare services) which were prevalent among projects initiated in the 1990s by British-Romanian transnational organizations.

The three case studies are relevant to current academic debates e.g. environmentalist campaigns (Li 2005; Rootes 1999, 2003; Tsing 2005), advocacy for ecotourism and the conservation of cultural and natural heritage (Beckmann and Dissing 2004; Brosius 2005; Ignatow 2008; Johnson 1999), the making of migration policy (Boswell 2008, 2009b; Freeman 1995, 2006; Statham and Geddes 2006), international conditionality exerted by the EU (Linden 2002; Schimmelfennig and Sedelmeier 2005a, 2005b), the use of expert knowledge in policy-making (Boswell 2009b; Haas 1989, 1992a, 1992b; Knorr 1977; Peterson 1992; Weiss 1977a, 1977b), advocacy for human rights (e.g. Finnemore 1993, 1996; Grugel and Peruzzotti 2007; Keck and Sikkink 1998; Risse et al. 1999) and minority rights (Cowan 2001, 2007; Kelley 2006).

Due to the focus of the case studies – on the interlinked processes that constitute transnational advocacy – I will not tackle a range of related issues such as the understanding of sustainable development, the promotion of children's rights in Romania in general, migration politics in the UK or others. I

should warn the reader that s/he will not find an overarching account of the context of the transnational advocacy processes discussed in this thesis, even though the case studies share something: links to Romania and the UK. This is because the transnational processes under study are influenced by a variety of 'contexts' such as international regulations, domestic law, transnational and local markets of ideas, services and goods, economic, cultural and diplomatic relations and specific events. I weave these 'contexts' into the case studies because, to the extent that they influenced the course of advocacy, they are part and parcel of the advocacy processes under study, not external, as 'context'. For this reason I consider regulations, technology and marketization as strings of the network of advocacy (i.e. the integrated strings model), not as 'contexts'.

In order to further test the empirical validity of the integrated model in one section of Chapter 7 I discuss through the lens of the integrated model two cases of advocacy from the available literature, not centred on Europe: (1) an example of advocacy at federal level in the United States – the attempts to promote child welfare and combat or at least regulate child labour at the beginning of the 20<sup>th</sup> century, and (2) an example of advocacy for transnational regulations – the negotiation of the Law of the Sea in the 1970s. The illustration of the integrated model in three case studies and two brief examples from the literature supports the aim of this thesis: to propose a conceptual model for understanding the dynamics of transnational advocacy. Chapter 7 also addresses the following questions: How do the main findings of this research contribute to the study of transnational advocacy? How does the integrated model avoid the pitfalls of the available literature? What insights does this thesis provide for practitioners (e.g. advocates, civil servants, service providers, staff of international organizations) and for the wider public?

## 2 The aggregated strings model based on literature review

This chapter outlines an ensemble of academic perspectives related to transnational advocacy and the influence of transnational actors at national and international levels (thereafter ‘the literature on transnational advocacy’ or ‘the literature’). As I warned the reader in the previous chapter, there is no clearly defined body of literature on transnational advocacy. I reviewed various strands of literature including studies of transnational advocacy networks, social movements, international organizations, diasporas, various transnational ‘communities’, policy networks, international negotiation, Europeanization and scientific practice. Some of these strands of literature crisscross; for example Vertovec (2003: 658) discusses similar concepts employed in the study of transnational actors in three bodies of literature – on migration, social movements and transnational business – and advocates for ‘conceptual cross-fertilization’.

Firstly, I briefly present a wide range of transnational actors such as international organizations, transnational companies, the mass media, transnational social movements, organizations of migrants and diasporas, epistemic communities, networks of government officials, global public policy networks, transnational religious organizations and transnational advocacy networks. I will not discuss all-encompassing concepts such as ‘civil society’ or ‘global civil society’ (Anheier et al. 2001; Baker and Chandler 2005; Kaldor 2003, 2005) because I want to emphasize the diversity of transnational actors.

Secondly, I discuss six advocacy tools and mechanisms outlined in the literature: persuasion, negotiation, socialization, leverage, incentives and penalties. These can be seen as ‘strings’ which actors involved in advocacy employ or ‘pull’ in order to influence other actors, particularly governments, to take decisions along the ‘line’ advocated by them. I propose an *aggregated strings model* of transnational advocacy by summing up these six advocacy tools and the conceptualization of various transnational actors in a single conceptual model, in order to illuminate complex advocacy processes.

However, during literature review I identified a number of shortcomings in the current perspectives regarding transnational advocacy, as outlined in this chapter. Moreover, even the aggregated model stops short of providing a comprehensive understanding of the dynamics of advocacy, its success or failure. Thus, it is important to open up the study of transnational advocacy beyond the aggregated model.

## **2.1 Transnational actors**

Studies of transnational advocacy mainly focus on *international organizations* such as Amnesty International, UNESCO, the World Bank and the European Union and the international campaigns carried out by these organizations, e.g. for promoting human rights (Keck and Sikkink 1998), endorsing science policy, advancing the idea that 'poverty reduction' should be part of development policy (Finnemore 1996) or for minority rights (Kelley 2006). Wedel (1998), Stubbs (2003) and Deacon (2007) point out that the aid and development work of international organizations is interlinked with *international consultancy companies* due to their practice of subcontracting the actual delivery of aid (e.g. as technical assistance).

Matellart (1983) emphasizes the role of *transnational companies* in promoting ideas such as 'birth control' or 'tele-education' in developing countries (Matellart 1983: 3-7). He stresses the 'close alliances, explicit or implicit, concerted or not, natural or programmed, (...) formed between educational foundations, university research centres, and American pharmaceutical laboratories' (Matellart 1983: 3). These coalitions include companies, NGOs, experts in specific fields and social scientists.

Conceptualization of the transnational influence of *the mass media* takes different forms. Matellart (1983) singles out the mass media as business interlinked with cultural and educational policy and practice. Others view the mass media as instrument for advocates (Castells 1997) or even as advocate (Kolb 2005). For example Castells (1997) evokes the role of the mass media in the campaign of the Zapatistas, while Kolb (2005) points out the role of news coverage in enhancing the visibility and membership of the organization ATTAC

Germany (Association for the Taxation of Financial Transaction for the Aid of Citizens).

*Transnational social movements* have contrasting definitions. For some authors, social movements refer to ‘a sustained, organized public effort making collective claims on target authorities’ or a campaign led by ‘ordinary people’ (Tilly 2004: 3; see also Tarrow 1998: 2). These movements may employ a combination from among the following forms of political action: the ‘creation of special-purpose associations and coalitions, public meetings, solemn processions, vigils, demonstrations, petition drives, statements to and in public media, and pamphleteering’ (Tilly 2004: 3). For others, social movements are campaigns carried out by international non-governmental organizations (INGOs) (Chatfield 1997: xiii). The two definitions are on a continuum though. Tilly (2004) remarks that social movements started by ‘ordinary people’ have to develop an institutional form and employ specialised staff in order to perpetuate themselves (Tilly 2004: 3).

*Diaspora organizations* are generally portrayed as transnational political actors rooted in at least two cultural and political environments i.e. in the country of origin and the country of settlement. The literature on migrants’ transnational activism highlights mainly ‘homeland politics’, which may include advocacy for provisions regarding ‘absentee voting’, supporting the electoral campaigns of certain candidates, political or military factions, and staging protests and petitions focused on political, cultural or religious issues (Adamson 2005; Cowan 2001; Vertovec 2009; Werbner 2002). Other bodies of literature point out the role of advocacy in setting up specific development-oriented projects in the country of origin (Lacroix 2005). The activism of diaspora and migrant-led organizations may include advocacy for minority rights or for setting up and providing specific social services for migrant groups (Landolt 2008; Werbner 2002).

Transnational networks of scientists and officials from international organizations are often invoked in the discussion of transnational advocacy (see Haas 1990, 1992; Sebenius 1992; Finnemore 1993; Meijerink 2005; Rose 1991; Stone 1996, 2004, 2008). Haas (1990) labels these networks *epistemic communities*:

a professional group that believes in the same cause-and-effect relationships, truth tests to assess them, and shares common values [and] (...) a common interpretive framework, or 'consensual knowledge', from which they convert such facts, or observations, to policy-relevant conclusions (Haas 1990: 55; see also Haas 1992a: 3).

An epistemic community may include high-ranking officials from international organizations and officials from national governments beside scientists from research institutes, universities and think-tanks (Haas 1989, 1990; Finnemore 1996; Slaughter 2004; Stone 1996). Haas stresses that epistemic communities are important because state actors request their support (i.e. information) in situations of uncertainty in order to define the problem at stake, indicate causes and possible consequences and propose policy recommendations (Haas 1990: 52-55; Haas 1992a: 15). Haas (1992a: 19-20, 35) contends that epistemic communities need to be differentiated from members of other 'knowledge-based' groups such as professionals, academics or bureaucracy in a certain field, mainly due to their 'normative commitments' for promoting 'collective betterment' and their 'immunity' to acting for preserving their 'missions and budgets'.

Slaughter (2004: 1, 9) labels the networks of police investigators, financial regulators, judges and legislators as *government networks*. She points out that these networks are pervasive and that they 'increasingly exchange information and coordinate activity to (...) address common problems on a global scale'. They lead to 'regulation by networks' through 'organized networks of national officials', as shown in the working of the EU (Slaughter 2004: 8).

Similarly to Slaughter, Stone (2008) highlights *global public policy networks*, such as transnational consultative groups, which 'transfer' policy from international to national levels, as in the case of the Global Alliance on Vaccination and Immunization. Scholars point out the role of policy networks not only in the elaboration of policies but also with regard to the access to and management of policy-related resources such as funding (see Rhodes 1997 about EU policy networks).

*Transnational religious organizations* are widely acknowledged as important actors in transnational politics. Their activities are studied in relation to a variety of transnational processes such as the political mobilization of

diasporas (Adamson 2005; Cohen 1999; Vertovec 2009) or the making of international treaties (Levering 1997; Raiffa 1982; Riles 2006b). For example Levering (1997) points out the role of The Religious Society of Friends (Quakers) and the United Methodists, alongside experts and diplomats, in the negotiation of the Law of the Sea.

Keck and Sikkink (1998: 2) coined the term *transnational advocacy networks* to refer to 'those relevant actors working internationally on an issue, who are bound together by shared values, a common discourse, and dense exchanges of information and services' (Keck and Sikkink 1998: 2). According to Keck and Sikkink (1998), these networks contribute to advancing ideas, norms and international law at national and international levels (Keck and Sikkink 1998; Risse and Sikkink 1999; Sikkink 2005). They distinguish these advocacy networks from epistemic communities (motivated by 'shared causal ideas') and businesses (led by instrumental goals) (Keck and Sikkink 1998: 30). Keck and Sikkink (1998: 9) stress that the major actors in advocacy networks may include international and local NGOs, local social movements, foundations, the media, churches, trade unions, intellectuals, consumer organizations and regional and intergovernmental organizations. Thus transnational advocacy networks cut across the aforementioned transnational actors.

Scholars of transnational actors do not necessarily discuss the tools of advocacy. For example scholars of social movements focus on what makes social movements possible – framing, mobilizing structures, resource mobilization and opportunity structures (della Porta and Tarrow 2005b; Smith et al. 1997; Tarrow 1998; Tilly 2004). Students of the transnational advocacy carried out by diasporas focus primarily on its effects with regard to identities (Cowan 2001; Vertovec 2009), political action, social movements (Werbner 2002) and infrastructure and economic ventures in the countries of origin (Lacroix 2005; Vertovec 2009). Students of epistemic communities, transnational advocacy networks, government networks and other policy networks focus on how these actors influence policy-making – persuasion, socialization, leverage, incentives and penalties. Actual changes in practice, however, remain under-explored.

## **2.2 Advocacy tools**

In this section I focus on the following advocacy tools: persuasion (Checkel 2001, 2005; Haas 1992a; Majone 1989; Risse 2000), negotiation (Raiffa 1982; Sebenius 1984, 1992), socialization (Finnemore 1993, 1996; Linden 2002), leverage (Keck and Sikkink 1998; Risse et al. 1999; Sikkink 2005), incentives and penalties (Finnemore and Sikkink 1998; Schimmelfennig 2005; Schimmelfennig and Sedelmeier 2005b). I suggest that these can be seen as ‘strings’ that various actors ‘pull’ in order to promote their aims and influence other actors, particularly governments. I contend that together these advocacy tools could provide a more comprehensive understanding of advocacy than the study of separate strings.

### **2.2.1 Persuasion**

It has been argued that transnational actors may influence national policies and international regulations through persuasion, i.e. by advancing arguments (Majone 1989; Risse 2000; Checkel 2001, 2005) and by creating a base of ‘common understanding’ regarding the issue at stake, drawing for example on expert knowledge or international norms (Finnemore 1993; Finnemore and Sikkink 1998; Haas 1989, 1992a; Majone 1989; Risse 2000). This advocacy tool is illustrated best by scholars who point out the role of experts and expert knowledge in policy-making. Haas argues that ‘an epistemic community’s power resource, domestically and internationally, is its authoritative claim to knowledge’ (Haas 1990: 55). He avers that experts may convince governments to endorse certain policy proposals through a process of teaching and learning in which governments learn about the causal mechanisms and the effects of the problem at stake. Thus ‘they may recognize that the context in which policy is made has changed, and alter their reasoning process accordingly’ (Haas 1990: 61).

Risse (2000: 20) contends that argument and persuasion are critical in the first phase of international negotiation processes, when the agenda is set and participants try to acquire and agree upon ‘common knowledge’ about the situation at stake. He states that, due to the fact that international organizations do not command important material resources, they ‘have to rely on the “power

of the better argument”’. Moreover, arguing ‘establishes trust among actors regarding mutual belief in the truthfulness of one’s respective speech acts and in the authenticity of the speakers’ (Risse 2000: 20).

### **2.2.2 Negotiation**

Transnational actors could influence transnational regulations through bargaining (Raiffa 1982; Risse 2000; Sebenius 1992). Sebenius (1984) documents the negotiations for the Treaty regarding the Law of the Sea (1982), in which he was directly involved as a member of the US delegation. In contrast with authors who stress ‘common knowledge’ as a prerequisite for advancing international agreements, Sebenius (1984: 50) points out that agreements can be facilitated by the differences between the participants in a negotiation rather than by similarities. He stresses that the main coordinates of the process of negotiation are: interests, the evaluation of alternatives to an agreement, potential agreements (the zone of agreement) and the reconfiguration of the bargaining during the process of negotiation, e.g. by adding new issues (Sebenius 1984: 68-73). Sebenius contends that the actors involved in negotiations differ from each other with regard to ‘preferences, forecasts and beliefs, in attitudes towards risk and towards time’ (Sebenius 1984: 50). The interest in achieving an agreement, coupled with these differences, prompts the participants in negotiation to make trade-offs in view of an agreement. Mediators play a central role in this case, because they are instrumental for elaborating a ‘single [negotiation] text’ (Sebenius 1984: 55).

Raiffa (1982) develops three models for rendering the negotiation which takes place between various parties. One model is centred on cases where there are two opposing parties and only one issue is at stake. In this situation the following pattern emerges: the two parties assess the ‘best alternative to a negotiated agreement’ (‘batna’) and set the threshold value that each bargaining party needs, following analysis of the consequences of no agreement. Then they bargain within the ‘zone of agreement’ for the final contract (or accord), which spans between the threshold values of the two parties (Raiffa 1982: 45-46).

A second model focuses on situations in which there are two opposing parties but more than one issue at stake. The central piece of this model is settling a 'single negotiating text (SNT)' (Raiffa 1982: 215). The final agreement is not reached at first try, but through various strategies: the two parties advance diverse 'packages' and modify them until the package proposed by one of the parties is accepted as a 'single negotiating text'. This process is labelled the 'dance of packages'. The 'single negotiating text' is subject to further bargaining until agreement is reached (Raiffa 1982: 133-235, 253).

The third model refers to cases in which there are more than two parties involved and more than two issues. Raiffa (1982: 252) stresses that, in 'many-party' disputes, the actors may not be well specified: 'it may be that your antagonists are so diffuse and poorly organized that you might have a hard time knowing even with whom you can or should negotiate'. Moreover, some of the parties in negotiation 'might shift and split apart', forming or dissolving coalitions. Consequently, the picture of advocacy shows not two opposing sides but many sides. Raiffa (1982: 254) argues that 'many-party negotiations are often too diffuse to be effective unless they focus on a single negotiating text'. Thus this model of negotiation can be reduced to the previous model. However, there may be variations, such as the number of initial SNTs in the 'dance of packages' or the creation of packages from the fusion of some initial packages, following the formation of a coalition between the corresponding parties (Raiffa 1982: 253). Constraints due to time and the need for an agreement shape the dynamics of negotiation. For example 'successive drafters, in the spirit of compromise, [make] fewer and fewer substantial changes' (Raiffa 1982; see also Riles 2006b). Issues where agreement is not reached may be 'solved' either through enveloping them in 'ambiguous language' 'so that the parties are able to go back home and interpret these ambiguities to their own side's advantage' (a process labelled by Raiffa 'creative obfuscation') or by transforming the 'irresolvable issues' in 'non-issues', so that nothing more is said about them (see Raiffa 1982: 254).

Raiffa (1982) discusses these models in various case studies ranging from domestic negotiations (e.g. between a union and a municipality) to international negotiations (e.g. the Panama Canal Negotiations, the Camp David Negotiations and the negotiation of the Law of the Sea). He points out that the

bargaining may include not only the settlement of an agreement but also the actual settlement of the issues at stake (Raiffa 1982: 14).

Discussing transnational advocacy through the lens of negotiation studies has the advantage of illuminating the actors involved in the actual negotiation, the importance of negotiation skills in addition to expert knowledge, and the trajectory of the final agreement. For example, Sebenius (1984) and Raiffa (1982) discuss the negotiations for settling the 1982 UN Law of the Sea. They focus on the trajectory of the 'single negotiating text' regarding the financial arrangements for deep-sea mining in the Law of the Sea (UN 1982). They stress the role of scientists from the Massachusetts Institute of Technology (MIT) in facilitating the 'single negotiating text' on the basis of the econometric model they proposed for anticipating the returns and feasibility of competing financial investments. According to Sebenius, the MIT model 'was perceived as independent of adversarial negotiation elements, [and thus able to] (...) foster the communication and learning that pointed to [a] mutually beneficial agreement' (Sebenius 1984: 52). Raiffa also stresses the role of the Chairman of the negotiations (the Ambassador of Singapore) as mediator for securing an agreement on the 'single text' (Raiffa 1982: 282). Raiffa (1982: 287) points out a complex net of people (scientists, negotiators), events (educational seminars, negotiation meetings), technology (a computer model) and strategies that contributed to the settlement of an agreement with regard to the Law of the Sea.

### **2.2.3 Socialization**

Transnational actors may also influence national policies through socialization strategies: 'teach' governments about international norms; persuade them to adopt 'the rules and norms' of a given community such as the EU (Checkel 2005) or the norms of human rights (Keck and Sikkink 1998; Risse et al. 1999); provide governments with scientific education (Haas 1990); or suggest models of practice from other countries (Jacoby 2005).

Finnemore (1993, 1996) stresses that international organizations 'teach' states norms (about what is 'good' and 'appropriate') and thus 'socialize states to accept new political goals and new values that have lasting impacts on the conduct of war, the workings of the international political economy, and the

structure of states themselves' (Finnemore 1996: 3). For example, she argues that UNESCO advocated the creation of national policies regarding the development of science and technology by 'teaching' states that 'a science bureaucracy was a necessary component of "the modern state"' (Finnemore 1996: 4). She argues that another international organization, the International Committee of the Red Cross, advocated humanitarian protection for wounded soldiers and non-combatants by 'teaching states' that this approach was in their interest (Finnemore 1996: 69-88). Her third case study focused on the role of the World Bank in 'teaching' states that 'poverty alleviation' should be a component of development (Finnemore 1996: 89-126). In all these cases the 'teaching' took shape in the form of international conferences, publications and the negotiation of international agreements.

Gheciu (2005: 973) argues that NATO 'relied extensively on mechanisms of teaching and persuasion to project a particular set of liberal-democratic norms of security into the former Eastern block'. These norms included: 'accountability and transparency in the formulation of defence policies and budgets, the division of powers within the state in the area of security, government oversight of the military through civilian defence ministries, and accountability for the armed forces', and even the promotion of human rights (Gheciu 2005: 974). Her case studies focus on the Czech Republic and Romania. NATO played its role as educator or teacher of norms in 'hundreds of workshops and seminars, as well as formal and informal consultations targeting Central and Eastern Europeans' (Gheciu 2005: 988).

#### **2.2.4 Leverage**

Organizations involved in transnational advocacy may call upon reputed international organizations in order to advance their claims; this is 'leverage politics' (Keck and Sikkink 1998: 16). According to Keck and Sikkink,

activists may 'shop' the entire global scene for the best venues to present their issues, and seek points of leverage at which to apply pressure. Thus international contacts amplify voices to which domestic governments are deaf, while the local work of target country activists legitimizes efforts of activists abroad (Keck and Sikkink 1998: 200).

'Leverage politics', in combination with other advocacy tools such as persuasion and socialization, can have diverse patterns. Keck and Sikkink (1998), Risse and Sikkink (1999) and Sikkink (2005) discuss four types of pattern of leverage politics: the 'boomerang' model (Keck and Sikkink 1998), the 'spiral model' (Risse and Sikkink 1999; Sikkink 2005), 'defensive transnationalization' and 'insider–outsider coalitions' (Sikkink 2005).

The 'boomerang' model describes a situation where 'channels between the state and its domestic actors are blocked, (...) [and] domestic NGOs bypass their state and directly search out international allies to try to bring pressure on their states from outside' (Keck and Sikkink 1998: 12). Keck and Sikkink (1998: 107-108) argue that Argentine NGOs and international activists influenced Argentine government practices during military dictatorship (1976-1983) through an advocacy process resembling the use of a boomerang:

The value of the network perspective in the Argentine case is in highlighting the fact that international pressures did not work independently, but rather in coordination with national actors. Rapid changes occurred because strong domestic human rights organizations documented abuses and protested against repression, and international pressures helped protect domestic monitors and open spaces for their protest. International groups amplified both information and symbolic politics of domestic groups and projected them onto an international stage, from which they echoed back into Argentina. This classic boomerang process was executed nowhere more skilfully than in Argentina, in large part due to the courage and ability of domestic human rights organizations (Keck and Sikkink: 200: 107-108).

The 'spiral model' (Risse and Sikkink 1999; Sikkink 2005) is a process of 'norm socialization' due to the pressure of transnational actors and the existing human rights regime and goes through the following four steps: a) instrumental adaptation to international pressure when 'governments accused of violating human rights norms (...) adjust to pressures by making some tactical concessions' (Risse and Sikkink 1999: 12); b) 'socialization through moral discourse [which] emphasizes processes of communication, argumentation and persuasion' (Risse and Sikkink 1999: 13); c) participation in the norm-related argumentative process regarding norm implementation (Risse and Sikkink

1999: 17); and d) compliance with the norms because 'it is the normal thing to do' and because the state is under pressure to live up to the norms adopted (Risse and Sikkink 1999: 17-35).

The 'boomerang' and 'spiral' models were illustrated in various case studies of human rights advocacy in countries with repressive regimes (Risse et al. 1999). It has been argued that these models make sense only of the process of advocacy in such countries and cannot make sense of advocacy in democratic countries (Checkel 2005). In response Sikkink (2005) suggested two further mechanisms of transnational advocacy: 'defensive transnationalization' and 'insider–outsider coalitions'.

'Defensive transnationalization' refers to the situation where the activists 'have not sought out international organizations but rather have been forced to work internationally [confronting institutions they consider not open], because their governments have made international agreements that move significant decision-making power into international institutions', as in the case of transnational action targeting the NAFTA or the World Trade Organization (Sikkink 2005:163-164).

'Insider–outsider coalitions' refer to situations where these activists perceive both domestic and international opportunity structures as relatively open. They 'privilege domestic political change, but will keep international activism as a complementary and compensatory option' (Sikkink 2005: 165). This resonates with Risse-Kapfen's (1995b: 26) concept of 'winning coalitions': 'the ultimate success of transnational actors to induce policy change depends on their ability to form "winning coalitions" in the target country' and 'their ability to adjust to the domestic structure of the "target country"'. Sikkink (2005) considers that the legal struggle in Argentina against the top military responsible for the kidnapping of dissidents during the military dictatorship can be characterized as an 'insider–outsider coalition' because the legal battle started by the lawyers of human rights organizations such as the Grandmothers of the Plaza de Mayo was complemented by pressure from European governments (Finnish, French and Swedish).

### **2.2.5 Incentives and penalties**

International organizations (EU, NATO) may influence states to comply with international norms by providing them with incentives for compliance such as funding or membership. In this case the ‘target’ governments choose to comply following a cost–benefit strategic calculation (Checkel 2005; Schimmelfennig 2005; Schimmelfennig and Sedelmeier 2004, 2005b). Schimmelfennig and Sedelmeier (2004) point out that the EU’s relations with countries from Eastern Europe, in view of facilitating their access to the Union, were shaped by ‘a bargaining strategy of reinforcement by reward, under which the EU provide[d] external incentives for a target government to comply with its conditions’; this strategy was labelled governance by conditionality (Schimmelfennig and Sedelmeier 2004: 662).

Schimmelfennig and Sedelmeier (2004: 667) contrast ‘reinforcement by reward’ with ‘social learning’ through persuasion and socialization. However, the two models need not be seen as opposite. Finnemore and Sikkink (1998: 895) argue that incentives and penalties are components of the ‘life cycle’ of norm socialization. In addition, Kelley (2004, 2006) suggests that international organizations such as OSCE, Council of Europe and institutions related to the European Union influenced the governments of Baltic and Central European states to adopt measures promoting minority rights by using both ‘socialization’ and ‘incentives and penalties’.

### **2.3 Pitfalls of the existing literature**

In this section I highlight nine weaknesses of the literature on advocacy: conceptual fragmentation and overlaps, allegation of causality, separation of advocacy from transnational markets of aid and services, uncritical emphasis on expert knowledge, taking at face value the advocacy issues, reliance on the concept of ‘opportunity structures’ for lumping together actors and processes, decoupling advocacy and policy-making from practice, ‘orientalization’ of transnational actors based in ‘target’ countries and the marginalization of ‘unsuccessful’ advocacy.

### 2.3.1 Conceptual fragmentation and overlaps

The fragmentation of the process of advocacy is due to the separation between ‘national’ and ‘transnational’ advocacy and policy-making (e.g. by not considering both of them) on the one hand, and to the focus on only a part of the actors involved in the process of advocacy under study on the other hand. Moreover, the latter leads to conceptual overlap with regard to the definition of different strands of transnational actors.

For example concepts such as ‘epistemic communities’ (Haas 1990), ‘global public policy networks’ (Stone 2008) and ‘transnational advocacy networks’ (Keck and Sikkink 1998) evoke policy-related actors associated with national policy-making: ‘technocrats’<sup>4</sup> (Fischer 1990), ‘policy communities’<sup>5</sup>, ‘policy networks’<sup>6</sup>, ‘advocacy coalitions’<sup>7</sup> (Jenkins-Smith and Sabatier 1993; Rhodes 1997; Sabatier 1993). Students of transnational advocacy do not engage with the ‘national’ end of the actors involved in advocacy and their conceptualization.

Transnational policy tools such as persuasion and learning (socialization) evoke policy tools discussed in the ‘national’ contexts such as persuasion and the diffusion of ideas (Kingdon 1995: 16) and learning which leads to incremental policy changes (Hecl 1974: 306) or ‘lesson-drawing’ (Rose 1991: 22). However, these similarities are little explored in studies of transnational advocacy; for example Schimmelfennig and Sedelmeier (2005b) and Jacoby (2005) do engage briefly with ‘lesson-drawing’.

In addition, it is common to focus on one type of transnational actor such as ‘epistemic communities’ or ‘social movements’ and stop short of making sense of the broader process of advocacy. For example Sebenius (1984), Raiffa (1982) and Levering (1997) discuss from different perspectives the

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<sup>4</sup> Technocracy (...) refers to a system of governance in which technically trained experts rule by virtue of their specialised knowledge and position in dominant political and economic institutions (Fischer 1990: 17).

<sup>5</sup> According to Kingdon (1995: 117) ‘policy communities’ are composed of ‘specialists in a given policy area – health, housing, environmental protection, criminal justice (...) scattered both through and outside of government (...) [who] have in common their concern with one area of policy problems’.

<sup>6</sup> ‘Policy communities’ or networks refers to the relationships between interest groups (ranging from business to the voluntary sector) and government departments (see Rhodes 1997: 43).

<sup>7</sup> ‘Advocacy coalitions’ refers to ‘actors from a variety of public and private institutions at all levels of government who share a set of basic beliefs (policy goals plus causal and other perceptions) and who seek to manipulate the rules, budgets, and personnel of governmental institutions in order to achieve these goals over time’ (Jenkins-Smith and Sabatier 1993: 5).

process of advocacy that led to the constitution of the Law of the Sea treaty. Sebenius (1984) and Raiffa (1982) tackle mainly the role of negotiation packages, experts and diplomats in the financial negotiations for this treaty, while Levering (1997) highlights the role of international organizations and social movements in facilitating access to expertise during the negotiations. Raiffa (1982) and Sebenius (1984) do not delve into the relations between international organizations, their leaders, experts and the text of the treaty, while Levering (1997) does not pay attention to the actual financial arrangements stipulated in the treaty and the pattern of negotiation. Thus these studies provide pieces of the puzzle but stop short of providing a comprehensive account of the complexity of the advocacy and negotiation under study.

Moreover, it is common for scholars to explore the actions of transnational actors on only one side in the process of advocacy, i.e. the side of the 'advocates' (those who aim to persuade, teach or provide incentives and rewards), while downplaying the role of the actors from 'the other side' (e.g. national governments, and / or other actors opposed to the cause advanced by the 'advocates') in shaping both the actions of the 'advocates' and the advocacy process overall.

Last but not least, scholars highlight overlapping configurations of actors in transnational advocacy such as 'epistemic communities', 'global public policy networks', 'social movements' and 'transnational advocacy networks', which all refer to relations between international organizations, government officials and individuals (scientists, policy entrepreneurs).

### **2.3.2 The allegation of causality**

It has been argued that epistemic communities and transnational advocacy networks have influenced government decisions and policies (Finnemore 1996; Haas 1992a; Keck and Sikkink 1998). Authors who endorse the role of these transnational actors tend to suggest causality, i.e. that these actors determined certain effects. I contend that, when taking into consideration a broader array of transnational actors, including national governments and international business, the allegation of causality is difficult to support.

For example Peterson's (1992) study of the actors involved in the international regulation of whaling – the whaling industry, the scientific network of cetologists, the environmentalist organisations and the representatives of the states having a whaling industry – suggests that epistemic communities had a say with regard to the 'limits of policy change', but it is not clear whether they determined a certain policy route (Peterson 1992: 148, 186). He concludes that 'the epistemic community helped push US [whaling] policy in a conservationist direction but seldom fully determined it' (Peterson 1992: 149).

Keck and Sikkink (1998) claim that transnational human rights advocacy in Argentina in the 1970s led the military dictatorship to refrain from oppression and also that their advocacy had a distinguishable pattern that can be defined as the 'boomerang' model. However, Keck and Sikkink (1998: 105-107) acknowledge that there were various actors involved: international activists, US stakeholders in the arms trade, transnational banking and international organizations concerned with endorsing human rights (the Inter-American Commission on Human Rights, the UN Human Rights Center and the UN Commission on Human Rights). This broad picture suggests that several 'strings' of actors influenced the government, not only the human rights advocates. Due to the emphasis on specific actors and how they 'caused' a certain course of action the existing literature stops short of making sense of (1) the combination of actors and advocacy tools that was effective in specific advocacy campaigns; and (2) the dynamics of advocacy across time.

### **2.3.3 The neglect of transnational markets of aid and services**

Scholars do point out the role of international funding in influencing government decisions. For example Schimmelfennig and Sedelmeier (2005b) stress that EU funding was an incentive for reform in the Eastern European states. In the case of Rwanda, Hafner-Burton (2005) argues that bilateral trade agreements containing human rights conditions were more important in influencing the policies of the target state than human rights agreements (and their advocates) on their own. She shows that the Lomé IV Treaty, which listed compliance with human rights norms as a prerequisite for EU funding for reconstruction, played an important role in constraining the Rwandan

government to refrain from military action against civilians (Hafner-Burton 2005: 609-610). Even proponents of transnational advocacy networks like Risse and Sikkink (1999: 24) acknowledge that foreign governments or international institutions disbursing aid to repressive governments may influence the behaviour of the latter 'when aid becomes conditional on human rights performance' (Risse and Sikkink 1999: 24). In such cases 'material pressures' (Risse and Sikkink 1999) play an important role in human rights campaigns.

However, not only international funding but also wider market relations may influence the advocacy for human rights. For example Deacon (2007: 96) stresses the 'paradoxical position of INGOs as both [social] policy advocates and contract winners' (see also Stubbs 2003). In addition, Bob (2005: 14-45) points out that the attempt by social movement organizations to attract international supporters is influenced by various factors such as (a) the transnational markets of aid and international organizations; (b) their capacity to fit with the expectations of potential donors and supporters, through different kinds of 'matching' – 'substantive', 'cultural', 'tactical', 'ethical' and 'organizational'); (c) 'the general level of technological, legal, and moral development worldwide'; and (d) their 'monetary resources'.

Advocacy for human rights or related issues (e.g. rights for people with disabilities) may be related not only to the markets of funding but also with the markets of research, services and products. For example Callon and Rabeharisoa (2008) argue that the advocacy carried out by 'emergent concerned groups' (created around common concerns) such as the French association of people with muscular dystrophy (AFM), initiated in the 1950s by families with children diagnosed with this disease, was interlinked with the market of scientific research (through direct participation and the funding of scientific research), the social services market (through creating specialised services for families and patients) and the market of specialised products for people with disabilities (such as prostheses, see Callon and Rabeharisoa 2008: 238-389). In addition, AFM's advocacy to enhance the quality of life of people with muscular dystrophy led not only to scientific and technological innovations but also to political change such as the law regarding the rights of people with disabilities, passed in February 2005 (see Callon and Rabeharisoa 2008: 242).

### **2.3.4 An uncritical acceptance of expert knowledge**

A fourth shortcoming of studies of advocacy is that of overemphasizing the role of expertise and regulations in transnational advocacy and in promoting change at national levels (see Haas 1992a, 1992b; Risse and Sikkink 1999; Slaughter 2004). For example Haas's conceptualization of epistemic communities relies on the assumption that the professionals and officials involved in setting international regulations such as the Mediterranean Action Plan reach a common understanding of the issue at stake and share a common set of values and common causal explanations (see Haas 1990: 55), in spite of the evidence he provides that 'many of the individual marine scientists and officials of specific organizations had different views about the nature of the problem of Mediterranean pollution and the appropriate remedies, reflecting their various backgrounds and expertise' (Haas 1989: 386). For example some were concerned about the 'positive and negative effects of organic pollutants on fishery yields', whereas others were concerned about threats to human health. This led initially to 'mutually exclusive policy proposals' (Haas 1989: 386).

Secondly, Haas's emphasis on the 'epistemic' dimension of the networks of officials raises doubts as to whether the epistemic communities acted 'as bureaucrats' or 'as scientists' in the advocacy process (see Finnemore 1993: 566). Finnemore (1993: 566) points out that the 'reasons for acting' of the UNESCO officials in the process of advocating for and creating national infrastructures for the support of science and technology 'had more to do with their status as international bureaucrats than with their professional socialization or principled beliefs about science' (Finnemore 1993: 566).

Moreover, Haas (1990) downplays the multiple uses of expert knowledge. He stresses the instrumental use of knowledge for constituting policies. However, other scholars point out diverse uses of expert knowledge, e.g. to support arguments and solve problems, to legitimate a predetermined political decision, to avoid taking responsibility for a decision, to gain recognition, to discredit an opponent or competing policy, to delay action and as a substitute for a solution (see Knorr 1977: 171; Weiss 1977b: 11-15).

In addition, the scholarship of European institutions points out that the shape of policies and the process of their elaboration cannot be explained solely in terms of the input from experts. Radaelli (1999) stresses that policies in

technocratic institutions are not determined solely by epistemic communities or technocrats, but are influenced by political preferences. Radaelli (1999) suggests that technocracy and epistemic communities 'represent two forms in which knowledge can become the terrain of politics' (Radaelli 1999: 55) and that political decision-making prevails over them (Radaelli 1999: 79).

Sebenius (1992) points out that epistemic communities rely on negotiation and building coalitions in support of their policy proposal in order to gain leverage and advance their proposals on political agendas (Sebenius 1992: 326, 352). The conceptualization of epistemic communities as 'coalition-builders' is consistent with the findings of sociologists of science regarding the strategies employed by scientists to attract supporters for their projects. According to Callon (1986: 196-205), scientists attempt to attract donors and supporters for their projects in a process of translation, which includes 'attempts by (...) researchers to impose themselves and their definition of the situation on others' through four 'moments of translation':

- (a) *problematization*: the researchers sought to become indispensable to other actors in the drama by defining the nature and the problems of the latter and then suggesting that these would be resolved if the actors negotiated the 'obligatory passage point' of the researchers' programme of investigation;
- (b) *interessement*: a series of processes by which the researchers sought to lock the other actors into roles that had been proposed for them in that programme;
- (c) *enrolment*: a set of strategies in which the researchers sought to define and interrelate the various roles they had allocated to others;
- (d) *mobilisation*: a set of methods used by the researchers to ensure that supposed spokesmen for various relevant collectivities were properly able to represent those collectivities and not betrayed by the latter (Callon 1986: 196, see also Callon 1986: 207-214).

Callon's model centred on *problematization*, *interessement*, *enrolment* and *mobilisation* could provide useful insights into the processes of persuasion and negotiation. It could be an analytical tool for understanding how epistemic communities might persuade donor organizations to obtain funding or state officials to take a certain policy route.

### **2.3.5 The overlooking of the way advocacy issues are constituted**

There is also a risk of overlooking the actual constitution of the issues of advocacy. According to Keck and Sikkink (1998: 26-27), the issues most likely to go on the agenda of advocates fulfil the following conditions: they involve 'ideas about right and wrong', or 'bodily harm to vulnerable individuals' or 'legal equality of opportunity'. However, others have suggested different characteristics that influence the ascendance of certain issues on the agendas of transnational advocacy networks. For example Carpenter (2007) points out that:

the conditions driving issue adoption in TANs [transnational advocacy networks] are likely to have as much to do with the institutional environment in which transnational advocates operate as with particular issues' attributes, existing norms, or political entrepreneurship (Carpenter 2007: 663).

This explains why certain issues such as 'children born of wartime rape' are 'non-issues', in spite of fulfilling the criteria outlined by Keck and Sikkink (1998: 26-27). Carpenter (2007: 663) argues that a new issue may climb on the advocacy agenda depending on the following conditions: (1) whether it fits with the 'ideational turf' of the advocacy networks; (2) 'how it will affect existing efforts'; and (3) 'how much consensus can be forged (...) [with allied organizations] on a suitable advocacy frame'.

Raiffa (1982: 14) and Sebenius (1984: 3) point out that the issues at stake can be constituted by the participants in negotiations; they may choose to transform an issue into a non-issue in order to facilitate an agreement (Raiffa 1982: 254) or add issues to a negotiation package in order to prevent an agreement (Sebenius 1984: 68). Sebenius (1984) argues that 'the parties and issues themselves, rather than being "givens", are often important choice variables in negotiation' (Sebenius 1984: 3).

At the same time, policy issues are constituted by various social actors in diverse arenas (Gusfield 1981; Hilgartner and Bosk 1988). Hilgartner and Bosk (1988: 58-59) observe that 'the collective definition of social problems occurs not in some vague location such as society or public opinion but in particular public arenas in which social problems are framed and grow', such as:

the executive and legislative branches of government, the courts (...) the cinema, the news media (television news, magazines, newspapers, and radio), political campaign organizations, social action groups, (...) books dealing with social issues, the research community, religious organizations, professional societies and private foundations (Hilgartner and Bosk 1988: 58-59).

Hilgartner and Bosk stress that 'it is in these institutions that social problems are discussed, selected, defined, framed, dramatized, packaged, and presented to the public' (Hilgartner and Bosk 1988: 58-59). They argue that the creation and dynamics (e.g. disappearance from the media) of a social problem are not directly linked with the worsening of certain 'objective conditions' (Hilgartner and Bosk 1988: 58). After being made, these problems 'compete with one another for public attention', and their success to gain and retain attention depends on the interactions and competition between their promoters; 'to understand this competition, it is necessary to examine the social "arenas" in which it takes place' (Hilgartner and Bosk 1988: 58). For example if a problem is formulated in the mass media then it is often selected according to editors' and journalists' 'understanding of what is an important event, what is a good story, what merits coverage' (Hilgartner and Bosk 1988: 65). In addition, Epstein (1995) and Callon and Rabearisoa (2008: 237) point out that activists engage in a process of constituting research issues (regarding AIDS and muscular dystrophy respectively) and policy issues in order to clarify matters of concern and attract the interest of other interested parties, e.g. scientists.

Policy issues may also be created in order to correspond to a 'pet solution' already elaborated by policy entrepreneurs in order to advance their interests and values, or simply because they want to enter or stay in the policy-making game (Kingdon 1995: 123). The idea that a solution is 'an answer actively looking for a question' was introduced in the literature on decision-making by Cohen et al. (1972: 3) through an argument labelled the 'garbage can model' of decision-making. Although their argument was later contested by Bendor et al. (2001), the central idea of the 'garbage can model' had a lasting influence in the policy-making literature and was supported by other authors (see Kingdon 1995; Stone 2007). Stone (2007) argues that think-tanks are instrumental in marketing 'policy ideas that have had long cultivation in the "garbage can"' in

the sense that ‘policy entrepreneurs in the think-tank lift from their “garbage can” policy recommendations, problem definitions and explanations for policy dilemmas as new problems arise’ (Stone 2007: 274). In addition, Stone suggests that think-tanks are also ‘recycling bins’ in the sense that they perform ‘the constant restatement of the policy message via different formats and products – seminars, conferences, workshops, policy briefs, web sites, books’ (Stone 2007: 272).

Activists may pick up the issues advanced by others because these resonate with their concerns and organizational interests (see Hilgartner and Bosk 1988; Koopmans 2001; Rootes 2005) and they may try to mobilize others in the campaign on the same grounds. Hilgartner and Bosk (1988: 69) argue that ‘decisions about which problems to attend to and promote contain both a strategic component (What will be good for our political faction? Our organization? Our personal careers?) and an evaluation of the relative importance of different potential problems’.

### **2.3.6 The reliance on ‘opportunity structures’**

A further danger is the tendency to rely on concepts that may obscure rather than illuminate processes of transformation. For example the conceptualization of transnational advocacy as an interaction between transnational advocacy networks and international and domestic ‘opportunity structures’ (Keck and Sikkink 1998; McAdam et al. 1996; Risse-Kappen 1995a, 1995b; Sikkink 2005) limits the exploration of the configurations of law, institutions and processes that may facilitate or hinder the process of advocacy.

The concept ‘domestic opportunity structure’ is defined by Sikkink (2005: 157) as ‘how open or closed domestic political institutions are to domestic social movements or NGO influence. It varies primarily across countries, but it also varies over time and across issues within countries’. Risse-Kappen (1995b: 20) offers a broader view: ‘[opportunity structures are] the political institutions of the state, (...) societal structures, and (...) the policy networks linking the two’. ‘International opportunity structures’ are, according to Sikkink (2005: 156), ‘the degree of openness of international institutions to the participation of transnational NGOs, networks, and coalitions’. Consequently ‘there is not a

single international opportunity structure, but (...) opportunities vary over time and across intergovernmental institutions, (...) across issues, and across regions' (Sikkink 2005: 156).

Yet the term 'opportunity structures' is vague and obscures and conflates governmental and non-governmental actors, law and links between organizations. Tarrow (1998: 18-20) points out that the term 'political opportunity structures' refers to 'resources *external* to the group', which are 'consistent – but not necessarily formal, permanent or national – dimensions of the political environment that either encourage or discourage people from using collective action'. He stresses that 'most opportunities and constraints are situational' (Tarrow 1998: 77). Thus the terms 'opportunity structures' and 'political constraints' need to be understood as conceptualisations of changing configurations of law, institutions and people.

Moreover, the use of the term 'opportunity structures' is based on the assumption that state institutions can be clearly delimited as such. This presupposition is challenged by arguments regarding transnational intergovernmental networks that criss-cross democratic and repressive states alike. Governments, whether democratic or repressive, are not monolithic and clearly delimited decision-makers but networks of departments which are connected in various ways with transnational networks of governmental and non-governmental actors (see Manea 2008; Slaughter 2004).

In addition, it is important to stress that 'opportunity structures' interact with 'advocacy networks' through person-to-person and institutional exchanges. Thus an approach focused on the actors involved and the relations between them may be better suited for outlining the relevant interactions that lead to changes. For example Keck and Sikkink (1998) point out that the advocacy promoting environmental conditionality in World Bank lending practices in Brazil relied on the links between NGOs, anthropologists, US Congressmen, World Bank executive directors and the Brazilian government. To understand this process of advocacy it is important to concentrate on the links between these actors. A mere depiction of advocacy in terms of advocacy networks (NGOs, anthropologists) versus opportunity structures (Brazilian law and government, Congressmen, World Bank directors) obscures the dynamics of advocacy.

### **2.3.7 The decoupling of advocacy and policy-making from practice**

Studies of transnational advocacy focus mainly on legal and policy changes. However, the aim of transnational advocacy may not be the adoption of international norms and the promotion of certain policies (these may be already in place) but solutions for translating these norms into practice in both developed and developing countries. This leads to another puzzle: what does 'putting norms into practice' mean? And how can norms be put into practice i.e. how to translate norms into institutions, services or training for practitioners?

The study of human rights advocacy has highlighted the implementation of human rights mainly through tools such as special commissions initiated by repressive governments to investigate human rights abuses, trials filed by non-governmental advocates or reports regarding states' compliance or non-compliance with human rights (see Hurrell 1999; Keck and Sikkink 1998; Risse and Sikkink 1999; Sikkink 2005). However, these may not provide solutions in practice for the implementation of human rights or other international norms under democratic as well as authoritarian regimes.

Take, for example, the implementation of the UN Convention on the Rights of the Child. This requires substantial resources in both developed and developing countries, particularly for rights concerned with the welfare of children, for 'a standard of living adequate for the child's physical, mental, spiritual, moral and social development' to be realized (Article 27 of the Convention). The 2009 UNICEF report on *The State of the World's Children* acknowledges that the actual translation in practice of the Convention faces challenges even in developed and democratic countries. For example, in 2007, the Committee on the Rights of the Child conveyed its concern to the Swedish government with regard to 'the broad disparities among municipalities, counties and regions in the implementation of the Convention', and recommended 'that the Government strengthen measures to guarantee equal access and availability of services for all children, regardless of where they live' (UNICEF 2009: 72).

Grugel and Peruzzotti (2007: 203) suggest that pressure 'from below', from domestic advocacy organizations promoting children's rights, can make a difference. For example in Argentina the Convention for the Rights of the Child was an argument to push for substantive reforms regarding childcare. However,

it was not enough that the state ratified the Convention in 1990. The actual change of an obsolete law regarding state-provided childcare (from 1919) took place only in 2005, after three legal drafts were rejected by the Argentine Congress (Grugel and Peruzzotti 2007: 208). Grugel and Peruzzotti (2007) contend that little has changed in practice in the lives of vulnerable children, most of them in state childcare institutions or on the streets, since the ratification of the Convention. However, they also point out that there is clear evidence that the Convention did open 'a new avenue for incorporating rights claims into domestic law' (Grugel and Peruzzotti 2007: 213). These examples suggest that the actual process of endorsing norms *in practice* goes beyond having international regulations inscribed in domestic law, creating special governmental bodies, or governments adopting a norm-centred discourse.

Merry (2006) discusses the challenges of translating in practice the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) in countries as diverse as India, China, Hong Kong, Fiji and the United States. She distinguishes between two approaches to implement international norms, like CEDAW, into national law and practice: (1) the creation of social services through translation (i.e. adjustment) of models elaborated in developed countries like the United States (e.g. shelters, counselling services for battered women, gender training programs) into local versions, adapted to local concerns and social institutions (Merry 2006: 134-135, 138); and (2) the advocacy for implementing CEDAW in national law and institutions such as national human rights commissions (Merry 2006: 138). She argues that these two approaches are convergent because 'national interest in participating in the human rights system [through legal reforms] creates spaces for rights-based social service programs at the grassroots' (Merry 2006: 138).

Merry points out three components of the translation of ideas and social services from one country to another:

Translation requires three kinds of changes in the form and presentation of human rights ideas and institutions. First, they need to be framed in images, symbols, narratives and religious or secular language that resonate with the local community. (...) Second, they need to be tailored to the structural conditions of the place where they are deployed, including its economic, political, and kinship system. (...) Third, the target population [to

be protected from domestic violence] needs to be defined [because it may vary from one country to another] (Merry 2006: 220).

Although she acknowledges the role of social services developed at the local level in promoting women's rights, Merry (2006) sees these services as mere translations of services and assumptions (individual autonomy, choice, the state as guarantor of rights) rooted in the 'global North' (Merry 2006: 220-221). She acknowledges that

Human rights ideas are more easily adopted if they are packaged in familiar terms and do not disturb established hierarchies, but they are more transformative if they challenge existing assumptions about power relationships (Merry 2006: 222).

However, it remains to be explored whether the implementation of human rights more generally takes place through the process of translation outlined by Merry (2006: 220) or whether there are alternative paths.

### **2.3.8 The 'orientalization' of actors based in the target countries**

Actors in countries targeted by transnational advocates or international organizations may be 'orientalized' (Said 1978) in the sense that they may be portrayed as either opponents (Keck and Sikkink 1998; Kelley 2004; Schimmelfennig 2005), weak and therefore in need of the support of international organizations (Howard 2003; Keck and Sikkink 1998; Mendelson 2002; Schimmelfennig 2005), underdeveloped (Escobar 1995) or even 'barbarians', who need to be taught the values, norms and discourse of Western Europe and the international community (Finnemore 1996; Keck and Sikkink 1998; Mendelson and Glenn 2002; Schimmelfennig 2005; Schimmelfennig and Sedelmeier 2005b).

Schimmelfennig (2005) has labelled metaphorically the influence of international organizations in Central and Eastern Europe as 'teaching' and 'nursing' activities:

The international organizations of the Western community not only act as 'community representatives' but also work as community-building agencies. As such, international socialization belongs to their fundamental tasks. It involves several 'teaching' and 'nursing' activities: presentation of

community [EU, NATO] norms to outside states, informational and technical support for the institutionalization of these norms in their domestic systems, monitoring and evaluation of institutionalization, and positive and negative sanctions to reward progress in institutionalization and punish the lack thereof (Schimmelfennig 2002: 8).

Few studies pay attention to both transnational and domestic actors in the target countries. For example Wedel (1998) discusses the promotion of the 'transition to democracy' in Eastern Europe, particularly to a market economy, through targeted aid from Western Europe and the United States. She highlights the contrasts between the reporting of donors and the actions and challenges on the ground. This raises questions with regard to whether the 'conditionality' advanced by donors (specific provisions in economic policies and privatization in exchange for 'aid' as 'technical assistance') does indeed lead to fulfilment of the 'conditions'. Wedel (1998) argues that the relations between the 'donors' and their program for change in the target country on the one hand, and the 'recipients' of international advice and aid on the other hand, are not a 'transmission belt' but rather a series of 'chemical reactions' which 'begin with the donor's policies, but are transformed by the agendas, interests, and interactions of the donor and recipient representatives at each stage of implementation and interface' (Wedel 1998: 8).

Other scholars document the agency of transnational actors linked to target countries such as organizations of diaspora. For example Ignatow (2008: 850-851) discusses the role of diaspora-led organizations and domestic cultural entrepreneurs in promoting international norms with regard to the preservation of traditional culture and folklore in Lithuania. Their activities relied on funding from international non-governmental organizations and the EU. Local and transnational actors used international norms, discourse and funding in order to attain their goals, and indirectly advance the norms, too.

In addition, there is a risk of (1) simplifying policy-making in non-Western countries in terms of either 'socialization', 'lesson-drawing' or incentive-driven change and (2) justifying the neglect of local and transnational actors based in these countries with the claim (little scrutinized) that 'civil society' is weak (Schimmelfennig 2005).

### **2.3.9 The neglect of ‘unsuccessful’ transnational advocacy**

Studies of transnational advocacy tend to focus on campaigns which led to results more or less ‘in line’ with advocates’ explicit aims (see Keck and Sikkink 1998) or instances of protests (della Porta and Tarrow 2005a; Rootes 2003) and stop short of making sense of the ‘failure’ of advocacy. Little attention is paid to ‘unsuccessful’ campaigns and the role they might have played; however, there are exceptions such as Cowan (2007) and one case study in Keck and Sikkink (1998).

Cowan (2007) discusses the case of ‘unsuccessful’ petitions sent by members of the Macedonian Revolutionary Organisation to the Minority section of the League of Nations in the 1930s. The petitions were published at the same time in a newspaper of the Macedonian diaspora and thus circulated to a wider audience. The newspapers also documented the progress of the petitions through League procedures and various confrontations between the Council Committees of Three and the Yugoslav government until 1932. The failure to change, via petitions to the League of Nations, the actions of the Yugoslav government led to wider public mobilization against the Yugoslav government in Macedonia (see Cowan 2007: 46). Cowan stresses that the ‘failure’ of the petitions actually served the purpose of the organization: to legitimate its actions by ‘drawing continuous attention to the international community’s dismal, and very public, failure to render justice to the righteous and suffering Macedonians’ (Cowan 2007: 48). Thus the ‘failure’ of advocacy was a step towards making the advocates more visible.

## **2.4 Conclusion**

In this chapter I highlighted diverse actors involved in transnational advocacy and six advocacy tools which I labelled ‘strings’. I suggested that the six strings could be seen as a single conceptual tool – the aggregated strings model of advocacy – in order to provide a more comprehensive understanding of advocacy. Then I pointed out nine weaknesses of the existing literature. However, even the aggregated model faces some problems. For example it is centred on a faction of the transnational actors involved in advocacy, i.e. the advocates. Consequently, it obscures the roles of actors from ‘the other side’:

the national governments, business lobby groups and other non-governmental organizations which may have different 'agendas' to the 'advocates' under study. The actors on the 'other side' are assumed to be either monolithic, such as 'the state', or loose, such as 'opportunity structures'. In addition, the aggregated model does not provide a clear understanding of (1) the combination of advocacy tools that was or might be effective to induce change in policy, law or practice (see sections 2.3.1, 2.3.2, 2.3.4 and 2.3.7); (2) the dynamics of advocacy (see sections 2.3.2, 2.3.5 and 2.3.6); and (3) the failure of advocacy (see section 2.3.9).

The challenges encountered by the literature and the aggregated model constitute an incentive to provide a 'grounded' (following Strauss and Corbin 1990) and more comprehensive conceptualization of the dynamics of advocacy. It should be noted that, although Keck and Sikkink (1998: 5) aimed to provide a grounded conceptualization of transnational advocacy, their approach led to a focus on only one faction of the actors involved in advocacy, the transnational advocacy networks. In order to widen my analytical focus I take into account (1) the relations between actors in opposing positions in the process of advocacy; (2) the constitution of the advocacy issues and the services endorsed as solutions; and (3) the relations between diverse strategies employed by the actors involved in advocacy. The next chapter outlines the grounded model of advocacy resulting from my analysis of transnational advocacy processes.

### **3 The integrated strings model of advocacy**

This chapter explains the design of this thesis, the making of the integrated strings model and the three illustrative case studies, in order to prove the validity and reliability of the proposed model. As I pointed out in Chapter 1, this research is based on intertwined or juxtaposed multi-sited data collection, conceptual analysis and literature review – a methodology which I label an integrated multi-sited approach; it was inspired by Marcus (1998), Callon (1986), Latour (1986, 2005), Strauss and Corbin (1990) and Riles (2001). This approach could be pinned down to the following coordinates: (1) Formulation of research questions based on empirical observations and literature review; (2) Multi-sited data collection guided by the principles of ‘agnosticism’, ‘generalised symmetry’ and ‘free association’ (Callon 1986), which includes archival research in two countries and on the internet, interviews and participant observation in diverse project sites in two countries; (3) Grounded conceptualization (Strauss and Corbin 1990) based on (de)coding the texts gathered or produced during data collection, and interlinked with the literature review in order to clarify and refine the coding; (4) Formulation and testing of hypotheses based on coding and the literature review; (5) Further data collection guided by coding and hypotheses; (6) Constitution and testing of the grounded conceptual model; (7) Constitution of case studies in order to illustrate the grounded conceptual model.

According to Glaser and Strauss, the credibility or validity of ‘grounded theory’ could be assessed by looking into ‘detailed elements of the actual strategies used for collecting, coding, analysing, and presenting data when generating theory’ (Glaser and Strauss 1967: 225). In the next sections I disentangle these processes in order to demonstrate the validity of the integrated strings model.

### **3.1 Multi-sited data collection**

This research was developed in two 'fields': one field determined by the contours of British-Romanian projects (the 'field of projects') and another field determined by transnational advocacy processes which took place in the period 1990-2008, involving British-Romanian organizations (the 'field of processes'). In this section I explain how I moved through and collected data in these fields and why I switched from one field to the other.

At the very beginning of this research I was interested in transnational projects led by small organizations, initiated or involving Romanians based in the UK. Early in my explorations I realized that, besides the projects initiated by Romanians from UK, there were numerous projects since the early 1990s supported by Romanians but initiated by British people. I therefore decided to take into account as a 'British-Romanian project' any Romanian-led or British-led project linked to Romania (Panțîru 2006b). These projects covered various fields such as support for childcare services and children's hospitals, Roma children and their families, heritage conservation and palliative care in Romania, as well as services for Romanians in the UK and cultural lobbying in both countries. My initial research questions were: What prompts and what influences the dynamics of transnational projects initiated by small organizations and people of diaspora?

My research route started from the perspective of symbolic interactionism: initially I tried to answer these questions by emphasizing the meanings associated with transnational projects. However, during fieldwork I realized that these meanings did not illuminate what actually prompted the projects under study and what influenced their dynamics. Thus I decided to switch my attention from meanings to action and what actors did in practice. During data collection I realized that the transnational projects under study concentrated on certain 'problems' that project initiators highlighted in Romania or in Britain (with regard to Romanians). Project initiators got involved in advocacy at local and national levels to advance their solutions to these problems. In turn, I narrowed down the focus of my research to the processes of advocacy carried out or supported by these British-Romanian organizations. In this way I moved from the 'field of projects' to the 'field of processes'.

My multi-sited ethnography of British-Romanian projects initiated between 1990 and 2008 comprised online archival research (between August 2006 and August 2010) focused on project-related information, semi-structured interviews with British and Romanian project initiators, project supporters and other people related to the issues or projects studied, and participant observation in the UK and Romania at events and project sites (between September 2006 and September 2008). My ethnographic material consists of information from websites, reports, literature linked to the issues tackled in the projects (e.g. on social work), interviews, participant observation notes and comments or memos (noted in my diaries). I followed the interactions between the actors involved in advocacy processes between 1990 and 2008 in numerous arenas (see Hilgartner and Bosk 1988) such as projects, websites, publications, petitions, parliamentary debates, think-tanks, diplomatic meetings and the mass media, as illustrated in Chapters 4, 5 and 6. My use of diverse sources of data and data collection methods (an approach called 'triangulation', see Creswell 2003: 196) guarantees the validity of the data collected. In addition, my use of references to sources that are potentially available to others, as I do in Chapters 4, 5 and 6, demonstrates the reliability of the data collected.<sup>8</sup>

My access to the 'field' of projects took place through the internet (it was to some extent a 'virtual ethnography', see Hine 2000) and meeting people at events at the Romanian Cultural Centre and Romanian Embassy in London. For each transnational project studied I started with preliminary archival research of online documents (from websites and the mass media), I noted project descriptions, project initiators and their contact details, donors, collaborators and volunteers, and links with other projects. Then I did interviews with project initiators and project supporters and explored related projects. I also did some participant observation and undertook further archival research and interviews for situating the respective projects in the larger picture of transnational processes.

In 2007 I came across by chance, through internet searches, the organization The Cleaford Christian Trust, which maintains a database called 'Romania Information At Cleaford' (RIAC) (see RIAC 2008a) of small

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<sup>8</sup> According to Davies (1999: 85), 'reliability' refers to the accessibility of data to other researchers.

transnational organizations initiated in the 1990s in the UK, the USA, the Netherlands and France that provided aid to Romania in the early 1990s. This database was originally created by a team at the University of Southampton, which received a grant from the Overseas Development Administration (now the Department for International Development, DFID) in the early 1990s in order to develop a Romanian Information Centre<sup>9</sup> (interview with Angus Cleaver). The database had around 174 entries (as of August 2008) of British-Romanian small organizations and projects initiated between 1990 and 2008. I browsed the website of every organization in this database. The focus of these organizations varied from delivering medical aid to hospitals (around 39 projects), supporting childcare services (around 109 projects), delivering specialised training (around 14 projects), delivering aid in rural areas (around 24 projects) to missionary work in Romania (around 33 projects). This counting is not exhaustive and is based on what the organizations declared as 'type of work'. However, each organization had activities in several areas. For example the organization Eastern European Outreach UK from Margate, England, listed as type of work 'Child Sponsor Program, Relief Transport, Care projects, Children's and medical relief (...), prisoners relief and human rights'. Other organizations span their interests across both economic and humanitarian realms. For example the organization Food for the Hungry UK from Southampton, working in the Romanian city of Cluj-Napoca, listed as type of work 'facilitating Romanian NGOs to make use of expat staff, including teaching, agriculture and evangelism' (RIAC 2008b). The RIAC database suggests that researchers are not the only ones who attempt to gather and organize information about transnational projects. The actors in the field are also interested in gathering information about each other and learning about each others' projects in order to map the actors and services in a transnational market of funding, donors and services. Initially I explored the online presentations of the organizations in the RIAC database and of over 40 other organizations working in Britain or Romania (these are mentioned in Chapters 4, 5 and 6). I gathered project-related information (from internet, events, publications, interviews and participant observation) regarding more than 80 organizations chosen for the

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<sup>9</sup> I provide more details about the RIAC database in Chapter 5.

diversity of their projects, their results in practice, transnational influence and the duration of their involvement in Romania and the UK. I focused primarily on projects that had results acknowledged by others (e.g. services, publications, events, petitions) and carried out 51 interviews with project initiators and project supporters, and participant observation at events and some project sites.

In the process of analysing the data I realized that advocacy (for an idea or a service) was a central part of the projects studied. Moreover, the advocacy projects studied were part of wider transformation processes. This observation prompted me to explore the contours of the field of advocacy *processes*. For this purpose I clustered the projects which were linked by a common focus and attempted to see the bigger picture of transformations of which they were part. I had to fill in empty ‘slots’ such as the activities of international organizations involved in support of or against similar issues besides the British-Romanian organizations I studied, the actions of various government departments over a period of time, the content of legal frameworks and the expertise available at that time regarding the advocacy issues. This approach translated in practice Callon’s (1986: 196) principles of ‘agnosticism’ and ‘generalised symmetry’ (discussed in Chapter 1 of this thesis) in the sense that I focused on diverse sides in the advocacy process, i.e. on both governmental and non-governmental actors holding opposed views.

### **3.2 (De)coding of the data: multi-sited conceptual analysis**

In this section I outline how I made sense of the data gathered, through coding, formulating and testing hypotheses. The process of looking through the text and highlighting and labelling certain issues is named ‘coding’. It is a set of operations through which ‘data are broken down, conceptualized, and put back together in new ways’ (Strauss and Corbin 1990: 57). According to Strauss and Corbin (1990: 62) two analytical processes – the ‘making of comparisons’ and ‘the asking of questions’ – are central to coding. In a nutshell coding can be described as follows:

(...) taking apart [i.e. breaking down] an observation, a sentence, a paragraph, and giving each discrete incident, idea, or event, a name [i.e. conceptualization], something that stands for or represents a phenomenon

(...) We ask questions about each one, like: What is this? What does it represent? We compare incident with incident as we go along so that similar phenomena can be given the same name (Strauss and Corbin 1990: 63).

The term 'coding', although widely used among sociologists and anthropologists, may suggest 'encryption'. However, the coding aims to make sense of the material analysed in other words than those used in the text (documents, interviews, participant observation notes). The codes are not necessarily words found in a text. They reflect what the 'coded' text is about. Thus the process of 'coding' is actually 'decoding' (i.e. making sense of) the text.

#### *'Open coding'*

Initially I looked into the data gathered for each project and tried to pin down what prompted these projects, what made them work and what influenced their dynamics. This step would correspond to what Strauss and Corbin (1990: 73) named 'open coding': 'take an entire document, observation, or interview and ask: What seems to be going on here?'

I used the software NVivo to keep track of codes and to explore whether there were similar processes in the projects I coded. After coding several web presentations of projects and interviews, I already had a set of 88 codes (see Appendix 2) that I could use as a 'reservoir' for subsequent material. However, while coding other ethnographic materials I also decided to create new codes. My initial codes could be included in 17 categories: entrepreneurship, chance, change, network, financial resources, relations with the EU, conflict, gathering, communication, partnership (later labelled 'alliances'), expertise, law (later labelled 'regulations'), lobby, problems, solutions (later labelled 'solutions-in-practice'), local actors and central authorities. For example, the category 'network' includes the following codes: cross-pollination, DiasporaNetworks, diverse networking, EmotionalLinks2Ro, Friendship, mediator, networks, PartnershipsCollab, ProfessionalNetworks, ScientificCollaboration and Teams (see Appendix 2). Some items included in this category were included also in the category 'partnership'. Thus these categories – 'network' and 'partnership' – were not mutually exclusive. They were intersecting sets of codes.

*Refined cross-cutting coding*

Following the coding of data corresponding to each project, I moved on to comparatively analysing the projects studied and highlighting the codes, like the ones detailed below, which characterised the working of all projects, i.e. cross-cutting codes. For example, it was apparent that the project initiators had ideas, initiative and a 'can do' attitude; consequently I considered them as being entrepreneurial. Their projects were small enterprises. Thus I chose the code 'enterprise' to cover both entrepreneurship and social enterprise. Similarly, when I encountered references to trainers, social workers or certain bodies of knowledge, I marked these with the label 'expertise' (or something similar). When project initiators referred to laws and regulations in their stories of the projects, I marked this occurrence with 'regulations' or 'law'. The transnational projects I studied, particularly those mentioned in the RIAC database, had webpages. In addition, project initiators stressed the importance of frequent communication using fax, telephone and the internet in their projects. Thus it was apparent that communication technology played an important role in the dynamics of these projects; consequently, I chose the code 'technology' (or the internet) in memos. In addition, project descriptions available online as well as project initiators stressed the role of supporters and collaborations in their projects. However, these relations of collaboration were temporary – for a project or event; this prompted me to use the code 'alliances' in order to highlight the dynamics of these relations. Last but not least, project initiators showed concern with regard to the funding of and demand for the social services they offered. This is a market-oriented approach. Thus I chose to code this 'marketization' (in memos). Each of the projects I studied was shaped by a web of relations with donors, volunteers, events, relations with other NGOs and local and central authorities, regulations and other projects. Thus I noted down the code 'network'. I also noticed that project initiators highlighted, both in the interviews and also in the website presentations of their projects, the problems faced by Romania and the projects they offered as solutions. This prompted me to note down the codes 'problems' and 'solutions'. They also stressed their efforts to lobby local and central authorities in order to run or expand their

projects, or in order to advance policy changes. Thus advocacy came as a major component of the transnational projects under study.

In the process of refining the conceptual framework and the hypotheses of this research, some concepts and hypotheses – although grounded in empirical evidence – were later rejected due to failing the test of empirical validity. For example in October 2007, in a ‘supervision paper’ entitled ‘Transnational philia’ (03/10/07), I defined the concept of ‘transnational philia’ as a ‘communion of interests rather than common ethnicity’, then formulated and tested the following hypothesis:

H1: Transnational projects are prompted by transnational philia.

This hypothesis was discarded because, although confirmed by the accounts of several interviewees praising the role of ‘Romanianphiles’ in their projects, it was contradicted by other empirical evidence. For example some of the project initiators came to Romania to take up a job or to advance the interests of their organization. Moreover, when considering the ‘big picture’ of what shaped transnational projects, common interests seemed to be only one string in a network containing other strings such as funding, expertise and organizational interests. Thus this hypothesis was subsequently discarded.

#### *Hypotheses and ‘axial coding’*

Following initial coding, I formulated and tested hypotheses in order to make sense of the coded projects through highlighting the links between the codes. Each hypothesis was formulated after I noticed that a certain pattern of conceptual associations repeated itself. Following the formulation of each hypothesis I went on to test it in diverse cases. I provide several examples of hypotheses below:

H2: Projects rely on initiative, links with business and funding (diary/memo, 17/08/06).

H3: Projects rely on people acting as mediators and catalysts (diary/memo, 31/05/07).

H4: Projects are ‘problem-solving’ (diary/memo, 11/03/07).

H5: The following are key elements in projects: mobility, networking, chance [opportunity], entrepreneurship, lobby (diary/memo, 18/02/08).

H6: Factors that influence [the dynamics of] projects: knowledge, funds, management, relations between people within the organization, relations with people outside the organization (diary/memo, --/02/08)

The process of highlighting links between concepts resembled what Strauss and Corbin (1990: 98) defined as 'axial coding': 'a set of procedures whereby data are put back together in new ways [i.e. in my case by referring to what is common to the projects studied] after open coding, by making connections between categories'.

#### *'Selective coding'*

The concepts of 'advocacy' and 'network' seemed to capture the crux of the transnational projects under study, as each project seemed to promote (i.e. advocate) something (e.g. ideas and services) and relied on or made reference to a web consisting of supporters, expertise and regulations. Consequently I decided to switch my focus from transnational British-Romanian projects to the 'network of advocacy', and made 'advocacy' and 'network' central concepts for understanding transnational projects.

This process of highlighting concepts as central and weaving around them the 'story' of the phenomenon studied was labelled by Strauss and Corbin 'selective coding':

(...) write in a few sentences the essence of your story. Ask yourself, what about this area of study seems most striking? What do I think is the main problem? (Strauss and Corbin 1990: 119).

The process of writing the 'story line' (Strauss and Corbin 1990: 119) took the following route. I started by gathering the projects and organizations under thematic categories, depending on the focus of the projects. Then I compared projects within each category. In addition I looked comparatively at projects from different categories, having in mind questions such as: What is common and what is different in the patterns of these projects with regard to the people involved, the issues at stake, their effects and the problems encountered? I wrote numerous comments (similar to the 'theoretical notes' discussed by Strauss and Corbin 1990: 197), trying to formulate hypotheses about what prompted and constituted the projects under study and what influenced their dynamics. When I compared projects within each category, I formulated

provisional theme-specific hypotheses (in order to explain what constituted or influenced projects on a specific theme), such as the following:

H7 Restrictive policy regarding the access of Bulgarian and Romanian nationals to the UK labour market was prompted by the negative coverage in the mass media regarding migrants from these countries.

H7 reproduced the widely held belief that the mass media influences political decisions regarding migration policy. However, my research suggested that various strings of expertise, alliances as well as past policy solutions led the British Home Office to propose a restrictive policy (see Chapter 6). Consequently, H7 was refuted following data analysis.

*From coding and literature review to revising the field*

While undertaking in parallel the coding and the literature review (particularly focused on the literature on transnational advocacy) I became aware that my focus on British-Romanian projects obscured other important players in the process of advocacy such as government departments and international organizations. Consequently I decided to expand my data collection and focus on a 'field of processes' with diverse transnational actors.

Following my gathering of data regarding the activities of international organizations and government departments involved in the advocacy processes which also included the British-Romanian organizations studied, I tested whether the activities of these transnational actors could be described using the same cross-cutting concepts highlighted in the coding of the projects of British-Romanian organizations: enterprise, expertise, regulations, technology, alliances, marketization and network. These concepts were indeed suitable for describing the activities of the other actors involved in the wider process of advocacy. This finding led me to suggest and test the following hypothesis in five processes of advocacy for (1) heritage conservation in Romania; (2) children's rights in the Romanian childcare system; (3) the right to work for Romanians in the UK; (4) palliative care in Romania; and (5) the image of Romania in the UK.

H8: Transnational advocacy projects are created through the interplay between transnational and local entrepreneurs oriented to promote

(marketize) their ideas and services, using expertise, regulations and alliances (diary/memo, --/11/09).

Following the testing of this hypothesis, I began to figure out the emerging 'story line', i.e. the theoretical description of the processes of advocacy I studied. However, not only the grounded coding and the formulation and testing of hypotheses helped me articulate the 'story line' of transnational advocacy (detailed in section 3.4 of this chapter); the literature review was also helpful for the development and refining of the coding, as I show in the next section.

### ***3.3 Refining coding in parallel with a multi-sited literature review***

The coding and testing of hypotheses based on my empirical research were intertwined with the attempt to match some of the empirical findings with concepts found in the literature. My literature review was driven by my research questions as well as by the process of coding. For example my focus on transnational projects initiated or supported by Romanians living in the UK led me to the literature on migrants' transnationalism and transnational social spaces or fields (Basch et al. 1992; Guarnizo and Smith 1998; Jackson et al. 2004; Lacroix 2005; Levitt and Glick Schiller 2004; Pries 2001b; Vertovec 2009; Werbner 2002). However, when I noticed that the projects involved advocacy and lobbying activities, I turned my attention to the literature on transnational advocacy, reviewed in the previous chapter (della Porta and Tarrow 2005a; Haas 1992a; Keck and Sikkink 1998; Risse et al. 1999; Slaughter 2004). In addition, when I noticed that advocacy was oriented towards promoting or creating specific social enterprises such as training services or childcare services, I turned my attention to studies of social entrepreneurship (Mair et al. 2006a; Nicholls 2006a). When I noticed that informal negotiation was important in the projects under study, I looked into the literature on negotiation (Raiffa 1982; Sebenius 1984). Thus my review of the literature on transnational advocacy expanded alongside my effort to make sense of the process of advocacy from the ground up.

I formulated hypotheses which attempted to express research findings in concepts already existing in the literature, but these were discarded for not being precise enough. Certain concepts seemed promising at first sight but

proved too broad for expressing my research findings: ‘social capital’ and ‘field of power’ (Bourdieu 1986, 1996), ‘transnational social space’ or ‘field’ (Faist 2001; Levitt and Glick Schiller 2004), ‘cosmopolitan empathy’ (Beck 2006) and the concepts explored in the previous chapter, particularly ‘social movements’ (Tarrow 1998) and ‘transnational advocacy networks’ (Keck and Sikkink 1998).

Other concepts and academic discussions from the existing literature, such as Raiffa’s (1982) conceptualization of negotiation, Callon’s (1986) conceptualization of the process through which researchers attempt to attract supporters for their projects, Sabatier’s (1993) and Jenkins-Smith and Sabatier’s (1993) analysis of the process of policy-making, and Gusfield’s (1981) and Hilgartner and Bosk’s (1988) critical discussion of the making of social problems helped me to refine the concepts created through coding. This process is similar to what Strauss and Corbin label ‘theoretical sampling’:

the literature can give you ideas about where you might go to uncover phenomena important to the development of your theory. (...) it can direct you to situations that you may not otherwise have thought of (Strauss and Corbin 1990: 52).

Below I provide illustrations for both categories of concepts and academic discussions (those discarded and those helpful for refining my grounded concepts) and compare them with my empirical findings. I mention only briefly the conceptualization of transnational actors and tools of advocacy already discussed in Chapter 2.

#### *Testing available concepts*

Bourdieu’s (1986: 243) conceptualization of ‘social capital’ as ‘obligations’ ‘convertible, in certain conditions, into economic capital’, seemed to be very useful for making sense of the transnational relations involving project initiators and project supporters identified in my research. I also considered the concepts of ‘transnational social spaces’ or ‘fields’ (Faist 2001: 198-200; Levitt and Glick Schiller 2004: 1008-1009) which refer to the web of social relations between members of transnational communities ‘through which ideas, practices, and resources are unequally exchanged, organized, and transformed’ (Levitt and Glick Schiller 2004: 1008-1009). The concept of ‘field of power’ – ‘the space of relations of force between agents or between institutions having in common the

possession of the capital necessary to occupy the dominant positions in different fields (notably economic or cultural)' (Bourdieu 1996: 215) – seemed to encapsulate the dynamics of advocacy processes. However, after labelling 'social capital' and 'transnational issue-centred fields of power' (in a supervision paper of 6 June 2009) the relations between the actors involved in advocacy, I realized that I lost certain nuances which were critical in the processes of advocacy under study, such as the creation of temporary alliances between organizations in order to attain their different goals. The concepts of 'social capital' and 'fields' were too wide to make sense of the kind of networking and relations I wanted to emphasize as crucial in transnational advocacy projects. My grounded concepts of 'alliance', 'technology' and 'marketization' were more appropriate for making sense of the transnational movements of people, funds, ideas and expertise.

At another point in the process of reviewing the literature I became interested in Beck's concepts of 'cosmopolitan empathy' and 'cosmopolitan pity' (Beck 2006: 5-6). For example he suggests that 'what fuelled the global protest against the war in Iraq in many major cities across the world finds an answer in *cosmopolitan empathy*. The protests were driven by what one may call the "globalization of emotions"' (Beck 2006: 5-6). The concepts of 'cosmopolitan empathy' and 'cosmopolitan pity' are in essence similar to my provisional grounded concept of 'transnational philia'. Although they make sense, to a certain extent, of processes such as donations and fundraising for projects that appeal to the emotions (e.g. child sponsorship programs for African children), they do not make sense of the dynamics of these projects. For example I might donate money for child sponsorship because I am touched by the story of that child. However, the organization initiating and managing the child sponsorship program has created the program to attract funding and secure its own survival, alongside supporting children. Beck's concepts were taken on board but later discarded for the same reasons that I gave up 'transnational philia'.

The concepts of 'social movements' (Tarrow 1998) and 'transnational advocacy network' (Keck and Sikkink 1998), discussed in the previous chapter, seemed at first suitable to depict the types of actor involved in the processes of advocacy under study. However, on closer inspection, the conceptualization of social movements was too vague and lumped together diverse actors, while I

distinguish between the actions and interests of these actors (e.g. NGOs, informal associations, business, politicians and others). In addition, the concept of transnational advocacy networks (Keck and Sikkink 1998) placed considerable restrictions on the kinds of organization which could be considered under this label – ‘those motivated primarily by shared principled ideas or values’ (Keck and Sikkink 1998: 30). In my fieldwork I noticed that the organizations involved in the process of advocacy were driven by diverse interests as well as by ‘principled ideas’. For example they aimed to promote their services as a solution to the issue identified as a problem. Thus the definition of ‘transnational advocacy networks’ proved to be too narrow to encompass the interests that influenced the process of advocacy.

The concept ‘epistemic communities’ seemed to be suitable for conceptualizing the transnational networks of professionals from international organizations and national governments involved in transnational advocacy (Haas 1989, 1992a; Slaughter 2004). However, Haas’s (1992a) narrow definition of the concept discouraged me from using it to refer to the mixed networks of professionals, academics and organizations involved in the advocacy processes I studied. I preferred instead the concept of ‘expertise’. By ‘expertise’ I mean not only experts and scientific knowledge but also inside knowledge provided by specific informants, and intelligence provided by government departments, as well as studies created by think-tanks (for the latter see Stone 1996, 1998) and loose ‘communities of practice’ (Wenger 1999), such as informal and virtual gatherings of social workers.

Last but not least, I became aware that the six strings of the aggregated model – persuasion, negotiation, socialization, leverage, incentives and penalties – provided useful insights regarding the process of advocacy but raised at least nine problems, detailed in the previous chapter. However, the literature review has been very useful for pointing out similarities between the grounded concepts I proposed and existing concepts. Moreover, I decided to occasionally use in the recounting of my research findings certain concepts such as ‘government networks’ (Slaughter 2004). In addition, the comparison between my grounded concepts and concepts and academic debates from the existing literature helped me to refine, in memos, the provisional grounded concepts created through coding. I provide several illustrations below.

*Literature review which led to refining the coding*

During my fieldwork and the process of coding I realized that the projects I studied span between identifying a problem and endorsing a solution in practice. Between these two stages there were funding, partnerships or collaboration, problems, local and central authorities and negotiation. After I realized that negotiation and local politics and policy-making were central to the advocacy processes under study I started reading about international negotiations and policy-making.

Raiffa's and Sebenius' concept of 'single negotiating text' (SNT) and Callon's (1986) concept of 'obligatory passage point' influenced my conceptualization of the two stages of advocacy between problematization and solutions-in-practice: the *common frame for possible solutions* and *solutions-on-paper*. While reading their work I realized that, although there was not a perfect match between their concepts and my empirical findings, there were substantial similarities between the processes I noticed in transnational projects and the processes of negotiation conceptualized by these authors. In the processes I studied, the bargaining was not as formal as the negotiations studied by Sebenius (1984) and Raiffa (1982) and thus did not contain a 'single negotiating text' or a 'zone of possible agreement'. The process I label a common frame for possible solutions might not be a zone of agreement and negotiation. On the contrary, it could be a frame proposed by certain actors but not based on negotiation; other actors involved in advocacy might accept it in order to advance their services, not because they agree with it.

The common frame for possible solutions also resembled Callon's (1986) 'obligatory passage point'. Callon (1986) pointed out that scientists define a certain problem and endorse their projects as an 'obligatory passage point' for providing a solution in order to attract the support of other interested actors such as donors, the scientific community and a specific industry. Similarly, in the projects I studied, project initiators persuaded various stakeholders to support or comply with certain definitions, laws or principles, or to endorse specific projects, part of a common frame, in order to achieve specific solutions in practice. In the next three chapters I also highlight various 'obligatory passage points' instrumental in the processes of advocacy and policy-making.

However, the common frame I refer to might include more than one 'obligatory passage point' (e.g. a conference, a declaration and a set of projects, as in Chapter 4). In addition, while for Callon the 'obligatory common passage' was a project, the common frame for possible solutions I highlight in projects can take diverse forms: an event, a declaration, a governmental strategy, a social service or a policy. Moreover, the common frame I identified is loosely defined in order to attract supporters who hold opposed views and propose different solutions with regard to the issue at stake. These three features distinguish the common frame from the 'obligatory passage point'.

In addition, the literature review made me reflect on the problematization of advocacy issues (see Chapter 2). Initially, during the coding of my ethnographic material, I conceptualized problematization as the 'identification' of a problem, taking at face value the declarations of project initiators and project supporters. Following the literature review, I reflected on my initial understanding of problematization and went back to the ethnographic material to explore the making of the advocacy issue, as suggested by the theorists of social problems (Gusfield 1981; Hilgartner and Bosk 1988) and negotiation (Raiffa 1982; Sebenius 1984). I realized that it is important not to take advocacy issues for granted, even when these issues seem to be widely accepted as important, such as children's rights and sustainable development. Then I tested against empirical evidence the following hypothesis, informed by the literature review:

H9: Advocacy issues are constituted by the advocates through events, studies and declarations.

Last but not least, the stage models for making sense of policy-making prompted me to think along similar lines. For example Jenkins-Smith and Sabatier (1993: 2) mentioned the following stage model: problem identification, agenda setting, adoption, implementation and policy evaluation. They argued that a stage model has serious flaws because of the following shortcomings: it is not a causal model; it does not explain what drives policy within any given stage and from one stage to another; it cannot make sense of configurations of policy-making which skip or swap the succession of the proposed stages; it is a linear model, while policies may go through certain stages cyclically; and it does not include learning from experience in the policy process (Jenkins-Smith and Sabatier 1993: 3-4). I agreed with them that stages on their own might not say

much about policy-making. However, a stage model might suggest a broad pattern of a process of transformation and this could shed more light on complex processes, as I will illustrate in the next section and in Chapters 4, 5 and 6.

Last but not least, I would like to stress that the methodological path I followed in my research is not 'abduction' (e.g. Friedrichs and Kratochwil 2009: 709; Zürn and Checkel 2005: 1046). 'Abduction' refers to the process of constituting a conceptual quilt on the basis of a literature review for making sense of empirical findings. In contrast to 'abduction', the methodology I employed in this research does not rely on concepts from the available literature because these were not precise enough to make sense of the processes I studied. Instead I rely on concepts constituted through grounded coding; they make the best sense of the empirical findings.

### ***3.4 The integrated strings model – a conceptual story line of advocacy***

Following coding, the literature review, writing theoretical memos and testing hypotheses, I articulated a conceptual model in order to answer the question: What does the process of advocacy consist of on the basis of the empirical evidence I have? The description of the data collection and analysis in the previous sections proves the validity of the proposed model; in this section I outline this model as a 'story line' (Strauss and Corbin 1990) of advocacy.

Two recurrent observations during my fieldwork and analysis of data became the main assumptions of this conceptual model. Firstly, I noticed multiple references (to people, organizations, studies, donors, regulations and technology) in documents, news and actors' description of their projects. Thus the projects were a kind of a knot or network of multiple strings and influences. This observation brought me close to the conceptualization of action by actor-network theorists (Callon 1986; Latour 2005), as a network of influences. Secondly, I recorded numerous transformations of law, configuration of alliances and the pool of available knowledge regarding the issues of advocacy under study (as detailed in Chapters 4, 5 and 6). This observation was in stark contrast with the main assumption of the literature on policy-making and advocacy that there is an underlying frame of political institutions, regulations

and social relations that constitutes an 'opportunity structure' for activists who want to induce change. Thus, the second assumption of the proposed model is that there is no fixed configuration of institutions, laws and regulations and that all these are in a process of change over time (some change slightly, other change dramatically). Consequently, I was compelled to un-pack the process of advocacy, open up the 'opportunity structures' (discussed in the previous chapter) and see what strings are pulled by which actors.

By *transnational advocacy* I mean the efforts and work of transnational and local actors and mediators who attempt to induce specific changes in a country (or at international level) by proposing ideas, regulations and services as solutions in practice, law and policy. This definition incorporates the understanding of advocacy by diverse professionals: social workers (promoting the interests and wellbeing of vulnerable people in specific situations), human rights advocates and political scientists (promoting changes in law and policy) (see Craig 1998; Jenkins-Smith and Sabatier 1993; Keck and Sikkink 1998; Rhodes 1997).

The conceptualization of advocacy and policy-making as one process, *of advocacy*, is supported also by the works of scholars who point out that policy-making is not located exclusively within government departments, but in various arenas of advocacy such as think-tanks and the mass media (Anderson 2003; Hilgartner and Bosk 1988; Stone 1996, 1998, 2008). This definition of advocacy is different from other definitions of advocacy which focus on the work of non-governmental advocates attempting to promote ideas and international law (Keck and Sikkink 1998), non-governmental advocates attempting to make governments aware of various policy options on the basis of available knowledge (Haas 1992a, 1992b) or the governmental and non-governmental actors involved in the policy-making process (Rhodes 1997; Sabatier 1993). The latter approaches tend to see policy and legal change as the main targets of advocacy. My empirical findings suggest that creating specific services in practice is one of the main aims and also one of the results of advocacy.

By *transnational and local actors and mediators* I mean individuals (academics, professionals, politicians and ad-hoc social entrepreneurs), NGOs, INGOs, the EU, informal groups, social enterprises, businesses, international consultancy companies, government departments and the mass media. I focus

not only on the people and organizations which were involved directly in the process of advocacy, but also on those who played a mediating role either by making things known (e.g. the mass media) or by bringing people and organizations together. For simplicity I refer to both actors and mediators as 'actors'; this is consistent with the conceptualization of actors by proponents of the actor-network approach.<sup>10</sup> However, in Chapters 4, 5 and 6 I point out how specific actors were mediators in certain circumstances. The actors under study are transnational, in the sense that they engage with other actors on local and transnational markets. They are also national or local, in the sense that they engage with local actors and markets. Thus a British-Romanian organization may at times be active transnationally, at times nationally. 'Transnational' and 'local' are roles, not attributes. The links between local and transnational actors in the process of advocacy consist of information and experience exchange, contracts, donor–recipient relations, client–service provider relations, and mutual support. The process of advocacy may be transnational even when the issue at stake is national (e.g. state childcare, the promotion of heritage) mainly because national governments are committed to respecting specific international norms and because local and national actors are entangled in transnational markets of ideas and services (e.g. transnational social work expertise, the international ecotourism market) or in transnational diplomatic relations.

My research suggests that, of the various local and transnational actors, *ad-hoc social entrepreneurs* and their enterprises (*social, cultural and environmental services*) play an important role in promoting ideas in practice and policy. They are different from the 'norm entrepreneurs' (Finnemore and Sikkink 1998), 'policy entrepreneurs' (Kingdon 1995), 'policy brokers' (Sabatier 1993), 'political entrepreneurs' (Keck and Sikkink 1998) and 'social entrepreneurs' (Bornstein 2004; Mair et al. 2006b; Nicholls 2006b) highlighted in the literature due to the ad-hoc circumstances in which they turned into social entrepreneurs and also due to their blending diverse strands of entrepreneurship: they promote services, policy recommendations and norms at the same time.

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<sup>10</sup> 'Any thing that does modify a state of affairs by making a difference is an actor' (Latour 2005: 71).

The process of influencing law and policy-making can be seen as *government-centred advocacy*. The process of influencing practice (i.e. the initiation of specific services or the implementation of policy in a specific locality) can be seen as *locality-centred advocacy*. Some actors are involved in both.

The process of advocacy can be described via five processes which can be seen as *stages* which are not necessarily consecutive and may run in parallel: the making or review of *pilot or past solutions-in-practice*, *problematization* or the constitution of the issue at stake, the setting of a *common frame for possible solutions* (or common frame), the creation of *solutions-on-paper* and the constitution of *solutions-in-practice*. The common frame for possible solutions and the solutions-on-paper are tightly interlinked: in some cases the solutions-on-paper are part of the common frame (see Chapters 4 and 6) while in other cases the solutions-on-paper are only announced in the common frame but are devised later (see Chapter 5). I label these processes *stages* not only to emphasize that they are phases of advocacy but also to point out that the actors involved in the processes under study interact *as they would on a stage*.

The interactions between the actors involved in these stages could be *polarized* in the sense that the actors involved may compete for attention, funds or market share, or hold different positions with regard to the problematization, common frame for possible solutions and solutions-in-practice. Consequently the configuration of advocacy might vary according to actors' positioning. It could be *bi-polarized* if there are roughly two parties in dispute across all stages, or *multi-polarized* if there are bi-polarized variable configurations in each stage of advocacy.

My research suggests that various actors involved in advocacy advance certain issues as problematic (a process of *problematization*) and suggest corresponding solutions based on their *pilot solutions-in-practice*, to potential clients (government departments, local organizations and international donors). This kind of advocacy resembles the work of firms in advancing their products in new markets by attracting prominent buyers (such as government departments). Due to this similarity the process of transnational advocacy can be seen as a market (i.e. as an ensemble of interactions driven by the supply and demand of ideas, knowledge, services and money).

The process of advancing a particular set of services or ideas as solutions is not straightforward because there may be numerous actors who want to advance their services as a response to the issue proposed as problematic. Consequently the actors interested in advancing their solutions try to set up a *common frame for possible solutions*, in order to (1) attract the attention of donors and potential supporters to their solutions; (2) get to know better their competitors (which are not necessarily opponents); and (3) negotiate, with their competitors, potential donors and other actors, a frame for possible solutions which would help them advance their different interests. The bargaining for the common frame can be formal, focused on a written common declaration, policy or strategy, or informal, as in the organization of conferences where competitors are invited to share their experiences and discuss possible collaborations. In some cases the actors negotiating the common frame put down *solutions-on-paper*, such as a set of proposed projects. However, not all the actors involved in the advocacy process manage to get into the group that sets the common frame for possible solutions. The latter is not all-inclusive. Therefore some actors have to adapt to a common frame, which does not include their input, in order to attract funding. In addition they may choose to pursue projects that fall outside the common frame because they are better suited to advancing their interests and gaining funding.

The *solutions-in-practice* could be developed from a pilot or past solution-in-practice which precedes the problematization of the issue at stake, or from solutions-on-paper. They can be created *top-down*, through the translation in practice of solutions-on-paper or *bottom-up*, from pilot solutions-in-practice. Some solutions-in-practice might challenge the problematization, common frame and solutions-on-paper.

The stages of the integrated model highlight that certain pilot or past solutions-in-practice precede and influence the process of policy-making, i.e. the creation of a common frame for possible solutions and of solutions-on-paper. The idea that decision-making and policy-making are influenced by prior solutions has been previously advanced by Cohen et al. (1972), Hecllo (1974), Kingdon (1995) and Stone (2007), as discussed in the previous chapter. Some authors label this idea the 'garbage can model' (Cohen et al. 1972; Kingdon 1995; Stone 2007). I contend that the label 'garbage can', based on the

assumption that the solutions stay inert until someone pulls them up into the policy process, would be inaccurate to depict the pilot and past solutions-in-practice I highlight in the case studies. These pilot or past solutions may be policies or services which have been tried and tested in practice; they are not just ideas and policy-proposals advanced by think-tanks or other policy entrepreneurs, and picked up by policy-makers, as suggested by Kingdon (1995) and Stone (2007). Thus the difference between the 'garbage can model' and my findings is substantive. In addition, the processes I analyse include but are not confined to policy-making and decision-making.

Each of the five stages of advocacy can be pinned down alongside two to six interlinked processes which I label *strings* for emphasizing their dynamics and the agency of the actors involved: *enterprise*, *expertise*, *regulations*, *alliances*, *technology* and *marketization*. I outline them below:

- 1) *Enterprise*: I focus on the processes such as setting up and running a service, initiating a petition or a policy debate.
- 2) *Expertise*: I take into account the processes of producing, transmitting and using diverse forms of expert knowledge – research, inside knowledge (provided by certain informants), knowledge through and from practice (Wenger 1999) and intelligence.
- 3) *Regulations*: I take into account the use of national and international law and any other national and international regulations, such as the conditions for EU accession.
- 4) *Alliances*: I discuss the creation of coalitions and associations between the actors involved in the process of advocacy, ranging from service providers to donor organizations, government departments, local authorities and experts.
- 5) *Technology*: The role of technology in transnational projects is at the same time critical and elusive. Contemporary advocacy projects would not be possible in their current shape and complexity without the use of various technologies that enable efficient transport of people and goods and fast communication. Moreover, promoting change in practice also depends on the use of specific techniques and technologies such as conservation and restoration technology or art therapy.

6) *Marketization*: I focus on the transnational exchanges between service providers and donors or clients driven by the supply of and demand for ideas, knowledge, services and money. In addition, I point out the role of competition between service providers.

These six strings describe both projects and processes, as I showed in the previous section on coding. They are weaved in various configurations across time. Consequently, the sectioning of advocacy across the five stages reveals different combinations of these strings.

This conceptualization of transnational advocacy can be labelled an *integrated strings model* because the processes I named strings and stages are interlinked, thus *integrated*, and constitute the *network of advocacy*. I use the word 'model' in order to signal that this conceptualization of transnational advocacy is assembled together, as a conceptual tool. The list of stages and strings in the integrated model may not be exhaustive; further research could emphasize additional processes.

It is apparent that during coding and testing hypotheses I handled more concepts than those included in the integrated model. Why did I choose not to include certain concepts in the integrated model? Some concepts, such as 'mobility', were removed from the core categories because they referred to obvious and pervasive properties of the actors involved in the processed studied and did not bring additional insights. Other concepts were left aside because tackling them in-depth would have led me into the details of advocacy and away from my focus on the *overall dynamics* of advocacy across time. For example I identified various forms of 'translation' (as transformation): (1) translation of foreign concepts to fit local interests (Tsing 2005: 224); (2) translation (movement and adjustment) of models of practice from one country to another, from one organization to another or from one period of time to another (Merry 2006); (3) translation as a relation through which advocates attract other actors in support of a certain solution for the issue at stake (Callon 1986); and (4) translation as the (re)definition of an actor by another actor in the process of problematization (Callon 1986, 1991). An in-depth discussion of 'translation' processes would have led me away from the conceptualization of the dynamics of advocacy across time i.e. the network of advocacy. Other concepts such as 'law' were narrow and were replaced by better-suited

concepts (e.g. 'regulations'). The concept of 'technology' was kept for a long time at the margins of the conceptual model because it referred to an obvious and pervasive component of the transnational projects under study – the use of information and communication technologies (ICT) such as personal computers, the internet, fax, telephone, TV and the radio. However, in the process of reassessing the relevance of each concept for making best sense of the process of advocacy, I decided to move 'technology' into the core conceptual framework. For testing the relevance of this concept I used a counterfactual test: Would these projects have happened as they did without ICT? The answer was negative. 'Technology' was therefore part and parcel of the dynamics of these projects.

The categories included in the integrated model are not necessarily those occurring the most, but rather those that made the best sense of the processes under study and helped me to answer the research questions: What prompts and influences transnational advocacy projects? What constitutes the process of advocacy? How did the advocates influence changes in practice? Why did they not succeed in inducing the change they aimed for? Thus the conceptual framework was shaped by the effort to provide an abstract account of the process of transnational advocacy.

The proposed model needs to be seen as provisional. There might be a revised version of the model in the not very distant future, depending on the research devised for testing it further (and other case studies) and also depending on the feedback I receive regarding the proposed model. However, the integrated strings model as it is presented in this thesis is 'sufficiently formulated (...) to be closed and be published' (Glaser and Strauss 1967: 225).

The resulting model is pragmatic in the sense that it is rooted in empirical findings and has been verified against empirical evidence. For pragmatists, 'true ideas are those that we can assimilate, validate, corroborate and verify' (James 2001: 212-213). From a pragmatic perspective, validity and verification mean making sense, being accepted (James 2001: 215). For example the 'truth' of the claims regarding who or what contributed to the shaping of a policy or a service through transnational advocacy should be established by empirical investigation and testing. There is no 'universal' truth about who influences what in the process of advocacy. Thus the proposed model is something to be tested and

not to be taken for granted. If one wants to argue for the clarity, validity, area of applicability or improvement of the model, it is necessary to discuss the model against empirical evidence, not in the abstract. I emphasize the working of the model in the following chapters, which contain illustrative case studies.

### **3.5 Comparison with the aggregated model**

There are a number of similarities between the integrated and the aggregated models of advocacy. Both models consider expertise, arguments and persuasion, learning, negotiation, international regulations, alliances and incentives (e.g. through funding) as central to the process of advocacy. Actually three concepts of the integrated model encompass concepts from the aggregated model, as shown in Figure 1.

**Figure 1 Similarities between the integrated and the aggregated models**

<b>Concepts of the integrated strings model</b>	<b>Concepts of the aggregated strings model</b>
enterprise	
expertise	epistemic communities, persuasion
regulations	international regulations, norms, socialization
alliances	transnational social movements, government networks, global public policy networks, transnational advocacy networks, leverage
technology	
marketization	

Thus the aggregated and the integrated models are not mutually exclusive. On the contrary, the integrated strings model can be seen as building upon the other model. The differences between the two models come from their breadth and complexity as analytical tools. The aggregated model points out the role of persuasion, negotiation, socialization, leverage, incentives and penalties in advocacy, but stops short of providing a comprehensive understanding of the dynamics, success or failure of advocacy (as shown in Chapter 2). In contrast, the integrated model points out that the use of expertise, regulations and alliances in advocacy is interlinked with the marketization of ideas and services and the access to and use of specific technologies and techniques. In addition,

it makes sense of the dynamics of advocacy by emphasizing the relations between the stages of advocacy and also between the components of each stage, the six strings (enterprise, expertise, regulations, alliances, technology and marketization). The following three chapters illustrate how the integrated model makes sense of the success and failure of advocacy. Moreover, the integrated model draws attention to the role of ad-hoc social entrepreneurs and their social, cultural and environmental enterprises as solutions for the problems at the centre of advocacy. The integrated model also pays attention to actors holding opposed views in the process of advocacy, in contrast to the existing literature and the aggregated model, which tend to explore mainly one side of advocacy, the work of the ‘advocates’.

### **3.6 The making of three case studies**

The conceptual model outlined in the section 3.4 has been created through systematic data analysis (coding, hypothesis formulation and testing). In order to show the links between the concepts and the empirical data I had to select illustrations from some of the advocacy processes I studied. These illustrations had to be clear, concise and precise. Strauss (1987: 219-224) expresses very concisely and also precisely the process through which I constituted the three case studies presented in this thesis:

Build in [the case study] illustrative data, but selected according to the salience of your requirements (*verstehen*, credence, comprehensibility, reality) either overall or in particular sections of your manuscript. However, very carefully choose these data to bring out precisely the many theoretical aspects that need supplementation by illustration. The tendency sometimes is to overload the case with too much descriptive material because it is so colourful or interesting – at least to the author. Remember that these data should function mainly in the service of your theory (Strauss 1987: 219-220).

I chose initially five illustrations of the theoretical model, each of which included the making of the advocacy issue, declarations, events, services, campaigns and products for (1) heritage conservation and ‘integrated and sustainable development’; (2) ‘children’s rights’ and childcare services; (3) the

'right to work' i.e. access to the UK labour market for Romanians after January 2007; (4) palliative care in Romania and (5) improving Romania's image abroad (in the UK). However, due to space constraints I had to select only the first three case studies for the thesis. The chosen case studies are diverse, complex, topical and contrasting, as outlined in Chapter 1. In addition, one of the case studies focuses on prevalent types of project initiated by British-Romanian organizations in the 1990s.

The construction of each case study was guided by answering the following series of questions: What is the main issue in the processes encountered? What actors have been involved? What activities and actors would best illustrate the model? In this way I ensured that the case studies effectively show the links between the concepts of the integrated strings model and the empirical data in which the model is grounded.

Each case study starts with a brief overview of the advocacy under study and of the local and transnational actors involved. The case studies are written with an emphasis on ad-hoc social entrepreneurs; however other actors, holding opposing views, are also taken into consideration. These actors are strategically chosen in the sense that there is evidence that they influenced to some extent the course of action and policy-making under study. The diversity of these actors and their location – in several countries across Europe and the US – makes these case studies transnational rather than Romanian- or UK-centred. Each of the case studies does four things: (1) It illustrates the integrated strings model through emphasizing the stages and strings of advocacy; (2) It suggests an explanation of why the advocacy went in a certain direction, i.e. why the government targeted by advocates took certain decisions and why certain services were created in practice; (3) It points out changes in practice, policy and law due to the advocacy process; (4) It shows that the integrated model provides a more in-depth understanding of advocacy than a perspective based on the existing literature and the aggregated strings model. Thus the case studies are an arena for confrontation between the two conceptual models.

The integrated model distinguishes between government-centred and locality-centred advocacy. However, this is not to say that each advocacy process comes in both guises. Advocacy for heritage conservation was

predominantly locality-centred. Advocacy for 'children's rights' had both government- and locality-centred components. Advocacy for the 'right to work' was predominantly government-centred. In addition, the proposed model distinguishes between bi-polarized and multi-polarized configurations of advocacy. The case study on heritage conservation illustrates bi-polarized advocacy. The case studies on promoting 'children's rights' and the 'right to work' illustrate multi-polarized advocacy. The first two case studies provide an explanation, using the integrated strings model, of how transnational actors have influenced changes in practice and policy to a certain extent. The last case study provides an explanation, also using the integrated strings model, of why the transnational actors did not influence changes in practice and policy.

### ***3.7 Research, participation, ethics and validity***

Bias has been defined by Hammersley and Gomm (2000: 152) as 'a tendency on the part of the researchers to collect data and/or to interpret and present them, in such a way as to favour false results that are in line with their pre-judgments and political or practical commitments'. In this section I explain how I attempted to avoid bias while (1) I participated in a process I subsequently analyzed; (2) I did volunteer work for some of the organizations I studied; and (3) I interviewed employees of the Romanian government and members of the Ratiu family while in receipt of a scholarship from the Romanian government from 2005 to 2009 (administered by a UNDP team) and from the Ratiu Family Charitable Foundation in my first year of doctoral studies. There are at least four reasons why I think my thesis cannot be said to be biased in favour of the actors I interacted with or received scholarships from.

First, my involvement with the actors studied was focused on research: I learnt about the making of certain projects through participating at events or through close interaction with people working in the organizations whose projects I studied. For example I was involved in one advocacy project led by representatives of Romanian organizations in the UK in September 2006. This project consisted in the writing of a letter to PM Tony Blair urging him to endorse access to the UK labour market for Romanian workers after Romania's accession. The organizers of the petition told me that they had invited me to join

their group because I had attracted their attention in August 2006 when I wrote a response to a critical *Sunday Times* article regarding thousands of 'undesirable' Romanian and Bulgarian migrants (see Cracknell 2006; Panțîru 2006a). My selection to participate in this group suggests that a researcher's access to a certain field is shaped not only by his or her choices but also by others' choices and by the researcher's own views, attitudes and actions. I also took part in one meeting with a prominent British MP and in subsequent meetings to set up an 'umbrella' organization, Voice Romania (which was not set up formally, in the end), bringing together a number of Romanian organizations active in the UK. The other members of the group knew from the beginning that I was doing research on British-Romanian projects. I felt a bit hindered by my double role as researcher and colleague. For example in the preparation of the letter to Tony Blair I only provided information about Romanian opinion polls regarding migration. I left the other members of the group to put forward their views. I also refrained from signing the letter. In subsequent meetings to discuss the setting up of the organization Voice Romania I was asked, at some point, to become a member of the board but I refused, invoking my research commitments. In addition, I was involved in short-term volunteer activities for five of the organizations whose projects I studied, at various sites across London: the Romanian Cultural Centre in London created by the Ratiu Family Charitable Foundation (for specific events), Hospices of Hope (for specific events), Mihai Eminescu Trust (at its office), Music as Therapy (at its office) and Relief Fund for Romania (in a charity shop).

Marcus (1998: 98) has pointed out that researchers may become 'circumstantial activists', by participating in certain projects as volunteers, for example. During my research I was careful not to become stuck on the activists' side. For example, when documenting and analysing the advocacy for the 'right to work' and the process of migration policy-making, I explored the rationale behind the actions of different actors holding opposed views, i.e. the Romanian advocates and the Romanian Embassy in London on the one hand and the Home Office on the other, as reflected in Chapter 6.

Second, my research is focused on the dynamics of complex processes of advocacy and policy-making, and the creation of social enterprises; it does not seek to analyze and/or comment upon the individual actions and views of any of

the actors I interviewed. Moreover, the data I took into consideration for coding consisted primarily of project-related documents which are verifiable; interviews and participant observation were only used to clarify my understanding of these projects. Thus my close interactions with any of the actors involved in advocacy did not affect the coding and the conceptual model proposed in this thesis.

Third, in my research I treat departments of the Romanian government, the UNDP and organizations supported by members of the Ratiu family as any other actor. I included them in the picture of the advocacy processes studied because they interacted on transnational markets of funding and services with other actors considered in this thesis, such as small British-Romanian organizations, UNESCO, the World Bank and the British government; avoiding them would have led to a distorted image of the processes under study.

Fourth, I did not reapply to the Ratiu Foundation once it had become clear during my first year of doctoral research that the focus of my thesis was changing from a concern with the rights of Romanian migrants in the UK (the topic for which I was awarded the scholarship) to an interest in transnational advocacy. My scholarship from the Romanian government was provided by the Ministry of Education and administered by a UNDP team. However, the government departments I refer to in this thesis are related to tourism, childcare, work, internal affairs and foreign affairs; I refer only briefly to the UNDP as co-organizer of an event. The Romanian government and the UNDP cannot in any way be treated as one person, constituted as they are by different and changing departments.

My reflection on my relations with the people and organizations that made this research possible (e.g. interviewees, donors, other people who provided useful information) made me very scrupulous with regard to reliability and validity tests for the data and concepts proposed in this thesis. For example I predominantly use references to materials available or that can be made available to others (e.g. web content or publications, as indicated in the references), to facilitate validity and reliability checks.

## **4 Promoting heritage conservation and ‘integrated and sustainable development’ in Transylvania**

This chapter is a case study of the advocacy to promote heritage conservation and ‘integrated and sustainable development’ in several Transylvanian villages known as ‘Saxon villages’, and in the town of Sighisoara, in the centre of Romania. The advocacy took place between 1999 and 2008 and is still ongoing. The chapter illustrates how the integrated strings model can make sense of a bi-polarized process of locality-centred advocacy in which the advocates of heritage conservation were able to influence government representatives at central and local levels to take decisions in ‘line’ with their proposals. Moreover, the chapter shows how advocates succeeded in advancing their ideas regarding heritage conservation and ‘integrated and sustainable development’ in practice, through developing specific services, counteracting an alternative economic project and building an informal alliance with a wide range of local and transnational actors, including some of their initial opponents. I place ‘integrated and sustainable development’ and ‘Saxon villages’ between quotation marks in order to signal that these two were defined by the advocates, as I show in the corresponding sections of this chapter. I take into account the interactions between the following transnational and local actors: the Romanian government, British-Romanian organizations, small businesses, environmentalist NGOs, biologists, experts in heritage conservation, international business, international organizations (e.g. UNESCO, ICOMOS, the World Bank, the EU), consultancy companies (PricewaterhouseCoopers), HRH the Prince of Wales and the mass media.

### *Overview*

The Saxon villages in Transylvania derive their collective label from their founders, namely Saxon settlers who came from areas around the rivers Elba and Saale (nowadays in Germany) in the 12<sup>th</sup> century (Poledna 2001: 25). In 1993 and 1999 respectively, fortified churches in several Saxon villages and the

historic centre of the town of Sighisoara were included on the World Heritage list, thus acknowledging their cultural value. The first site in a Saxon village to be included on the list was the fortified church of Biertan in 1993. Later, in 1999, an extension of this World Heritage site was proposed, to include 'villages with fortified churches in Transylvania' – Călnic, Prejmer, Viscri, Dârjiu, Saschiz, Biertan and Valea Viilor (ICOMOS 1993, 1999a). The historic centre of Sighisoara was included on the World Heritage list in 1999 (ICOMOS 1999b).

The issue of cultural (natural and built) heritage conservation came to the fore during a confrontation regarding a tourism project, the construction of a Dracula Theme Park, near Sighisoara. The project was endorsed by the Romanian government and local authorities in 2001. After a year of argument with local and transnational cultural and environmentalist entrepreneurs, the government decided in 2002 to relocate the Park near Bucharest. In addition, two years later the actors on both sides came together at an international conference in Sighisoara in order to endorse 'integrated and sustainable development' in the area of Saxon villages and towns. In 2006 the government cancelled the contract for the Dracula Park project (Capra 2006). Then, in 2007, one of the major advocates against the Park, an Englishwoman, was awarded a prestigious distinction by the Romanian President for promoting Romanian cultural heritage.

The success of the advocates in promoting, and also being officially recognized for promoting, heritage conservation are impressive when compared with similar but unsuccessful efforts in Romania (e.g. for the conservation of the historic centre of Bucharest, also since 1999<sup>11</sup>) and other countries. The relocation of the Dracula Park is puzzling mainly because government-backed projects tend to go ahead by accommodating or ignoring opponents such as advocates for heritage or environment conservation. For example Fink (2000) shows that the construction and running of Euro Disney theme park were backed by the French state and business groups in spite of protests on cultural grounds. Moreover, despite of international mobilization in 1959 and 1960 to safeguard the Abu Simbel and Philae temples in Egypt in danger of being

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<sup>11</sup> See the UNDP-led project 'Beautiful Bucharest' (Boiangiu 2006; UNDP 2003) and the work of the Presidential Commission for Built Heritage and Historic and Natural Sites (Presidential Commission 2008).

flooded by the construction of the Aswan High Dam, the advocates for heritage conservation managed only to relocate (i.e. dismantle, move to dry ground and reassemble) the temples; they did not stop the construction of the dam (see UNESCO 2009). Interestingly, the latter advocacy campaign prompted the inception of the UN Convention concerning the Protection of World Cultural and Natural Heritage.

#### ***4.1 Ad-hoc social entrepreneurs and cultural pilot solutions-in-practice***

Ad-hoc social entrepreneurs involved in the advocacy against Dracula Park could be divided into two broad groups: environmentalist entrepreneurs and cultural entrepreneurs. The emergence of these entrepreneurs and their enterprises (advocacy campaigns, cultural tourism services) is interlinked with the emergence of a transnational market of tourism, transnational cultural entrepreneurs such as the Mihai Eminescu Trust and Pro Patrimonio (presented below) and funding from international donor organizations such as the Open Society Foundations, the Environmental Partnership for Central Europe (EPCE), the Henrich Böll Foundation, the Charles Stewart Mott Foundation, the World Bank and the EU PHARE funds.

##### **4.1.1 Enterprise, expertise, alliances and marketization**

Environmentalist entrepreneurs, who set up the organization Sighisoara Durabila in 2002, had pointed out that Dracula Park threatened both the historic centre of Sighisoara and the Breite Plateau (where the Park was to be located), which was declared a natural reservation in 2000 through Law 5/2000 (Romanian Parliament 2000). Members of Sighisoara Durabila together with the organization Liga Pro Europa and the support of the Evangelical Church of Sighisoara have co-organized, since 2001, a campaign entitled 'S.O.S. Sighisoara', drawing attention to a number of factors affecting the historical centre of the town. The campaign, consisting mainly of press releases and events, was supported by up to 100 organizations according to the campaign leaders (Liga Pro Europa 2002b), including the Romanian Institute of Archaeology, Pro Patrimonio, Academia Civica, the Saxons of Sighisoara

Organization from Germany, the Transylvania Trust, the Veritas Foundation and representatives of the Hungarian Embassy in Bucharest (Liga Pro Europa 2002a). The campaign and coalition 'S.O.S. Sighisoara' continued to organize events even after Dracula Park was relocated. During my visits to Sighisoara in 2007 and 2008 I came across the banner of the campaign displayed within the historic centre.

The co-organizers of the campaign 'S.O.S. Sighisoara' had stressed in a press release of July 2002 that the relocation of the Park was a 'victory of Romanian civil society and an independent mass media' not of 'foreign interests' (Liga Pro Europa 2002b). However, this claim overlooks the fact that Liga Pro Europa was funded at that time by international donors such as the Henrich Böll Foundation (from Germany), the Environmental Partnership for Central Europe (EPCE) (established by US based private foundations) and the Charles Stewart Mott Foundation (from the US) (see Liga Pro Europa 2010).

In addition, my research findings point out that a number of prominent transnational actors had been directly involved in the advocacy against the Park (see also Parau 2006). Moreover, subsequent events, such as the 2004 'International Conference for the Integrated Development of Sighisoara and the Saxon Villages of Transylvania', co-organized by a British-Romanian organization – the Mihai Eminescu Trust – and UNDP Romania, suggest that a number of transnational actors were interested in the economic development of Sighisoara and the surrounding area, and the preservation of their cultural and natural heritage.

The type of local cultural entrepreneur is epitomized by Caroline Fernolend. She was among the few young Saxons who chose to remain in the village of Viscri following the migration to Germany of around 90,000 German-speaking inhabitants of the Saxon villages of Transylvania in the period 1990–1992, taking advantage of the German law conferring citizenship rights on ethnic Germans from other countries (*Aussiedler*) (see Poledna 2001). Between 1990 and 1999 she initiated a commercial enterprise in the village, led cultural projects in the local school, set up guesthouse facilities in her house, gathered Saxon artefacts to create a village museum and attracted funding to improve the road that links the village with the commune and renovate the school (interview with Caroline Fernolend; Sandu et al. 1999). Her projects can be

seen as pilot solutions-in-practice. Since 1992 she is also councillor at the Bunesti commune town hall (Viscri is part of Bunesti commune). Caroline recalled that her early projects (until 1999) grew in a dialogue with transnational supporters and mentors, particularly from the US, Belgium and the UK. She learned to devise business plans and funding proposals for village projects. She attracted grants from the Open Society Foundation and small Belgian and German organizations. In addition, Caroline turned occasional tourists from Germany, France, Belgium, the UK and the US into sponsors of her projects. For example Caroline's mother first encountered an Englishwoman, Jessica Douglas-Home, in 1994 and showed her the Viscri fortified church and Saxon artefacts. In 1999 Jessica and Caroline agreed to join their efforts in the first house restoration project in Viscri.

Jessica Douglas-Home and Serban Cantacuzino illustrate the type of transnational cultural entrepreneur. Douglas-Home, a British artist and writer, and several scholars and artists interested in Romania, initiated the Mihai Eminescu Trust (MET) in 1988 in London, prompted by the destruction of historic monuments in Romania and the appeals and protests of Serban Cantacuzino, an internationally acclaimed architect of Romanian origin based in London; he was a frequent consultant for the International Council on Monuments and Sites (ICOMOS). Douglas-Home adopted the name of the 19<sup>th</sup> century poet Mihai Eminescu, widely regarded as Romania's finest poet, to name the Trust (see Douglas-Home 2001: 148-149). In 1988 MET joined forces with the Belgian initiators of the 'Opération Villages Roumains', a transnational campaign protesting against the demolition of Romanian villages as stipulated in the 'systematization' plans of the communist regime (interview with Jessica Douglas-Home). Romanian dissidents from the diaspora and representatives of villages from across Belgium, France, Switzerland, the Netherlands and the United Kingdom, 'adopted' (their term) Romanian and mainly Transylvanian villages endangered by demolition. These representatives wrote letters to the central authorities in Romania to advocate against the demolition of these villages. The work of the campaigners came to a halt when the issue at stake (the peril of the villages) dissolved, as the systematization plan was aborted following the Romanian revolution in December 1989 (Civic Trust 1988; Douglas-Home 2001). However, the representatives of the Belgian village which

'adopted' Viscri did help Caroline Fernolend to set up a digital telephone switchboard in Viscri in 1996, facilitating transnational communication (interview with Caroline Fernolend).

Pro Patrimonio was officially established in 2000 in London by architect Serban Cantacuzino, together with a handful of professionals, business people and philanthropists of Romanian origin, such as Nicolae and Indrei Ratiu (their father, the late Ion Ratiu, established The Ratiu Family Charitable Foundation,<sup>12</sup> which became a constant supporter of Pro Patrimonio), and several British people interested in Romania, among whom there was also Jessica Douglas-Home (interview with Serban Cantacuzino, Pro Patrimonio 2010). The organization was intended as a 'National Trust for Romania', trying to emulate the British-based National Trust. Currently Pro Patrimonio has branches in the US, the UK and France, which organize fundraising cultural events, and in Romania, for managing restoration projects (interview with Serban Cantacuzino).

MET and Caroline Fernolend (as director of MET's Romanian branch) have worked on restoring houses in the Saxon villages and other sites in Romania since 1999. Pro Patrimonio focused on one house in Viscri and has restoration projects in other regions of the country, too, although on a smaller scale than MET. These organizations aimed initially to improve the appearance of village houses and convert some of them into guesthouses to promote ecotourism. MET and Sighisoara Durabila devised and implemented a project (detailed later in this chapter) from 2004. Gradually these actors have developed small-scale guesthouse tourism, landscape management and sightseeing tours. These services can be seen as pilot solutions-in-practice.

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<sup>12</sup> The Ratiu Family Charitable Foundation was set up in 1979 by Ion Ratiu (1917-2000) and his wife Elizabeth. The Foundation aims to promote Romanian culture. In the early 1980s Ratiu set up an organization of Romanian diaspora, the World Union of Free Romanians (RCC 2010). He was also among the first supporters of Amnesty International in 1961 (interview with his son Nicolae Ratiu). In December 1989 Ion Ratiu and other Romanians of the diaspora set up the Relief Fund for Romania (RFFR) which provided and facilitated aid and the initiation of social services in Romania. In 1997 the Romania-based employees of RFFR set up Fundatia de Sprijin Comunitar (FSC) in the town of Bacau. I provide more details about the projects of these two organizations in Chapter 5.

For example MET's Whole Village Project was initiated in 1999 in a cluster of five small villages - Viscri, Mesendorf, Crit, Roades and Cloasterf. The title of the project was translated in Romanian as 'Sate de sine-stătătoare'. Literally translated back into English, this means 'self-sustainable villages'. In the 'Whole Village Project', façades, roofs and fences of private and public buildings in the Saxon villages were restored with 'traditional' materials such as handmade bricks, lime mortar and wood to maintain their 'distinctive character'. In order to gain support from the Trust for having the façades of the houses restored, the owners of buildings entered into an agreement with MET that they would be responsible for the upkeep of the property and protect it (MET 2008b).

The work of local and transnational cultural entrepreneurs has attracted more local and international investors (e.g. travel agencies and investors in the farming and trade of organic and handmade products) and international organizations (the World Bank and the EU) in the Saxon villages. Their projects grew in competition with other projects of cultural tourism and agro-tourism in Transylvania, not centred on the Saxon cultural heritage, such as guesthouses, hostels, farms, and the commercialization of indigenous food and crafts. For example there is a wide National Association for Rural, Cultural and Ecological Tourism (ANTREC) promoting agrotourism (see ANTREC 2009). The main difference between the cultural entrepreneurs under study and most ANTREC members is that the latter are not strictly concerned with architectural heritage and reviving a 'traditional' way of life. Although ANTREC members promote traditional food, crafts and other cultural products, they house tourists in new houses, with modern facilities.

After 1990, tourist entrepreneurs from Romania and also Romanian politicians became interested in using the tourism potential of the association of the fiction and movie character Dracula with Transylvania: besides the 'Dracula tours' offered by tourist agencies and Dracula-related artefacts, pubs, guesthouses and hotels, in 2001 the then Minister of Tourism endorsed the construction of a Dracula Theme Park near Sighisoara. The project aimed at boosting the local economy (Capital 2003). It was argued that 3,000 jobs could be created by the construction and running of the Park (Ziua 2001) and that the project would not only attract tourists to Sighisoara but would also contribute financially to funding the restoration and upkeep of the citadel of Sighisoara

(see Ziuva 2001). Around 15,000 small investors bought bonds in the company set up to develop the park, and prominent multinational companies such as Coca-Cola and Brau Union initially supported the project (see Adevarul 2001; Timonea 2006). The feasibility study for Dracula Park commissioned by the government in 2001 estimated the annual revenues at USD 27 million. The Tourism minister stressed that the construction of the Park was the only way to 'save' Sighisoara (Ziuva 2001).

#### **4.2 *Problematization: cultural heritage***

On one side, supporters of Dracula Park stressed that their proposal would attract high revenues by boosting tourism in the area. They argued that their tourism proposal would attract investors in real estate due to the cheap price of properties and land, and address local unemployment, poverty and heritage conservation. On the other side, cultural and environmentalist entrepreneurs argued against the Park, which they labelled 'sadotourism' (Douglas-Home 2002), and in favour of cultural and ecological tourism (ecotourism), which they had already started to develop. They argued that this type of tourism was in sympathy with the history of Saxon villages and towns and was centred on the conservation of the traditional architecture of villages (interviews with Jessica Douglas-Home, Caroline Fernolend, Luminita Holban and Serban Cantacuzino). However, ecotourism required investment in the repair and restoration of historic buildings then used as guesthouses and had, overall, low anticipated returns. One avenue through which to explore the problematization of the issues at stake in Sighisoara is to discuss the contrasting discourses, expertise and alliances that were at the centre of the two tourism project proposals.

##### **4.2.1 *Enterprise and the marketization of identity***

In the local and transnational markets of tourism, the proponents of ecotourism endorsed a story of the inhabitants of Saxon villages as keepers of a European medieval way of life centred on agriculture, because it is a story that captures the imagination of potential foreign tourists, particularly from Germany and the United Kingdom (see Blaker 1999; Douglas-Home 2002;

Wilkie 2001).<sup>13</sup> Jessica Douglas-Home, the Chairman of MET, argued that 'organic farming' and 'tourism of the right kind, the motive of which would be to enjoy the landscape and the local life without destroying them', could be solutions for the future of these villages (Douglas-Home 2002). This kind of tourism is labelled 'ecotourism'. The targeted ecotourist for the Saxon villages is someone who is 'discerning' and wants an alternative, for holidays, to the business environment of Western Europe and North America. She carefully pointed out that, from all possible routes for preserving these villages, ecotourism would be the best choice (Douglas-Home 2002).

The story of the Saxon villages promoted by MET is based on the translation of ethnic identity and livelihoods to fit demand on the ecotourism market. Ecotourists seek pristine places that conserve natural habitats or ancient or 'primitive' ways of life. In order to engage with this tourism demand, cultural entrepreneurs from Saxon villages highlighted the German roots of Saxon villages, and farming as the dominant livelihood. However, these are not accurate descriptions of people and places but rather constructs.

The issue of identity is complex and I will not delve into it in any depth. I merely argue that assigning any ethnic or cultural identity to the Saxon villages means creating a social construction. The current ethnic diversity of the villages calls into question the very legitimacy of calling the villages 'Saxon', since the predominant inhabitants are Roma and Romanians, following the migration of the German-speaking inhabitants to Germany in the early 1990s. Cultural entrepreneurs are aware of the demographic configuration of the Saxon villages. For example MET's 2004 strategy paper (MET 2004a) pointed out that in 1990, the estimated population of the Saxon villages 'was about 90,000, of whom 70 per cent were of Saxon origin, 25 per cent of Romanian origin and 5 per cent Roma'. However, by 2004 the estimate was that, 'owing to the emigration of the Saxons, the population has radically changed in ethnic composition: 5 per cent are of Saxon, 60 per cent of Roma, and 35 per cent of Romanian origin' (MET 2004a: 5). Thus MET's choice to stress the 'Saxon'

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<sup>13</sup> 'I had expected to find an enclave of German culture: in fact I discovered an image of Europe as it must once have been everywhere – a landscape still disputed between wildlife and people, villages still fortified against marauders, a deep intimacy between farmers and domestic animals, and a religious tranquillity radiating from churches adorned by centuries of pious workmanship. (...) The houses melded with the landscape as though they had grown from it' (Douglas-Home 2002).

roots of the villages is informed not by the actual demographic configuration, or MET's ignorance, but by their vision of ecotourism centred on the architectural distinctiveness of the villages and their interest in marketizing their ecotourism services on the transnational tourism markets.

In addition, the emphasis on the agricultural way of life as the dominant livelihood is also a construct for attracting ecotourists in villages. This story is constituted by overemphasizing subsistence farming and downplaying competing forms of livelihood that have provided a lifeline for inhabitants of Saxon villages, including employment in nearby small towns during the communist period facilitated by regular and subsidized transport between villages and towns (see Verdery 1983). However, after the revolution, the demise or restructuring of industry in small towns and of state farms in rural areas led their employees from the villages to turn to subsistence agriculture or to international migration (see Sandu et al. 1999). Cultural entrepreneurs were aware of this complex picture of rural livelihoods. Thus their choice of the idyllic image of farming in Saxon villages was deliberate and informed by the anticipated demand on the tourism market. In addition, promoters of ecotourism downplayed the resistance of certain strands of the inhabitants to the moulding of their village, to fit the expectations of tourists. The proponents of ecotourism admitted that villagers and local authorities would opt at times for types of modernization that run against ecotourism. For example some villagers would prefer a road laid with tarmac to the current mud and stone road (interviews with Caroline Fernolend and Jessica Douglas-Home).

Not only MET and the cultural entrepreneurs from the Saxon villages but also other transnational actors endorse idyllic stories of Transylvania in order to advertise it on the transnational tourism market. For example the Romanian Environmental Partnership Foundation (REPF), which is a donor organization backed by international foundations from the USA (alongside the other Environmental Partnership Foundations from Central and Eastern Europe) provides a tourist-oriented (thus marketized) description of the 'Saxon Land':

The wonderful geographic site, the purity of the people and the nature, the richness and diversity of the cultural patrimony, all turn this place into a region with great tourist potential (see REPF 2009a).

Thus the story of the Saxon villages is not a mirror of the way of life or people's identities, but a construct that legitimizes and contributes to the marketization of the work of cultural entrepreneurs in the transnational markets of ecotourism. This has consequences with regard to the economic participation of the villagers in the ecotourism project. Those involved are the ones who can promote Saxon culture and suitable services: there were only ten guesthouses in Viscri, i.e. around 5 per cent of the number of households, as of 2008. Thus market forces of demand and supply make cultural entrepreneurs choose the story and the people that can promote ecotourism.

The tension between the market-led exigencies of ecotourism and the aspirations of the actual inhabitants of the villages advertised as ecotourism destinations has been noted by other scholars in other places. In her critical discussion of Community-based Natural Resource Management programs, focusing on Indonesia and the Philippines, Li (2005) argues that advocates of the conservation of farming as a way of life assume that 'farmers have (or should have) subsistence goals' and points out that this assumption runs 'counter to the long-term futures that they imagine and toward which they strive. These futures may include participation, together with the (...) city folk, in increasingly generic, nation-wide, middle-class consumption styles' (Li 2005: 238).

On the other side of the debate, the proponents of Dracula Park emphasized the association between Transylvania, the ruler Vlad Tepes and the fictional character Dracula created by the novelist Bram Stoker at the end of the 19<sup>th</sup> century (the novel was published in 1897) as a massive potential for tourism because, it was argued, there were around 4,000 Dracula Clubs worldwide (Coman 2001). The main proponents of the Park were the Ministry of Tourism, the local authorities in Sighisoara, the Prime Minister and local business people. The Ministry of Tourism did not attempt to substantiate the links between Dracula and Sighisoara. For the marketization of the Park, it was enough that Dracula was associated with Transylvania.

Kirtley (1988: 11) has pointed out that 'the materials out of which Bram Stoker put together [Dracula] were largely the stock-properties of Victorian supernatural fiction'. However, the character of Dracula seems to have also been based on folktales and other stories focused on the ruler Vlad Tepes of

Walachia (now southern part of Romania) in the 15<sup>th</sup> century, nicknamed 'the Impaler' and 'Dracul' (Devil). In addition, Stoker was inspired by folktales from Romania regarding supernatural creatures associated with the devil or ghosts (see Kirtley 1988).

It was not only the Ministry of Tourism but also representatives of various local authorities from Romania that were keen to host a Dracula theme park (Anghel and Grecea 2001). Even after the confrontation regarding the placement of Dracula Park near Sighisoara, the Romanian National Authority for Tourism (within the Ministry of Tourism) printed tourist maps that associated three locations in Romania with Dracula (one location in Bistrita, another in Sighisoara and the third at Bran Castle). In one of these brochures the story of Dracula links together not only these three locations but also one location in Bucharest and another in Snagov monastery, in which Vlad the Impaler was allegedly buried. It is apparent from the story of Dracula presented by the Romanian authorities that fiction and historic data are blended to attract tourists:

Even though Dracula is a fictional being, the places where he is said to have been are real and picturesque. Peasants' boarding houses are ready to greet tourists with traditional meals and overnight Dracula the vampire will vanish at the sight of garlic placed above the main entrance to protect the house from evil spirits (National Authority for Tourism 2004: 32).

Even in 2009, the Ministry of Tourism highlighted the link between Dracula and Bran Castle, near Brasov, in order to boost tourism in the region (Hotnews 2009). This shows that the choice of the Dracula theme is still associated with high tourist revenues.

All the actors that attempt to translate the attractiveness of Transylvania into stories target specific tourist groups on the transnational tourism market. Although Sighisoara is a World Heritage site, its economy is still struggling due to the aftermath of economic reforms and the demise of local industry, especially the textile industry. Moreover, not only cultural entrepreneurs from Saxon villages but also the local authorities nurtured their hope of attracting tourists from abroad. This was a challenge, as they did not have much experience because transnational tourism was limited during communism. However, the main local actors were aware that tourism facilities, local

infrastructure and the dissemination of cultural information about Sighisoara and the surrounding villages had to be improved (see Sighisoara City Hall 2004).

The confrontation between proponents of ecotourism and supporters of Dracula Park did not stop at endorsing their account of Transylvania and denigrating the competing story. They drew on experts in heritage conservation (in support of ecotourism) and in the construction of theme parks (for the Dracula Park) in order to provide legitimacy for their projects (see UNESCO-ICOMOS 2002: 2; Ziuva 2001).

#### **4.2.2 Enterprise, expertise and international regulations**

The dispute regarding Dracula Park was not only about competing projects and stories of Transylvania, but also about the different issues at stake. Cultural entrepreneurs, international experts, international regulations and international organizations contributed to the constitution of the problem (Dracula Park) and potential solutions (notably heritage conservation).

International experts such as architect Serban Cantacuzino, ICOMOS member and MET supporter, cultural entrepreneurs like MET, as well as domestic activists such as the organizations endorsing the campaign 'S.O.S. Sighisoara', voiced their concern that Dracula Park would endanger the historic centre of Sighisoara, a World Heritage site. Serban Cantacuzino was one of the prominent advocates at ICOMOS and UNESCO to hold the Romanian state responsible for respecting the Convention concerning the Protection of World Cultural and Natural Heritage.

The Convention was adopted by the General Conference of UNESCO on 16 November 1972. It has been ratified by 187 states (as of June 2010) and covers both built and natural sites as 'heritage'. Of the 890 properties from 148 countries included in the World Heritage list of June 2009 as being of 'outstanding universal value', 689 are labelled 'cultural', 176 'natural' and 25 'mixed' properties (UNESCO 2010). The Convention set up a World Heritage list in which natural and cultural sites of exceptional importance are included at the initiative of State Parties and after the review of ICOMOS. In addition the Convention set up a World Heritage Committee, which is responsible for the implementation of the Convention. The Committee examines the reports on the

state of conservation of sites inscribed on the World Heritage list and asks State Parties to take action when properties are not properly managed. In addition the Committee decides on the allocation of grants from the World Heritage Fund, set up through the Convention, to which all State Parties contribute. The Committee relies on the advice of ICOMOS with regard to which sites deserve to be included on the World Heritage list and also for reports regarding which heritage is in danger and for the allocation of requested funding for 'technical assistance' to State Parties. ICOMOS is an international non-governmental organization of professionals (about 9,500 as of June 2010) in the field of conservation of historic monuments and sites. According to its presentation, 'ICOMOS is a network of experts that benefits from the interdisciplinary exchange of its members, among which are architects, historians, archaeologists, art historians, geographers, anthropologists, engineers and town planners' (see ICOMOS 2010). Thus ICOMOS could be considered an 'epistemic community' (Haas 1992a) that advises UNESCO on world heritage issues.

As the citadel of Sighisoara was included on the World Heritage list since 1999, the Permanent Delegation of Romania at UNESCO informed the World Heritage Centre about the proposed Dracula Theme Park. The declaration of the Romanian Delegation stipulated that the Park would be constructed 6km away from the citadel, would not affect the environment and would contribute to the rehabilitation of Sighisoara due to the revenues from running the Park. Following this, the World Heritage Committee suggested that an Environmental Impact Assessment for the Park should be undertaken as soon as possible and expressed concern about the proximity of the theme park to the town centre of Sighisoara. The Committee 'strongly encouraged the State Party to explore all possible solutions for an alternative location for the construction of this theme park'. It also requested a joint UNESCO–ICOMOS report on the impact of the proposed project on the citadel of Sighisoara for the Committee's session in June 2002 (UNESCO–ICOMOS 2002: 3). The resulting report stated that the citadel of Sighisoara urgently needed conservation work and that 'it is questioned whether there is any real benefit [for the citadel] to be derived from the theme park' (UNESCO–ICOMOS 2002: 12). At its meeting of June 2002 the World Heritage Committee, on the basis of the UNESCO–ICOMOS report,

noted 'with great concern the poor state of conservation of the World Heritage site and the high potential negative impacts, cultural as well as environmental, of the proposed theme park project on the site'. It urged the State Party 'to enhance the state of conservation of the property as a matter of urgency before the Committee considers any steps towards its inclusion on the list of World Heritage in Danger'. For this purpose it urged the State to set up a World Heritage coordination team to prepare an 'overall management plan, including management of tourism' for the World Heritage site (WHC 2002). In addition the Committee suggested that the Romanian government 'take into account the existing potential development represented notably by a series of World Heritage sites in the region, in particular for cultural itineraries and cultural tourism' (WHC 2002).

The Romanian state amended the initial proposal of the Park in order to respond to some of UNESCO's recommendations and to appease criticism from local actors (see Ziuva 2001; UNESCO-ICOMOS 2002: 7). For example it scrapped the intended cable transport project from the centre of Sighisoara to the theme park (see UNESCO-ICOMOS 2002: 7). However, the Romanian government did not feel deterred by the recommendations of the World Heritage Committee. The architect of the Park and the minister of Tourism stressed that these requirements were not enforceable and they could be negotiated (Capital 2002).

Architect Serban Cantacuzino was a member of the joint UNESCO-ICOMOS team that prepared the report regarding the potential impact of the Park. In their report, the members of the team stressed that the regulations for protecting the citadel of Sighisoara existed on paper but were not implemented in practice, even though they were endorsed by Romanian law (see UNESCO-ICOMOS 2002). The members of the UNESCO-ICOMOS team also stressed that the Park would have negative effects on the citadel due to 'visual impact' and 'noise pollution' and stressed that no information was provided 'on impacts affecting the natural habitat and fauna of the protected area' (UNESCO-ICOMOS 2002: 10). Thus conservation experts were instrumental in emphasizing the problems concerning Dracula Park. These experts also argued that heritage conservation had to be at the centre of tourism in the area of the Saxon villages and that ecotourism was a possible solution. The UNESCO-

ICOMOS report and the World Heritage Committee's decision were instrumental in associating ecotourism (i.e. cultural and ecological tourism) with heritage conservation. In this way, conservation experts from reputed international organizations (ICOMOS and the World Heritage Committee) conferred legitimacy on ecotourism as an adequate solution for managing the area around a World Heritage site.

It is noteworthy that neither the Convention concerning the Protection of the World Cultural and Natural Heritage, nor Romanian law regarding the conservation of historic monuments and World Heritage sites, places conditions on the 'visual impact' of modern developments near historic monuments. This ambiguity was exploited by both sides in the debate for or against Dracula Park. The Ministry of Tourism endorsed the Park knowing that the Romanian law and international regulations did not prohibit such a development. The members of the UNESCO–ICOMOS team took advantage of the ambiguity of the law in order to point out that a tourism development of the scale of Dracula Park might impact negatively on a World Heritage site even if it was outside the area legally bounded as protected (see Ministry of Culture 2006; Romanian Parliament 2000, 2001a, 2001b; UNESCO–ICOMOS 2002: 11-12). Both the Convention and the law left it to the local authorities to delimit the protection zone for a World Heritage site through an Urban Design Plan. However, when Dracula Park was announced, and even later when the UNESCO–ICOMOS team visited Sighisoara, the Urban Design Plan for Sighisoara was not completed. This fact placed the government proposal for the Park in a 'grey' area: not exactly in compliance with the law because of lacking the Urban Design Plan and the Environmental Impact Assessment, and not exactly in breach of the law, because the Park was more than 500m away from the citadel, as stipulated in national law.<sup>14</sup>

However, the UNESCO recommendations would not, alone, have derailed the Dracula Park project: these recommendations were vague and non-binding. Furthermore, it is not uncommon for UNESCO to issue statements against

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<sup>14</sup> Article 59 of Law 422/2001 for the protection of historic monuments (Romanian Parliament 2001a) stipulates that, unless a specific protection area is set for a monument, it generally requires as protected area around a monument 100m within cities, 200m within villages and 500m in areas outside localities. Law 564/2001 (Romanian Parliament 2001b) regarding the protection of monuments on the World Heritage list does not stipulate specific limits for protection areas.

business developments near World Heritage sites. I therefore contend that it was not the UNESCO recommendations but the alliance of supporters for and against Dracula Park which decided the fate of the project. However, the UNESCO–ICOMOS report prepared by conservation experts and UNESCO’s official position did play a crucial role in highlighting the issue that *should be* at stake in the proximity of Sighisoara: heritage conservation. The recommendations of the report were used by proponents of ecotourism and heritage conservation as argument and also as legitimation.

#### **4.2.3 Enterprise, competing alliances and marketization**

The enthusiasm of national governments for theme parks is not unusual, mainly due to the anticipated financial revenues and the creation of new jobs. For example the Agreement for the creation and operation of Euro Disneyland near Paris was signed by Prime Minister Jacques Chirac. The letter of understanding that preceded this contract was signed by the previous Prime Minister (see Fink 2000: 39-41). Fink (2000: 37) points out that, by the mid-1980s, before constructing Euro Disneyland, Disney was flooded with enquiries and invitations from over 200 locations on four continents for a Disneyland, following the success of the American and Japanese theme parks. Adverse reactions on cultural grounds against a theme park are not new, either. Fink (2000: 48-49) lists venomous reactions from French intellectuals and also public protests against the Disney theme park. However, these did not stop its construction, with the theme park opening in 1992 and running to the present day. Fink argues that this is due to the excellent negotiation skills of Disney and also due to the endorsement of the French state, which facilitated strong coalitions between public and private stakeholders. I contend, similarly, that the strength of the alliances that supported the two sides, for and against the Dracula Park, marked the fate of the theme park, but rather differently. It led to the abandonment of the location of the Park near Sighisoara.

On the one side, the local authorities in Sighisoara and the Ministry of Tourism had the support of the Romanian Prime Minister and other prominent politicians, local and transnational business – around 15,000 small and large investors in total –, and also the support of around 3,600 inhabitants of

Sighisoara who signed up for a 'Pro-Dracula' petition in favour of the construction and running of the Park (Ziua 2001).

On the other side, Mihai Eminescu Trust (MET) built alliances between local and transnational opponents to the Park, international organizations, experts in the field of heritage conservation, business people, diplomats and others. For this purpose MET used various strategies: invoking the Convention concerning World Heritage, denouncing that the government breached Romanian law on the protection of natural reservations because the Park was to be located near the Breite ancient oak reservation near Sighisoara (although the law was vague), endorsing UNESCO's concerns regarding the potential effects of the Park on Sighisoara as a World Heritage site (although the UNESCO recommendations are not binding), writing articles in international newspapers such as *The Times*, *The Spectator* and *The Wall Street Journal* (see Mitrica 2004) and attracting royal supporters for cultural heritage.

Jessica Douglas-Home gained the support of HRH the Prince of Wales, a longstanding friend and relative, to endorse tourism development centred on the conservation of buildings and landscapes. In early May 2002, when he came to Romania on a private visit, MET representatives took him on a tour of the villages in which the Trust carried out repair and conservation work on historic buildings and old infrastructure (e.g. bridges, plazas) and small cultural enterprises (guesthouse tourism); cultural entrepreneurs persuaded him that ecotourism was a practicable solution for the economy of the Saxon villages. In addition, HRH the Prince of Wales took note of UNESCO's recommendations regarding cultural tourism. These provided legitimacy for MET's Royal Patron to intervene in the advocacy against Dracula Park, by endorsing Romania's cultural heritage. His interest in cultural heritage is well-known. The Prince has initiated in the UK a charity specialised in 'heritage-led regeneration', The Prince's Regeneration Trust, and a foundation involved in regeneration projects and urban extensions across the UK, the Prince's Foundation for the Built Environment. The Prince is known as a source of inspiration and guidance for the developers of Poundbury, the urban extension to Dorchester in Dorset. He also initiated the organic food company Duchy Originals, set up in 1992. In addition, in 2004 he set up The Prince's School of Traditional Arts in London, which awards degrees to students practicing traditional crafts from their

countries of origin. Their products are then commercialized by a social enterprise set up by the Prince, Traditional Arts Ltd. (The Prince of Wales 2010a). In Romania, HRH the Prince of Wales supports not only MET's projects, but also the FARA Charity providing childcare services for deinstitutionalised and disabled children living with their families (see FARA 2010), as well as a joint project of the Romanian Environmental Partnership Foundation and The Prince's Charities Foundation entitled 'Transylvania Authentica' (REPF 2009b). This program aims

to ensure the survival of Transylvania's incredibly rich agrarian culture and its traditional foods and agricultural products, by bringing together the regions' smaller producers and manufacturers (REPF 2009b).

Moreover, Romania is only one of the countries in which the Prince is involved in heritage conservation (see The Prince of Wales (2010b) for a list of the 400 organizations for which he is President or Patron). For example in 2006 he set up, together with the President of Afghanistan, the Turquoise Mountain Foundation, to help preserve some of Afghanistan's cultural heritage (see The Prince of Wales 2010a).

HRH Prince of Wales was a mediator between MET and Romanian officials and also international organizations. For example MET representatives recounted that he called Romanian President Iliescu during his 2002 visit and urged him to support alternative solutions for tourism development in Sighisoara (interview with Jessica Douglas-Home). Several sources pointed out that the President did not support the Dracula Park project, while the Prime Minister and the Tourism Minister were ardent supporters (Stoian 2005; interview with Jessica Douglas-Home). A few weeks later the Ministry of Tourism announced that a reputed international company (PricewaterhouseCoopers) had been commissioned to prepare a feasibility study for the proposed Park, in order to suggest the most economically viable location. The first feasibility study commissioned by the government and executed by an unnamed US firm in 2001 had provided the initial estimates that supported the governmental initiative (see Parau 2006: 98; Timonea 2006). A new feasibility study was meant to appease both the anti-Park activists, the investors in the Park who became nervous following the controversies that surrounded the project, the World Heritage Committee and other actors (see also Parau 2006).

PricewaterhouseCoopers' consultants took into consideration locations which were not linked to Dracula at all: Constanta (a popular summer resort) and Snagov, near Bucharest, as well as Sighisoara. The feasibility report stressed that Snagov, near Bucharest, would be the most suitable location due to its proximity to the main Romanian airport (in order to attract foreign tourists). This option was also in agreement with the recommendations of the World Heritage Committee. Following this feasibility study, the government announced that the project would be moved to near the capital city (Timonea 2006).

I contend that the decision to abandon Sighisoara as a possible site for the Park was taken not only due to this study but also due to weighting the alliances for and against Dracula Park. The two opposing sides did not have accurate information about each other's actual supporters. Their assessment of each other's strength was based on anticipated lists of supporters. Through HRH the Prince of Wales, the proponents of ecotourism gained support from the Romanian President and business leaders. Prince Charles is not only a diplomat but also a prominent business mediator. For example he founded in 1990 the International Business Leaders Forum (IBLF), which 'works with business, governments and civil society to enhance the contribution that companies can make to sustainable development'. This organization is supported by 'over 100 of the world's leading businesses' and works in over 90 countries, in partnership with other organizations (see IBFL 2009). Thus, by bringing Prince Charles in as a supporter of heritage conservation, MET appeared able to gain the *potential support* of a wide variety of actors from among major world businesses.

#### ***4.3 Common frame for possible solutions: conference, declaration and projects***

The dispute regarding Dracula Park put the issue of heritage conservation on the agenda of cultural entrepreneurs working in the Saxon villages. In subsequent years they aimed to attract more supporters to advance ecotourism as a solution for heritage conservation. Following intense work over two years, MET joined forces with UNDP Romania and co-organised the 'International Conference for the Integrated Development of Sighisoara and the Saxon

Villages of Transylvania' (15-16 November 2004), with support from the Romanian Institute for Cultural Memory (Institutul de Memorie Culturala, CIMEC). Information regarding the Sighisoara conference was initially posted on CIMEC's website (CIMEC 2004). The agenda of the conference covered the following areas: Cultural and Natural Heritage, Economic/Rural Development and Eco/Cultural Tourism and Infrastructure and Sanitation (see CIMEC 2004). The event endorsed the idea that the development of Sighisoara and the surrounding Saxon villages should include the protection (through law and practice), conservation (through specific projects) and profitable use (through ecological and cultural tourism) of the natural and cultural heritage of the two World Heritage sites that were part of the area: the citadel of Sighisoara and the seven villages with fortified churches (Câlnic, Prejmer, Viscri, Dârjiu, Saschiz, Biertan and Valea Viilor). This was in agreement with the recommendations of the World Heritage Committee regarding heritage conservation and cultural tourism for the development of the area (WHC 2002).

The conference, together with the declaration and the set of projects endorsed on this occasion, were a major step in MET's campaign to promote a common frame for solutions in agreement with the World Heritage Committee's recommendations. The organizers employed the following strategies to create a common frame: proposing a central issue, namely 'integrated and sustainable development'; creating coalitions across the factions that were adopting opposing positions in the dispute regarding Dracula Park; rallying prominent supporters; proposing a common declaration; advancing their services as solutions for sustainable development; and promising funding for projects that would fall into the common frame. Due to these strategies the conference, declaration and projects could be seen as 'obligatory passage points' (Callon 1986).

#### **4.3.1 Alliances, expertise and marketization for a revised problematization: integrated and sustainable development**

In order to provide a common frame for local and transnational actors previously divided over the construction of Dracula Park, the co-organizers of the conference had to redefine the main issue at stake and move from heritage

conservation and ecotourism to 'integrated and sustainable development'. The latter issue was more inclusive and was proposed as a common frame for possible solutions.

At the 2004 Sighisoara conference, MET presented 'A programme for the integrated development of Sighisoara and the Saxon Villages of Transylvania' and stressed that it was 'campaigning not only for the reduction of threats like Dracula Park, but also for national and international support for the development of the region as a broad conservation and eco-tourism area' (MET 2004a: 2). Its strategy aimed to promote 'sustainable development through the appropriate use of heritage – cultural and natural – of the region and the effective operation of programmes and projects and of private ventures in the region' (MET 2004a: 3). MET's strategy for 'integrated and sustainable development' was prepared not by the leading advocates themselves, but by two supporters with work experience and contacts in international organizations promoting sustainable development. The very choice of the words for MET's strategy suggests that it was intended to attract and bring together two other transnational actors: the World Bank and the UNDP.

'Integrated development' is a concept much endorsed by international development organizations such as the World Bank and the UK Overseas Development Administration (now UK Department for International Development). I focus mainly on the World Bank because of its involvement in the Sighisoara conference. The pervasiveness of the concept of 'integrated development' in the Bank's projects is suggested by the number of results rendered by an internet search on its website using this concept: 101,000 results as of 12 August 2010. Moreover, the Bank links 'integrated development' with 'conservation' and also with 'cultural heritage'. For example, the Bank has a Cultural Heritage and Development Group which co-funds, together with organizations such as ICOMOS, UNESCO, the Organization of World Heritage Cities and World Monuments Fund (and other organizations), projects aimed at 'developing new and innovative approaches to cultural heritage and development' (World Bank 2010).

The concept of 'sustainable development' gained prominence on the agenda of international organizations, businesses and governments from the 1992 UN Conference on Environment and Development of Rio de Janeiro and

the drafting of Agenda 21, containing the core principles of sustainable development (see World Commission on Environment and Development 1987). 178 State Parties voted for the adoption of these principles. However, they are very general, some of them are expressed in ambiguous language, and they are not legally binding (see UN General Assembly 1987).

Various scholars have pointed out that activists can pick up concepts from international movements to raise their leverage in domestic campaigns and to attract funding (see Bob 2005; Lerche 2008; Mendelson and Glenn 2002; Tsing 2005). International organizations working in Romania, such as the World Bank and the UNDP, already had 'integrated development' and 'sustainable development' as part of their agenda. For example the Romanian government and the World Bank signed in 1998 a USD 5 million Learning and Innovation loan for a Cultural Heritage Project comprising the following commitments from the Romanian side: to 'develop a new national cultural heritage strategy', to support the renovation and restoration of Brancusi Sculptural Ensemble, the restoration of Mogosoaia Palace, and 'pilot efforts in selected historic Saxon villages in the central Transylvania region to explore options for sustaining their cultural preservation' (World Bank 1998a).

As of 2004, UNDP Romania, MET's partner in the organization of the Sighisoara conference, was already running two programs related to cultural heritage and 'sustainable development': Local Agenda 21 and Beautiful Romania. These projects were not designed for Romania. They were, as were the UNDP's other programs, designed to be implemented in diverse countries around the world. The UNDP launched the implementation of Local Agenda 21 in Romania in 2000, as a pilot project in nine towns. Then the project was expanded to 40 localities within Romania. It aimed at 'strengthening the capacity of local administrations in the counties and localities taking part in the project to draft and implement concrete policies and plans aimed at promoting sustainable socio-economic development' (UNDP 2008: 2-3). In 2003 the UNDP launched a project centred on cultural heritage entitled 'Beautiful Romania', focused on small and medium-sized Romanian towns with monuments in need of restoration, and which also experienced economic hardship (UNDP 2003). Some of the UNDP projects proposed at the Sighisoara conference were co-funded under these two programs. Through the association

with UNDP Romania, MET aimed to strengthen its position as a promoter of 'sustainable development'.

'Sustainable development' entered the agenda of the local authorities in Sighisoara only months before the conference, in 2004, when Sighisoara Town Hall prepared its Local Agenda 21 through training run by UNDP Romania and financed by MET and two other donor agencies (see UNDP 2008: 8, 15; Sighisoara City Hall 2004: 9). Having a Local Agenda 21, the Town Hall had leverage in the process of applying for grants from major donor agencies focused on promoting 'sustainable development'. By attracting Sighisoara City Hall in the Local Agenda 21 program, MET and the UNDP aimed at persuading local actors to endorse projects in the same direction – towards heritage conservation, ecological projects and cultural tourism (see Sighisoara City Hall 2004). The participation of the City Hall in Local Agenda 21 signalled an informal negotiation between actors with opposed positions in the conflict against Dracula Park, with regard to the issues at stake for the economic development of Sighisoara.

These examples show that advocacy entrepreneurs (e.g. cultural entrepreneurs, the Mayor) did not simply adopt concepts endorsed by international organizations. They employed these concepts as instruments to gain leverage or to legitimize their actions in specific circumstances, not for their content. For example the proponents of ecotourism gained leverage by associating themselves with the World Bank and the UNDP on the same string – promoting 'integrated and sustainable development' in Romania. The Mayor of Sighisoara, and local business, initially supporters of Dracula Park, reoriented their allegiances because they anticipated economic gains from international donors supporting 'sustainable development' and ecotourism. Although advocacy entrepreneurs used certain concepts, they did not necessarily embrace their content. This is apparent in the case of the concept of 'integrated development'. Although 'integrated rural development projects' (IRDPs) were fashionable on the agenda of the World Bank and the UK Overseas Development Administration during the 1970s and 1980s, their success was debatable (ODA 2004). A 2004 evaluation (ODA 2004) run by these two international organizations was focused on six IRDPs in Africa. The conclusion was sharp and bitter: 'the objectives presented at appraisal were not achieved

as planned' (ODA 2004: 1). Thus it is not surprising that MET did not use the IRDP label. Instead, MET highlighted, in its strategy on an 'integrated development of Sighisoara and the Saxon Villages', 'integrated development', 'rural development' and 'sustainable development' (MET 2004a). The choice of 'rural development' was strategic: the World Bank and the EU, through SAPARD, offered grants for rural development (MET 2004a: 14-15). This example suggests that advocates critically employed concepts borrowed from international organizations. Moreover, they defined the terms according to their interests and local demands. For example they argued that 'integrated and sustainable development' in the Saxon villages should include heritage conservation and ecotourism (MET 2004a).

After being included on the agendas, official documents and discourses of local and transnational actors, promoting 'integrated and sustainable development' became a potential common frame for possible solutions (not an end in itself) for the actors involved, in order to attain their different goals.

#### **4.3.2 Alliances, expertise and marketization of the common frame**

MET and the UNDP attempted to bring as many interested actors as possible onto the same 'string'. For example they associated with CIMEC, subordinated to the Ministry of Culture, which maintained an inventory of all cultural sites in Romania (CIMEC 2004). In addition MET's employees contacted local small business and cultural institutions as well as representatives of international organisations in Romania. The series of actors persuaded to join the coalition promoting integrated and sustainable development are reflected in the list of speakers and sponsors of the conference: representatives of the Romanian government, the local authorities (e.g. the Mayor of Sighisoara), representatives of the Ministry of Culture and the Regional Agency for Development (Centre of Romania), the British Council, UNESCO, the World Bank, the Head of the Delegation of the European Commission in Romania, President Ion Iliescu, HRH the Prince of Wales and the presenters of projects for 'rural development' and 'eco/cultural tourism'. It is noteworthy that some of these actors, such as the Mayor of Sighisoara and representatives of central government, were previous supporters of Dracula

Park. The list of sponsors included prominent local and transnational businesses: Banca Transilvania, BTF Bran (a major Romanian tourism operator), GlaxoSmithKline, Linklaters and PricewaterhouseCoopers. In addition the following foreign donor organizations were listed as supporters: the Packard Humanities Institute based in the USA (MET's main donor), the Headley Trust and the Norwegian Embassy (see MET 2004b: 2-3).

The strategy of attracting various actors from the former pro-Dracula Park coalition relied on offering funding or highlighting future financial incentives. For example, before the conference, MET started to collaborate with the Romanian government (the Ministry of Culture) for a joint International Assistance Request to the World Heritage Centre for Sighisoara (MET 2004a: 23). MET also co-funded the participation of Sighisoara City Hall and local actors in the process of drafting Local Agenda 21 with UNDP training. In addition, MET gathered various donor agencies (the World Bank, representatives of the European Commission, regional development agencies, Ministries) at the Sighisoara conference. The representatives of some international organizations talked explicitly about funding opportunities within the common frame endorsed by MET, the UNDP and the World Bank. For example the World Bank Country Manager for Romania, Owaise Saadat, stressed that 'Bank assistance is being provided in several sectors, many of which either directly or indirectly contribute to the sustainability of Romania's natural and cultural heritage' (Saadat 2004). It was estimated that USD 51 million were requested in funding for projects proposed at the conference (MET 2004b: 2). The organizers reported that six projects gained 'immediate pledges of seed funding and support', as the co-organizers had promised before the event (MET 2004b: 2). The initial donors were 'HRH the Prince of Wales, the German World Heritage Foundation, UBS and the Packard Humanities Institute' (MET 2004b: 5).

The co-organizers of the Sighisoara conference were mainly focused on proposing an informal agreement with Romanian local and central government and international organizations as a 'common' declaration. The first step was to present 'their vision of social and economic development (...) towards integrated and sustainable development of Sighisoara and the Saxon villages area' (see MET 2004c). The second step was to create alliances in support of certain types of project for 'integrated and sustainable development' in the

region, as outlined in the 'Sighisoara Declaration' (MET 2004b, 2004c). I contend that this declaration was one of the 'obligatory passage points' (Callon 1986) of the common frame for possible solutions because it has stipulated the aims of future projects: 'heritage reinvigoration and agricultural and economic development' and 'statutory protection of the environmental and cultural heritage' (MET 2004b: 5). In addition, the declaration pointed out that these aims could be achieved, by the main actors involved, through supporting certain projects presented at the conference. Thus the declaration marked the projects presented at the conference as 'obligatory passage points' (Callon 1996), as illustrated in the following quotation:

To achieve these objectives, UNDP, MET, the Romanian Government and other willing institutions have decided to jointly coordinate efforts for the implementation of programmes/projects submitted to the Sighisoara conference (...). They will do this together with the implementing partners as described in each project brief (MET 2004b: 5).

The declaration was legitimated by the invocation of 'sustainable development' and the recommendations of the World Heritage Committee for the protection of World Heritage sites:

The Mihai Eminescu Trust and UNDP, together with their key partners in civic society, IFIs [International Financial Institutions] and the Romanian Government, have taken up the initiative of the World Heritage Committee to implement a mechanism providing capacity building, training and necessary sets of organisational tools for improvement of the economic, social cultural and environmental conditions in the region; thus permitting sustainable development, effective operation of development programmes and projects including private ventures in the region placing conservation issues at the centre of the activities (MET 2004b: 4).

#### ***4.4 Solutions-on-paper***

The projects endorsed at the conference can be seen as solutions-on-paper. They were shaped by the services and expertise provided by MET and UNDP Romania (as partners or advisors) in the fields of heritage conservation and sustainable development: fundraising, consultancy, networking with the

relevant specialists and management. MET and the UNDP attempted to render themselves indispensable (see Callon 1986) to the other cultural entrepreneurs in the area of the Saxon villages and to advance their services as solutions for heritage conservation and sustainable development.

The constitution of each project showed that there was a demand for the services provided by these organizations and also that they were able to satisfy this demand through their services. UNDP Romania endorsed thirteen projects. MET was directly involved in a dozen of the proposed projects and also played a key role in helping all participants draft the projects following a common format. The focus of the projects ranged from restoration work on buildings, streets, a railway, establishing and managing two natural parks and the Breite reservation, to projects to improve local governance in the area (see MET 2004e).

The Sighisoara conference achieved two main things: firstly, it endorsed a principled common frame for possible solutions for tackling heritage conservation and integrated and sustainable development. Secondly, it emphasized that the two co-organizers – MET and UNDP Romania – could help the other actors involved to translate the common frame into solutions-in-practice. In the next section I illustrate MET's role in creating solutions-in-practice, as part of the advocacy for heritage conservation and 'integrated and sustainable development'.

#### ***4.5 Solutions-in-practice***

Some of the solutions-in-practice proposed by MET such as the Whole Village Project in Viscri were initiated before the Dracula park dispute (as I showed in section 4.1 of this chapter) and contributed to the problematization of heritage conservation in the area of the Saxon villages and towns and also to the making of the solutions-on-paper. Only one section of the Whole Village Project in Viscri was included among the projects endorsed at the Sighisoara conference: 'Reinstating the traditional Saxon village street landscape in Viscri' (MET 2004e). Another project, focused on the Breite Plateau, was developed in collaboration with the organization Sighisoara Durabila and was presented at the Sighisoara conference. This project was put in practice following the

conference. Another project I chose for illustration started before the Sighisoara conference and was not included among the projects endorsed at the conference. I chose these projects in order to illustrate the diversity of processes that shaped the solutions-in-practice, such as the creation of social enterprises and alliances, the creation and use of expert knowledge, the use of specific technologies and the marketization of knowledge, services and products.

#### **4.5.1 Enterprise, expertise, alliances and technology**

The making of these projects relied on transnational strings of professionals and expertise. These played both instrumental and legitimating roles: the experts proposed solutions (according to funding requirements and available resources) and their expertise was legitimating for MET. Various professionals (conservation specialists, architects, biologists), craftsmen (in wood carving, producers of traditional construction materials) and repair and restoration technology played an instrumental role in the articulation of the proposed solutions-in-practice.

For the Whole Village Project MET benefited from the advice of architect Jeremy Amos, a MET trustee, who was also a trustee of the Netherlands-based Horizon Foundation which gave MET funding for conservation work. In addition, following the model of the Landmark Trust in the UK and with support from this Trust, MET acquired houses in the villages where it started conservation work with a view to restoring and using them as guesthouses. These houses (four in 2003, two more by 2008) were intended as 'model guesthouse conversions' and as sources of revenue for the Trust in the long term (see MET 2008c).

For the actual restoration work MET relied on various local and transnational experts in conservation and on craftsmen, ranging from Romanian architects and conservation experts to German and British architects and craftsmen (MET 2002). The Romanian conservation architect Gabriel Lambescu worked in the last four years of his life (2002-2006) for MET projects in the Saxon villages. Previously he was an architect at the Ministry of Culture and worked in the area on the conservation of fortresses and castles. Craftsmen from the villages produced ironwork or woodwork for the Trust to use

in the restored buildings. In addition MET's construction workers benefited from training provided by the Transylvania Trust, an organisation set up in 1996 in Romania by conservation professionals (mainly Hungarian-Romanians) who worked previously on historic monuments in Transylvania. In addition, the Transylvania Trust facilitated MET's training with specialists in the conservation of historic buildings from the UK and Germany (interviews with Jessica Douglas-Home and Caroline Fernolend).

The translation of knowledge and models of practice for the conservation of buildings from one organization to another took shape not only through formal training but also through practice (Wenger 1999). For example the brick kiln in Viscri, crucial for locally sourcing construction materials for restoration work and for keeping costs low, was created with the help and guidance of a Conservation Officer from South Shropshire, in the UK, in 2006 and has been managed since by a family in the village. Moreover, MET organized, with EU funding through the programme Culture 2000, a complex package of curriculum-based and practical training. The latter included 'international exchange workshops' and 'working camps' focused on 'traditional building methods', with participants from five countries (MET 2008c).

MET relied on local biologists for the management of the Breite Reservation; they were the main promoters of environmental conservation projects. MET came across the biologists and environmental activists from Sighisoara during the advocacy campaign against Dracula Park. At that time they were local teachers, researchers or simply 'nature lovers' interested in the preservation of the Breite Plateau. Subsequently they formed two organizations: Sighisoara Durabila and EcoBreite. MET and these two organizations negotiated joint custody of the Breite Reservation together with the Local Council Sighisoara, forest administration Sighisoara (Romsilva) and the Nature and Biodiversity Conservation Union (NABU) from Germany (MET 2006).

The expertise of local biologists and professional rangers, and also feedback from British and German experts in nature conservation, shaped the strategy for the protection of the reservation, its management plan and the implementation of the proposed activities. Between 2005 and 2008, MET supported the PhD fieldwork of three local biologists (focused on the fauna and flora of the reservation). Their research was intertwined with the work of

monitoring the biodiversity of the reservation. In addition MET commissioned studies by British experts (a biologist and a landscape designer). The expertise of local and foreign professionals involved in the study and administration of the reservation were not only the engine of the solution-in-practice but also provided legitimacy (MET 2010b).

MET's links to local and foreign professionals in the field of conservation facilitated the training of some MET workers and also the dissemination of practices of conservation and landscape management. Thus MET's work was shaped by conservation professionals or biologists from Romania, the UK, the Netherlands and Germany. However, the articulation of the projects as solutions-in-practice was due to the work of MET's Chairman (Jessica Douglas-Home), directors (Luminita Holban and Caroline Fernolend) and their local staff and construction teams.

#### **4.5.2 Enterprise, expertise, marketization and alliances**

MET's access in the villages was intertwined with post-communist marketization of the rural economy: the wider process of post-communist property restitution and the privatization of former state farms (see Burawoy and Verdery 1999; Kideckel 1995a, 1995b, 1995c; Sampson 1995; Verdery 1999); the emergence of small and medium-size enterprises in the villages (guesthouses, shops, a brick kiln, the production and marketization of local food products), the emergence of market-oriented fundraising for church-related organizations and also the growth of transnational links (mainly due to Romanian-Germans who emigrated to Germany in the 1990s) and the emergence of transnational tourism (supported by these links).

For example, in the village of Malăncrav, the Trust bought from the Evangelical Church and restored a derelict manor house built by a noble Hungarian family, Apafi, in the 15<sup>th</sup> century (see MET 2008d). The building passed from the Apafi family to another Transylvanian aristocratic family, then changed owners several times until the 1920s, when it was acquired by the Evangelical Church. In 1949 the building was confiscated by the Communist authorities. During communist times the house was not well kept and degraded quickly. In 2000 MET helped the Evangelical Church to regain its property rights

to the manor. Then the Church sold the derelict building to the Trust. The Trust also bought the orchard adjacent to the house (a former state farm). The manor house was converted into a guesthouse (in 2007) and the orchard became the base of an organic apple juice enterprise. In addition the Trust helped to restore several houses in the village for use as guesthouses. One of these was used subsequently as a guesthouse by a church-related organization. MET's investment in purchasing land and buildings and its restoration work led to the creation of small enterprises and jobs associated with heritage conservation, ecotourism and organic agriculture.

The marketization of the work of the Trust on transnational markets took place with the support of various mediators. The Landmark Trust and tourism agencies focused on ecotourism facilitated the introduction of MET's guesthouses in a circuit of cultural and ecological tourism (MET 2002, 2003). Some of the tourism agencies catered to contrasting types of tourist: some interested in 'Dracula' tours, other interested in ecotourism. In addition, MET relied on face-to-face marketing and journalists from the British mass media to attract attention to its work in the Saxon villages.

The transnational marketization of the guesthouses was not only a matter of disseminating information. The very restoration and decoration of the guesthouses was intertwined with the vision of marketing them to a specific public. For example MET recounted with pride the contributors to the decoration and furnishing of the Apafi manor house: an 'international designer', English decorators, a Professor from Oxford who donated books, a British-Romanian who donated furniture and local carpenters and craftsmen/women (see MET 2008d). This configuration (including an 'international designer') was created partly for convenience, due to friendship relations or the availability of local craftsmen, and partly to appeal to a certain strand of ecotourists. Consequently 'the manor as guesthouse' was restored and moulded by transnational actors in order to cater to potential transnational clients.

Besides the market of ecotourism, cultural entrepreneurs from the Saxon villages are involved in local and transnational markets of specialised services (restoration, landscape management) and knowledge exchange. In the market for donors and heritage conservation services, cultural entrepreneurs compete for funding with similar services from other countries. One way to gain

distinctiveness is to seek symbolic leverage, through prizes and honours. These not only legitimize the work of MET but they also provide leverage for the Trust in domestic and transnational markets of services for heritage conservation, sustainable development and ecotourism. For example in 2006, MET obtained the First Prize for 'Dedicated Service to Heritage Conservation' awarded by the European Commission and the Europa Nostra organisation (Europa Nostra 2006). Then, in November 2007, Jessica Douglas-Home, the Chairman of MET, was awarded the prestigious distinction National Order of 'Faithful Service' by the Romanian President Basescu 'as a token of appreciation for her prestigious activity in promoting and developing the Romanian cultural heritage' (see Romanian Embassy London 2007). In addition, in May 2008 the Breite conservation project received First Prize at the reputed Romanian 'Gala Societatii Civile' (Civil Society Gala) for environmental protection (MET 2008a: 3). In May 2010 MET was awarded three prizes at the 'Gala Societatii Civile', including the Grand Prize for the Whole Village Project (MET 2010a).

MET and its biologists also engaged on the local and transnational markets of specialised knowledge regarding rural ecology and landscapes. These markets are interlinked with providing expertise (thus services) in these fields. For example MET, in association with an academic organization from Transylvania, launched the journal *Rural Landscape, Biodiversity and Society*, 'an interdisciplinary journal aiming to bring together and to promote trans-regional studies on the biodiversity and ecology of rural landscapes' and to 'emphasize the value of rural landscapes from traditionally farming areas and contrast them with intensively used landscape types' (see MET 2009). In addition MET monitored the publications of the biologists regarding fauna and flora in the Breite Reservation (see MET 2010b). Through encouraging academic research and publications, MET attracts attention to the importance of rural landscapes and MET's work, acquiring leverage for the services they provide. In addition, academic studies produced as a result of the landscape management within MET projects enhanced the legitimacy of MET's activity.

The marketization of the work of cultural entrepreneurs on transnational knowledge markets is further illustrated by their association with academic and vocational programs from Romania or from abroad. For example MET organized 'architecture camps' with professors and students from the leading

Romanian architecture institute 'Ion Mincu', and held international training workshops on traditional building methods. In addition, in March 2010 Caroline Fernolend gave a talk at the Faculty of Sociology at the University of Bucharest about her work in Viscri and its relevance for community development (MET 2010a). Interestingly, Prof. Sandu, who invited her to give a presentation, had been the coordinator of the 1999 study on 'Reconstructing community space: Social assessment of Mosna and Viscri – two former Saxon villages in Romania', commissioned by the World Bank. Caroline's presentation in 2010 signalled MET's role as a provider of expert knowledge regarding rural projects, heritage conservation and local development.

In all these markets (for tourism, conservation services and academic knowledge), cultural and environmentalist entrepreneurs have to capture the attention of other actors – local and national authorities, local entrepreneurs, international donor organizations, other activists and consumers – in order to attract further resources necessary for their work. Thus the marketization of cultural and ecological services and expertise is interlinked with the process of creating alliances for the perpetuation and development of specific solutions-in-practice.

In 2009, MET representatives reported that more than 600 conservation projects (on buildings, streets and bridges) had been carried out by the Trust between 1999 and 2009. Moreover, MET estimated that, in 2008, more than 11,000 tourists visited the villages where MET carried out work (Achim 2009; Douglas-Home 2009). This monitoring was also part of the marketization of ecotourism in the villages, in order to show that there is demand on both local markets (for restoration of historic buildings) and transnational markets (for tourists).

Beckmann and Dissing's (2004) study regarding sustainable development in the White Carpathians, along the Czech-Slovak border, provides an additional illustration of the role of transnational markets of funding, services and products in shaping services aimed at promoting sustainable development. Beckmann and Dissing (2004: 144) highlight the role of local NGOs, their extensive foreign contacts and the funding provided by transnational actors (e.g. the C. S. Mott Foundation, the Open Society Fund, the Rockefeller Brothers Fund, the German Marshall Fund of the United States and government

aid agencies from the USA, the Netherlands and the UK) for 'promoting sustainable development', through 'organic farming, development and marketing of local crafts and products, "soft" and agro-tourism, land trusts, activities focused on maintaining and promoting cultural and natural heritage of the area, and a variety of community development projects' (Beckmann and Dissing 2004: 144). The authors stress that these models of 'rural sustainability' are constituted in order to 'harness the free market to produce social, cultural and ecological benefits' and promote 'an overall vision of integrated rural development' (Beckmann and Dissing 2004: 146).

In contrast with the examples provided by Beckmann and Dissing (2004), the tourism services developed by ad-hoc social entrepreneurs from the Saxon villages together with MET did not rely on the funding of large foreign foundations, but on smaller donors, from across Europe and also from the USA. The similarities between the tourism services created in the White Carpathians and the Saxon villages suggest that transnational actors may promote or encourage similar solutions-in-practice in order to integrate rural entrepreneurs into transnational markets of ecotourism and organic farming.

#### **4.6 Conclusion**

In this chapter I have argued that the proponents of cultural heritage were successful in (1) influencing the Romanian government to take a decision along their line (i.e. to relocate the Dracula Park away from Sighisoara) and (2) advancing their ideas and ecotourism services in the Saxon villages for four main reasons. First, they shaped the problematization of the issue at stake (heritage conservation and 'integrated and sustainable development') not only through discursive strategies (e.g. invoking local identity, expert knowledge and the Convention concerning the Protection of World Cultural and Natural Heritage) but also through endorsing the pilot services of ecotourism they had already developed. Second, they attracted the support of international organizations and business people with an interest in the marketization of cultural products, such as UNESCO, the World Bank, the UNDP, the EU and HRH the Prince of Wales. Thirdly, they persuaded their initial opponents to accept a common frame for possible solutions – the endorsement of 'integrated

and sustainable development' – as potentially lucrative for all involved, mainly due to international funding targeted at promoting 'sustainable development'. Fourthly, they were skilful in marketing their services and products in transnational markets for ecotourism and specialised knowledge regarding the conservation of the natural and built heritage.

However, it is important to consider alternative explanations on the basis of the existing literature and through the conceptual lens of the aggregated model. For example, Parau (2006, 2009) studied the transnational advocacy against Dracula Park from a rational choice perspective based on the assumption that government officials can choose the course of action which provides the highest payoff from a range of options whose effects can be known with probability (Parau 2009: 2). She stressed that the government changed the location of Dracula Park because its opponents, a transnational advocacy network including, among others, Sighisoara Durabila, the Mihai Eminescu Trust and Pro Patrimonio, pointed out that the construction of Dracula Park would trigger sanctions from the EU and delay Romania's accession. In addition, she argued that the UNESCO recommendations, a meeting between a representative of the Culture Committee of the European Parliament and the intervention of Prince Charles, together with the non-governmental advocates against the Park, 'raised the "alert level" in the Executive's mind' (Parau 2009: 6). Parau (2009: 8) concluded that the Romanian government displayed 'irrational behaviour' due to being 'anxious over accession' and thus gave in to a fictional extra-conditionality.

It can be argued, partly based on Parau's (2009) account, that transnational advocacy networks attempted to influence the government through persuasion, socialization, leverage, incentives and penalties. I would partly agree with this statement since all the actors involved constructed arguments, invoked regulations, gathered support from experts, business people and politicians and made cost-benefit calculations (based on anticipated benefits and costs). However, persuasion and socialization were not effective on their own: members of the government were aware of the non-binding character of UNESCO recommendations. Moreover, EU officials actually kept a low profile during the confrontation (something that Parau (2006) does acknowledge). In addition, the EU was rarely mentioned by advocates mainly

because UNESCO provided more clout for them, due to the Convention concerning the Protection of the World Cultural and Natural Heritage. Thus persuasion and socialization were not decisive in the confrontation regarding the Park.

My analysis of the advocacy for and against Dracula Park has shown that the marketization of the two possible solutions for the economic development of Sighisoara – Dracula Park and ecotourism – and the alliances gathered in their support were crucial for the success of the advocates against the Park and the failure of the advocates supporting the construction of the Park. To understand the dynamics of the advocacy campaigns regarding Dracula Park and ‘integrated and sustainable development’ in Sighisoara and the Saxon villages it is important to look into the problematization of the issues at stake, the marketization of ecotourism, the creation of the common frame for possible solutions and the making of solutions-in-practice, all backed by cultural entrepreneurs like MET.

The case study selected is similar to environmentalist advocacy or advocacy for heritage conservation in general, beyond Romania, in that advocates muster support from local and transnational actors in order to defend landscapes and cultural heritage from industrial and infrastructure projects (see Beckmann and Dissing 2004; ICOMOS 2010; Rootes 2003; Tsing 2005; UNESCO 2009). Thus the integrated model could be useful to illuminate the dynamics of cultural and environmentalist advocacy beyond the case study presented in this chapter.

## 5 Promoting ‘children’s rights’ in Romania’s care system

This chapter is a case study of the transnational advocacy to promote ‘children’s rights’ in Romania’s care system between 1997 – when the first regulations incorporating concepts of the Convention on the Rights of the Child (UN 1990, thereafter ‘the Convention’) were endorsed by the government – and 2008, a year after Romania joined the EU. The chapter illustrates how the integrated strings model can make sense of a multi-polarized configuration of government- and locality-centred advocacy. In addition, the chapter answers the following questions: How did transnational actors contribute to promoting children’s rights in practice, law and policy? Why did policy-making and the solutions-in-practice endorsed by the government move towards ‘decentralization’, ‘reorganization’, ‘reform’ and ‘restructuring’<sup>15</sup> of the existing childcare system rather than towards ‘deinstitutionalization’, in spite of the pressure of international organizations and other non-governmental advocates? Why are there still opposed views regarding the most suitable way to promote children’s rights in the childcare system?

Some clarifications regarding the choice of words are required: Firstly, I place ‘children’s rights’ within quotation marks in order to signal that the Romanian government and other local and transnational actors have engaged in promoting mainly *a selection* of the rights stipulated in the Convention, as detailed in this chapter. Secondly, I refer to Romania’s ‘care system’ in order to encompass both public and private childcare services.

I take into account a wide range of local and transnational actors: government departments, international organizations such as UNICEF, USAID,

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<sup>15</sup> ‘Decentralization’, ‘reorganization’, ‘reform’ and ‘restructuring’ are words used in Romanian law and policy regarding the reform of the childcare system and also on the website of and in documents produced by the Romanian authorities in the field of childcare. There is no trace of ‘deinstitutionalization’ (as of December 2009). In contrast, Romanian social workers and foreign professionals working in childcare services did refer to ‘deinstitutionalization’ in their publications; similarly, my interviewees did mention ‘deinstitutionalization’ in their recollections. I place these words within quotation marks in order to signal that these are the words employed by the actors involved in advocacy. I do not delve into analysing the differences between what was understood through each concept. For the purpose of my research it is enough to point out that the actors involved emphasized different paths for change.

the EU, and the World Bank and small (in terms of staff) transnational British-Romanian organizations initiated by ad-hoc social entrepreneurs from the UK and Romania. The people involved in the advocacy for 'children's rights' ranged from carpenters and plumbers to officials in international organizations and investment fund managers.

I look at advocacy top-down and bottom-up. The first perspective, top-down, traces government-centred advocacy from the government's problematization of 'children in difficulty' to the translation in practice of government-endorsed programs. The second perspective, bottom-up, looks first at a set of small organizations, which were initiated and set up pilot social enterprises before the government's first strategy for 'children in difficulty', and then follows them in their locality-centred and government-centred advocacy.

### *Overview*

Romania was infamous in the 1990s for allegedly having around 100,000 children in obsolete state childcare institutions<sup>16</sup> (European Commission 1997). Romania's ratification of the Convention on the Rights of the Child in 1990 (Romanian Parliament 1990b) suggested government's willingness to alleviate the situation of these children. The mass media was a mediator in drawing the attention of international organizations towards institutionalised children. Documentaries regarding Romanian children in state care (labelled 'orphanages') prompted and legitimised international organizations in the transnational market of aid and transnational businesses such as adoption agencies to include Romania on their 'map'. However, only a small percentage of the institutionalised children were actually legally 'orphan' following a court decision, according to Law 47/1993 (see Romanian Parliament 1993b; UNICEF 2005: 17). A 1997 census of institutionalised children revealed that, at that time, there were 98,872 children in 653 residential facilities (i.e. 1.7 per cent of the total population of children in Romania). Only 3 per cent of these children were legally orphans and thus available for adoption (World Bank 1998b). The rest of the children were considered 'deserted' (UNICEF 2005: 17).

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<sup>16</sup> According to governmental statistics, childcare services housing more than 50 children counted as 'institutions' (IMAS 2004: 47), whereas childcare professionals suggested that services hosting more than 12 children should count as 'institutions' (Mulheir et al. 2004). In this research I take the former definition.

I contend that the process of promoting 'children's rights' in Romania's care system, particularly childcare institutions, took shape almost seven years after ratification of the Convention on the Rights of the Child by the Romanian Parliament in 1990 through Law 18/1990 (Romanian Parliament 1990b). The first step to promote in practice the Convention at national level was taken in 1997 when the government promoted an emergency ordinance regarding 'children in difficulty'. This was the first legal framework which defined local institutions and childcare service providers, and allocated them roles in promoting 'the child's superior interest'. The main government strategy for 'children in difficulty' and state-endorsed programs were promoted in 2001. These were focused on decentralizing, reorganizing, reforming and restructuring the existing state care institutions through refurbishment of existing buildings and through community-based services (providing residential and foster care, reintegrating children into their families and preventing children's institutionalization). This process relied not only on state services but also on local and transnational non-governmental organizations, which provided funding, trained professionals and set up pilot projects. However, non-governmental childcare providers argued that restructuring was not enough; they pressed for the closing of institutions (i.e. deinstitutionalization) and the transfer of children to community-based services. Moreover, between 1990 and 2006 there were numerous institutional reforms in the childcare system, at central and local levels, illustrated mainly in the frequent 'revamping' of the national authority for children in state care which changed its name and structure approximately six times between 1990 and 2006.<sup>17</sup> Prominent international actors such as the EU and the World Bank supported these changes financially. However, in 2006, just before Romania's EU accession, there were still polarized views regarding the success of the reforms and also regarding the solutions developed in practice by government childcare departments and private service providers.

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<sup>17</sup> In 1990 the pre-1989 Central Commission for the Protection of Minors was replaced by the Committee for the Support of Child Protection Institutions. This was replaced in 1993 by the National Committee for Child Protection. In early 1997 this was reorganized as the Department for Child Protection. Then this was replaced by the National Agency for Child Protection in 2000, which was shortly reorganized as the National Authority for Child Protection and Adoption (ANPCA) in 2001 (Dickens 1999: 140; IMAS 2004: 23, 25). Then the National Authority for the Protection the Rights of the Child was initiated in 2005 (ANPDC 2009c).

For example, in 2006 Bogdan Panait, the head of the National Authority for the Protection of the Rights of the Child (ANPDC in Romanian) stressed that 'although we are still faced with many serious challenges, and too many children live in poverty, great strides have been made in terms of closing institutions and setting up alternative services. We are on the right track' (Panait 2006b: 3). In November 2006 the European Parliament's Rapporteur for Romania, Baroness Emma Nicholson, declared 'I give Romania almost top marks for child protection reforms' (Nicholson 2006d). However, in June 2006 a coalition of NGOs working in Romania, mainly British-Romanian small transnational organizations, published a stirring petition (as a paid advertisement) in the *Financial Times*, entitled 'Romania's concealed childcare crisis' (Charities 2006). The authors denounced the 'impotence of law', the Romanian authorities' disregard for children's rights, the poor state financing for childcare and the continuing abandonment of babies in hospitals (see Charities 2006). This advertisement has been harshly criticized by the head of the ANPDC and Baroness Emma Nicholson (see Nicholson 2006c; Panait 2006a). In addition, an official report stated that, as of 2006, there were 76,168 children in state care, out of the 4,600,000 children of Romania (ANPDC 2006: 12). In 2008 there were 71,586 children in state care, of the 4,141,020 children in Romania, while 24,427 children were still in childcare institutions (ANPDC 2009a).

### **5.1 Ad-hoc social entrepreneurs and pilot solutions-in-practice**

International organizations such as USAID, DFID, the World Bank, the EU (through PHARE) and the Council of Europe (through the Social Development Fund) stepped in to provide financial support (non-reimbursable and loans) and 'technical assistance' (expertise of foreign professionals) in order to reform childcare institutions. Technical assistance took at least three forms: support for grounded studies of childcare services in Romania (IMAS 2004; Mulheir et al. 2004; UNICEF 1996, 2005); facilitation of training in Romania with foreign trainers (e.g. with funding from PHARE) and funding for the development of pilot projects, from the World Bank, USAID and PHARE (see USAID 2006; World Bank 2004).

Media coverage regarding institutionalised children had some unexpected consequences: hundreds of ad-hoc groups formed in the UK, Germany, the Netherlands, France, Belgium, Italy, Norway and the US in order to collect and provide aid (mainly furniture, medical technology, medicine and food) to childcare institutions in Romania. Due to media coverage, these transnational social entrepreneurs had the opportunity to raise money and goods for aid efforts even before being legally registered as charities. In addition, in the early 1990s Romania was a source of lucrative arrangements for adoption brokers due to the shaky legislative ground regarding children's rights (Kligman 1998).

### **5.1.1 Enterprise, alliances and marketization**

An article in *The Times* on 30 December 1989 (thus less than a week after the execution of former President Ceausescu) mentioned already a British-Romanian relief organization, the Relief Fund for Romania (RFFR) (Giles 1989; RFFR 2010). It was initiated by around 20 people linked to Romania (through origin or relationships) resident in the UK. The informal leader of the group was the late Ion Ratiu, a businessman, writer, philanthropist and political activist of Romanian origin.<sup>18</sup> RFFR organized the first relief flight to Romania in January 1990. They also facilitated logistical arrangements for the first documentaries and TV programs focused on children in orphanages in order to attract media attention to the country. This organization became a hub of practical information for groups of Britons and Romanians who themselves wanted to travel to Romania with aid (interview with Nicolae Ratiu). In addition, in 1991 RFFR initiated two projects which can be seen as pilot solutions-in-practice in response to local problems or needs: a mobile play therapy program for institutionalised children and adults and a mobile healthcare program for rural areas in the county of Bacau (FSC 2010 and interview with Gabriela Achihai). These projects were further adapted to changing local conditions by the Romanian team which, in 1997, set up Fundatia de Sprijin Comunitar (FSC). The two organizations remained closely linked afterwards due to personal ties, mutual advice and financial support. RFFR continued to support certain projects

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<sup>18</sup> See footnote 12 in Chapter 4 (p. 91 of this thesis) for further details regarding the initiator of the Relief Fund for Romania.

and to cover, when necessary, the administrative costs of FSC; in 2008 it has reported spending £3 million on projects in Romania since 1990 (RFFR 2008).

Not only people of Romanian origin but also British people set up organizations to bring aid to and training programs in Romanian childcare institutions. For example, a group of prominent business people from London, among them George Younger, the Chairman of the Royal Bank of Scotland (in the early 1990s) (see Ashworth 1992), set up an organization called the Romanian Orphanage Trust (ROT).<sup>19</sup> In 1991 this organization aimed at spending '3 million pounds a year on projects in Romania' (Ashworth 1991). To carry out its projects (training and pilot community services), ROT set up a Romanian branch, Pentru Copiii Nostri (For Our Children) (BBC 2000; Dickens and Groza 2004; Zamfir 1995).

Ad-hoc social entrepreneurs wrote to mass media companies in order to initiate fundraising campaigns and mobilize volunteers. For example ROT persuaded the producers of the popular BBC children's program 'Blue Peter' to organize a fundraising campaign for the benefit of Romanian children. This campaign raised £6.5 million, which was donated to ROT in order to set up 50 family homes for institutionalised children in Romania (BBC 2000). Monica McDaid, a teacher from Birmingham who went to Romania in early 1990 with a group of colleagues to deliver aid collected from donations through a project in Birmingham schools, wrote to the producers of the popular TV show 'Challenge Anneka', presented by Anneka Rice. This show selected challenges such as improving facilities for people with disabilities in localities across the UK and then mobilized teams of volunteers to tackle the challenge. McDaid suggested as a challenge providing repair work and medical aid to an institution for disabled children in the town of Siret, in North-Western Romania, housing at that time more than 600 young people in a huge building. The Anneka Rice program in Siret took place in the autumn of 1990, with the help of volunteers. Following this program, McDaid set up further aid and volunteering programs to

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<sup>19</sup> An announcement in the business section of *The Times* on 5 February 1992 reads: 'Orphans in Romania are about to get a powerful helping hand from the heart of the Square Mile. Philip Dayer, formerly of ANZ, Barclays de Zoete Wedd and Hill Samuel, has just been appointed head of corporate finance at the Société Générale. And later this month, he takes on the role of treasurer of the Romanian Orphanage Trust, run by George Younger, former Minister of Defence and Chairman of the Royal Bank of Scotland. (...) The Romanian trust has raised more than £8 million since it was set up 18 months ago' (Ashworth 1992).

improve living conditions in the institution. She established the charity Romanian Challenge Appeal (RCA) in 1990 in the UK and registered its Romanian branch, O Noua Viata, in 1997 (O Noua Viata 2010; RCA 2010). The 'Challenge Anneka' program triggered a wave of small aid initiatives from Britain to Romania. One of the initiators recounted that

[it] woke up everyone, and that's why, at that time, just about every town had a group working in Romania. It was a fantastic number of people [who] said 'We are going to do something like this. We cannot take the whole country but maybe we can take over an orphanage, a psychiatric hospital, a school, a village'. (...) Loads of British people who had no idea about working in another country [got involved] (...) (interview with Angus Cleaver).

These small ad-hoc groups relied mainly on fundraising related to church groups and schools in the UK and facilitated the donation of furniture, medicine and equipment from the UK to Romania. The organization Cleaford Christian Trust (Cleaford Christian Trust 2010) epitomizes this type of transnational social enterprise. During a holiday in Romania, one of the initiators, Angus Cleaver, linked up with a local pastor in the town of Brasov, and from there they started a program of providing occasional aid – medicine, clothing – to people from the congregation. Later they linked up with the director of the children's hospital in the town and facilitated the donation of milk powder, medicine, special washing machines and incubators from the UK to the hospital (interview with Angus Cleaver). These ad-hoc groups registered in the UK first and then had their Romanian partners registered in Romania, around 1997, when the authorization of organizations working with children became compulsory.

Not all British-led charities involved in promoting childcare services in Romania have been prompted by an interest in Romania. Some charities have been established elsewhere but turned their attention to Romania in the late 1990s. For example the charity Hope and Homes for Children (HHC) was initiated in 1994 by Mark Cook, the former Commander of Britain's UN Forces in Croatia (in 1994), with the aim to rebuild childcare institutions damaged by the war in former Yugoslavia. In 1998 HHC set up a branch in Romania (see HHC 2008).

Transnational British-Romanian projects focused on tackling childcare issues were not only British-led. Romanian ad-hoc social entrepreneurs were also skilful in devising projects and attracting transnational supporters from all over the world. For example Daniel Hristea and his wife, both educators and musicians, ventured to set up Fundatia pentru Asistenta Sociala si Tineret / the Foundation for Social Assistance and Youth (FAST) in 1998 because they wanted to engage in long term projects, beside their collaboration with 'foreigners [who] come and then leave'. Initially they performed voluntarily as musicians, in their spare time, in some of the childcare institutions in Brasov and tried to raise donations in kind for children in these institutions (interview with Daniel Hristea). Hristea, like other young Romanian ad-hoc social entrepreneurs, was skilful in combining various communication and networking strategies to attract supporters for the projects he and his team had initiated in the Roma settlements near Brasov. He used the internet and e-mail to get in touch with donors such as the Cleaford Christian Trust and the Relief Fund for Romania, volunteering organizations such as Projects Abroad (an international organization facilitating volunteer programs), and also with donors and volunteers spread across Australia, Canada, Great Britain, Italy, Malaysia, the Netherlands, Romania, Singapore and the United States (see FAST 2008). All the small transnational organizations which facilitated or set up donations, training and childcare services for state institutions between 1990 and 2008 were initiated and maintained using information technology (mainly telephone, fax and internet).

These small initiatives were puzzling for international organizations and representatives of foreign governments in the market of transnational aid and services. International organizations expressed concern about the duplication of aid programs, the chaotic initiation of rudimentary childcare services at the local level, and also the prospect of child abuse or trafficking under the cover of some aid organizations. In order to bring to light the activities of these small transnational organizations, some international actors provided support for the creation of newsletters and meetings for organizations working in childcare to exchange information and models of good practice. For example, as noted in Chapter 2, the Overseas Development Administration (now DFID) provided a grant to a team at Southampton University in the early 1990s (around 1994) to

develop a Romanian Information Centre, in order to gather information from foreign NGOs and groups providing aid and services in Romania, manage a database of contacts and projects and disseminate, through an email list and a printed newsletter, information regarding funding opportunities, publications, relevant conferences and experience exchange activities. An office of the Romanian Information Centre opened in Bucharest in 1995. In 2001, due to the end of funding, the Southampton team announced the end of the project. Then the Cleaford Christian Trust suggested that they could run the email list and the database voluntarily. According to this database, which is still available online under the name 'Romania Information At Cleaford' (RIAC) (see RIAC 2008b), there were around 170 British-Romanian groups providing aid and social services in Romanian villages and small towns between 1990 and 2008 (RIAC 2008b). The RIAC email list was used by its members to exchange information, request support and advertise opportunities. For example Angus Cleaver recounted that, when schools or hospitals in the UK wanted to give away equipment they did not need anymore, they would send a notice to a charity 'node' like RIAC. Thus RIAC members could collect equipment from the UK and donate it in Romania.

A number of organizations were key transnational players in relation with the government and international organizations working in Romania: the Romanian Orphanage Trust (ROT), Pentru Copiii Nostri (PCN), Solidarité Enfants Roumains Abandonnés (SERA) and Hope and Homes for Children (HHC). These NGOs facilitated or carried out programs of 'technical assistance' (training) for practitioners in childcare institutions and also set up local childcare services such as small residential centres, foster care and counselling services, i.e. pilot childcare solutions-in-practice (see Dickens and Groza 2004: 473; Zamfir 1995: 42; Zamfir 1999: 252). For example, in 1993 PCN, the National Commission for the Protection of the Child and UNICEF had initiated different pilot projects as alternatives to childcare institutions in seven counties, with financial support from the EU through PHARE (Zamfir 1999: 251-255). SERA was initiated by a French aid group in 1990 and set up its Romanian branch in 2002. Over the years they have worked on projects co-financed by the World Bank, EU-PHARE and the Development Bank of the Council of Europe in order to set up children's homes and foster care programs (SERA 2008).

Although children in state care were considered a ‘problem’ from 1990 due to the mass media coverage of squalid state institutions, I contend that the actual problematization of the ‘children’s rights’ for children in state care took shape only in 1997, when the Romanian government endorsed the Emergency Ordinance 26 of 1997 (Romanian Government 1997) regarding children in difficulty. Before this benchmark, the laws concerning children, promoted between 1990 and 1997, were focused on the ratification of international or European Conventions related to children and particularly adoption (ANPDC 2010; Romanian Parliament 1990a, 1990b, 1991a, 1993a, 1993b; 1994). Thus, although Romania ratified the Convention on the Rights of the Child in 1990 (Romanian Parliament 1990b), it was not until 1997 that this international treaty was endorsed in national law, in an effort to define the issue at stake (promoting the ‘child’s best interests’ for ‘children in difficulty’) and the actors involved (see ANPDC 2009b). I discuss this process of problematization in the next section.

## **5.2 Problematization: children in difficulty**

Ordinance 26/1997 (Romanian Government 1997) marked a crucial point in the reform of the childcare system in Romania (see Dickens 1999; IMAS 2004; Zamfir 1999). It prompted, in the legal framework regarding childcare, the central concept of the Convention, i.e. the ‘child’s best interests’, translated in Romanian as *interesul superior al copilului* (‘the child’s superior interest’). It defined the target group of state concern as ‘children in difficulty’, i.e. children whose physical and moral development and wellbeing were jeopardized. This category included not only children in state institutions but also children at risk of being harmed or abandoned. Article 2 of Ordinance 26 stipulated that the child in difficulty will be assisted and protected through this normative act to ‘fulfil and exert’ his/her rights. It stipulated that, in case a child’s ‘superior interest’ cannot be safeguarded in a family setting, the child had a right to protection and special support from the ‘local collectivity’, understood as the extended family, an adoptive family or specialised childcare services in the areas where the child ‘came from’. Ordinance 26 *defined* and *assigned* roles to local and central state institutions to protect the ‘children in difficulty’ and played

the role of an 'obligatory passage point' (Callon 1986) for these organizations. It set up the following organizations and roles. The County Councils and the Local Councils of Bucharest became responsible for funding the 'expenses of child protection'. In addition, it was stipulated that the national authority for child protection (the Department for Child Protection) would fund activities through Programs of National Interest (PINs) with funds from the state budget or from external grants (e.g. from PHARE). The 'specialised public service' was responsible for proposing the protection measures for children in state care. The Commission for Child Protection – formed by local representatives of the Ministries of Health, Education, Internal Affairs and Work as well as NGOs and other state institutions – was responsible for taking decisions for child protection, e.g. placement with a family, person, private organization or public social services, or adoption (national or international). Adoption came last, after having for seven years been the main way to take children out of state institutions. Moreover, international adoption was listed as a last resort. In addition, Ordinance 26 stipulated that NGOs providing childcare services had to be licensed by the Romanian authorities following yearly reviews.

### **5.2.1 Regulations, expertise, enterprise and alliances**

I contend that Ordinance 26 was triggered by interlinked processes such as Romania's commitment to endorse children's rights following ratification of the Convention and to qualify for accession to the EU, the decentralization of public services and the creation of pilot childcare services at the local level. Following Romania's first report regarding the implementation of the Convention, in 1993, the UN Committee for the Rights of the Child pointed out legal setbacks with regard to the promotion of the rights of the child (IMAS 2004: 24). The feedback of the Committee might have been an incentive for legal reforms, but it was not the only incentive. The respect of human rights and implicitly of children's rights was one of the preconditions for a state to become an EU member. Thus, after 1995, when Romania submitted its candidature for EU membership, government officials were faced with the pressing need to tackle the legal framework for children's rights before the European Commission rendered its opinion about Romania's candidature for EU

membership in 1997. Thirdly, once the government started to embark on the process of the decentralization of public services (Romanian Parliament 1991b, 1996), it had to stipulate decentralization also in the field of childcare.

Ordinance 26 replaced Law 3 of 1970 for the protection of certain categories of minors, which established institutional childcare in Romania. International organizations and small transnational organizations providing aid and specialized services in state childcare institutions were constantly pressing for a change of this obsolete law, which was failing to prevent the institutionalization of children. It was estimated that, by 1993, the number of institutionalised children had increased to 158,078 and international organizations were expressing concern that, in spite of the aid provided, little was being achieved for these children (Kligman 1998: 228).

Moreover, without a legal framework there were numerous impediments to the creation of innovative projects for preventing child abandonment within the 'old' childcare institutions, as illustrated by Georgette Mulheir. She came to Romania through a program of 'technical assistance' run by the Romanian Orphanage Trust in 1993, and helped to set up a pilot mother-and-baby unit in a childcare institution for babies in Bucharest. She recalled in an interview that the project, although necessary for preventing the institutionalization of babies, was created 'against all odds'. The difficulties came from several directions and particularly from not having a legal framework for childcare services:

Legally it was very limited what we were trying to do. There were no laws to run prevention services; (...) there was no legislative framework for this apart from something very old in a law, which allowed a mother to stay with her child in an institution. So we were able to set up this separate section inside the institution without there being a change in law (interview with Georgette Mulheir).

Thus transnational organizations which organized aid, volunteer programs and pilot projects feared that the anticipated results would not happen due to legal setbacks. This, in return, would undermine the legitimacy of their work. This fuelled the advocacy of transnational actors for a new legal framework, which would stipulate the creation of services providing alternatives to institutionalization and would include non-governmental organizations as actors in the field (market) of childcare services, alongside the state. Moreover

informal alliances of transnational actors voiced their concern that the lack of regulations regarding organizations working with children led to abuse, as the mass media pointed out on a number of occasions, e.g. paedophiles and bogus medical personnel reaching vulnerable children in state institutions or hospitals (Champion 1990; Evans-Pritchard 2004; Waterhouse 1990).

### 5.2.2 Expertise, alliances and marketization

The emergence of Ordinance 26 was prompted not only by legal commitments and the lobbying of international organizations but also by the expertise provided by these organizations in support of the marketization of childcare services as alternatives to state institutions. UNICEF and the World Bank had advocated for community-based childcare services inspired by foreign models since the early 1990s because it was anticipated that they would be more cost-effective than institutional care. A 1996 report by UNICEF had a suggestive title: *Can Romania Afford Not To? The Costs and Benefits of Implementing Community-based Alternatives to Institutional Care* (UNICEF 1996, referred to in World Bank 1998b). International organizations and the Romanian government estimated that an institutionalised child would cost the state ten times more than a child given for domestic adoption or care in the extended family, see Figure 2 below (World Bank 1998b: 32).

**Figure 2 Recurrent Cost Analysis of Alternative Child Welfare Modalities, March 1998 (Lei in million per child per month)**

Cost Category	State Institutions	Community Residential Care	Professional Foster Care	Voluntary Foster Care	Adoption or Family Reintegration
Operational Costs per child	1.70 to 2.40	0.80 to 1.10	0.00	0.00	0.00
Foster Parent Salary	0.00	0.00	0.40	0.00	0.00
Foster Allowance	0.00	0.00	0.15	0.15	0.00
Child Allowance	0.07	0.07	0.07	0.07	0.07
Supervision Costs	0.00	0.00	0.18	0.18	0.10
<b>Total</b>	<b>1.77 to 2.47</b>	<b>0.87 to 1.17</b>	<b>0.80</b>	<b>0.40</b>	<b>0.17</b>

(Source World Bank 1998b: 32)

Moreover, international organizations such as the World Bank stressed that state institutions not only damaged the health and emotional development of children, but excluded them from society and did not equip them with the necessary skills for becoming integrated in the labour market and thus 'productive members of society' (World Bank 1998b: 2). Thus the case in favour of community-based services stressed that this type of service was economically preferable because it would cost less than state institutions and would provide better care for children, enabling them to become economically active after leaving the care system.

The adoption of Ordinance 26 did not lead to immediate improvements, as was optimistically anticipated in the Opinion of the European Commission (European Commission 1997). A 1998 World Bank report suggested that the implementation of Ordinance 26 faced 'substantial risk' (World Bank 1998b: 15). However, during 1997 and 1998, Romanian authorities took several steps to reform the childcare system. I discuss them in the next section.

### ***5.3 Common frame for possible solutions: strategies***

Directia pentru Protectia Copilului (DPC) / Department for Child Protection was set up in January 1997. The then Romanian President Constantinescu launched a program entitled 'Romania's Children' in order to draw attention to the welfare of children, particularly those from state institutions. Ordinance 26 followed in August 1997. The DPC announced the Child Welfare Reform Strategy in February 1998 (see World Bank 1998b: 38). I contend that the presidential program and the 1998 strategy were an intended common frame for possible solutions.

### **The intended common frame for possible solutions in 1998**

The 1998 strategy aimed at:

- (i) reducing the flow of infants and children into institutions;
- (ii) removing children from institutions and placing them in more supportive environments such as foster homes and group homes; and
- (iii) addressing

the needs of children who leave institutions at age 18, having nowhere to go and no support network to draw on (the aims of the strategy as summarized in World Bank 1998b: 10).

The strategy stipulated the following necessary steps: legal reforms, decentralization of the administrative and financial responsibilities from central to local authorities and the creation of community services as alternatives to institutionalised childcare (the strategy as summarized in World Bank 1998b: 10). This strategy was supported by an alliance of donor organizations: EU funding (see European Commission 1998, 1999) and a World Bank loan for the period 1998-2002 (Alahdad 2001; World Bank 1998b).

Several strings led to the failure of this strategy in 1999: a lack of regulations to implement this strategy, a lack of expertise at the local level and a lack of funding. Firstly, the legal framework to support the translation in practice of Ordinance 26 was elaborated slowly. Law 189 regarding public finance (necessary for the decentralization process) was adopted in 1998 (Romanian Parliament 1998b), while the methodology and guidelines for implementing Ordinance 26 were endorsed in 1999 (see IMAS 2004: 25-26; Romanian Parliament 2003). Consequently, in the period 1998-1999, the county-level authorities had to take over new responsibilities to provide childcare services without having the necessary guidance. Secondly, although it was acknowledged, as of 1998, that local authorities and staff in state institutions did not have the expertise to address the needs of children in their care (World Bank 1998b: 2), they were still requested to reform state institutions and improve the welfare of children. Thirdly, Ordinance 26 marked the cutting of funding from central government for state institutions at the local level, although it did mention that central authorities can provide funding through Programs of National Interest (PINs). Following this Ordinance, the responsibility of funding childcare institutions was transferred 'on paper' to county councils, but without guidelines (IMAS 2004; World Bank 2004). Moreover, international organizations such as USAID cut their funding for projects within state institutions and oriented funding towards pilot community services (USAID 2006: ix). Thus local authorities faced new responsibilities without the benefit of having guidelines, a legal framework, specialized personnel (e.g. social workers) and adequate funding (see Dickens and Groza 2004: 475; European

Commission 1999: 15, 63; 2000: 20; IMAS 2004: 29; *Revista de asistenta sociala* 2/2002; Romanian Government 2008: 3; Zamfir 1999: 251-252). Regular reports of the European Commission regarding Romania's steps to accession mentioned repeatedly that local government was hampered by the lack of regulations and adequate personnel, and by the difficulties encountered in collecting local taxes (European Commission 1997: 13, 2000: 16-17).

By 1999 many childcare institutions were on the brink of collapse, in the sense that they had run out of funds and could not afford to pay for adequate food and heating, not even with the support of local NGOs. Consequently in 1999 the Romanian government requested financial aid from the EU in order to tackle food shortages in childcare institutions (European Commission 1999). In exchange the government committed to pursuing reforms in the childcare system following the guidelines suggested by the European Commission – creating a single institution for overseeing state childcare and ‘setting norms as regards appropriate standards for all residential childcare institutions’ (European Commission 1999: 16). The Commission explicitly requested a ‘structural reform which puts child care in Romania on a secure and decent basis, and in full respect of human rights’ (European Commission 1999: 77). In 2000 the National Agency for Child Protection was established, but it was shortly reorganized in order to include the Romanian Committee for Adoption (IMAS 2004: 25), according to the recommendation of the European Commission to set up a single institution to oversee the entire childcare system. The new agency was named *Autoritatea Nationala pentru Protectia Copilului si Adoptii* (ANPCA) / the National Agency for Child Protection and Adoptions and was subordinated to the Prime Minister. Then in 2000 and 2001 the government worked on the National Strategy for the Reform of the Childcare System. The Programs of National Interest were launched in 2000 and initially targeted the ‘reorganization of the [childcare] institutions transferred from the Ministry of Education, Ministry of Health and the State Secretariat for People with Handicap to the local authorities’ (see the PINs listed in World Bank 2004: 31). Until 2000, childcare institutions were subordinated to one of these ministries and there was no centralized monitoring of their work or of the number of institutionalised children. The 2001 Strategy was intended as a more adequate common frame for possible solutions than the 1998 Strategy. I present briefly its

main coordinates and then discuss the role of various strings of expertise, enterprise, alliances and marketization in the making of these two strategies.

### **The common frame for possible solutions in 2001**

The first version of the Strategy for children in difficulty was adopted in May 2000. It was aimed at decreasing ‘the number of institutionalized children and the number of children at risk of being institutionalized’ (European Commission 2000: 20). However, due to the change of government following the 2000 elections, this Strategy was replaced by a revised version, the National Strategy for Protecting the Child in Difficulty (2001-2004) (see Romanian Government 2001). The Strategy had the following elements: the prevention of child abandonment, the restructuring of residential childcare institutions and services, the decentralisation of the childcare system, the improvement of childcare legislation, the promotion of adoption and foster care, the improvement of minimum standards in childcare services, the development of a nation-wide monitoring system and of human resources (Romanian Government 2001, ‘General direction’). Beside these general elements, the Strategy stipulated the following anticipated results: a decrease in the number of institutionalized children and of the duration of institutionalization and an increase in the number of children reintegrated into their family, or cared for in residential family homes and the increase of childcare services (Romanian Government 2001, ‘Anticipated results’). This strategy was influenced by the expertise provided by local and foreign experts as well as by alliances of supporters and funding from international organizations. I tackle these issues in the next sections.

#### **5.3.1 Expertise, alliances and marketization**

The models of community-based childcare and prevention services promoted through ‘technical assistance’ (outlined in the previous sections) inspired policy changes, as emphasized by Mulheir et al. (2004), USAID (2006), World Bank (1998b, 2004) and Zamfir (1999). These pilot solutions-in-practice can be regarded as ‘obligatory passage points’ (see Callon 1986) proposed by

transnational experts in the process of policy-making. By endorsing or passing through these 'passages', international experts would provide their services to the Romanian authorities and professionals; international organizations would spend efficiently their financial allocation for Romania; and the Romanian authorities would gain new knowledge and would comply with international requirements for improving childcare.

Besides foreign experts, Romanian professionals were also consulted on policy issues. Some of them were established figures in social work education, such as the sociologists Elena and Catalin Zamfir who, in 1990, re-established the social work academic program at the University of Bucharest which had been discontinued between 1952 and 1989 (Zamfir 2002a). In 2001 Catalin Zamfir was the Prime Minister's Councillor for social policies and the head of an inter-ministerial commission devising the principles of a new National System of Social Assistance. Elena Zamfir was a member of this commission (see *Revista de asistenta sociala* 2/2002).

As transnational training and academic programs for Romanian professionals were predominantly developed between the UK and Romania (similar programs involved Romanian and German social workers, see Muntean and Sagebiel 2007), it is important to understand how concepts of 'community services', 'local community' and 'deinstitutionalization' have been developed and employed in the UK. The concept of 'community services' gained momentum in the UK in the 1980s, following explorations started in the 1950s for alternatives to institutionalised social care. Blakemore (1998: 205) points out that 'consensus emerged' during the 1960s that, 'on grounds of either human liberty or saving money, residential institutions of all sorts should be closed down'. The process of closing down care institutions was labelled 'deinstitutionalization'. It was stipulated that the interest in closing down institutions was prompted by documentation of their cost comparatively with the anticipated cost of care for the disabled, mentally ill or elderly in their homes. However, there was also evidence of abuse in the large care institutions and it was anticipated that the needs of these people would be better met if state-supported care could be oriented towards home-centred care. In spite of wide agreement that community-based services would provide a desirable alternative to institutionalised care, it took several decades to articulate a 'concerted policy'

on community care (see Blakemore 1998: 205). Moreover, actual implementation of the community care was criticised on several grounds. Firstly, the allocation of resources lagged behind the drive to close institutions, a shortcoming that had a negative effect on families and local authorities that had to cope with the care of people with special needs without having access to specialised services (see Blakemore 1998). Secondly, deinstitutionalization rested on the assumption that the families of people cared for in institutions were willing to take these people back and that they were able to care for these people. Moreover, this assumption overlooked the possible impact on home carers, particularly female family members (Symonds 1998: 12). Last but not least, the very conceptualization of 'community' as providing a 'homey' environment proved flawed and remote from the 'social lived reality' (Symonds 1998: 12).

Although welcomed, the expertise of foreigners was regarded by some Romanian childcare professionals and academics as of limited direct applicability. For example Zamfir (1995: 258) stressed that foreign models were contested even in their countries of origin. In addition, she was critical of the prospects of foreign-led pilot projects (Zamfir 1995, 1999) and stressed that state institutions were still necessary in providing state care, particularly for children 'in special situations':

(...) if one considers the current dimensions of the need of children in special situations, it is understandable that they cannot be solved simply by family placement or foster care. The various kinds of child care institutions still have a role to play (Zamfir 1995: 258).

There was no feasibility study to assess the state of Romanian childcare in 1996 (before Ordinance 26) or in 2000 (before the 2001 Strategy). Moreover, there was no comprehensive study to assess the models of practice developed by NGOs at the local level, with foreign assistance, since 1990. A feasibility study could have assessed what worked at the local level in Romania. There was no research regarding human resources involved in childcare services as of 2001 either. The first study was performed in March 2002 and the results were published in *Revista de Asistentă Socială 2/2002* (Arpinte 2002). Before this study, academics and international organizations drew attention to the lack of qualified professionals in the childcare system and the consequences for the

quality of the services provided (Zamfir 1995, 1999). However, there was no comprehensive evidence to support this claim. The 2002 study showed that, of 43,151 employees in the state childcare system, only 1,200 were social workers and about 7,527 were foster parents. The rest of these employees had had either a short training in social work or no training in this field at all. In addition, Zamfir (2007) has pointed out that the number of social workers who had graduated since 1994 (when the first cohort of Romanian social workers gained their degree from the University of Bucharest) was not reflected in the number of social workers within the state childcare system. This bleak situation raised doubts about the feasibility of the reforms or the restructuring of institutions as of 2002.

In the absence of research regarding the needs and resources of childcare institutions, inside knowledge provided by professionals working in these institutions, and also in public administration dealing with childcare institutions, played a role in counterbalancing the models of practice advanced by Romanian and foreign experts. Not only the government but also Romanian and foreign experts had access to this inside knowledge, as revealed by my interviewees and Thurnham (1994). Inside knowledge was instrumental in tackling the limitations of the available studies and making the government aware of the risks of a policy of 'deinstitutionalization'.

Overall there was no consensus among academics, other experts and professionals in the field of social care concerning the suitability of certain childcare services and reforms for the specific demands of Romanian institutionalised children and their families. These actors pulled in opposing directions: on the one hand towards the 'deinstitutionalization' (the closing of all large state institutions) and on the other hand towards 'decentralization', 'reorganization', 'reform' and 'restructuring' of institutions (which did not imply the closing of all institutions). However, not only expertise but also funding influenced the reform process. Various authors have stressed the role of EU conditionality – manifested through the accession conditions and targeted funding – in influencing reforms (Hafner-Burton 2005; Schimmelfennig 2005; Schimmelfennig and Sedelmeier 2005b). I will tackle this issue in the next section.

### **5.3.2 Alliances of donors and marketization of the common frame**

The importance of funding from international organizations needs to be analysed in context, looking at the alliances between donors. Take as an example the childcare reform supported by the 1998 World Bank loan. The estimated cost of the Child Welfare Reform Project was around USD 29.5 million (World Bank 1998b: 1). The World Bank contributed USD 5 million, the Romanian government USD 3.3 million, the Council of Europe USD 10.9 million, USAID USD 5.5 million, the EU USD 0.5 million and two non-governmental organizations – The European Children’s Trust and SERA – USD 2.7 million and USD 0.8 million respectively (see World Bank 1998b: 1). The World Bank’s evaluation report of 2004 acknowledged that the large number of donors was an impediment in ‘coordinating their interventions’ (World Bank 2004).

Moreover, when discussing the role of funding in advocacy, scholars tend to focus on funding provided by international organizations and governments. However, evidence provided by British-Romanian projects suggests that various non-governmental organizations need to be taken into account, too. For example the Romanian Orphanage Trust raised £6.5 million in 1990 through one fundraising campaign alone (BBC 2000).

Foreign and Romanian professionals in the field of childcare argued that financial assistance from international organizations endorsed opposing aims, such as the perpetuation of state institutions as well as community-based services (see Dickens 1999; Groza 1999; Zamfir 1995). For example Groza (1999) argued that the USD 14 million provided by USAID for the immediate needs of institutionalised children in 1999 ran against the reform of childcare services because ‘instead of using the [food] crisis [in childcare institutions] to insist on reform, the US government [was] perpetuating the archaic system of institutions for children’ (Groza 1999). Along the same lines, the World Bank noted that the emergency financial support provided by the EU for state institutions in 1999, although it saved children’s lives, ‘did nothing to advance CWR [Child Welfare Reform]’ (World Bank 2004: 13).

The funding provided by international donors was indeed important, but not necessarily because of its financial value. It was relevant because it was channelled into supporting the types of service endorsed by the 2001 Strategy.

For example the World Bank loan for a Child Welfare Reform Project in the period 1999-2002 endorsed the objectives of the 1998 and 2001 Strategies (World Bank 1998b: 3). Another international donor, USAID, initiated the funding program ChildNet, of USD 15 million in 2001 (see USAID 2006: x) and had implemented it together with the National Authority for Child Protection and Adoptions (ANPCA) and World Learning. The objectives of this program coincided with the main coordinates of the 2001 Strategy (Coman 2003; Corell 2003; Saur 2003). In addition, political entrepreneurs like Baroness Emma Nicholson brought together in the High Level Group for Romania's Children international donor organizations, government representatives and private childcare providers to coordinate their work and enhance their leverage. I discuss this in the next section.

### **5.3.3 The High Level Group: alliances, expertise and marketization**

The High Level Group for Romania's Children was the main arena for carrying out government-centred advocacy for children's rights in Romania between 2000 and 2006. Initiated in 2000 by Baroness Emma Nicholson, the European Parliament's Rapporteur for Romania between 1999 and 2004, with the support of European Commissioner Günter Verheugen and the Romanian Prime Minister, the High Level Group was labelled 'a government-led policy making body', which brought together representatives of the ministries involved in childcare issues, international organizations such as UNICEF, USAID, the World Bank, the Council of Europe Development Bank, as well as Romanian churches and NGOs working in childcare (Nicholson 2006a; Mulheir et al. 2004; see also Romanian Government 2001). The Group included only a few of the organizations which developed solutions-in-practice, such as SERA and Hope and Homes for Children. It did not include a wide range of other organizations such as the Relief Fund for Romania or the charities which promoted the 2006 petition regarding 'Romania's concealed childcare crisis' (Charities 2006).

The entrepreneurship and determination of Baroness Nicholson were critical to the initiation of the High Level Group and its endorsement as an 'obligatory passage point' (Callon 1986) for the negotiation of the enactment of the Strategy in the intricate system of relations between actors at international,

national, county and local levels. This passage was necessary to make the Romanian government comply with the Copenhagen conditions regarding human rights for institutionalized children, which were a prerequisite of European membership (see Nicholson 2006b). This passage was also necessary for international organizations such as the EU, USAID and the World Bank which were providing funding for childcare reform in Romania, as they were interested in spending their budgets efficiently and in monitoring what other actors did. In the market of international aid in Romania the High Level Group can be seen as the institutionalized response to the demand for coordination and communication between funding programs for childcare reform in order to make them more effective and avoid duplication (see Romanian Government 2001 and also Wedel 1998).

#### ***5.4 Solutions-on-paper: Programs of National Interest***

Programs of National Interest (PINs) were devised to implement government strategy through creating community services such as day centres, counselling centres and foster care at the local level across Romania (see ANPCA 2005, 2006). The 2001 Strategy envisaged that the following results would be attained through PINs:

the number of institutionalized children will decrease by 10,000 by the end of 2001 and to approximately 25,000 by the end of 2004 due to reintegration in their natural families, placement with relatives or with foster parents and through diversification of alternative social services; (...) the number of foster parents will reach 8,000 by the end of 2004; (...) 40 residential institutions will be restructured by the end of 2002 (see Romanian Government 2001: 10, my translation).

The solutions-on-paper endorsed through PINs were shaped by the same strings as the setting of the common frame for possible solutions, therefore I will not repeat their enumeration. I focus instead on government-led efforts to translate into practice these solutions-on-paper.

## **5.5 Top-down solutions-in-practice**

In the financial year 2000-2001, PINs were awarded to county councils in order to address the needs of the alternative services developed, such as the network of foster parents and maternal assistants (see IMAS 2004: 32-33). From 2001 to 2006, PINs were contracted to NGOs. In 2007, bids for PINs were suspended. Then from 2008, PINs were contracted to local Departments for Social Assistance and Child Protection (Directia Generala de Asistentia Sociala si Protectia Copilului - DGASPC). The translation into practice of the Strategy through PINs raised a number of challenges in relation to the interpretation of regulations and the use of funds.

### **5.5.1 Interpretation of regulations, expertise and marketization**

The process of restructuring the institutions relied mainly on sending children back to their natural families (this was labelled 'reintegration') together with a small financial aid for their families (see IMAS 2004: 33), initiating foster care programs and setting up small residential services. Yet the very process of 'reintegration' with the natural families was interpreted differently from one county to another, leaving room for staff in childcare institutions to set up fictive solutions, as IMAS (2004) reported

some counties have reported children leaving to visit their parents for the holidays as 'reintegration with their natural family', and when these children returned to school, they were registered as 'new cases in the residential system' (IMAS 2004: 51).

Thus in some cases the ambitious targets set by the government led to deceit and concealment of the difficulties faced in practice. IMAS (2004) reported that the return of children to their natural families without providing them any support locally, through social services, was not a feasible reintegration (IMAS 2004: 33).

The PINs stumbled not only on confusing regulations and interpretations. State institutions faced difficulties in training personnel and then creating new services. Consequently in practice little was achieved within the planned timeframe. For example, in Brasov county, foster care programs started in 1999. In 2000 and 2001 the local authorities for child protection trained foster

parents with funding from 'Programs of National Interest' (PINs) and in 2002 and 2003 the number of foster parents was increased with support from PHARE funding. However, the closing of childcare institutions with more than 150 children started in 2004. The children were either 'reintegrated' with their families, placed with foster parents or transferred into ten family homes (see Zanca 2006).

In addition, most of the contracts for implementing the PINs at the national level, in 2005 and 2006, were given to two organizations, Pentru Copiii Nostri (PCN) and SERA Romania. For example 28 out of 29 contracts awarded for PIN 2005 went to SERA and PCN. In 2006 eight out of nine contracts awarded through PIN 2006 went to these two organizations (see ANPCA 2005, 2006). While in the early 1990s PCN and SERA were the acclaimed pioneers in providing training to personnel in state institutions and in setting up community services (see World Bank 2004; Zamfir 1999), their reputation faded gradually. PCN, the Romanian branch of the British-registered charity ROT, was investigated by the police in 2000 for mispending hundreds of thousands of pounds. A 2000 BBC program raised awareness regarding the spending of around £6.5 million fundraised through the Blue Peter TV appeal in 1990 to build 50 residential homes in Romania; BBC journalists found that only 12 homes were built (see BBC 2000). In addition in 2006 Romanian journalists reported fraud in the dealings of SERA Romania to construct residential homes for children with disabilities, with public funds (Pirvulescu 2006). I will not discuss these cases in depth but stress only that they suggest that the solutions-in-practice for providing childcare services were intertwined with the existing transnational market of aid and expertise in which organizations such as PCN and SERA were prominent due to their previous links with state officials and major international organizations such as the World Bank and other donors from the UK and France (see BBC 2000; SERA 2008; World Bank 1998b: 1). Although, up to 2006, NGOs such as PCN and SERA were preferred by the Romanian central authorities as partners in implementing the PINs, the market for childcare services and models of practice was considerably wider. For example Gabriela Coman, head of the National Authority for Child Protection and Adoptions (ANPCA), highlighted that the 2002 conference regarding models of good practice co-organized by ANPCA and the Federation Pro-Child,

with the financial support of ChildNet (i.e. funding from USAID), gathered the attention of more than 200 organizations, which submitted 219 case studies to be taken into consideration as 'models of good practice'. Of these submissions, 19 were endorsed as models of good practice at the conference (see Coman 2003).

### **5.5.2 Assessment of reform: alliances and marketization**

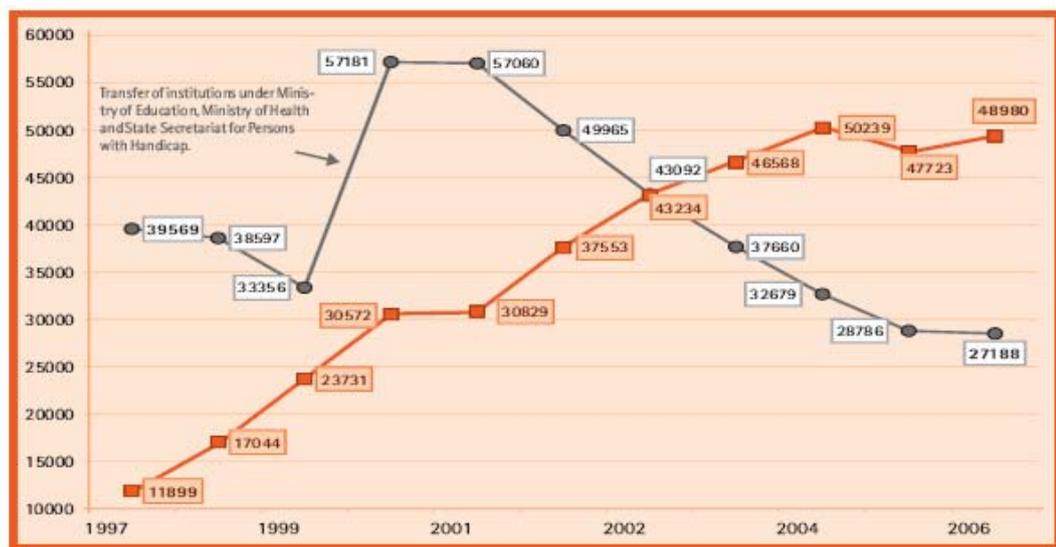
In the transnational market of aid, Romania had to satisfy the requirements of the donors for childcare reform (e.g. the World Bank, UNICEF, USAID, the EU) and comply with the conditions for EU membership. Consequently, as the date of EU accession approached, the Romanian government had to emphasize its progress with regard to childcare services and childcare reform. However, while emphasizing these achievements the advocates of reform downplayed the problems encountered.

Some studies of EU conditionality (Kelley 2004; Schimmelfennig and Sedelmeier 2005b) have argued that the EU's conditions and funding forced Eastern European governments to promote certain policies and carry out reforms. However, in this section I argue that it is not possible to assess the actual effects of EU conditionality. Empirical evidence from my research suggests that EU conditionality led to changes in policy and practice directed to match the commitments made by the target government in view of European integration. However, the government's reporting on compliance with EU conditionality was only an interpretation of the changes that took place in policy and practice. A more critical reading of the changes would question the reported achievements.

For example, in 2006, international organizations and the European Parliament Rapporteur for Romania were focused on making the Romanian government compliant with the requirements of the European Commission in view of Romania's EU accession in 2007. For this purpose they monitored the implementation of the Strategy, mainly by observing indicators such as the number of children reintegrated with their families or placed in foster care, the number of community-based services and the number of childcare institutions. The government's report on the results achieved by 2006 suggests significant

reform of the childcare system. For example Figure 3 illustrates the decrease in the number of institutionalized children, alongside the increase in the number of children in foster care between 1997 and 2006. The steep increase of the number of children in institutions between 1999 and 2000 is actually only a statistic because, up to 1999, the counting of children in state care was divided between the national authority for child protection, the Ministries of Education and Health and the State Secretariat for Persons with Handicap. There were no centralised statistics up to 2000.

**Figure 3 The number of children in the childcare system**



Source: National Authority for the Protection of Child Rights; 47 Directorates for Social Assistance and Child Protection

—●— Number of children in public and private placement centres (institutionalised)  
 —■— Number of children in substitute families (relatives up to the fourth degree, public and private professional cares, other families)

(Source ANPDC 2006: 13)

The World Bank report stressed that '[as of 2004] child welfare has increased enormously. The days of the large inhuman old-style large residential care institutions has passed. There has been little short of a "revolution" in the CWR system, with the children the biggest beneficiaries' (World Bank 2004: 4). In addition, in 2006, the press bureau of Emma Nicholson pointed out that:

[between] 31.12.2000 [and] 31.12.2004 a total of 22,044 children have been de-institutionalised (back into family-based care in Romanian communities). Half of these children returned to their parents or relatives.

The number of foster families increased from almost nothing [actually in

2000 there were almost 7,000 foster parents according to government statistics] to over 15,000 today (see Nicholson 2006b).

In addition, in the transnational market of aid, international organizations had to highlight the success of their intervention. For example the 2004 World Bank report on the impact of the Bank's USD 5 million loan stressed that the 'development outcome' of the Child Welfare Reform Project was 'considered to be highly satisfactory' (World Bank 2004: 4) and that it was proven that 'the Bank can leverage/broker impact with a variety of donor parties' (World Bank 2004: 19). A 2006 report on USAID's impact on childcare reform stressed that a mobility program facilitated by the organization led to a change of vision in the system:

[in the period 1997-2001] approximately 60 high-level civil servants travelled to the United States through the USAID-funded World Learning Transit Program to study governmental structures and child welfare services. Participants returned with a vision and began making changes without any additional funding. Most of these individuals continue as reformers (USAID 2006: x).

This quotation epitomizes what scholars label as 'socialization' and 'persuasion' (Finnemore 1996; Gheciu 2005; Kelley 2004). However, it is debatable whether the processes of change were happening as depicted in the declarations of international organizations. For example the 2004 report by the World Bank stressed a view opposed to USAID's (2006) optimistic perspective:

[in 2004] the interviews with the chiefs of child care centers reveal an image of the system that rather lacks the perspective of the whole or of what steps are to be taken. Sometimes chiefs of the centers do not perceive themselves as parts of a coherent system, but as those who solve a certain category of problems, after which, 'the finite product' is left to the future, mostly insecure. The explanation usually lies in the competences gained in a record short time. Almost all the infrastructure changes were performed at the same time with accumulation of competences in the reformed sphere of child welfare (World Bank 2004: 61).

A critical reading of the reported results of the childcare reform (according to ANPDC 2006 and IMAS 2004) leads to further concerns. For example, in

spite of the increase in the number of community-based childcare services from 2000 to 2005 (illustrated in Figure 4), the distribution of these services across the 47 local Departments for Child Protection was hardly impressive.

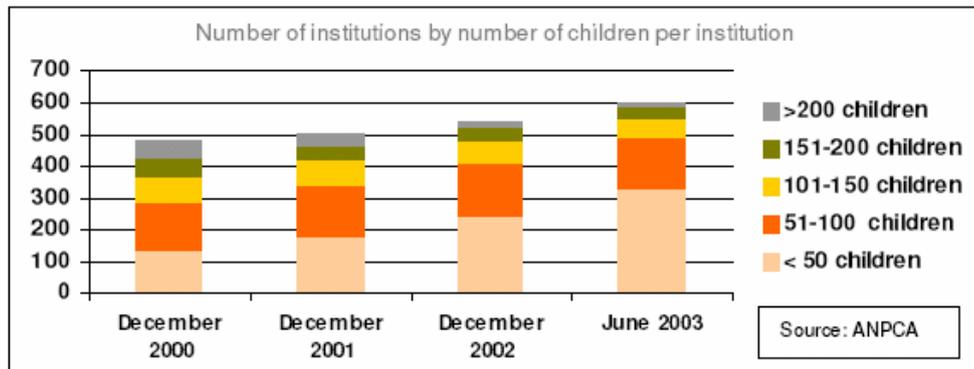
**Figure 4 Types of new childcare service**

TYPES OF NEW SERVICES	2000	2005
Pre natal care services to prevent child abandonment	8	23
Counseling and family planning services	2	23
Mother and baby centres	24	58
Day care centres for children	16	118
Maternal assistants (professional foster carers)	6927*	14,111
Centres to support re-integration into biological families	10	48
Family type placement units		
Houses	57*	287
Apartments	41*	352
Old type institutions which were modulated (i.e. divided into apartments)	50*	126
Emergency services for children with behavior disorders	3	10
Support centres for youth over 18	6	50
Treatment centres for abused children	0	12
Day care centres for disabled children	11	92
Shelters for street children	0	15

\* 2001 statistics (Source ANPDC 2006: 11)

On the contrary, it could have been argued that it was rather worrying that certain services crucial in preventing child abandonment, such as mother-and-baby units and services to support the reintegration of children in their natural families, were only about one per county. In addition, other services such as counselling and family planning, respite centres and shelters for street children were not even provided in every county.

Moreover, under scrutiny, the indicators that were invoked to point out the success of the childcare reform were problematic, as emphasized by both academics and practitioners. For example the IMAS (2004) study, although stressing the achievements of the reform process, pointed out that, while the number of institutions with more than 150 children has decreased, the actual number of all residential institutions has increased, from less than 500 in 2000 to around 600 in 2003, as shown in Figure 5 below. This detail was systematically overlooked by those praising the childcare reform.

**Figure 5 Number of institutions by number of children per institution**

(Source ANPCA, quoted in IMAS 2004: 47)

The IMAS (2004) report also revealed that, due to inaccurate data, it was not possible to assess whether the drop in the number of institutionalized children (Figure 3) was due to reintegration with their natural families, or foster care or simply because the children turned 18 and officially left the childcare system (see IMAS 2004: 50). Moreover, data regarding the institutionalized children varied from one county to another and thus it was not possible to provide a comprehensive picture of what was happening with this category of children. The IMAS report particularly noted the lack of case managers corresponding to each child, which was an impediment in tracking each child during his or her transit through the system and beyond (IMAS 2004: 30).

By 2006, international organizations and government representatives were stressing the development of public services (perceived as a step forward for European integration), while downplaying the role of NGOs in setting up social services. This focus was determined by the demands of international donors and their assumption that the state should be primarily accountable for the development of social services. However, statistics provided by ANPDC, such as those in Figure 6, obscure the links between the services counted as 'public' and the NGOs that have initiated the respective services and then transferred them to public authorities. In my fieldwork, I came across numerous such cases. Social entrepreneurs from the volunteer sector were proud of having local government pay for the salaries of their staff and other running costs for the services they have initiated. In exchange the respective centre was passed from the NGO to the local council or DGASPC. This move was facilitated by Law

34/1998 (Romanian Parliament 1998a) regarding public–private partnerships and the pressure of international organizations for reform of public childcare. Consequently NGOs, in need of funds to cover their running costs, approached the local authorities for partnerships, while the local authorities, in need of expertise, approached NGOs which had already developed social services.

**Figure 6 Number of children benefiting from childcare services**

Service	Number of children benefiting from the corresponding service
Day centres subordinated to local councils	4,569
Day centres subordinated to DGASPC	5,756
Day centres of private accredited providers	4,418
Public residential services	20,033
Private residential services	4,394
Foster parents employed by DGASPC	20,642
Foster parents employed by private organizations	138
Foster parents employed by local councils	21
Extended family	20,513
Placement with others	3,738

(Source ANPDC 2008b)

Thus, in order to understand the transformation and reform of childcare services in practice it is important to explore the making of these services at the local level, through locality-centred advocacy. For this purpose I turn to the solutions-in-practice initiated before the 2001 Strategy by ad-hoc groups set up in the early 1990s, which turned after 1997 into transnational British-Romanian organizations with branches in both countries.

### ***5.6 Local bottom-up solutions-in-practice***

The role of NGO-led childcare services in the early 1990s has been widely acknowledged (see IMAS 2004; World Bank 1998b, 2004; Zamfir 1995, 1999). These services, ranging from small children’s homes to day centres and training for staff in childcare services, were supported not only by international organizations such as USAID and the EU but also by international church groups (see Flanigan 2007) or by foreign private donors.

In this section I focus on the solutions-in-practice developed by three British-Romanian organizations which had as their target group institutionalised children with disabilities: Fundatia de Sprijin Comunitar, The Romanian Challenge Appeal, and Hope and Homes for Children. I focus on services for children with disabilities because this target group raised more challenges in the process of restructuring institutions or deinstitutionalization than the group of children without disabilities. In addition, these organizations are interesting both because they provided different solutions-in-practice and because they engaged differently with government-centred advocacy in the period 1997-2008. The activities of these organizations need, for several reasons, to be seen as interlinked with the projects endorsed by the Romanian authorities and international donors such as UNICEF, USAID, the World Bank and the EU:

- Local authorities which received funding from the Romanian central authorities (e.g. via PINs) and international donors were able to facilitate the training provided by the Fundatia de Sprijin Comunitar in local state institutions (i.e. pay for certain expenses). However, FSC's training was provided mainly on a voluntary basis, being paid for by FSC's donors, mainly the Relief Fund for Romania.
- In Siret the services provided by The Romanian Challenge Appeal were in competition with services developed through the program Child Welfare Reform supported by USAID, the World Bank and the EU (World Bank 2004).
- The model of practice developed by Hope and Homes for Children led to a manual on deinstitutionalization, due to support and funding from UNICEF and the Romanian authorities.
- Although these three organizations were set up and developed their core projects before 2001, their paths intersected with the governmental Strategy and the aims and funding provided by international donors in order to advance their projects and promote children's rights in practice.

One of the organizations, FSC, endorsed the reform and restructuring of institutions through providing training to staff working with children and adults in institutions, among other services. The other two organizations promoted deinstitutionalization (RCA and HHC). Two of the organizations (HHC and FSC) were competing at national level to gain attention for the solutions they were

proposing for the implementation of the governmental Strategy: HHC focused on the methodology of closing the institutions while FSC focused on training for staff working with children and providing support for the children returned from institutions to their families in rural areas. The activities of these three organizations suggest that there was little agreement among practitioners as to how to restructure institutions and deinstitutionalize children, and there was even competition between different childcare service providers. In addition, these three organizations encountered both successes and challenges in their work, which contributed to the promotion of children's rights in practice, as I demonstrate in the next section. I will not analyse their services from the perspective of social work but I will examine instead the processes which constituted these social enterprises: entrepreneurship and creativity, expertise, alliances, regulations and marketization.

### **5.6.1 Restructuring: enterprise, expertise, alliances, regulations and marketization**

Fundatia de Sprijin Comunitar (FSC) endorsed the restructuring of childcare practices in state institutions through: 1) devising and delivering specialised training for *lucrator prin arte combinate* (combined-arts workers), targeted at social workers with primary education (in contrast with 'arts therapy', which is often taught at postgraduate level); 2) creating a transnational virtual (online) 'community of practice' (Wenger 1999) of professionals working in arts therapy in Romania in order to share experiences and models of practice (*impreuna*); and 3) constituting a profession corresponding to the skills of the professionals doing arts therapy in Romanian childcare institutions – 'the combined-arts worker'.

FSC transformed the mobile play therapy initiated by the Relief Fund for Romania in 1991 into a mobile training of combined art and play techniques, labelled *Impart* (*share* in Romanian). The making of the *Impart* training was shaped by the entrepreneurship of FSC leaders, British professionals, the endorsement (coalition) of other organizations interested in FSC's training and the marketization of this training on local markets by emphasizing that it contributed to the endorsement of children's rights.

The FSC's mobile play therapy team was trained by various British organizations and specialists in art therapy such as the Muzika Charitable Trust, Action Space Mobile and Music as Therapy. However, while the trainers were art therapists holding postgraduate degrees in this specialization, the Romanian trainees were generally people with only primary or secondary education working as carers in institutions, and others (e.g. artists) interested in art therapy. The training was adapted from the start to meet the needs of the trainees in their everyday work in the childcare institutions. My interviewees from FSC stressed that this training helped the Romanian team to constitute an original model of combined art and play techniques to facilitate the self-expression of children. Their model was not 'art therapy' for two reasons. Firstly, 'art therapy' was not an established profession in Romania. Secondly, the level of training did not match degree-level training of art therapy as practiced in the UK by the British trainers. For example the focus of the *Impart* training was on stimulation techniques, not psychological techniques. Instead, *Impart* can be seen as the result of a series of translations of knowledge and skills from British trainers to Romanians trainees, and vice versa. One of my interviewees summarised the philosophy of *Impart* as 'you start with what you have [actual human and material resources], not what you should have' (interview with Cornelia Petcu). *Impart* responded to the high demand for specialised services for children with disabilities from childcare institutions and community-based services, and also to the high demand for training from the carers in institutions.

Social entrepreneurs at FSC pointed out in their manual for 'combined-arts therapy' that the lack of training in childcare institutions had negative consequences on the relations between carers and children or adults with disabilities. The FSC team also highlighted that the promotion of basic human rights for the children and adults in state institutions is interlinked with facilitating their self-expression through art and play (FSC and RFFR 2002).

FSC aimed to promote 'combined-arts therapy' as an 'obligatory passage point' (Callon 1986) for endorsing children's rights and their wellbeing in state childcare institutions through two national conferences on art therapy in 2003 and 2004. The first conference, 'Creativitate si Drepturile Omului in Terapie, Educatie si Joaca' (Creativity and human rights in therapy, education and play) took place in March 2003 with support from PHARE, the Relief Fund for

Romania and the Muzika Charitable Trust from UK (see FSC 2003; *Impreuna* 2003). This conference had three main aims: (1) to promote 'combined-arts therapy' as a tool for endorsing the human rights and wellbeing of people with disabilities; (2) to disseminate certain models of good practice such as those developed by FSC, the Muzika Charitable Trust, Music as Therapy (both from UK) and the Art Therapy Centre in Timisoara, Romania; and (3) to initiate a 'national forum' for those working in or interested in the field of arts therapy (see FSC 2003 for a comprehensive presentation of the conference).

In order to attain their first aim, FSC stressed 'the idea that arts can be used to stimulate the creativity and development of people with special needs' (*Impreuna* 2003) and invited presentations from British and Romanian organizations working in the field. In addition the organizers highlighted the importance of art therapy through the presentations of representatives of the University sector (in order to acknowledge the role of practice and art therapy in the academic training for social work) and the local authorities, such as the Director of the Local Department for Child Protection, the Director of the County Department for Social Protection and the Prefect of Bacau. The latter had direct experience of working with an NGO in an institution for people with mental disabilities. In order to strengthen their proposal for a national forum, FSC carried out market research through questionnaires handed to participants. It turned out that 95 per cent of the participants were interested in joining such a forum in order to share their experience with and learn from others. Following the conference FSC initiated a newsletter, *Impreuna* ('together' in Romanian), to disseminate models of practice. This led to the creation of a loose 'community of practice' (Wenger 1999) of people working in arts therapy.

The second national conference, entitled 'Impreuna prin Arta, pentru Persoane cu Dizabilitati' (Together through Art for People with Disabilities) took place in November 2004 (FSC 2004; *Impreuna* 2004). The aims of this conference were 'the effective sharing of information and work methods [and] contacts, to consolidate the network and to centralize the existing opinions and ideas on a possible accrediting of the Art Therapist profession' (see FSC 2004). The supporters of this conference included, besides the local authorities which endorsed the first conference, representatives of central authorities such as the Ministry of Labour, the National Authority for People with Handicap and ANPCA

and representatives of the Delegation of the European Commission in Bucharest. The conference was also supported by the British Embassy in Romania, which co-funded the conference together with the Relief Fund for Romania. The organizers were proud of having participants from 32 out of the 41 counties in the country. FSC also stressed that the ANPCA representative lauded their methods and expressed her support for FSC's work.

Between 2003 and 2004 FSC organized, together with the local Agency for Work (the local branch of the national authority accredited for issuing diplomas and certificates for specialization courses), a 5-day *Impart* course which provided participants with the certificate of *terapeut prin terapii complementare* (therapist through complementary therapies) (interview with Cornelia Petcu). Romanian academics who promoted university-level social work education were generally critical of the short-term courses (see Zamfir 1999: 257). Moreover, within the Romanian market of services, art therapists from the UK disapproved of the use of the label 'art therapy' for the training provided in Romania because this training did not match the UK conditions to qualify for this profession (see Wright 2005). Thus FSC's training for carers from state institutions was in demand but also competed with other educational programs in the national and transnational market of social work education. Thus FSC had to define its position on these markets in order to consolidate it. Following consultations with British trainers and a review of the description of and regulations for the profession 'art therapist' in other countries, the FSC team advanced the term *lucrator prin arte combinate* (combined-arts worker) for the profession they wanted to promote. The process of having the profession accredited was tedious but was completed in 2008 (FSC 2008).

The trajectory of FSC's work in articulating the training for and the profession of 'combined-arts worker' illustrates how this NGO has participated in the restructuring of the Romanian childcare system. Moreover, this example shows that not only expertise and entrepreneurship shaped the actions of those involved in the childcare system but also the alliances of supporters and the local and transnational markets of expertise and funding.

### **5.6.2 Deinstitutionalization: enterprise, expertise, alliances, regulations and marketization**

In this section I provide illustrations of two models of ‘deinstitutionalization’ advanced by the Romanian Challenge Appeal (RCA) and Hope and Homes for Children (HHC) in Siret (North-East Romania) and Maramures (North-West Romania) respectively. These two organizations had different roots (the first one was initiated by a teacher from Birmingham, the second one by the former Commander of Britain’s UN forces in Croatia in the early 1990s), but the same target group – institutionalised children with disabilities. The juxtaposition of the services they developed in practice illustrates how entrepreneurship, expertise, regulations, alliances and marketization constitute different services in different localities, depending on the variations in vision, expertise, alliances and local markets of services and products.

The Romanian Challenge Appeal (RCA) endorsed the deinstitutionalization of children and young people with disabilities from the Siret institution through setting up a volunteering program, residential services and a social enterprise (a farm) to provide them with vocational training and employment. These programs were shaped by and oriented towards the local markets of services and products. In the early 1990s Monica McDaid initiated a small-scale program for the stimulation and recovery of children in the Siret institution. However, due to the size of the institution and the resistance of the staff, this program encountered numerous obstacles. Then McDaid and her supporters agreed that a childcare program outside the institution could work better. Consequently they registered their Romanian branch as Fundatia ‘O Noua Viata’ (A New Life) in 1997 and decided to build small residential centres as houses. The first house was built in 1998 and 12 young girls were taken from the large institution to live in this house. The second house, with 24 places, was ready in 1999. In the houses, children lived 3-4 in a room (compared to 20-25 in a room in the large institution) and were gradually educated about hygiene and social skills. In 2000, McDaid was awarded the distinction ‘The Star of Romania’ by the Romanian President for the deinstitutionalization of disabled children (see O Noua Viata 2010; RCA 2008). In 2001 the large Siret institution was officially closed down with World Bank support through the Child Welfare Reform Project (see World Bank 2004: 8) and replaced by a residential centre housing up to

150<sup>20</sup> disabled children. This suggests that the model endorsed by RCA was not yet accepted or possible as an 'obligatory passage point' (Callon 1986) for deinstitutionalization. On the contrary, RCA was seen by local authorities as having lobbied for the closing of the large institution which left the bulk of its former employees out of work. Only a fraction of the former staff was kept in the restructured institution for 150 children. Thus the pro-deinstitutionalization advocacy was hardly welcomed in the institution.

By 2008 around 100 disabled young people from the Siret institution have benefited from RCA's small residential services. These services were made to fit within the local markets of services and unskilled labour. For example RCA provided residential services for 60 young people at a time, vocational training in woodworking, construction, farming, crafts and catering, with a view to integrate the young people in their care in the local labour market according to their abilities. RCA's vocational training was a market-oriented translation of foreign models of occupational therapy and vocational training for disabled people. In addition, due to personal connections, McDaid facilitated the employment of 6 young people in a furniture factory that supplied an international retailer. Moreover, with support from a foreign donor, RCA helped to set up a social enterprise - a farm, Marsin - with technical assistance in farming from Newcastle University. In 2008 the farm employed about 28 young people in RCA's care at a time, an English manager and 6 people from the village (interview with Monica McDaid).

RCA has thus created a model for linking a social enterprise (a farm) with a resource-intensive residential care program for young people with disabilities. As a social enterprise, RCA's agricultural project needed the steady support of certain customers. McDaid stressed in an interview that, if state childcare institutions and hospitals in the county would buy provisions from their social enterprise, their support would be a great boost in creating jobs for the deinstitutionalized young people. However, this had not happened as of 2008. In the local market of services and products, Marsin competed with other farms and firms. The working of this social enterprise was interlinked with the use of

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<sup>20</sup> Different sources (Monica McDaid, RCA website) suggest different numbers (e.g. 85-100 children deinstitutionalized by RCA; 120-150 children still in the restructured institution). For a brief presentation of RCA's achievements see RCA (2008).

specific knowledge (regarding the management of a farm) and the local market for agricultural products and services. McDaid was well aware that the projects she led were more than 'support' for disabled young people - they relieved the state of substantial costs. Although McDaid was aware that RCA's model of deinstitutionalization was replicable, in 2008 she seemed focused on expanding RCA's services within Suceava county, where RCA's residential services were located, not yet in another county or at the national level through government-centred advocacy. McDaid and RCA's website stressed that a lot of work remained to be done locally, by deinstitutionalizing the young people from the restructured state institution (interview with Monica McDaid and RCA 2010). Thus her focus on the local level was motivated by the local market of social services: as of 2008 Suceava still had large institutions for young people and adults with disabilities, and RCA together with Fundatia 'O Noua Viata' were in a position to provide expertise in the field of deinstitutionalization and community-based services.

Hope and Homes for Children Romania (HHC) endorsed the deinstitutionalization of children with disabilities through setting up residential services, foster care and carrying out a study of pilot community-based services in Romania, which was conveyed later in a handbook for deinstitutionalization. HHC's first project in Romania, the closing of the Cavnic *leagan* ('orphanage'), started in 1998, based on a public-private partnership, a formalised alliance with the Directorate for Child Protection of Maramures County. The charity reported that, between 1998 and 2008, it had set up more than 58 family-type alternative services (such as small family homes, day centres, mother-and-baby units) of which more than 2,100 children benefited (see HHC 2008). In spite of using the word 'partnership', relations between HHC and the local authorities in Maramures did not go smoothly in the process of developing alternative services and closing the large state institutions. For example HHC's advocacy for closing Cavnic *leagan* won the support of the local authorities 'by one vote', according to one of my interviewees. This advocacy took place not only at the local level but also within government-centred advocacy because local institutions for children with disabilities were tied, in 1998, to the Ministries of Health, Education and the State Secretariat for People with Handicap, in spite of the decentralization of state childcare on paper through Ordinance 26.

Moreover, this process of advocacy involved not only HHC employees but also transnational advocates who were well regarded by the Romanian authorities. For example Princess Marina Sturdza,<sup>21</sup> a prominent figure in the Romanian diaspora who was a senior manager at UNICEF between 1992 and 1997, was invited to support the advocacy for deinstitutionalization led by HHC in 1998. More precisely she chaired the meetings that took place at local and governmental levels and facilitated locality- and government-centred advocacy in the county of Maramures. In other words, she supported HHC to endorse their model of deinstitutionalization – including training for the existing personnel and the construction of small family homes for disabled children in state care – as an ‘obligatory passage point’ (Callon 1986) that would help both the charity and the local authorities to attain some of their objectives, such as translating into practice the proposal, improving children’s lives and reducing the costs of state childcare.

HHC is focused mainly on children. However, it also had a project targeted at young people moving out of the childcare system after turning 18. To support them HHC established a contract with a local social enterprise (a carpentry workshop) run by an Englishman: the carpentry workshop provided employment for these young people and the furniture they produced was bought by HHC to furnish its residential homes; this was a lucrative deal since HHC was expanding its services in other counties. Moreover, the accommodation for these young people was provided – with a subsidised rent – by another local social enterprise (interview with Georgette Mulheir). In this way, the work of HHC fed into the work of other local organizations, in the local market for services and aid.

Due to her contacts with the central government, the director of HHC, Georgette Mulheir, was commissioned by UNICEF and the Romanian government in 2000 (thus before the 2001 Strategy) to prepare a deinstitutionalization guide based on the experience of HHC and also case studies from six other counties. This manual was published in 2004 (Mulheir et al. 2004) and launched at the conference ‘De-institutionalisation. Disseminating a good practice model’ co-organized by HHC, the High Level Group, ANPDC

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<sup>21</sup> ‘Princess’ is a symbolic title attributed to Mrs. Marina Sturdza due to her Romanian ancestry.

and UNICEF (see Romanian Embassy London 2004). The 2004 guide incorporated a literature review, academic references, case studies from Romania and methodological guidelines. It was made available in both English and Romanian and was intended to disseminate the models of practice based on pilot projects (i.e. pilot solutions-in-practice) created at local level by HHC and other organizations in Romania to a wider audience at national and international levels. During the preparation of this guide, Mulheir was a member of the High Level Group for Romania's Children and also worked as consultant for the government team that prepared Law 272/2004 (Romanian Parliament 2004) regarding the protection of the rights of the child (interview with Georgette Mulheir). The conference and HHC's consultancy for the Romanian government illustrate HHC's work in government-centred advocacy. In the absence of a comprehensive study regarding the childcare reform process in Romania and its effects as of 2009 it is not possible to assess the extent to which Mulheir et al.'s (2004) study has been followed in practice across Romania.

The projects carried out by RCA and HHC endorse different models of practice. Thus they can be seen as being in competition in the national market of expertise and services. At the national level this market was quite wide. As mentioned in a previous section, at the 2002 conference organized by the national authority for child protection, around 200 organizations proposed their projects as models of good practice in the field of childcare (Coman 2003). In the next section I discuss the role of competition in the marketization of expertise and services for promoting children's rights.

### **5.6.3 Local problematization and pilot solutions-in-practice, outside the common frame: enterprise, expertise, alliances and marketization**

The government-led problematization of 'children in difficulty' led to the positioning of the 'reform', 'reorganization', 'decentralization' and 'restructuring' of state institutions at the top of the agenda of local authorities in the sector of child protection. However, some NGOs, although they endorsed the government's focus on institutionalized children, set up and tested locally certain solutions to address the needs of 'children in difficulty', which were not taken into consideration by the government in its 2001 Strategy. Moreover, their

pilot solutions-in-practice were only partly connected with the government-endorsed common frame for possible solutions for 'children in difficulty', i.e. the reform of childcare institutions and the development of specialised childcare community services. Instead these services responded to local needs and were marketed at the local level.

For example FSC has developed, since 1991, a mobile health service for rural areas in the county of Bacau which contributed directly to bettering the lives of children in rural areas, many of whom live in harsh conditions and qualify for inclusion in the category 'children in difficulty'. The central piece of FSC's program was a 'mobile pharmacy', i.e. a specially equipped van carrying medicine according to prescriptions handed out by its customers in rural areas. Not only was the model of the pharmacy not taken into consideration by central authorities and replicated elsewhere but, in 2005, it was threatened with forced closure because regulations regarding the functioning of pharmacies did not include a 'mobile pharmacy' (see Mincu and Serban 2005). However, the mobile pharmacy survived due to the support of the local authorities in Bacau, symbolic endorsement from the NGO community in 2005 (the project was awarded a special prize for solidarity at the prestigious Gala Societatii Civile, see FSC 2010) and funding from PHARE (interview with Gabriela Achihai).

FSC stressed the problems encountered by the deinstitutionalised children who had returned to their families, especially in rural areas, and the lack of or poor support from local social services. This organization had inside knowledge of impoverished villages in Romania due to the social services it has developed in Bacau county – a mobile pharmacy and clubs for children living with their families –, based on a locality-centred problematization of the issues at stake. On the basis of their experience, FSC argued that deinstitutionalization through reintegrating children with their families *without social support services* in the areas of return (generally poor villages) was 'highly likely to fail', leading to 'increased numbers of homeless children, suffering, child abuse, ill health, infant abandonment' (see FSC and RFFR 2004). FSC also stressed that deinstitutionalization looked impressive on paper but 'the reality is that the fundamental community support mechanisms that are supposed to be in place simply do not function' (see FSC and RFFR 2004). In order to make deinstitutionalization plans work, FSC proposed in 2004 as a pilot solution-in-

practice the creation of a mobile service – the ‘mobile community worker’ – in the areas to where deinstitutionalized children were to return (FSC and RFFR 2004). This proposal gained the support of RFFR and was presented in English on RFFR’s website in order to attract attention in a transnational market of potential donors or supporters. However, there was no straightforward endorsement from local or national authorities, as in the case of the profession ‘combined-arts worker’.

Some NGOs proposed solutions for preventing institutionalization which did not fit with the government’s common frame and PINs. For example Daniel Hristea, founder of the FAST Foundation in Brasov, chose to set up preventive services in poor Roma settlements because many of the institutionalised children in Brasov (and indeed in the childcare system as a whole, see Zamfir 1996: 36) came from rural Roma families (interview with Daniel Hristea). Instead of setting up counselling services (endorsed by the government Strategy), he initiated a housing and sanitation project entitled ‘Better Homes’ for Roma living in shacks on the outskirts of Brasov, alongside creating a day centre for children. The housing project involved local labour (thus Roma adults got employment) and relatively cheap construction materials (interview with Daniel Hristea). This project was supported by transnational donors and charities such as the Cleaford Christian Trust and the Relief Fund for Romania; it did not fit in the typology of projects eligible for PHARE or government funding. However, the project received support from the local authorities (which paid for some construction materials).

Through the examples provided in this section I just want to stress that, at the local level, social entrepreneurs have advanced problematizations of ‘children in difficulty’ and pilot solutions-in-practice, which were slightly different to government-endorsed community-based services.

## **5.7 Conclusion**

This chapter shows that the promotion of ‘children’s rights’ for children in state care took a complicated route. It is not possible to indicate a single actor who decisively shaped the legal framework or governmental strategies for promoting ‘children’s rights’; numerous actors have been involved in the

government-centred advocacy, However, it is possible to point out the actors who promoted 'children's rights' in practice through their services, through a locality-centred advocacy.

The promotion of 'children's rights' was not a mere top-down implementation of international law into domestic law, then into the governmental strategies and then into practice. Changes in practice and policy resulted from the blending of the following processes: (1) the initiation of social enterprises (e.g. pilot community-based services) by transnational ad-hoc social entrepreneurs (such as the initiators of PCN, SERA, FSC, RFFR, RCA, HHC); (2) the use of expertise provided by social entrepreneurs, academics, childcare professionals, political entrepreneurs (like Baroness Nicholson) and well-known international organizations (e.g. UNICEF, USAID, the World Bank); (3) the creation of alliances to support the government's 1998 and 2001 Strategies and specific models of practice; (4) the appeal to international and national regulations regarding children's rights; (5) the use of technology and techniques (ICT, transport technology, art therapy); and (6) the marketization of ideas and social services on local and transnational markets of aid, EU funding and services.

I suggest that the government opted for 'decentralization', 'reorganization', 'reform' and 'restructuring' of state childcare institutions instead of 'deinstitutionalization' (i.e. closing of all institutions) for two main reasons: because there was no consensus between experts on the most suitable route and because the first option was more marketable than the second (i.e. it was better suited to the local supply of services, care professionals and funding). However, childcare professionals and NGOs remained divided on the most suitable route for the continuation of childcare reform mainly because different organizations were able to provide customised solutions-in-practice at the local level (see sections 5.6.2 and 5.6.3).

In addition, I showed that advocacy through the creation of social services was tightly interlinked with the process of legal reform. Merry (2006) argued that legal changes create favourable spaces for rights-based social services. My study has pointed out that the relationship between the two could also be the other way around: advocates for legal reform could use pilot social services

developed at the local level to influence the formulation of laws that promote children's rights at the national level, as I showed in the case of Ordinance 26.

I briefly consider alternative explanations for the advocacy for 'children's rights' based on perspectives endorsed by the existing literature and the aggregated strings model. The promotion of 'children's rights' in Romania may seem to confirm the hypothesis of conditionality (i.e. incentives and penalties) exerted by the European Commission (through explicit recommendations in 1999, see European Commission 1999: 77) and the European Parliament, through the Rapporteur Baroness Emma Nicholson. This would correspond to what scholars have pointed out with regard to the role of the EU and NATO conditionality in promoting human rights, through law and policies, in candidate countries for EU and NATO membership (Kelley 2004; Linden 2002; Parau 2009; Schimmelfennig and Sedelmeier 2005b). For example Kelley (2004: 426) argued that 'membership conditionality [through incentives and penalties] by the EU and occasionally by the CE [Council of Europe] motivated most policy decisions [regarding minority rights], but socialization-based efforts often guided them'. According to Kelley (2004: 429), persuasion and socialization activities carried out by the representatives of the EU, the OSCE and the Council of Europe – through visits, letters, reports, declarations and monitoring – promoted 'certain legislative goals'.

Indeed, one can argue that international organizations and experts in the field of childcare attempted to (1) persuade the government to go down the 'deinstitutionalization' route; (2) 'teach' the government with regard to how to reform state institutions and create community services; and (3) provide incentives (funding) and penalties (the threat of delayed accession to the EU) in order to encourage childcare reform. However, these advocacy tools cannot account for (1) the choice of a certain policy route; (2) the delays in law-making and policy-making; (3) the diversity of services endorsed as solutions-in-practice; and (4) the challenges faced by childcare service providers in practice. In contrast, the integrated strings model makes better sense of the dynamics of advocacy, policy-making and childcare services, as I have shown in this chapter.

The insights provided by the integrated model could be useful to make sense of similar processes in other parts of the world. The case study presented

in this chapter epitomizes the challenges that states, international organizations and other local and transnational actors face in promoting children's rights, particularly when they confront at the same time a series of major economic challenges (e.g. the transition to a market economy, inflation, unemployment and falling tax revenues). Due to these challenges there are significant disparities between the widespread ratification of the Convention on the Rights of the Child (by 193 State Parties as of 2009) and the translation into practice of children's rights, which remains an issue of ongoing concern for the promoters of the Convention (UNICEF 2009: 1). The integrated strings model could provide useful insights for understanding and addressing the disparities between the promotion of children's rights in law, policy and practice.

## **6 Promoting Romanians' 'right to work' in the UK**

This chapter is a case study of the advocacy for (1) influencing UK labour migration policy regarding migrants from the two new Member States that joined the EU in January 2007 (Bulgaria and Romania) and (2) promoting access to the UK labour market for Romanian migrants (i.e. the 'right to work'). It illustrates how the integrated strings model can make sense of a multi-polarized government-centred advocacy focused on influencing labour migration policy. Moreover, it provides answers for the following questions: Why did the UK government propose a restrictive labour migration policy in spite of the advocacy for 'the right to work'? Why was this policy not revised in 2007 and 2008? Why did the advocates for the 'right to work' not succeed in persuading the British government to take a decision along their 'line'? I focus on Romanians' advocacy for convenience but stress similarities or links with Bulgarians' advocacy. I take into account a wide range of local and transnational actors divided into two categories according to their positioning with regard to labour market restrictions for Bulgarian and Romanian workers:

- Actors who endorsed A2 nationals' access to the UK labour market through regulations similar to those in place for A8 nationals: Romanian officials from the Ministries of Foreign Affairs and Internal Affairs and Bulgarian officials, organizations of Romanians working in the UK, the promoters and signatories of three petitions (submitted to the Office of the Prime Minister in 2006, 2007 and 2008) for the 'right to work' for Romanians, the Business for New Europe (BNE) Group, British MPs, the Joint Council for the Welfare of Immigrants (JCWI), the Institute for Public Policy Research (IPPR), the Trade Union Congress (TUC), the National Farmers Union and the Recruitment and Employment Confederation;
- Actors in favour of keeping in place existing UK migration regulations for A2 nationals and thus not in favour of opening the UK labour market to citizens of the two new Member States: the Confederation of British

Industry (CBI), the British Chambers of Commerce (BCC), British MPs, the think-tank MigrationWatch UK and the Home Office.

### *Overview*

The EU expanded over 50 years from 6 Member States in 1957 to 27 Member States in 2007, in five enlargements. The fifth enlargement took place in two steps. On 1<sup>st</sup> May 2004, 10 countries were admitted: Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Czech Republic, Slovakia and Slovenia. The eight East European countries accepted in the EU in 2004 were labelled the A8 ('A' comes from 'accession'). On 1<sup>st</sup> January 2007, Bulgaria and Romania (labelled the A2) joined the EU, in the second 'wave' of the fifth enlargement.<sup>22</sup> Although the EU endorses 'four freedoms', of movement of goods, services, people and capital (EU 2010), the citizens of the new Member States do not automatically enjoy the freedom to work in another Member State upon accession, as I will detail in section 6.1. For this reason the Romanian and Bulgarian authorities and Romanian and Bulgarian advocates lobbied the British government to grant A2 nationals access to the UK labour market.

In the months before the European Commission confirmed the accession schedule of Romania and Bulgaria to the EU (26 September 2006), the British mass media brought into the forefront articles stirring up migration fears (see Cracknell 2006; Daily Mail 2006; Slack 2006a, 2006b). For example the *Sunday Times* published, on 23 July 2006, an article entitled 'Migrant fear over 45,000 "undesirables"' (Cracknell 2006). Prompted by the negative tone of the mass media, a group of Romanians from the UK, supported by the Romanian Embassy, submitted a petition to the then PM Tony Blair, urging him to endorse the 'free movement of Romanian workers in the UK'. This petition was also sent

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<sup>22</sup> The EU was founded in 1957 through the Treaty of Rome and was initially named the European Economic Community (EEC). The founding members were Belgium, France, Germany, Italy, Luxembourg and the Netherlands. Denmark, Ireland and the United Kingdom joined the EEC on 1 January 1973 (the first enlargement). In 1981 Greece joined the EEC (the second enlargement), followed by Spain and Portugal in 1986 (the third enlargement). East Germany joined EEC through its unification with West Germany in October 1990. The Maastricht Treaty (1993) renamed the EEC the European Union (EU) and endorsed the 'four freedoms' of the EU, of movement of goods, services, people and money. Austria, Sweden and Finland joined the EU in 1995 (the fourth enlargement). Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Czech Republic, Slovakia and Slovenia joined the EU in 2004 and Bulgaria and Romania were accepted in the Union on 1<sup>st</sup> January 2007 (the fifth enlargement) (EU 2010).

to the then Home Secretary John Reid and to major British newspapers on 26 September 2006, on the same date that the European Commission issued a 'Monitoring report on the state of preparedness for EU membership of Bulgaria and Romania', which stipulated that these countries were ready for accession on 1<sup>st</sup> January 2007. In parallel, on 25 September 2006 a business lobby group, the BNE Group, published in *The Independent* a letter-petition endorsing an open labour market within the EU (and particularly in the UK), for EU nationals (including A2 nationals), on behalf of Bulgarian and Romanian business people and professionals living and working in the UK. In contrast, the CBI and BCC, the main business lobby groups in the UK, recommended not opening the labour market to A2 nationals. The two 2006 petitions advocating opening the UK labour market to Bulgarians and Romanians were supported to a certain extent by Bulgarian and Romanian diplomats in London, for example through facilitating communication between their initiators and potential signatories. The petitions would not have been possible without participants' access to ICT, particularly e-mail communication.

On 24 October 2006 the then Home Secretary John Reid announced that the UK would 'maintain controls on Romanians' and Bulgarians' access to jobs for a transitional period', through Accession Regulations. However, he suggested that the regulations would be reviewed annually (see Reid 2006). Following this decision, both the Romanian Embassy and organizations of Romanians in the UK were invited by the British authorities to support the dissemination of the relevant regulations to Romanians in the UK or interested in coming to work in the UK, through meetings, posters and publications. However, several young Romanian ad-hoc social entrepreneurs from the UK did not give up their campaign for the access to the labour market for Romanian nationals. They submitted two petitions to the then PM Gordon Brown, in October 2007 and October 2008, in advance of the annual reviews of the Accession Regulations. These petitions were supported by thousands of signatories. In 2007 these ad-hoc entrepreneurs attracted the support of a reputed migration-focused NGO, the Joint Council for the Welfare of Immigrants (JCWI), which advanced a set of policy recommendations for easing the regulations for Bulgarians and Romanians. The 2008 petition was also endorsed by MP Greg Hands (Conservative). After the 2007 review, only small

amendments were made and the regulations were kept in place even after the 2008 review.

### ***6.1 Past policy solutions-in-practice: EU and UK regulations***

EU regulations endorse the free movement of the citizens of Member States through Council Regulation no. 1612/68 (CEC 1968), that is, the right to travel and reside for up to three months in any Member State. An individual can gain the right to residence for more than six months if engaging in economic activities or having sufficient resources to ensure that the s/he does not become a burden on the social services of the host Member State or by being a family member of Union citizens who meet the above conditions (see EU 2009b). The Acts of Accession (Accession Treaties) for the 2004 and 2007 enlargements (signed in 2003 and 2005 respectively) allowed EU15 Member States to limit the free movement of workers from the new Member States for a transitional period of seven years, divided in three stages (2+3+2). During the first two years, the EU15 Member States could govern the access of workers from new Member States according to their national immigration or employment law and any bilateral agreements they had with the new Member States. In the following three years EU15 Member States could continue to impose restrictions for workers if they notified the Commission. From five years after accession, the EU15 Member States could be allowed to continue restrictive measures only for two years, provided they recorded or feared major disruptions to their labour markets. EU15 Member States enjoy a 'safeguard clause': within the seven-year period, if they dropped restrictions, they could ask the Commission for authorization to reinstall them if their labour markets experienced difficulties. However, the EU15 Member States have to comply with a 'standstill clause' (they could not make the restrictions to their labour markets more restrictive than they were on the date on which the Accession Treaty was signed) and a 'community preference' clause (when a job is offered to a foreigner, citizens of the Member States must be given priority over people from non-EU countries) (see EU 2009a).

### **6.1.1 The marketization of EU regulations: transitional measures**

The application of transitional labour restrictions was a mechanism tested in previous EU enlargements in 1981, when restrictions were imposed on Greek citizens for a period of six years, and in 1986, when restrictions were imposed on Spanish and Portuguese citizens for a period of seven years (later reduced to six years) (Dustmann et al. 2003: 12).

Following the 2004 enlargement citizens of Cyprus and Malta were granted full access to the labour markets of the other EU15 countries. Three countries of the EU15 allowed the nationals of new Member States from Eastern Europe (A8) access to their labour markets: Ireland, United Kingdom and Sweden. The other EU15 Member States introduced forms of derogation from the principle of free movement such as quota systems and work permit schemes, as allowed by the Accession Treaties. In 2006, four Member States of the EU15 – Greece, Spain, Portugal and Finland – lifted their restrictions for A8 nationals. Six other states eased the restrictions in 2006: Belgium, Denmark, France, Italy, the Netherlands and Luxembourg (European Commission 2006b).

In 2006 the EU15 Member States which had imposed labour market restrictions on A8 nationals announced that they would also introduce forms of derogation from the principle of free movement for the new Member States scheduled to join in 2007, Bulgaria and Romania. Nationals of these countries hoped that Britain, which allowed A8 nationals to have access to the UK labour market, would maintain the same line with regard to A2 nationals. Although British officials had not restricted access to the UK labour market to A8 nationals, they had regulated their access through the Worker Registration Scheme (WRS), which required A8 nationals to register upon starting work in the UK. According to the WRS, an A8 national taking employment in the UK had to submit, within the first month of employment, a registration form with the Scheme and pay a one-off fee (which ranged from £50 in 2004 to £90 in 2009). Workers were not obliged to register if they took employment for less than one month. Moreover, workers in the following categories were not obliged to register (I provide only a selection of cases): the self-employed; those who had already been working legally in the UK for 12 months without a break in employment; posted workers; people with dual citizenship of which one was British citizenship; the family members of a Swiss or EEA citizen living in the UK

as a worker, student, or retired or self-sufficient person; or family members of a person subject to the WRS (UKBA 2010b). After their first registration with the WRS, the A8 nationals were issued with a registration card and certificate. Workers had to apply for a new registration certificate if they changed employer. In addition, if the employee had more than one job, s/he had to obtain a registration certificate for each (MAC 2009: 12). The requirement to register expired after 12 months of continuous registered employment, but those who registered once were not de-registered. Moreover, not all those required to register did so, because there were no penalties for employees for not registering. The Migration Advisory Committee (MAC) noted in its 2009 report (MAC 2009) that there were some incentives for an A8 national to register with the WRS: 'registration provides A8 immigrants with the same access to employment and social security rights as EU15 nationals once the A8 national has completed 12 months of continuous employment (...) [and] some means-tested income-related social security benefits' (MAC 2009: 12).

Up to December 2006, Romanians and Bulgarians had access to the UK labour market through one of the following routes: the work permits scheme, the Seasonal Agricultural Worker Scheme (SAWS), the Highly Skilled Migrant Programme (HSMP), the Sector-Based Scheme (SBS), the Working Holiday Maker and Au Pair schemes, the self-employed scheme (on the basis of European Community Association Agreements (ECAA)), as a student working part-time or by becoming a family member of a UK or EU15 citizen (see Drew and Sriskandarajah 2006: 19-21; Ryan 2008: 75-77).

In September 2006, Romanian officials and petitioners, as well as the BNE Group, endorsed Worker Registration Scheme as a desirable labour migration policy solution for A2 nationals. Then why did the British government opt for a more restrictive policy? In the next sections I argue that a network of influences (strings) shaped the restrictive UK labour migration policy for Bulgarians and Romanians: the availability of past solutions-in-practice such as SAWS, HSMP and SBS, the difficulties encountered by the WRS in practice, the available expertise and forecasts which highlighted the risk of a high inflow of migrants, intelligence which emphasized criminal networks and irregular migration from and through Romania and the alliance between British and Romanian

government departments with regard to the implementation of the labour migration policy endorsed by the British government.

## **6.2 *The problematization of Romanians: undesirable or productive?***

That a group of migrants would come to be portrayed as 'undesirables' in the mass media, as the Bulgarians and Romanians were in July 2006, is not particularly surprising. Geddes (2005: 331) points out that irregular migration and asylum-seeking are generally portrayed as 'unwanted' in 'public debate' (i.e. in the mass media and the discourse of politicians). However, not all actors involved in the discussion of migration adopt this line. Some elites as well as NGOs mainly stress the economic benefits of labour migration (Castles 2004; Freeman 1995). Thus, it is important to make sense of why, in a particular migration-related debate, one presentation of migration prevails over the other.

### **6.2.1 Migration studies and forecasts: expertise, marketization and alliances**

The marketization of migration through the exchange of news, information and expertise about migration involves a wide variety of actors, including the mass media, think-tanks, government departments, NGOs and migrant-focused groups which hold opposed views. The mass media had a propensity to portray migration from Romania in negative terms (see Cracknell 2006; Daily Mail 2006; Slack 2006a, 2006b). However, there is no evidence that mass media as business actually lobbied against the access of Bulgarians and Romanians to the UK labour market. Instead, the mass media treated the negative portrayal of migration as a 'commodity' which attracted the attention of news consumers. In this sense the very problematization of migration was constructed for being 'traded' (exchanged) on the market of information and news.

In the same market there were few research-based data regarding the presence of Romanians in the UK. The Romanian Embassy in London was cautious about estimating the number of Romanians, as this would have raised suspicion about some of them having irregular status. Instead diplomats relied on the figures advanced by the 2001 Census, according to which there were

around 7,500 Romanian-born people in the UK (Drew and Sriskandarajah 2006: 15). Diplomats were also cautious about estimating the potential inflow of workers from Romania. They acknowledged that 'the number of Romanians interested in working in the UK is not known' but claimed that 'there are strong reasons to believe that the number of those interested in working in the UK is small, compared to the inflow to southern European countries' (conversation with Embassy diplomats). The evidence cited included opinion polls on the one hand, and studies focused on the migration pattern of Romanians on the other (see FSD 2005; Lazaroiu 2003; Sandu 2002, 2005; Sandu et al. 2004). These studies mainly pointed out that Italy is the preferred destination for Romanians interested in working abroad. This finding led Romanian diplomats to suggest that British officials should not fear an inflow of migrants from Romania (discussion with diplomats of the Romanian Embassy).

An initiative of the Institute for Public Policy Research (IPPR), encouraged tacitly by the Home Office, to study Romanians and Bulgarians working in the UK and the potential migration from A2 countries to the UK was a breakthrough and was supported with enthusiasm by the Romanian and Bulgarian Embassies. IPPR is a progressive British think-tank set up in 1988 which focuses on a range of issues spanning local government, finance, migration, UK politics, the EU and international development (IPPR 2010). The Romanian Embassy acted as mediator for researchers at IPPR who enquired about migration trends, socio-economic indicators and other issues with regard to Romania. For this purpose the Embassy of Romania provided the contacts of Romanian researchers based in British and Romanian universities and references to studies of which they were aware. I was one of those contacted and provided the IPPR researchers with an overview of the opinion polls regarding the intention to migrate from Romania.

IPPR's FactFile 'EU Enlargement: Bulgaria and Romania – migration implications for the UK' (Drew and Sriskandarajah 2006) stressed, firstly, that migration from A8 countries has been beneficial for the UK's economy through filling vacancies in low-skilled jobs, generating tax revenues, increasing the output of industries such as agriculture and fisheries, boosting tourist inflows and maintaining low inflation (see Drew and Sriskandarajah 2006: 11-12). Then the study reviewed various sources of information regarding migration from the

A2 countries (studies of pre-2006 migration, opinion polls regarding intention to migrate and demographic data regarding Romanians and Bulgarians in the UK) and tackled contentious issues with regard to A2 nationals, such as the potential inflow of Roma, the threat of human trafficking and the possible wave of migrants pushed by the poverty in these countries (Drew and Sriskandarajah 2006: 23-28). Following review of the available expert knowledge and considering various factors that might shape migration from A2 countries, the authors of the IPPR FactFile estimated, with several caveats, that, 'assuming that a similar proportion of Bulgarian and Romanian nationals as A8 nationals apply to register to work in the UK, an estimated 50,000 Romanian and 18,000 Bulgarian applicants could be approved to work in the UK during the first year of accession' (Drew and Sriskandarajah 2006: 29-32).

The IPPR report, released in April 2006, was challenged on 5 May 2006 by a MigrationWatch UK estimation which argued that inflow from the A2 countries could be nearer 300,000 in the first 20 months (MigrationWatch UK 2006). MigrationWatch UK is a think-tank established in 2001, which lists as its main concern 'the present scale of immigration into the UK' (MigrationWatch UK 2009). The briefing paper issued by MigrationWatch UK suggested that, given the available statistics and research, the estimation it provided, produced by a leading statistician – Prof. Mervyn Stone, Emeritus Professor of Statistics at UCL –, was preferable to competing estimations of other reputed institutions such as IPPR. Through this briefing paper, MigrationWatch UK achieved three things: firstly, it emphasized the potential risk of a wave of migrants from A2 countries heading to the UK; secondly, it advocated that it was imperative for the UK to stay in line with other EU15 states rather than opening its labour market to Romanians and Bulgarians; and thirdly, it reinforced a debate regarding the government's incapacity to forecast immigration, as it was the case with the inflow of A8 nationals into the UK following the 2004 EU enlargement.

Indeed, in 2003 the Home Office commissioned a study by Dustmann et al. (2003) to predict the potential inflow of Eastern Europeans to the UK if its labour market was opened to A8 nationals. The estimate was that there would be up to 13,000 migrants yearly. However the authors advised caution with regard to any demographic estimates of the potential migration from the new Member States

to EU15 countries due to unreliable data and the assumptions made by researchers in the process of producing the estimate (Dustmann et al. 2003: 8, 58). The study, although commissioned by the Home Office, had a low profile in political debate before the May 2004 enlargement. It was received with criticism and scepticism by politicians from various parties and by other actors in the immigration debate (see Boswell 2009a: 178-179). Not only politicians, but also academics were reluctant to endorse a forecast regarding potential migration from Eastern Europe (see Kupiszewski 2002). In addition, in 2004, MigrationWatch UK briefings warned of the potentially high inflow of people from A8 countries (see MigrationWatch UK 2006). The estimate put forward by Dustmann et al. (2003) was far outnumbered by registered Eastern Europeans under the Workers Registration Scheme (WRS) between May and December 2004 (133,000 registrations, see Home Office et al. 2004). The discrepancy, which widened in 2005 and 2006, was at the forefront of the debate focused on influencing government policy regarding labour market regulations for A2 nationals. While critics of the government emphasized the Dustmann et al. (2003) study as a government estimation, members of the government such as Joan Ryan, Parliamentary Under-Secretary, Home Office, distanced themselves from the Dustmann et al.'s (2003) predictions (see Ryan 2006).

The controversy between the two think-tanks (IPPR and MigrationWatch UK) regarding the estimated inflow of A2 nationals into the UK suggests that, in areas of policy with high levels of uncertainty, scholars and think-tank analysts may not agree but, rather, provide conflicting forecasts and policy recommendations.

### **6.2.2 *Reflex*: expertise and alliances**

As migration is generally perceived as an issue of internal affairs in countries of destination, it is not surprising that the UK Home Office tackled the issue of Romanians' migration to the UK with their counterparts from the Romanian Ministry of Internal Affairs. Departments from these two institutions had developed a close collaboration since 2000 (according to British sources, see Ainsworth 2002) through a joint project, *Reflex*, set up to tackle illegal migration and human trafficking from and through Romania heading to the UK.

Moreover, 'trafficking' became a constant topic in diplomatic meetings between officials of the two countries (see Ministry of Internal Affairs 2006a, 2006b, 2006c; Romanian Government 2006a, 2006b).

While Boswell (2009b: 156) mentions briefly that the Home Office relies on 'operational intelligence', the role of intelligence<sup>23</sup> in the making of migration policy is nonetheless little explored in the academic literature. Evidence from my research suggests that the Home Office sourced information regarding trafficking into prostitution from and through Romania to the UK through the British-Romanian transnational project *Reflex*. This information was also leaked to the mass media. This explains the *Sunday Times* article on '45,000' undesirables from Romania and Bulgaria in July 2006 (Cracknell 2006).

According to press releases from the Romanian Ministry of Internal Affairs, between 2002 and early 2007 *Reflex* tackled 211 cases involving 587 people, of whom 563 were Romanian citizens (Ministry of Internal Affairs 2007a). In addition, 3,729 Romanians were returned from the UK between 2004 and 2006 for both immigration offences and criminal activity. The number of those returned declined from 1,578 in 2004, to 810 in 2006 (Ministry of Internal Affairs 2006b). In 2005 there were 75 Romanian officers involved in *Reflex*. They were distributed mainly across 14 regional centres in Romania and two of them worked at the French-British border, alongside French and British police, to combat the illegal migration of Romanian citizens, before Romania's accession to the EU (see Ministry of Internal Affairs 2005). Besides *Reflex*, there were other projects of cooperation between the Home Office and the Ministry of Internal Affairs: the *Trident* project (also to combat cross-border criminality) and a PHARE project on 'Developing anti-corruption mechanisms in the Ministry of Internal Affairs', following the model of the corresponding British institution (Ministry of Internal Affairs 2006a). In addition, the Ministry of Internal Affairs and the General Directorate of Police were in close collaboration with other international and particularly European corresponding institutions through Interpol and Europol (Ministry of Internal Affairs 2006c). The collaboration between the British and the Romanian governments in the *Reflex* program involved funding from the UK to constitute and support the program; information

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<sup>23</sup> In the context of my research, 'intelligence' means primarily sensitive information regarding criminal networks.

and intelligence exchanges between the UK and Romania; the mobility of police officers between the two countries to facilitate case work; and technical training for the Romanian team. The number of trafficking networks identified and people arrested through *Reflex*, although numbering fewer than 600 people, were regarded by both Romanian and British officials as a fact, not an estimation. In 2004 a Home Office official, Baroness Scotland of Asthal, reported that *Reflex* was a 'successful overseas initiative' (see Scotland 2004).

British authorities had similar projects with the Bulgarian authorities, aimed at combating 'drug trafficking and the smuggling of illegal migrants' (House of Commons 2007: 14). In 2007 the home affairs attaché at the Bulgarian Embassy stressed in a memorandum to the Home Affairs Committee that

the Bulgarian Embassy in London is aware of only one case of human trafficking for sexual exploitation on the territory of the UK involving Bulgarian nationals in the last two years. (...) [Thus] the gloomy predictions of parts of the British media and some politicians of 'criminal and immigration influx' from Bulgaria to the UK have proved to be entirely unfounded (House of Commons 2007: 14-15).

The contrast between the attitudes of the Bulgarian and the Romanian authorities suggests that criminal networks were primarily associated with Romania in official discourse, even though in the mass media and parliamentary debates the two countries were put together. Information about *Reflex*, like the data I provide in this chapter, was made available to journalists and was also posted on the website of the Romanian Ministry of Internal Affairs. Thus it spread easily to other arenas of problematization such as the IPPR study, parliamentary debates and the mass media. Indeed, not only the Home Office but also MPs had on their agenda the issue of human trafficking from or through Romania. For example in 2006, in an intervention in the House of Commons, MP Anthony Steen (Conservative) referred to information he had gathered from various experts on the ground in Romania – high-ranking Romanian police officers, a British expatriate leading a charity in Romania – and also his direct observations, and expressed concern that the 3.8 million Roma people in Romania and Bulgaria were targeted by trafficking networks (Steen 2006).

When the figure of '45,000 undesirables' (Cracknell 2006) was raised in the mass media and parliamentary debates in 2006, officials from government institutions supporting *Reflex* (the Home Office, the Foreign and Commonwealth Office and the Romanian Ministry of Internal Affairs) did not provide any explanation. Romanian diplomats declared that they were not informed officially about any UK inventory of 45,000 Romanians and Bulgarians with criminal records. However, MP Joan Ryan declared in October 2006 that British officials had discussed with their Romanian and Bulgarian counterparts about the number of Romanian and Bulgarian citizens mentioned in the UK 'warning index', including criminal record data (see Cracknell 2006; Ryan 2006). Irrespective of whether there were 4,000 or 45,000 'undesirables', the fact that there was a considerable threat of human trafficking and more generally of criminality from and through Romania before and after 1st January 2007 was established and consolidated in various arenas: *Reflex*, Romanian Ministry of Internal Affairs, the British Parliament, the Home Office and the mass media.

However, the links between *Reflex* and the problematization of the '45,000 undesirables' was little known, if at all, to Romanians living in the UK. In 2006 I was not aware of these links either, and I (re)discovered them later by exploring press releases of the Romanian Ministry of Internal Affairs. Some of the Romanians living in the UK perceived the negative mass media coverage regarding Bulgarians and Romanians, as well as the coverage of the migration predictions made by MigrationWatch UK, as a campaign against nationals of the A2 states (see Petition 2006). In the next section I discuss one advocacy project that sprung from their discontent.

### **6.2.3 Petition: enterprise, expertise and alliances**

Representatives of British-Romanian organizations based in the UK urged the Romanian Embassy to engage in a campaign to advance a positive image of Romania, including 'rebranding', and also suggested writing a letter to Tony Blair in order to endorse the 'free movement of Romanian workers in the UK after 1 January 2007'. It was in this context that a petition was written in the period 9-25 September 2006 and was sent to PM Tony Blair, the Home Secretary John Reid and to major British newspapers on 26 September 2006.

In this section I highlight the making of this petition as an ad-hoc enterprise and the alliance between the petitioners and Romanian diplomats to influence the British government to endorse the same policy for A2 nationals as for A8 nationals. As I pointed out in Chapter 3 (section 3.7), I was invited to participate in the first meeting for the preparation of this petition and provided the petitioners with an overview regarding the intentions to migrate from Romania, which I sent initially to the IPPR researchers in January 2006 and to a Home Office researcher in May 2006.

The petitioners presented themselves as representatives of 'taxpayers of Romanian origin', thus highlighting the economic contribution Romanian migrants already made to the British economy. They put forward the economic advantages of opening the UK's labour market to Romanian citizens:

Firstly, we believe that allowing the free movement of Romanian workers into the UK will contribute to economic growth in both countries. Secondly, this decision will prevent and drastically reduce incentives for illegal labour and exploitation. (...) It is a fact that the growing British economy needs an inflow of labour to cover a variety of sectors in the labour market. Studies have already proven the positive effect of the influx of workers from A8 countries to the British economy. The same studies have downplayed the alleged negative effects of Romanian immigrants on the British social welfare system. According to British law, workers coming from the A2 countries would not be entitled to social benefits after 1 January 2007 (see Petition 2006).

The Romanian petitioners were initiators of organizations and small businesses focused on cultural issues, advisory services, sports and trade in relation with Romania or Romanians living in the UK, who turned into ad-hoc advocacy entrepreneurs. I provide below a list of the organizations whose representatives signed or contributed to writing the petition in order to emphasize the diversity of their interests:

1. Romanca Society, an organization focused on Romanian women;
2. Romanian Christian Orthodox Parish 'St. Makarios the Great'; it was not the parish but rather one Romanian professional from Leeds who got involved; she preferred to list the parish as organizational affiliation rather than her employer;

3. Liga Culturala pentru Unitatea Romanilor de Pretutindeni, an organization based in Romania;
4. London Resources Ltd. and Romanian Community Business Growth Link, two advisory services focused on Romanians living in the UK set up by a Romanian living in London;
5. Romani Online Ltd. and [www.Romani-Online.co.uk](http://www.Romani-Online.co.uk), a web portal set up by a Romanian living in London;
6. The Oxford Romanian Cultural Society, an organization of Oxford students and alumni of Romanian origin;
7. The Romanian medical society in the UK, a professional association of Romanian doctors in the UK;
8. Bel Management Ltd., a consultancy set up by a businesswoman who is a British citizen of Romanian origin;
9. Romani in UK web portal ([www.romani.co.uk](http://www.romani.co.uk)), set up by a group of Romanians in 2000 and maintained by a Romanian based in London;
10. *Roman in UK* newspaper and Romani in UK Ltd., set up by a Romanian living in the UK;
11. The Romanian LSE Society, an association of LSE students and alumni of Romanian origin;
12. Olympia Handball Club, set up by Romanian students;
13. The Romanian Students' Society at the University of Westminster;
14. The London Schubert Players Trust, a cultural organization set up by a pianist and music director who is a British citizen of Romanian origin;
15. Pro Patrimonio, a cultural organization set up by an architect who is a British citizen of Romanian origin, described in Chapter 4 of this thesis;
16. Romania in the Third Millennium, set up by a Romanian living in London; the representative of this organization participated in the writing of the petition but did not sign it in the end.

To understand how this petition came about it is important to look closer at the process of weaving it. For this I rely on participant observation notes, email exchanges via the Google group and interviews with members of the group, the petition-makers. The document was constituted during two face-to-face meetings and e-mail conversations (via a Google group) between 9 and 25 September 2006. Firstly the petitioners aimed to emphasize the profile of

Romanians in the UK – students and their specializations, professionals, workers and Romanian communities from various areas. As most of the participants were irritated by the stereotypes and exaggerations in the mass media, they stressed that it was crucial to confront all the allegations regarding Romanian migrants by juxtaposing the mass media myths and available data. Some of them referred to available studies, especially the IPPR report that portrayed in a favourable light the migration from Eastern European countries that acceded to the EU in 2004.

One participant pointed out that a reliable starting point would be a market research study conducted by the money-transfer company Moneygram regarding the profile of Romanians in the UK. The editor of the newspaper *Roman in UK* volunteered to prepare a brief description of the ‘community’, on the basis of the input from other members of the group considered to have good knowledge about the number and employment status of Romanians in the areas in which they lived (e.g. Leeds, Oxford and London). It was suggested that these data from direct experience should be complemented with official statistics. However, they did not manage to put together this profile in time.

Then it was agreed that the letter to Tony Blair should include arguments in favour of granting Romanians the right to work in the UK by drawing parallels with the case of the A8 Member States which acceded in 2004, stressing the economic advantages of migration, and the fact that new migrants would not have access to benefits, and also emphasizing the disadvantages of imposing work restrictions on people who will have the right to travel to the UK anyway. The petitioners relied on expert knowledge regarding the impact of migration from A8 countries (e.g. the IPPR report, National Statistics, UK government websites, Romanian opinion polls), and EU and UK regulations regarding migrants from A8 countries; they were reluctant to put forward their own inside knowledge of Romanians in the UK. Their use of references to Tony Blair’s speech to the TUC Congress and to the IPPR report could be seen as an attempt to highlight an alliance in favour of the idea that workers from the new Member States would be a boon for the British economy (see Latour (1986: 34) with regard to the use of references to mark ‘affiliation’).

Although the petition was sent to PM Tony Blair and the mass media as well as to British MPs, it had visibility only in specialised arenas such as the

Office of the Prime Minister, the Home Office and Parliament. Petitioners received a response from Downing Street on 2 October 2006, which pointed out that the issue raised was the responsibility of the Home Office and thus the letter was forwarded to the Home Office. An interview related to the petition featured in the *Polish Express* on 9 October 2006. The petition was also mentioned by Keith Vaz MP (Labour) in a parliamentary debate regarding employment rights for Romanians and Bulgarians on 18 October 2006 (see Vaz 2006) and by the *Observer*, on 22 October (Hinsliff 2006). The low visibility of the petition in the mass media and parliamentary debates suggests that not all the claims made by advocacy groups get into the mass media or other 'public debate'. However, the petition drew some attention to Romanians in the UK, at least among British MPs.

The petitioners were supported informally by the Romanian Embassy, which provided them with information about relevant reports and also the contact details of British MPs and newspapers. Their collaboration was a temporary, informal alliance. The Embassy was already advocating for access to the UK labour market for Romanians in advance of the petition, through meetings with British officials (interview with Raduta Matache). In addition, government departments from Bulgaria and Romania were also involved in this process of advocacy. For example, Romanian officials from the Ministry of Foreign Affairs tackled the issue of opening the UK labour market to Romanian citizens both in bilateral meetings with their British counterparts and also in EU meetings, especially during 2006. A similar approach was taken with representatives of other EU15 Member States (see Ministry of Foreign Affairs 2006a). The message endorsed by the Romanian diplomats could be summarized as follows: (1) A2 nationals should be treated as A8 nationals because the 2004 and 2007 enlargements are part of the fifth EU enlargement; (2) A2 nationals should be granted access to the UK labour market because labour migration from the new Member States was beneficial for the UK economy according to available studies, and this would remain true with regard to labour migration from A2 countries (Ministry of Foreign Affairs 2006a and discussion with Embassy diplomats).

Although the petitioners and Romanian diplomats did not explicitly mention the Worker Registration Scheme (WRS) as a desirable policy solution, I

contend that their emphasis on A2 nationals being treated as *the A8 nationals* suggests that they endorsed WRS as a policy solution for regulating labour migration from the A2 countries. Not only Romanian advocates (petitioners and diplomats) but also British business lobby groups endorsed the opening of the UK labour market to A2 nationals, as I show in the next section.

#### **6.2.4 Letter from business: expertise, alliances and marketization**

The literature on migration policy-making suggests that business lobby groups tend to favour migration because of cheap labour (Freeman 1995). This finding is confirmed by the declarations of business groups involved in the advocacy for Bulgarians' and Romanians' access to the UK labour market. For example the National Farmers Union expressed favourable views regarding the opening of the labour market to A2 nationals, as it represented the interests of an industry which anticipated the opportunity of recruiting cheap and temporary labour from Eastern European Member States. However, the major business lobby groups in the UK, the Confederation of British Industry (CBI) and the British Chambers of Commerce (BCC), held the opposite position, suggesting a halt to the open-door attitude towards a potential inflow of workers from new Member States.

My research suggests that business lobby groups may support migration not only for its estimated benefits but also for two additional reasons: firstly, if it epitomizes the ideas which the lobby group wants to promote (e.g. of an open market within the EU); secondly, if promoting 'migration' is a vehicle for attracting attention. These two assertions are based on my analysis of the advocacy for opening the UK labour market to A2 nationals carried out by BNE Group, a pro-EU business lobby group established in March 2006, which aims to put forward 'a positive case for reform in Europe' (BNE 2009a). BNE's initiator, Roland Rudd, is a prominent businessman and, according to the mass media, a close friend of the European Trade Commissioner (as of 2006), Peter Mandelson (see Barnett and Doward 2006). BNE's Advisory Council, as of September 2006, included Chairmen and CEOs of prominent international companies such as UBS, Carphone Warehouse, BT, BP, Rio Tinto and WPP

(BNE 2009b). Due to his relations with business, lobby groups and the government Rudd could be considered a policy broker.

On 25 September 2006 the BNE Group endorsed in *The Independent* a 'Letter from Bulgarians and Romanians living and working in the UK' (Thornton and Morris 2006), which stressed that:

We hope that the UK will continue the policy lead it took in 2004, when it was one of only three countries to open its labour market to Poland, Hungary, the Czech Republic and the other countries of Eastern Europe. An open labour market, rather than protectionism, has proved the right course in the past and will do so in the future (see BNE 2006a; Thornton and Morris 2006).

The signatories of this petition worked in prominent businesses (the names were accurate as of September 2006) including: UBS Investment Bank, Brittain Engineering Ltd., Morgan Stanley, PricewaterhouseCoopers, the European Bank for Reconstruction and Development, KPMG LLP, Goldman Sachs International, JPMorgan Chase, Lehman Brothers, Calyon, Anglo-Romanian Bank Ltd. and the BBC, as well as the British-Romanian Chamber of Commerce and Save the Children UK.

In support of this letter, the BNE Group launched on 26 September a briefing paper entitled 'The Case for Free Movement in Europe' (BNE 2006b), stating the arguments in favour of freedom of movement in the EU. They emphasized not only the benefits of migration from A8 countries but also the movement and migration of British people across Europe (e.g. in Spain and Germany), enabled by the provisions regarding the freedom of movement. This document was informed by studies and the views of important actors in setting immigration policy: the British government (through reference to the study commissioned by the Department for Work and Pensions, Gilpin et al. (2006)), Trade Union Congress (which represents UK workers in a variety of sectors), the National Health Service (the public service that is alleged to be under strain due to migrants) and businesses (with their reports, estimates and forecasts) (see BNE 2006b). The forecast that Bulgarians and Romanians were likely to go to work in southern Europe was backed by reference to a study carried out by the Ministry of Labour and Social Policy of the Bulgarian government. The

references in BNE's briefing paper could be seen as an alliance (see Latour 1986) in favour of the freedom of movement.

The letter and the briefing paper regarding the freedom of movement were an opportunity for the BNE Group to stand out in the landscape of business interest groups at a time when major business lobby organizations such as the Confederation of British Industry (CBI) and British Chambers of Commerce (BCC) held the opposite position. Thus the involvement of the BNE Group in the debate regarding the opening of the labour market for A2 nationals was an opportunity to attract attention in the transnational market of business interest groups and think-tanks.

Overall, the actors involved in the problematization of migration from A2 countries pulled in different directions: on the one hand the migration predictions, the intelligence provided by the *Reflex* program and the mass media coverage stressed the undesirable side of migration; on the other hand the IPPR study, the Romanian Embassy, the Romanian petitioners and the BNE Group provided evidence regarding the desirability of labour migration from the A2 countries. It was in this context that the Home Office had to decide on a way forward with regard to the access of A2 nationals to the UK labour market.

### **6.3 Common frame for possible solutions: Accession Regulations**

On 24 October 2006 the Home Office announced to Parliament the UK government's derogations from the EU directive regarding the freedom of movement and access to the UK labour market for Romanians and Bulgarians (see Accession Regulations 2006 and Reid 2006). I will not discuss in depth the *Accession (Immigration and Worker Authorization) Regulations 2006* (for a comparison between the regulations for A8 and A2 nationals see Ryan 2008). I focus only on the processes (strings) which constituted them: EU and UK regulations, expertise (a report prepared by the Home Office researchers, the IPPR study, the MigrationWatch UK forecast), alliances (the British authorities secured the support of the Romanian authorities) and marketization (the Home

Office secured the support of British industries interested in sourcing cheap labour from A2 countries).

### **6.3.1 Regulations, past solutions and marketization**

The Accession Regulations were shaped by EU regulations in two ways. Firstly, they included the EU provisions regarding access to the labour market for workers who were accepted in the labour market at least 12 months before the date of the accession, for posted workers and for the self-employed (EU 2009a). Secondly, they were constituted following the logic underpinning the transitional measures, referred to in the Treaty of Accession: in the first two years the Member States could govern the access of citizens of new Member States to their labour market according to their domestic immigration and employment law and bilateral agreements with the new Member States. The Home Office took this route and endorsed labour migration programs devised and tested between 2001 and 2005: SAWS, HSMP and SBS (see Ryan 2008). These were past policy solutions-in-practice applied to Bulgarian and Romanian workers up to December 2006. SAWS had attracted 2,333 Romanians and 3,700 Bulgarians in 2005, while SBS had attracted around 1,200 Bulgarians and 814 Romanians in 2005 (Drew and Sriskandarajah 2006). The use of past policy solutions is not surprising. Hecló (1974) argues that this is a feature of policy learning: policy-makers rely on past solutions in order to tackle new issues. Moreover, certain policies may be a reaction against previous policies (Hecló 1974: 318).

I contend that the choice of not using the policy solution employed for A8 nationals (the Worker Registration Scheme) as advocated by the Romanian authorities and petitioners was influenced not only by the availability of past solutions-in-practice but also by the WRS's pitfalls, because it did not provide an accurate picture of East European migrants in the UK labour market. Although it was intended as a monitoring instrument, WRS was complicated and did not provide accurate data about the inflow of nationals of new Member States who came to the UK after 1<sup>st</sup> May 2004. For example the Accession Monitoring Report for the period May-December 2004 stated that there were 133,000 applicants to the WRS between 1 May and 31 December 2004, of

whom nearly 40 per cent were already in the UK before 1 May 2004 (Home Office et al. 2005: 1). The same report warned that

Data on applicants to the Worker Registration Scheme (WRS) is not a measurement of net migration to the UK (inflows minus outflows) [and] the figures are not current: an individual who has registered to work and who leaves employment is not required to de-register, so some of those counted will have left the employment for which they registered and indeed some are likely to have left the UK (Home Office et al. 2005: 1).

The Accession Monitoring Report for the period May 2004–June 2006, published in August 2006, thus at the time of the debate regarding the most suitable transitional measures for A2 nationals, pointed out that ‘in total there were 447,000 applicants to the Worker Registration Scheme (WRS) between 1 May 2004 and 30 June 2006’ (Home Office et al. 2006: 1). This report warned in its turn that ‘each application to the WRS therefore represents one job, not one applicant’ and that the ‘listing of occupations’ for A8 nationals were not the same as the National Statistics Standard Occupational Codes’ (Home Office et al. 2006: 3). Thus not only did the WRS not provide accurate data regarding the number of A8 nationals working in the UK, it did not even fulfil its aim of monitoring ‘where citizens of those countries [A8] are coming into [UK] labour market, the type of work they are doing, and the impact this has on our economy’ (UKBA 2010a). Moreover, a 2009 report of the Migration Advisory Committee (MAC) noted that ‘the extent of non-registration (i.e. those who are not in compliance with the regulations) is difficult to measure and registration is difficult to enforce’ (MAC 2009: 13). In addition the WRS allowed the access of A8 migrants to benefits similar to those available for EU15 nationals following 12 months of continuous registered employment (MAC 2009: 15).

I contend that, in addition to the preference for the previous models for managing labour migration from A2 countries and the pitfalls of the WRS in the labour market, the risk associated with migration predictions played an important role in tipping the balance in favour of measures for *managing* rather than *monitoring* labour migration.

### **6.3.2 Risk: expertise and tricky regulations**

In May 2006, Home Office researchers from the Immigration Research and Statistics Service (IRSS) were gathering information regarding migration from Romania and Bulgaria from various sources – studies, opinion polls and governmental departments in the UK and Romania. Although this was desk-based research, it also involved discussions with people from the Romanian Embassy and researchers who did some work on the topics of interest. I was among the people contacted by the Home Office team in May 2006 and I provided them with the same overview of Romanian opinion polls that I sent to the IPPR team, the Romanian Embassy and later the Romanian petitioners. In September 2009 I approached the IRSS researcher who contacted me and requested permission to have a look at the report prepared in May 2006. My insights into the work of the IRSS team are based on this document (received in October 2009). As this document is not available online I treat it as confidential.

The report prepared by the IRSS researcher was just one of a series of documents that the Home Office considered as its evidence base regarding Romania and Bulgaria. It referred to intentions to migrate from the A2 countries and the profiles of potential migrants (in terms of age, gender, educational level, employment status, intended stay abroad and destination country) and included references to studies and reports prepared by think-tanks, government departments and international organizations such as the Department for Work and Pensions, IPPR, the Global Development Network, the European Institute of Romania, IOM, Migrationonline.cz, the European Foundation for the Improvement of Living and Working Conditions and the German Institute for Economic Research. There were two references to academic articles from the *Journal of Ethnic and Migration Studies* and *South East Europe Review*. There were also references to conference papers, unpublished reports or work in progress (my own overview of opinion polls was mentioned as work in progress). One of the challenges faced by the Home Office was dealing with estimates of migration flows. The IRSS researcher mentioned often in the report the different definitions of ‘migration potential’, the statistical error associated with the sampling for the analysis of migration potential and also the lack of research regarding the number of potential self-employed people who might migrate.

The Home Office was interested in the estimated migration of the self-employed because, following Bulgaria's and Romania's accession to the EU, there was no legal way to prevent their migration, since this was allowed for any national of the European Economic Area (EEA). This might explain why the Home Office was interested in and worried about the number of potential self-employed people with Bulgarian and Romanian passports who might move to the UK after January 2007. Self-employed Bulgarians and Romanians in the UK were perceived as problematic following an investigation in 2004 into the granting of self-employed visas to A2 nationals. Between March 2002 and March 2005, Bulgarian and Romanian citizens were granted 2,422 and 479 self-employed visas respectively on the basis of European Community Association Agreements (ECAA). However, in early 2004 there were concerns about the issuing of this type of visa, followed by investigations and the temporary suspension of the issuing or extension of ECAA visas until February 2005 (Drew and Sriskandarajah 2006: 20). Moreover, Home Office investigations in the UK (until 2006) had indicated that a number of Bulgarians and Romanians were not genuinely self-employed but were actually employees and used self-employment only as a route for becoming legal residents. However, immigration consultancies managed to prove, for some people under Home Office investigation, that they were genuinely self-employed. Thus the self-employed status was considered problematic.

Some of the evidence considered by the Home Office and other British authorities was not related to labour migration but to illegal migration from or through Romania (see, for example, the enquiries regarding human trafficking in the two houses of the Parliament – House of Commons 2002, 2006; House of Lords 2004). Ironically, little was known about Romanians *working* in the UK. Representatives of UK-based Romanian organizations and the Romanian Embassy had difficulty in constituting a profile of Romanians in the UK. However, the Home Office did have evidence, through the *Reflex* project, about several thousand Romanians who came illegally to the UK and were returned to Romania between 2004 and 2006.

In addition, Romania was considered problematic due to its ties with the neighbouring Republic of Moldova, more precisely due to the granting of Romanian citizenship to Moldovans who claimed and provided proof of

Romanian ancestry, according to Romanian regulations. In a House of Lords debate on 'Migrant Workers: Romania and Bulgaria' (23 October 2006), Lord Anderson of Swansea stressed that 'some estimates say that there are between 300,000 and 600,000 of them [Moldovans with or about to obtain Romanian passports]' (see House of Lords 2006). Between 1992 and October 2006, approximately 98,000 Moldovan citizens had been granted Romanian citizenship. In October 2006, the Romanian Ministry of Foreign Affairs announced that 400,000 requests for Romanian citizenship were filed by Moldovan citizens within around three months, as the date of Romania's accession to the EU approached (Romanian Embassy Rome 2006). The head of Romanian diplomacy expressed surprise during an official visit to Chisinau in October 2006 due to the discrepancy between the number of citizenship requests and the number of Moldovans who declared themselves of Romanian origin during the 2004 census i.e. 70,000 people (Romanian Embassy Rome 2006). This state of affairs was known to the Home Office and British MPs via British-Romanian information networks (e.g. the information provided by the British Embassy in Bucharest and the Romanian Embassy in London). The fear of British authorities of an inflow of people with Romanian *passports* was not surprising if considering the citizenship requests advanced by Moldovan citizens. The backlog of requests reached 530,000 by mid-January 2007 (Romanian Embassy Rome 2007).

On top of the puzzle of granting Romanian citizenship to nationals of non-EU countries there was another problem related to border control in the A2 countries, which were allegedly not secure enough to guard the EU from the threat of human trafficking (see Steen 2006). Moreover, according to a press release of the Romanian Embassy in Rome, as of January 2007 there was no updated agreement regarding the border regime between Romania and Moldova, in accordance with the border checks between EU and non-EU countries (Romanian Embassy Rome 2007). Thus both the regime of Romanian citizenship and the border regime between Romania and Moldova provided reasons for anxiety amongst British officials.

Besides gathering information regarding the potential risks of opening the labour market to A2 nationals, the British authorities had to ensure that the option of not opening the labour market to citizens of the new Member States

would not hamper British labour-intensive industries and British-Romanian diplomatic relations. I discuss these issues in the next section.

In addition, the Home Office took into consideration the decisions of the other EU15 countries regarding transitional measures for A2 nationals, a policy route suggested by MigrationWatch UK, the mainstream business lobby (CBI, BCC) and MPs. This attitude is not surprising. Policy studies point out that policy-makers tend to learn from similar policies from other countries through comparison (Hecló 1974; Rose 1991).

### **6.3.3 Alliances and marketization to support the common frame**

The British government secured alliances with business lobby groups (the CBI, the BCC and representatives of labour-intensive industries such as agriculture and food processing) and with Romanian officials in support of the Accession Regulations. For example British officials promised that the Regulations would allow almost 20,000 seasonal workers from A2 countries to enter the UK in two sectors – food processing and agriculture. When announcing the restrictions, John Reid, the then Home Secretary, stressed that '[the government] will listen to industry representatives where it is felt similar schemes are needed in other sectors' (see Reid 2006).

The Accession Regulations were also supported by an informal alliance of British and Romanian government departments. For example, Home Office officials stressed that they informed the representatives of the Romanian government about the restrictions on access to the UK labour market for Romanians and did not encounter any resistance (see Ryan 2006). The Home Secretary John Reid and the Deputy Prime Minister John Prescott suggested that the British government would review employment restrictions within 12 months (see Ministry of Foreign Affairs 2007; Reid 2006). According to British officials, the Romanian government underlined that the restrictions would not damage bilateral relations between the two states because 'Romania views Britain as one of its strongest allies and closest friends' (see Beckett 2006). The Romanian authorities not only accepted the restrictions but were persuaded to endorse them (even before they were ratified by the British Parliament on 13 December 2006), together with a commitment to continue the collaboration with

regard to tackling illegal migration through Romania (see Romanian Embassy London 2006). The Romanian government accepted the regulations proposed by the Home Office as an 'obligatory passage point' (Callon 1986) due to the emphasis of the Home Office that the restrictions would be reviewed after one year (Beckett 2006). However, not all interested actors were included in the creation of this 'obligatory passage point' (Callon 1986). The Romanian ad-hoc social entrepreneurs who advanced the petition to PM Tony Blair were not consulted by British officials in the process of policy-making and this led to the extension of their advocacy into 2007.

#### ***6.4 Solutions-on-paper, based on past solutions-in-practice***

I call solutions-on-paper the provisions for Bulgarians and Romanians in the *Accession (Immigration and Worker Authorization) Regulations 2006* (OPSI 2006). These solutions-on-paper had been shaped by the EU and UK regulations, as I detailed in the previous section. While the Accession Regulations relied on past solutions-in-practice, the target group to which they applied changed significantly because Bulgarians and Romanians would not need visas to travel to the UK after 1<sup>st</sup> January 2007. Thus the translation in practice of past solutions-in-practice (i.e. past policies) would not rely any more on the British Embassy in Bucharest. Consequently the British authorities had to find ways to manage the access to the UK labour market of people free to travel to the UK with past solutions-in-practice devised for people who requested visas for travel to the UK.

#### ***6.5 Towards solutions-in-practice?***

In 2007 the Home Office issued authorizations for Romanian workers, initiated information campaigns in the UK together with the Romanian Embassy and collected penalties. 159 Romanian and 30 Bulgarian nationals were fined by November 2007 for 'taking employment without authority' (House of Commons 2007: 3-4). By June 2008, 315 penalties had been served on A2 nationals (MAC 2008: 57). The British authorities did not collaborate in their information campaign with the British-Romanian organizations which endorsed

the petition to Tony Blair. The Home Office also initiated information campaigns in Romania, together with the Romanian authorities and the International Organization for Migration (IOM). The dissemination of information was a process of marketization of the regulations, i.e. implementing them in the labour market. This process included the printing of brochures and posters, online content and presentations at seminars. The marketization of the regulations for A2 nationals was facilitated by alliances between the British and Romanian authorities and also specific expertise and internal knowledge, as I show in the following sections.

### **6.5.1 Alliances, expertise and marketization**

In Romania the Ministry of Internal Affairs was keen to continue *Reflex* after the date of the Accession and also to participate, together with IOM, in an information campaign to combat human trafficking from Romania to the UK, after 1<sup>st</sup> January 2007 (Ministry of Internal Affairs 2007a, 2007b). In the UK, the Home Office and the Romanian Embassy co-organized, in December 2006 and during 2007, seminars for disseminating information regarding labour restrictions for Romanians in the UK. In 2007, the Romanian authorities added one labour and social affairs attaché and two police officers (home affairs attachés) to the staff at the Romanian Embassy. The 'home affairs attachés' have collaborated with the Metropolitan Police in handling 88 Roma children of Romanian origin who were brought illegally from Romania to Slough, near London (BBC 2007; House of Commons 2007). There were similar projects involving the British and Bulgarian authorities, e.g. a Bulgarian police officer worked with the British Transport Police for dealing with Bulgarian pickpockets in London (see House of Commons 2007). The 'labour and social affairs attaché' from the Romanian and Bulgarian embassies had also collaborated with the Gangmasters Licensing Authority (GLA) (interview with Bogdan Carpa-Veche). For example they co-organised a meeting on 29 September 2008 to disseminate information about the work of the GLA and to stress the problems faced by the nationals of the two countries in the UK. The GLA officials urged the representatives of the two states to collaborate with regard to monitoring the employment and recruitment for work in agriculture and food processing and

informing workers of their employment rights in the UK. The representatives of the GLA suggested that the lifting of work restrictions would prevent the exploitation of workers.

My research suggests that different expertise (including inside knowledge) and alliances led to different solutions for the translation in practice of the Accession Regulations in the UK labour market. I will illustrate this with a comparison between a guide for Romanian workers produced by the consultancy Romani in UK, whose director, Cristina Irimie, was the editor of the *Roman in UK* newspaper, on the one hand, and a guide for work in the UK produced by the Department for Business, Enterprise & Regulatory Reform in collaboration with the Romanian National Agency for Work (Agentia Nationala pentru Ocuparea Fortei de Munca) (see Figure 7).

**Figure 7 The covers of two guides for Romanian workers**



(Photo by author)

In 2007 Romani in UK released *Ghidul Romanului in UK* (The Guide for a Romanian in the UK). The guide was inspired by similar guides made by other consultancies catering to the needs of migrant workers (i.e. a Polish guide). It was a colourful and well-articulated brochure distributed freely due to financial

support from Western Union. In 2008 the brochure had a second edition and also became available online (the only request was to register on the website). This guide illustrates how market-oriented consultancy services, part of what scholars labelled the ‘migration industry’ (Garapich 2008<sup>24</sup>), contribute to translating in practice regulations in the country of destination on the one hand, and also to the making of solutions-in-practice, i.e. they help migrants to comply with immigration requirements, on the other hand.

On 16 September 2008 the Romanian Embassy in London, the Department for Business, Enterprise & Regulatory Reform and the Romanian National Agency for Work co-organized an event to disseminate information about labour restrictions and for launching a bilingual brochure, *Working in the United Kingdom: Know your rights and responsibilities / Munca in Regatul Unit: Drepturi si responsabilitati*. The differences between the two guides went well beyond the covers (Figure 7).

While the UK government’s guide focused on ‘employment rights and responsibilities’, the *Guide for a Romanian in the UK* (thereafter the *Guide*) included a wide variety of information spanning from the smoking ban in the UK, how to find accommodation, accommodation-related expenses, transport fares, legal employment options for Romanians, international money transfer, communication, access to healthcare services, insurance options, the education system, child benefits, the driving licence, leisure, consular information and contact details of a selection of Romanian organizations, churches, food shops and restaurants.

The quality and accessibility of the information offered in the two guides differed considerably. The differences came from the expertise and alliances that underpinned the two information products. The first striking difference was noticeable on the covers, in the choice of words for referring to the United Kingdom. The Romanian editors of the *Guide* opted for the well-known acronym ‘UK’. The editors of the UK government’s brochure opted, mistakenly, for an *ad litteram* translation of ‘UK’ in Romanian, i.e. ‘Regatul Unit’, although the correct

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<sup>24</sup> According to Garapich (2008: 738), ‘a working definition of the “migration industry” [is] a sector of service markets that uses human mobility, adaptation in the host country and the sustenance of a transnational social field as its main resource’.

translation of 'UK' in Romanian is either 'Regatul Unit al Marii Britanii si Irlandei de Nord' or 'Marea Britanie'.

However, the translation mistakes went beyond the covers. I provide an illustration of the references to the status of 'self-employed', which was particularly interesting for Romanians coming to work in the UK. The *Guide* used the English word 'self-employed' for its precision, as it was used in the UK regulations, in order to prevent any misunderstandings. In contrast, the Romanian section of the UK government's brochure opted for an *ad litteram* translation 'angajat propriu' (which translated back in English would be 'personal employee'), while the correct Romanian equivalent of the status of 'self-employed', according to Romanian labour law, is 'lucrator pe cont propriu' (Romanian Embassy London 2010). The section *Munca si Afaceri Sociale* (Work and Social Affairs) on the website of the Romanian Embassy in London uses the correct Romanian translation, 'lucrator pe cont propriu' (Romanian Embassy London 2010). This example epitomizes the advantages of inside knowledge. The *Guide* provided information to a market of workers known from the inside: its potential client was interested in a simple and clear account of life and work in the UK. In contrast, the UK government's brochure opted for an *ad litteram* translation of UK regulations, without taking into account the adequate translation in accordance with Romanian legal concepts and the information needs of the targeted public.

### **6.6 The challenge and re-negotiation of the common frame**

Between October 2006 and October 2008, Romanian ad-hoc social entrepreneurs, the Romanian Embassy and representatives of British business attempted on numerous occasions to challenge the justification for and the appropriateness of the Accession Regulations, which were imposed by the British government as a common frame for possible solutions. Their efforts had been concentrated mainly on influencing a change in the regulations on the occasion of the two scheduled reviews in November 2007 and December 2008. The actions of Romanian activists included lobbying British MPs, gathering the support of a British NGO, petitions handed to the Prime Minister and a

memorandum handed in on the occasion of the 2007 review. I will discuss these processes in the following sections.

### **6.6.1 Enterprise, alliances, expertise and regulations**

The Romanian Embassy facilitated numerous meetings between Romanian ad-hoc social entrepreneurs and British MPs. For example on 19 October 2006, I participated in a meeting of representatives of Romanians in the UK from diverse professions (from business people to researchers like myself) with a prominent Conservative MP, chaired by Princess Marina Sturdza (she was also involved in the advocacy for 'children's rights' in Romania, as I showed in Chapter 5). The MP was primarily interested in the number, occupational profile and geographical distribution of Romanians living in the UK. The Romanian participants at this meeting took the opportunity to stress the contribution of Romanian workers to the UK economy and their adaptability.

After January 2007, representatives of Romanian organizations asked for the support of British MPs such as Greg Hands (Conservative) and Keith Vaz (Labour) to obtain information from the Home Office regarding the fines applied to employees on the basis of the Accession Regulations. The two British MPs urged the Home Office – through their interventions in the Westminster Hall debate 'Romanian and Bulgarian Workers' – to end the Accession Regulations due to their negative effect (see Hands 2007; Vaz 2007). Greg Hands MP pointed out that 'the restrictions are flawed in four ways' – they are discriminatory, counter-productive, expensive and 'chaotically administered' (see Hands 2007).

Prompted by the queries of Romanian workers regarding the regulations and the fines applied for non-compliance with the regulations, Simona Tatulescu,<sup>25</sup> a Romanian member of the Executive Committee of JCWI in 2007,

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<sup>25</sup> Simona Tatulescu has been involved in advocacy for the rights of Romanian migrants with the support of the Joint Council for the Welfare of Immigrants (JCWI) before the writing of the 2006 petition. She actually adopted as the description of her role 'Romanian Community Advocate'. JCWI works in the field of immigration, asylum and nationality law and policy since 1967. In the run-up to January 2007 Simona Tatulescu brought clients of Romanian origin to JCWI. These people were refused documentation as self-employed workers or were charged for not being legally employed in the UK although they were self-employed. In these cases, JCWI appealed in immigration tribunals and showed that a number of clients were genuinely self-employed (interview with Simona Tatulescu).

together with other JCWI representatives and Greg Hands MP co-organized in April 2007 a seminar regarding the Accession Regulations and legal employment routes for Romanians in the UK, with the support of the Romanian Embassy. At this meeting the JCWI advanced several suggestions to attenuate the harshness of the Accession Regulations for A2 nationals:

- (a) abolish the derogated scheme that applies to Bulgarian and Romanian workers and work seekers and apply the same rules that apply to workers and work seekers from EU/EEA states such as France and Germany,
- (b) use the Workers Registration Scheme instead (...),
- (c) allow and require all Bulgarian and Romanian job seekers to be eligible for Registration Certificates as job seekers rather than simply those who qualify as highly skilled persons (...),
- (d) abolish the requirement for work to be within an authorised category of employment in order for an accession worker card to be issued (...), or
- (e) exempt those who have been self-employed for more than a year in the UK from the requirement to obtain prior authorisation in order to work if they switch into employment (JCWI 2007: 9, 10).

In addition to creating alliances with British MPs and British immigration-focused organizations, some Romanian ad-hoc social entrepreneurs focused on mobilizing Romanian workers to claim their 'right to work' in the UK. I discuss two important episodes in the next section.

### **6.6.2 Petitions: enterprise, technology and alliances**

The editor of the newspaper *Roman in UK*, Cristina Irimie, had initiated, in 2007 and 2008, two petitions requesting the 'right to work' in the UK on behalf of Romanian workers in order to attract the attention of the British authorities in advance of the 2007 and 2008 scheduled reviews of the Accession Regulations. They were submitted to the Prime Minister's Office on 15 October 2007 and 15 October 2008 respectively. The petitions were both online and on-paper and gathered the support of thousands of Romanians working in the UK and in other countries. The 2008 petition was also endorsed by Greg Hands MP (see *Roman in UK* 2008b). The ad-hoc social entrepreneurs members of the group that prepared the letter to Tony Blair in 2006 signed the 2007 and 2008

petitions in their personal capacity. However, from September 2006 to October 2008 there was no evidence of a joint effort as there had been for the petition to PM Blair. The two petitions were forwarded from Downing Street to the Home Office shortly after they were submitted but there was no follow up from the Home Office.

The 2007 petition was entitled ‘Stop the discrimination against Romanians in the UK. We demand the right to work!’ and could be signed in person or online on <http://www.ipetitions.com/petition/ROUK?e>. It was signed by 2,052 people, mainly Romanians and their supporters from Britain. In her editorial for the August 2007 issue of *Roman in UK* Cristina Irimie stressed: ‘I want, like every Romanian, to be a citizen of the European Union, with full rights. For this reason I think that it is time to request of the British government the right to work, a fundamental right of every person’ (Irimie 2007). The request for the ‘right to work’ was previously stressed in the informal discussions during the preparation of the letter to Tony Blair, but it was not expressed as such in the final 2006 petition.

The ‘right to work’ was linked to EU membership in the third petition, launched on 2<sup>nd</sup> September 2008 and entitled ‘Romanians in the UK – Equal citizens of the European Union!’ (Roman in UK 2008a). This petition was posted on [www.gopetition.com](http://www.gopetition.com). It was signed by 4,257 people, mainly Romanians from UK but also Romanians from other countries such as Italy, Spain, Greece, France, Canada and the USA, and British people. Some signatories of the 2008 petition stressed, as illustrated in the caption below, that they request ‘the right to work’ as a right linked to both EU membership and moral human rights.

**Figure 8 ‘Stop discrimination!’**

Ploiesti	Romania	<a href="#">View</a>	Oct 05, 2008
northampton	UK	N/G	Oct 05, 2008
Timisoara	Romania	N/G	Oct 05, 2008
arad	Romania	N/G	Oct 05, 2008
Canterbury	UK	<a href="#">View</a>	Oct 05, 2008
Galati	Romania	N/G	Oct 05, 2008
constanta	Romania	<a href="#">View</a>	Oct 05, 2008
Bucharest	Romania	N/G	Oct 05, 2008
Constanta	Romania	<a href="#">View</a>	Oct 05, 2008
alexandria	Romania	N/G	Oct 05, 2008
IASI	Romania	N/G	Oct 05, 2008

0 21 ... 47 ... 72 73 74 75 Next

The caption reads: ‘Stop discrimination! Romanians are members of the EU and should have the same rights as every other member, and above all it’s a human right to be free to travel and work all over the world!’ (signatory of the petition from the town of Constanta, Romania).

(Source [www.gopetition.com](http://www.gopetition.com), October 2008)

The two petitions of 2007 and 2008 respectively reinforced the message that the Accession Regulations made Romanians coming to work in the UK feel discriminated against in comparison with other EU citizens, a message also conveyed by the editor of the newspaper *Roman in UK* (Irimie 2007) and the speech of Greg Hands MP in April 2007 (see Hands 2007). However, both Greg Hands and the editor of *Roman in UK* were aware that the British authorities had complied with the EU regulations regarding the transitional period and that Romanians were not actually discriminated against through the regulations. The petitions were intended to contest the Accession Regulations and facilitate the access of Romanian ad-hoc social entrepreneurs to the consultations carried out by British officials in 2007 and 2008 for the review of the regulations. However, this aim was not attained. In addition, the petitions were intended to attract attention to their promoter – *Roman in UK* newspaper – as the genuine voice of Romanians in the UK, on the market of British-Romanian organizations, irrespective of whether they were successful or not (see also the argument of Cowan (2007) regarding the role of ‘unsuccessful’ petitions for increasing the visibility of their promoters). Moreover, the support of Greg Hands MP could be seen as an attempt to attract the allegiances of Romanian migrants to the Conservative Party in the run up to the 2008 and 2009 elections, since the Romanian migrants would, if legal residents, have the right to vote in local elections. Whether these two aims were attained is not clear.

### **6.6.3 Reviews of regulations: expertise and marketization**

Although the Accession Regulations targeted both A2 nationals and UK employers and recruitment agencies, only the feedback from the latter was included in the review of the regulations (see House of Commons 2007; MAC 2008). In addition, the review procedure stipulated that ‘the Romanian and Bulgarian governments were invited to contribute evidence prior to the Government’s decision on the A2 restrictions’ (House of Commons 2007: 17). Thus government departments from the country of origin were assigned by the British government to represent people born in these countries but living and working in the UK. There was no direct representation of the main ‘target group’ of the Accession Regulations, the Bulgarian and Romanian workers in the UK.

The Home Affairs Committee's 2007 debate and report on the effects of the Accession Regulations relied on oral evidence provided by the Minister of State for Borders and Immigration, Liam Byrne MP, memoranda from the Recruitment and Employment Confederation, the Embassies of Bulgaria and Romania, the Border and Immigration Agency (BIA), the Home Office and two 'witnesses', the Romanian Under-Secretary of State for European Affairs and the Acting Romanian Ambassador to the UK.

Several business lobby groups and the Embassies of Romania and Bulgaria advocated the relaxation of the Accession Regulations in the preparation of the 2007 and 2008 reviews. For example the Recruitment and Employment Confederation stressed in its memorandum submitted to the House of Commons that the inside knowledge of their members about the actual working of the regulations in practice suggested that recruitment agencies were confused and hindered by the regulations:

Very little guidance has been provided to date about who would be deemed as self-employed for immigration purposes. (...) If they choose to turn away genuinely self-employed A2 nationals they will be discriminating. If they choose to engage them, but they are later found by HMRC to be employees of the agency, the agency has committed an immigration offence (House of Commons 2007: 10).

The Romanian Embassy stressed in its memorandum submitted to the House of Commons, on the basis of inside knowledge from Romanian social entrepreneurs and Embassy staff, that the regulations led to the exploitation of workers (House of Commons 2007: 19).

In spite of this evidence, the 2007 review focused on evaluating whether the Accession Regulations contributed to an accurate appreciation of the number of A2 nationals working in the UK and whether they managed to prevent human trafficking. The evidence provided by the Minister Liam Byrne MP and representatives of the Romanian authorities suggested that, even with tight regulations for A2 nationals, the British authorities could not provide accurate immigration figures or prevent human trafficking. For example, after acknowledging that 'in the first three quarters of 2007, 32,238 Bulgarian and Romanian migrants were registered on A2 schemes out of 38,365 applicants', the Minister admitted that 'the Government is unable to measure exactly how

many Bulgarians and Romanians are living in the UK' (House of Commons 2007: 3). Representatives of the Border and Immigration Agency (BIA) mentioned that they relied on 'intelligence' in targeting the people 'most likely to break the [immigration] law' (House of Commons 2007: 17). In addition, representatives of the Romanian state were invited to provide details regarding transnational projects between 'Romanian and UK law enforcement agencies' (House of Commons 2007: 8). Interestingly, the evidence requested from the representatives of the Romanian state referred to criminality, i.e. the return to Romania of 88 Roma minors, and not to case studies of migrant workers (House of Commons 2007: 8). Although the overall restrictions were kept in place after the 2007 review, the BIA did endorse certain changes, including the removal of some 'administrative requirements on the labour market access of A2 family members of A2 nationals who are self-employed, self-sufficient or students' (House of Commons 2007: 17-18).

In 2008 the UK government conducted the first mandatory review of the transitional measures imposed on A2 nationals and informed the European Commission about its decision to keep the transitional measures in place for a further three years, on the basis of the derogations from the principle of 'free movement', as allowed by the 2005 Treaty of Accession. For the 2008 review the British authorities commissioned the Migration Advisory Committee (MAC) to carry out an evaluation of 'the labour market impact of relaxing restrictions on employment in the UK' of nationals of Bulgaria and Romania. MAC stressed, 'we do not recommend fully removing UK labour market restrictions on employment of A2 nationals' (MAC 2008: 9). The MAC report pointed out the risks associated with lifting the restrictions, particularly the unpredictability of labour migration flows and the unexpected effects of the decisions of the other EU15 Member States with regard to access to their labour markets for A2 nationals (MAC 2008: 8). MAC based their recommendation on 'a combination of [their] own research and evidence sought from expert stakeholders', such as 'government, academics, sector skills councils, employers, sectoral representatives and other stakeholders in the UK, Bulgaria and Romania' (MAC 2008: 6). Although this consultation included invitations to provide feedback for 120 experts and organizations, of which only 36 provided written or oral evidence (MAC 2008: 134-139), it did not include any representative of

Bulgarians or Romanians living in the UK. The section 'Characteristics and impact of A2 immigrants in the UK' of the MAC report focused on migrants' demographic characteristics, 'economic activity rate' and 'occupational profile' and contained only references to statistics and studies (MAC 2008: 65-67). The consultation included the Romanian labour attaché from the Embassy and also several NGOs focused on 'ethnic minorities' and migrants, such as the Ethnic Minority Citizens Forum and the JCWI. However, the Romanian ad-hoc social entrepreneurs who advanced petitions in 2006, 2007 and 2008 were overlooked.

Evidence regarding the two reviews of the Accession Regulations in 2007 and 2008 suggests that the assessment and renegotiation of the common frame for possible solutions imposed by the British authorities involved the same tools (assessment of available studies and intelligence) and actors (British authorities, representatives of British employers and of the governments of Bulgaria and Romania) as the setting of the initial common frame in 2006. The consultation process pointed out the transnational channels of information (between British, Bulgarian and Romanian authorities) which informed the 2006 immigration policy, the Accession Regulations. In addition, the consultation process suggested that certain actors (i.e. migrants) might be systematically excluded from the setting of the common frame and the making of the policies that target them.

## **6.7 Conclusion**

My investigation of the process of advocacy for access to the labour market for Bulgarians and Romanians points out that the actors involved employed a wide variety of strategies for influencing the Home Office. The path proposed in the end by the Home Office – labour market restrictions and information campaigns for preventing migration for illegal work – was influenced by (1) the availability of past policy solutions-in-practice (work permit scheme, HSMP, SAWS, SBS); (2) the pitfalls of a past policy – the Workers Registration Scheme (WRS); (3) specific expertise and 'intelligence' (e.g. from *Reflex*); (4) regulations (e.g. EU regulations, Romanian law for granting citizenship to Moldovans); and (5) the informal alliances between the British policy-makers

and business lobby groups (e.g. CBI, BCC) and between the British and Romanian governments.

The advocates for the 'right to work' did not succeed in influencing the Home Office to take a decision along their 'line' mainly because (1) they did not provide a viable pilot or past solution-in-practice as possible labour migration policy (instead they endorsed the WRS, which had a number of shortcomings); (2) they did not muster a strong-enough alliance with business lobby groups (the BNE Group was on their side, but the much more powerful CBI and BCC were on the other side); and (3) they could not counteract the British officials' perception of risk of irregular migration from outside the EU through Romania, which was backed with intelligence provided by British and Romanian agencies.

I consider briefly some alternative explanations regarding migration-related advocacy and policy-making according to insights from the available literature and the aggregated strings model. Freeman (1995) argues that actors interested in cheap labour (businesses) and an organized pro-migration public influence government decisions, whereas an unorganized anti-immigration public has no voice against the government's liberal migration policies. Statham and Geddes (2006) state, contrary to Freeman, that migration policy is shaped by political elites autonomously, with a restrictionist orientation, in spite of the efforts of an organized public (NGOs). They argue that the mobilization of the organized public is influenced by the perceived opportunity structures (mainly state funding), not by their positioning with regard to migration issues. In addition, the literature on migration-related advocacy advances the idea that migrants can make themselves heard because there are certain opportunity structures within the nation-states or at the EU level that somehow enable them to voice their concerns in the mass media, in political debates or in protests, either directly or through intermediaries (Geddes 2000; Guiraudon 2001; Koopmans 2001). However, the empirical evidence presented in this chapter suggests that actors interested in cheap labour do not always influence government decisions towards a more open labour market, as suggested by Freeman. The National Farmers Union and the Recruitment and Employment Confederation tried to persuade the government that they were affected by the labour restrictions for A2 nationals but did not succeed. Moreover, business lobby groups closely connected to government officials, like the BNE Group, did

not convince the government to open the labour market to A2 nationals. The Romanian advocates for the 'right to work' have attempted but failed to engage in a dialogue with the Home Office (their petitions did not trigger any response from this institution).

In addition, it could be argued that anticipated electoral penalties associated with migration issues could have explained the restrictionist policy adopted by the Home Office; the government might have feared that the 'electorate' would penalize it for granting labour market access to A2 nationals (bearing in mind government's failure to anticipate the inflow of migrants from A8 countries following the 2004 EU enlargement). This could be a justification for the choice of a restrictive migration policy, but it would stop short of explaining the actual making of the policy; it would obscure the intricate web of expertise, intelligence, regulations, alliances and marketization that shaped the Accession Regulations. In contrast, the integrated model makes better sense of the dynamics of the unsuccessful advocacy for A2 nationals' access to the UK labour market and explains the rationale behind a restrictive policy without reference to vague concepts such as the 'electorate'.

## 7 Conclusions

In this chapter I outline firstly this thesis' contribution to the understanding of the dynamics of transnational advocacy through proposing (1) an aggregated strings model that summarizes existing views on transnational advocacy, (2) an integrated strings model based on original grounded and comparative analysis of transnational advocacy processes, and (3) a documentation of ad-hoc social entrepreneurs involved in advocacy. Secondly, I show that the main conceptual contribution of this thesis, the integrated model, avoids the pitfalls of the existing literature on advocacy, which were outlined in Chapter 2. Thirdly, I demonstrate that the integrated model could be useful for understanding processes of advocacy beyond the three case studies; for this purpose I chose two examples from the available literature. Fourthly, I outline the findings of my research that could be useful for practitioners.

### ***7.1 Contribution to the literature on transnational advocacy***

The aggregated strings model outlined in Chapter 2 is based on my reading of the literature on transnational advocacy, international organizations and other transnational processes, with a focus on the conceptualizations of transnational influence. I suggest that the current literature deals primarily with specific transnational actors (e.g. international organizations, social movements, transnational advocacy networks) and their advocacy tools such as persuasion, negotiation, socialization, leverage, incentives and penalties. The aggregated model brings these diverse strands of research together. However, the literature and the aggregated model stop short of answering the following questions: What combination of strings was (and might be) effective in advocacy? What influences the duration and dynamics of advocacy? Why advocacy efforts might fail? These shortcomings are an incentive to explore an alternative route in order to make sense of transnational advocacy.

On the basis of my grounded research I propose a more comprehensive conceptualization of advocacy, the integrated strings model, outlined in Chapter

3, which emphasizes two types of process that constitute transnational advocacy: stages and strings. The stages are: the making of pilot solutions-in-practice, problematization, the creation of a common frame for possible solutions and solutions-on-paper and the making of solutions-in-practice. Each of these stages can be seen as constituted by two to six processes labelled strings: the making of social enterprises, the use of expertise, regulations and technology, the creation of alliances and the marketization of ideas, services and products.

In contrast with the aggregated model, the integrated model can make sense of (1) the combination of processes that were effective in the advocacy cases under study; (2) the duration and dynamics of advocacy; and (3) the failure of advocacy. I have shown that successful advocates effectively 'pulled' the strings of advocacy across all stages: they developed pilot solutions-in-practice, gathered supporters at national and transnational levels, backed their proposals with expertise and references to regulations, mastered technology for communication and marketized their ideas, products and services at local, national or transnational levels. They have been involved in the problematization of the issue at stake, the creation of the common frame and solutions-on-paper and the making of solutions-in-practice. In contrast, unsuccessful advocates 'pulled' weak strings. Their failure may be due to lack of a genuine pilot solution-in-practice and weak alliances. Moreover, they did not have access to some stages of advocacy (e.g. the making of the common frame). Overall, the duration and dynamics of advocacy depended on the length or repetition of some of the stages of advocacy (e.g. problematization or common frame). The length and dynamics of each stage depended on the constitutive strings. For example the 'problematization' of the issue at stake in advocacy depended on the 'expertise' and 'alliances' used by the advocates (compare and contrast the 'problematization' of advocacy issues in Chapters 4 and 5). In addition, the integrated model allows the reader to see the complexity of advocacy – that some strings of advocacy may span across different stages, e.g. the strings 'enterprise' and 'expertise' span across the stages 'pilot solutions-in-practice', 'problematization' and 'solutions-in-practice', as shown in Chapter 4.

In addition, this thesis reveals and documents the role of a little-explored type of transnational actor, which I label ad-hoc social entrepreneurs: initiators of small businesses (Caroline Fernolend), creators of social enterprises such as training services and ecotourism (Gabriela Achihai and Caroline Fernolend, respectively), foreign advocates (Jessica Douglas-Home), international experts (architect Serban Cantacuzino), local professionals (the initiators of FSC and FAST), foreign professionals (the initiators of RCA and Music as Therapy), foreign army leaders (the founder of HHC), business people of the diaspora (the founders of RFFR), foreign business people (the founders of ROT) and foreign professionals with an interest in missionary work (the founders of the Cleaford Christian Trust). These actors are different from the 'norm entrepreneurs' (Finnemore and Sikkink 1998), 'policy entrepreneurs' (Kingdon 1995), 'policy brokers' (Sabatier 1993), 'political entrepreneurs' (Keck and Sikkink 1998) and 'social entrepreneurs' (Bornstein 2004; Nicholls 2006b) highlighted in the literature because they set up NGOs, social enterprises and got involved in advocacy in ad-hoc circumstances.

This thesis proposes, through the integrated strings model, an innovative approach for understanding the dynamics of transnational advocacy and more generally of any process of advocacy (for policy, services and products) at local and international levels. The novelty is a switch of emphasis from the study of specific actors and their advocacy strategies (which dominates in the literature on advocacy and policy-making) to the study of (1) the processes (stages and strings) involving actors who hold opposing views during advocacy and (2) the relations between these processes in order to highlight the dynamics of advocacy, as illustrated in the three case studies. Seen through the conceptual lens of the integrated model transnational advocacy appears, in the seven respects outlined below, different to when seen through concepts of the literature on transnational advocacy.

First, this thesis argues that the relations between the actors holding opposed positions and the changes (or lack of changes) in practice, law or policy should be seen as an association of interlinked processes, not as 'cause and effect', because it is not possible to envisage the effects of actors' separate actions. The proposed perspective contrasts with the views suggested by some influential studies of advocacy in which causality is expressed primarily through

emphasizing models of how certain advocates have exerted influence: the boomerang model (Keck and Sikkink 1998), the spiral model (Risse and Sikkink 1999) and the norm life cycle (Finnemore and Sikkink 1998). In contrast, through the integrated model I propose a more comprehensive understanding of the dynamics and structure of advocacy by emphasizing its stages and strings.

Second, the comparative analysis of two successful case studies and one unsuccessful emphasizes the role of the marketization of pilot or past solutions-in-practice and the creation of alliances in influencing the success or failure of advocacy. Consequently, the integrated model provides an alternative to the widespread emphasis, in the existing literature, on the role of ideas and international norms in promoting change at national and international levels (Finnemore and Sikkink 1998; Haas 1992a; Keck and Sikkink 1998; Kingdon 1995; Risse and Sikkink 1999; Sabatier 1993). My emphasis on marketization and alliances should not be seen as a rebuke of the role of ideas and norms: through the integrated model I acknowledge the role of ideas as expertise and norms as regulations in influencing practice and policy. However, I want to stress that advocates (NGOs, social entrepreneurs, experts, business lobby groups, service providers, government agencies) influence practice and policy not only by 'enlightening' policy-makers and changing their belief systems (an idea widely endorsed by scholars of policy-making, policy-learning and advocacy, see Finnemore and Sikkink 1998; Haas 1992a; Keck and Sikkink 1998; Kingdon 1995; Risse and Sikkink 1999; Sabatier 1993), but also by marketizing their pilot projects or past policies as viable solutions, with the help of strong alliances including governmental and non-governmental supporters (as shown in Chapters 4 and 5). I showed that when an actor aimed to promote certain ideas (e.g. the right to work) without having developed a pilot solution-in-practice then this actor had no chance of succeeding (see the case of the advocates for the right to work in Chapter 6). However, the integrated model does not predict that all pilot projects will influence practice and policy. Some advocates may not be successful in advancing an issue at the national level or in influencing a policy, in spite of having developed excellent pilot projects, because they do not have enough supporters at national and transnational levels. For example the 'mobile pharmacy' and the 'mobile community worker' (discussed in Chapter 5) have been solutions-in-practice only at the local level

due to local and transnational support; however, these models of practice have not been promoted at the national level due to a lack of supporters.

Third, the integrated model makes sense of (1) how an advocacy issue came about; (2) how certain actors became involved in advocacy; (3) the duration and dynamics of advocacy across time; and (4) the actual changes in practice and policy. Two stages – the making of pilot or past solutions-in-practice and problematization – bring to the story of advocacy the history of the actors involved, which illuminates in turn the creation of the advocacy issues and of the proposed solutions. The stages of advocacy also make sense of the duration and dynamics of advocacy across time. These may depend on whether the actors involved change their problematization of the issue at stake during their campaigns, or whether they encounter difficulties in setting a common frame for possible solutions, as shown in Chapters 4 and 5. Last but not least, the stages of advocacy make sense of the process of creating solutions-in-practice: from pilot services and past policies, to problematization, the common frame for possible solutions, solutions-on-paper (law and policy) and finally, solutions-in-practice (services); the latter are not definitive but in a continuous transformation and may become pilot or past solutions-in-practice for subsequent advocacy campaigns.

Fourth, the integrated strings model enables the researcher and the reader to see that the actors involved in advocacy – who hold opposing views –, as well as the successful and unsuccessful advocates, *do similar things* in order to induce change or keep things unchanged: they initiate projects, gather information, invoke expert knowledge and regulations, bring together their supporters, attract funding and marketize their ideas and services at national and transnational levels. Therefore the integrated strings model captures the structure or network of advocacy. However, the actors involved do similar things *differently*: human rights advocates, social service providers and international financial institutions marketize their services and conceptualize the same advocacy issue (e.g. children's rights) differently. These findings contrast with the views endorsed in the literature that the actors involved in advocacy do predominantly one type of thing, i.e. promote their interests (business groups), endorse scientific truths (epistemic communities), develop policy ideas (policy networks) or advocate ideals and human rights (transnational advocacy

networks and advocates for legal change) (see Haas 1992a; Jenkins-Smith and Sabatier 1993; Keck and Sikkink 1998; Merry 2006; Rhodes 1997; Sabatier 1993).

Fifth, the integrated model emphasizes that professional disputes, the promotion of different interests and the creation of temporary alliances are inherent to advocacy and policy-making, even among actors promoting the same ideas or human rights (such as children's rights and the right to work). I marked these controversies by stressing the polarization of the stages of advocacy. My emphasis on polarization is consistent with recent discussions regarding the lack of consensus in science-based policy advice (Stirling 2010) and contrasts with the allegations of consensus among epistemic communities, policy networks and promoters of human rights which predominate in the literature on advocacy and policy-making (see Haas 1992a; Keck and Sikkink 1998; Merry 2006; Rhodes 1997; Sabatier 1993). However, even the scholars who stress 'consensus' acknowledge that, at some point, there were controversies among experts (Haas 1992a) and among advocates (Merry 2006) and that consensus was defined not as agreement but as the decrease of disagreement. For example Merry (2006: 42) stressed that 'consensus occurred not when all agreed, but when no objections were heard'. Instead of the ambiguous concept of 'consensus', I proposed, in the integrated strings model, two concepts: 'obligatory passage point' (Callon 1986) and common frame for possible solutions.

Sixth, the concepts included in the integrated model are linked to the existing academic literature. Processes such as problematization, marketization, informal negotiation for a possible agreement, the use of expertise and regulations have been pointed out by diverse scholars of advocacy, policy-making, negotiation, social problems, scientific practice and other related issues, as I showed in Chapters 2 and 3. Thus the integrated model, although primarily constructed as grounded theory (Strauss and Corbin 1990), still builds on the insights provided by previous research. The novelty brought by the integrated strings model to the academic literature is that it shows that the processes also highlighted by other scholars are *integrated* in real-life advocacy in the sense that they are interlinked, as I have shown in Chapters 3, 4, 5 and 6. Due to its links to a wide literature, the integrated model

could provide insights for the understanding not only of advocacy but also of policy-making, negotiation and the constitution and solving of social problems more generally.

Seventh, the integrated model bridges the gap between the conceptualization of transnational advocacy and policy-making because (1) it considers the advocacy for influencing law and policy as part of a wider process of transnational advocacy for making changes in practice; and (2) it employs a stage model (quite widespread in the conceptualization of policy-making and policy implementation, see Jenkins-Smith and Sabatier 1993) for the conceptualization of transnational advocacy. Scholars of advocacy tend to suggest that advocates influence law and policy mainly through persuasion, socialization, negotiation, leverage, incentives and penalties (Haas 1992a; Finnemore and Sikkink 1998; Kelley 2004; Raiffa 1982; Schimmelfennig and Sedelmeier 2004, 2005b) and draw very little (if at all) on the literature on policy-making and agenda setting (e.g. Hilgartner and Bosk 1988; Jenkins-Smith and Sabatier 1993; Kingdon 1995). While working on the integrated model, I engaged with the conceptualization of agenda setting, particularly with the well-known 'garbage can model' of decision-making (Cohen et al. 1972; Kingdon 1995; Stone 2007). I showed that agenda setting is not only a recycling of think-tank policy proposals (as suggested by the promoters of the 'garbage can model') or past policies (as suggested by Hecllo 1974) but can be based on pilot solutions-in-practice (e.g. pilot services).

The integrated model should be seen as an analytical and practical tool for understanding how local and transnational actors (could) influence practice, law and policy. However, it is not a predictive model: it does not forecast the dynamics of advocacy, its success or its failure; it only highlights the types of process that are the most likely to influence the advocacy process. While it provides a comprehensive view of the dynamics of advocacy, this model stops short of delving in depth into the strategies of every actor involved. However, this limitation does not hamper its usefulness as an analytical tool.

## ***7.2 How the integrated model avoids the pitfalls of the existing literature***

The integrated model includes in the story of advocacy the actions of a variety of actors (local and transnational) holding opposing positions in the process of advocacy. The model facilitates the understanding of the actions of both advocates and those holding opposed views; thus it avoids the problem of fragmentation (section 2.3.1).

The model also avoids the problem of claiming causality (section 2.3.2). Indeed, the integrated model points out that numerous actors are involved in the process of advocacy and they all 'pull' strings in order to influence a certain course of action along the 'line' they advocate. Consequently, it would be erroneous to attribute the influence of a certain course of action to a single actor, as proponents of transnational advocacy networks (Keck and Sikkink 1998) or epistemic communities (Haas 1992a) do.

Due to its emphasis on processes of marketization the integrated model also avoids the problem outlined in sections 2.3.3 concerning the neglect of transnational markets of aid and services. Moreover, the integrated model points out that the marketization of social enterprises and ideas is interlinked with the creation of alliances, the use of expertise and the appeal to regulations.

The integrated model also avoids the problem of uncritical acceptance of expert knowledge discussed in section 2.3.4. The model points out a wider conceptualization of expertise, beyond research and the reports created by epistemic communities and invites a critical assessment of the actual sources of knowledge used by diverse actors in promoting changes in practice and policy. I showed that the expertise considered by policy-makers and activists in their work includes academic research, think-tank studies, briefings from lobby groups, intelligence, inside knowledge and knowledge from or through practice (Wenger 1999). Moreover, I showed that the actors involved in policy-making and advocacy do not take the findings or proposals of experts at face value. On the contrary, practitioners and policy-makers compare and confront the expertise they gathered from various sources before taking a decision, as I showed in Chapters 5 and 6. Thus the integrated model considers diverse sources of expertise, corresponding to what the actors involved in advocacy do themselves.

Due to its emphasis on the stages of advocacy, particularly the problematization of the issue at stake, the integrated model avoids the problem outlined in section 2.3.5, namely the overlooking of the way advocacy issues are constituted. As I showed in Chapters 4, 5 and 6, issues of advocacy were constituted not only to promote ideas but also to advance social enterprises and organizational interests on local and transnational markets, attract supporters and fit available regulations and expertise.

The integrated model manages to avoid the pitfalls of the use of the concept 'opportunity structures' (Risse-Kappen 1995b; Tarrow 1998), discussed in section 2.3.6. I showed that the integrated model includes references to regulations, technology and marketization which pin down more clearly the processes that influence policy and practice than the concept of 'opportunity structures'. Thus the use and making of regulations, the use of technology and the process of marketizing ideas, services and products could be seen as the 'inside out' (Riles 2001) of 'opportunity structures'.

Overall the integrated model shows the relationships between advocacy, practice and policy-making. Thus the model avoids the problem discussed in section 2.3.7, namely the decoupling of advocacy and policy-making from practice. For example all three case studies have pointed out how advocacy was oriented towards promoting certain changes in practice through specific social enterprises (services for heritage conservation, ecotourism and childcare, training, advisory services and products for migrants). The case studies on promoting children's rights and the right to work also show that some advocates promoted changes in policy or law in order to facilitate the changes in practice they wanted to implement. Thus the integrated model can make sense of the changes prompted through advocacy in practice and policy.

The integrated model also avoids the orientalizing of actors linked to target countries (discussed in section 2.3.8) because it draws attention to the entrepreneurship of local and transnational actors and their role in promoting pilot or past solutions in policy and practice. The three case studies emphasized the roles played by transnational actors linked to Romania (ad-hoc social entrepreneurs of Romanian origin based in Romania or the UK, Romanian government departments and diplomats) in the processes of transformation linked to promoting cultural heritage, children's rights and the right to work. The

case studies stressed their agency with regard to the problematization of the issues at stake and the creation of solutions-in-practice, in contrast to perspectives endorsed in the mainstream literature. Thus Romanian organizations and activists were not weak or imitators of Western ideas and models of practice, as suggested by authors who stress that civil society in Eastern Europe was and is weak (Howard 2003; Mendelson 2002; Schimmelfennig 2005).

In addition, the integrated model makes sense of 'unsuccessful' advocacy and avoids the problem discussed in section 2.3.9. The comparative analysis of two 'successful' cases and a third 'unsuccessful' case highlights the crucial importance of the marketization of pilot or past solutions-in-practice and alliances in support of these solutions, for the 'success' or 'failure' of an advocacy campaign.

### ***7.3 Further empirical validation***

It could be argued that the integrated strings model reflects advocacy processes specific to Europe at the end of the 20<sup>th</sup> century and the beginning of the 21<sup>st</sup> century. In order to confront this objection I argue that the integrated model is useful for making sense of processes of advocacy and policy-making taking place in diverse spatial and temporal settings. For this purpose I construct, on the basis of the available literature, two brief examples which illustrate the integrated model: the advocacy for child welfare in the USA at the beginning of the 20<sup>th</sup> century (Sutton 1996; see also Hawes (1991) for a more detailed account) and the making of the international Law of the Sea in the 1980s (Levering 1997; Raiffa 1982; Sebenius 1984). In order to facilitate the viewing of the two examples through the lens of the integrated model I highlight in italics the stages and strings of advocacy.

#### **7.3.1 The advocacy for child welfare in the US in the early 20<sup>th</sup> century**

My rendering of the first attempts to promote child welfare and combat or at least regulate child labour in the US is based on a chapter by John R. Sutton (1996); I reordered the evidence he provided for the 'development of a national

policy competence in the area of child welfare' in the US (Sutton 1996: 201). His chapter is a comparative analysis of the emergence of the US Children's Bureau (USCB) and the Canadian Council on Child Welfare in order to support the argument that 'choices about relevant social knowledge are fateful both for the definition of social problems and for the development of official policies' (Sutton 1996: 202). Sutton did not tackle explicitly the issue of advocacy. The argument that follows is a story of advocacy which I have reconstructed to illustrate the integrated model, based on the evidence he provided.

The *problematization* of the need for child-related research and federal monitoring took place in the US at the beginning of the 20<sup>th</sup> century, due to specific social *entrepreneurs*, the 'leaders in the settlement movement', who expressed concern regarding child labour (Sutton 1996: 206), and their social enterprises, the 'settlement houses'. The 'settlement movement' in England and the US was a reformist movement focused on bringing the 'rich' closer to the 'poor' by establishing 'settlement houses' in poor urban areas in which middle-class volunteers came to live (presumably temporarily) as 'settlement workers'. The 'settlement houses' offered food, shelter and tuition (with the help of scholars who offered their time) to poor residents. These houses were funded by wealthy donors. If Wikipedia information is correct, in the US there were 413 settlements in 32 states by 1913 (Wikipedia 2010).

An *alliance* of activists coming from the settlement movement, the charitable and business sectors, juvenile court judges and clergymen formed the National Child Labour Committee (NCLC) in 1904 and attempted to promote a national child labour bill in 1906, but did not succeed (Sutton 1996: 206). After this unsuccessful episode, the NCLC focused on 'further coalition-building and national publicity', including efforts to attract the support of President Roosevelt (Sutton 1996: 207). In 1909 the activists organized the 'White House Conference on the Care of Dependent Children' and 'invited representatives not only from the settlement movement and the NCLC, but also from the charity organization movement and other reform groups' (Sutton 1996: 207). I contend that this event was intended as an effort to settle a *common frame for possible solutions*. Sutton noted that 'the conference ended with a petition to Congress calling for the creation of a children's bureau' and a draft bill which was subsequently endorsed by Roosevelt (Sutton 1996: 207). The draft bill can be

seen as a *solution-on-paper*. The translation in practice of the idea of a children's bureau took place fairly quickly due to support from Presidents Roosevelt and Taft and also from congressmen, although the passing of the bill initially encountered opposition in the Congress. The bill passed Congress and was signed by President Taft in 1912. Julia Lathrop, a prominent activist and settlement worker (i.e. social entrepreneur), was named the first chief of the Children's Bureau (Sutton 1996: 207).

However, the passing of the bill came at a cost: the advocates gave up their keen interest in combating child labour in order to attract more supporters from the business sector. Consequently the 'bureau was chartered only in general terms to promote the "welfare of children"', while 'enabling legislation gave the agency no administrative or enforcement authority; its emergent role was thus that of information gathering and education' (Sutton 1996: 207). Moreover, the Bureau avoided 'politically dangerous social issues' such as 'child labour' and focused instead on issues such as 'infant mortality' and 'the education of mothers' (Sutton 1996: 207).

Evidence suggests that the *problematization* of child-related issues was influenced by the labour *market* and the *alliances* of businesses relying on child labour. These businesses mobilised congressmen against the Children's Bureau and its proposed bills (Sutton 1996: 207-208). Interestingly, even the *experts* in child welfare such as the 'dean of the American child welfare experts' advised the head of the Children's Bureau to comply with the market demand for child labour in order to 'avoid political controversy' and 'demonstrate that the bureau was not simply an agent of the NCLC' (Sutton 1996: 207). Consequently 'infant mortality became the first major issue taken up by the Children's Bureau' (Sutton 1996: 208). This issue was constituted using sociological *techniques* such as social surveys (Sutton 1996: 208). Sutton noted that

Children's Bureau surveys found again and again that the most significant correlate of infant death was, quite simply, poverty, especially that which followed from unemployment and industrial accidents (Sutton 1996: 208).

Following these studies the Bureau proposed two *solutions-on-paper*: (1) a system of uniform birth registration among the states for generating mortality data and (2) 'a series of demonstration projects and health conferences designed to educate mothers in local communities' (Sutton 1996: 208). In order

to translate these solutions-on-paper into *solutions-in-practice* the head of the Children's Bureau turned to the network of supporters at the local level, particularly from the settlement movement:

(...) an extensive constituent network that connected the settlements, women's clubs, suffragists, charity organization societies and philanthropic agencies, academics (mainly at the University of Chicago), the American Medical Association, and lawyers concerned with the problems of children (Sutton 1996: 207).

As I pointed out, the Children's Bureau, although animated by advocates of regulating child's labour, refrained from taking direct action on this issue, due to the expected opposition of the business sector. However, the National Child Labour Committee (NCLC) continued its campaign for federal regulations regarding child labour. They did succeed in promoting a bill in 1916 (the Wick's Bill), which was declared 'unconstitutional' in 1917 (Sutton 1996: 209).

Sutton (1996: 209) noted that, in practice, the Children's Bureau did contribute to the enactment of the Wick's Bill through the work of the Child Labour Division, i.e. through specific *solutions-on-paper* and *in-practice*:

(...) drawing up administrative regulations, soliciting state cooperation in the issuance of age certificates, and inspecting nearly seven hundred factories and twenty-eight mines (...) after the act was declared unconstitutional, the Child Labour Division continued to investigate workplaces under the bureau's general mandate, and in 1918 the division was chosen to enforce a new prohibition on child labour in government war contracts (Sutton 1996: 209).

The evidence provided by Sutton suggests that advocacy for the regulation of child labour was intertwined with *markets* of services and products and even with the competition between the interests of state and federal governments in the US. His account shows the *polarization* between the promoters of children's welfare e.g. the USCB and the NCLC, and also between their camp, on the one hand, and businessmen and congressmen on the other. Moreover, Sutton's account suggests that activists and their opponents in the business sector were broadly connected due to funding (NCLC and the various social movements it encompassed were funded by wealthy donors). The demise of the Wick's Bill (in 1917) and of the Child Labour Division (in 1919) might have been determined

by the fact that the work of the advocates was threatening for the businesses employing child labour and supportive of the businesses not employing child labour. Thus the Wick's Bill, which aimed at improving the welfare of children, turned into a disruptive instrument in the US *markets* of services and products and this led to its demise. Subsequently the federal government endorsed the prohibition of child labour in the federal government's war contracts and also through a 'child labour tax law' promoted in 1919 and declared unconstitutional in 1922 (see Sutton 1996: 209). This brief case study shows that the advocacy for regulation of child labour in the US at the beginning of the 20<sup>th</sup> century can be presented in terms of polarized stages and strings and thus illustrates the integrated strings model proposed in this thesis.

### **7.3.2 The negotiation of the Law of the Sea**

The second case study chosen to illustrate the integrated model deals with the advocacy to promote an equitable exploitation of seabed resources for the benefit of the 'international community' through the Law of the Sea Treaty, adopted in 1982. It is based on the accounts of three authors: Levering (1997), Raiffa (1982) and Sebenius (1984). Levering was directly involved (from 1977 to 1981 according to my estimation based on his account) in the process of the negotiation of the financial arrangements stipulated in the Law of the Sea. Sebenius and Raiffa discussed the process of setting the Law of the Sea through the analytical lens of negotiation studies. Levering (1997) complemented the picture of negotiation provided by the first two authors with the picture of the 'activists'. In my re-construction of the processes that contributed to the making of the Law of the Sea, I combine the perspectives provided by all three. As the three authors consider the adoption of the Law of the Sea as the achievement of international efforts, I will consider that the advocacy process actually spans from problematization to law-making, i.e. what I call throughout this thesis 'solutions-on-paper'.

The issue of seabed mining gained international attention in the 1960s, even though it was known for several decades that the deep ocean floor is covered by 'coal-like lumps of metallic ore' called 'manganese nodules' (Sebenius 1984: 7). Several actors and strings prompted the *problematization*

of the equitable exploitation of these nodules 'on behalf of the international community' on the basis that 'the seabed beyond the limits of national jurisdictions [is] declared the "common heritage of mankind"' (Sebenius 1984 7-8). Firstly, several mining consortia (including US companies) started to invest in technology for lifting manganese nodules from the seabed in order to bring them to land for processing. US politicians including President Lyndon Johnson encouraged the idea that exploitation of seabed minerals would be very profitable (Sebenius 1984: 7). Thus the nodules became important in transnational *markets* for natural resources. In addition, activists for international governance as well as businesses pointed out gaps in the international *regulations* regarding the exploitation of the resources of the sea (Sebenius 1984: 8). Thus *alliances* (between the aforementioned actors), *expertise* (regarding the manganese nodules), discussions regarding international *regulations* and the *marketization* of the resources of the deep sea shaped the *problematization* of the issue at stake: it became necessary to regulate the exploitation of the 'common heritage of mankind' for the benefit of the 'international community'.

In order to create an international treaty for regulating this issue, the UN organised the UN Conference on the Law of the Sea in 1973. Subsequent meetings followed until December 1982 when the Treaty reached its final form and was opened for signature (Sebenius 1984: 9). I will not delve into the complexity of the financial negotiations (see Sebenius (1984) for detailed discussions or Raiffa (1982) for a shorter account informed by his theorizing of negotiation processes) but focus instead on several steps that led to the final form of the Treaty.

The meetings for devising the Law of the Sea could be seen as successive attempts to draw a *common frame for possible solutions* and a *solution-on-paper*, the final Law of the Sea. However, the delegates had the ambition to devise the main coordinates for the *solutions-in-practice* and include them in the text of the Treaty: (1) regulations regarding the financial contributions from participating states and from mining consortia for seabed mining and (2) the regulations for establishing an International Seabed Authority and its own mining operator named 'Enterprise' (see UN 1982: 94). In order to devise these regulations the drafters of the Treaty had to rely on scenarios of seabed mining

and the estimated costs and profits of this kind of enterprise. Until the adoption of the Treaty in 1982 no mining company or consortium reported commercial exploitation of the manganese nodules. All attempts to lift the nodules and extract minerals from them were exploratory. Thus there was *no pilot solution-in-practice* prior to the efforts to settle a common frame for possible solutions. Consequently the settling of the common frame had to rely on estimations.

During the 1977 New York session to discuss the financial arrangements, the delegates of interested countries (e.g. the United States, India, Norway) advanced their proposals. However, some of the proposals were irreconcilable. At the 1978 Geneva session, in addition to the country proposals, there were two additional estimates of the costs and revenues for seabed mining: one endorsed by economists and scientists from the reputed MIT, named 'A Cost Model of Ocean Mining and Associated Regulatory Issues' and another endorsed by representatives of the European Economic Community (EEC), labelled the 'European Base Case' (Sebenius 1984: 27). Following discussion of these estimates, with emphasis on the MIT *technical model* (with computer-based simulation), the mediator of the negotiations, Ambassador Koh of Singapore drafted a proposal (what Raiffa (1982) and Sebenius (1984) label 'single negotiating text') for financial arrangements which relied on the MIT model. Koh stressed that the MIT model was 'the most reliable estimate we have of the costs, expenditures, and revenues of seabed mining' (Koh quoted in Sebenius 1984: 32-33).

A discussion of the constitution and ascension of the MIT model would emphasize the role of *entrepreneurship, expertise, alliances, technology, funding and marketization* in the constitution of the financial arrangements for the treaty, following the 1978 session. In 1976 a team at MIT requested a grant from the Sea Grant program of the US Department of Commerce 'for developing a computer model that could compare the performance of a hypothetical deep ocean mining system under various conditions' (Sebenius 1984: 27).

Following the 1973 UN Law of the Sea Conference, various international organizations took an interest in advocating for a Treaty: The Ocean Education Project (OEP) founded in 1973, the United Methodist Law of the Sea Project (UMLSP) founded in 1975, the World Order Research Institute, Pacem in

Maribus and Quaker House in Geneva, to name but a few (Levering 1997: 227, 230-231). In addition, faculty from prestigious US universities became involved: from Harvard, MIT, Columbia and Johns Hopkins (Levering 1997: 230). Some of these organizations were in competition in the transnational markets of expertise and funding, and some joined forces to enhance their leverage in these markets. Levering's account suggests that OEP and UMLSP, which formed the Neptune Group, had a different approach to that of the World Order Research Institute and Pacem in Maribus (Levering 1997: 231). Thus, there was a degree of *polarization* among the international organizations which had advocated for the Law of the Sea.

Sebenius, Raiffa and Levering all point out that certain international organizations, such as those constituting the Neptune Group, played an important role in facilitating meetings between experts and conference delegates which contributed to smoothing negotiation of the financial arrangements. The most important meeting was in 1978, when the MIT team was invited to present the computer model predicting the profitability of different financial arrangements to UN officials and conference delegates involved in negotiation (including Ambassador Koh) and representatives of mining consortia during a two-day seminar. The model was highly debated and contrasted with the more cautious estimates of the European Base Case. However, following the actual testing of the model using country proposals such as India's and Norway's (Sebenius 1984: 32), Ambassador Koh, who was in charge of the writing of successive drafts of the financial arrangements, 'relied very heavily on the baseline case of the MIT study to fashion his scheme' (Sebenius 1984: 32). Advocates for the Treaty supported the view that the MIT model was 'the best chance to break the deadlock between developed and developing nations over financial arrangements for seabed mining' (Levering 1997: 235).

I contend that the financial arrangements set up following the presentation of the MIT model can be seen as a *common frame for possible solutions*. The final Treaty can be seen as the proposed *solution-on-paper*. These have been constituted by a number of strings such as *enterprise* (the programs of international organizations focused on facilitating meeting with experts and on disseminating information to the delegates), *expertise* (of economists and

scientists, particularly the MIT team), *alliances* (of international organizations, academics, UN diplomats and mining companies), *technology* (the technical, computer-based simulation model proposed by the MIT team) and *marketization* (a simulated marketization of seabed mining through the MIT at the seminar organised by the Neptune Group; the overemphasis on the profitability of seabed mining).

#### **7.4 Insights for practitioners**

Besides its contribution to the literature on advocacy, this thesis provides some insights for practitioners, e.g. advocates, social entrepreneurs, civil servants and staff of international organizations. I choose to emphasize insights instead of policy recommendations for reasons that stem from my research experience and findings, as I detail in this section. Social scientists are expected to provide policy recommendations. However, government officials may not rely on their feedback for making decisions (Boswell 2009a). This puzzle makes me wonder: Do ‘policy recommendations’ have any value without insights that could be useful in practice? Are ‘policy-makers’ confined to government departments or should anyone who influences policy be counted as a policy maker?

My research experience and findings made me question a range of stereotypes about policy-making, the mass media, civil society, political decisions, advocacy, diaspora and the use of research in policy-making and practice, which are encountered in the discourse of civil servants, academics and laypersons. I will outline some of them briefly below. My focus on questioning taken-for-granted concepts and ideas should be seen as a constructive approach for making sense of complex processes and for challenging myths and stereotypes by confronting them with empirical evidence.

The case studies have pointed out that policy provisions were mere solutions-on-paper, while the pilot solutions-in-practice, created by ad-hoc social entrepreneurs, made a difference for real people in practice. Chapter 5 also highlighted (1) how law and policy were influenced by pilot solutions-in-practice and the alliances in their support; and (2) how local authorities and central government induced changes in practice through association with the

social entrepreneurs who developed pilot solutions-in-practice. My research suggests that these social entrepreneurs might be the necessary link between small scale changes in practice, policy and substantive changes in practice. For this reason they could be counted as 'makers' of policy and practical solutions. However, the choice of pilot solutions-in-practice for implementing policies, at local and national levels, might be a battle between competing alliances (see Chapter 5). Nonetheless this situation should not be an impediment for admitting the influence of social entrepreneurs in practice and policy.

The mass media is generally depicted as an arena of 'public debate' in which advocacy groups advance their claims (Koopmans 2001; Statham and Geddes 2006), as an 'arena' of policy-making (Hilgartner and Bosk 1988) or as an actor in the policy-making process (both academics, civil servants and laypeople share this view). My research findings suggest that the mass media is one of the actors involved in policy-making through the market of policy-related information, alongside think-tanks, government departments and intelligence services. Moreover, the mass media treats policy-relevant issues as commodities in order to attract a wide audience. It could have considerable influence on the market of information, due to the technology associated with it (the print, the TV set and the radio), as illustrated in the case study on promoting children's rights in Chapter 5. However, the mass media is not a major actor in the process of constituting or reviewing policy choices, as I showed in Chapters 5 and 6.

There is a wide scholarship focused on the emergence and role of civil society in promoting democracy, human rights and global justice (Baker and Chandler 2005a, 2005b; Kaldor 2003, 2005). However, the concept of 'civil society' lumps together non-governmental organizations, trade unions, business lobby groups, think-tanks and other formal and informal organizations. My research has pointed out the importance of discriminating between the actors captured by 'civil society' because there are important differences with regard to their roles in the process of advocacy: they 'pull' different strings and attract different supporters from both the government and the non-governmental organizations.

It is common for academics, civil servants and laypeople to refer to a policy-making process that went in a direction opposed to the one they

anticipated or advocated for as the result of a 'political decision'. I illustrated this kind of situation in the case study on the lobby for the right to work (Chapter 6). In contrast with the view endorsed by some academics, diplomats and advocates – that the Accession Regulations were the result of a 'political decision' –, I pointed out that the making of the Accession Regulations was influenced by the availability of past policy solutions, the pitfalls of a past policy endorsed by advocates for the 'right to work' (the Workers Registration Scheme), alliances and expertise signalling risk. Chapter 6 showed that it is possible to demystify political decisions and ground them in empirical evidence by looking at the process of policy-making through the lens provided by the integrated model.

In addition, this thesis proposes a redefinition of the term 'advocacy' as the efforts or work of transnational and local actors who attempt to induce specific changes in a certain country (or in international regulations) through proposing ideas, law and services as solutions in practice, law and policy. Chapters 4, 5 and 6 have pointed out that different types of actor were involved in the cases of transnational advocacy discussed: ad-hoc social entrepreneurs, academics, professionals, politicians, international organizations, business lobby groups, diaspora organizations and government departments. The actors involved did not merely promote their ideas through persuasion, negotiation, socialization, leverage, incentives and penalties, as has been widely held by some students of advocacy (Keck and Sikkink 1998; Majone 1989; Rhodes 1997; Sabatier 1993; Schimmelfennig and Sedelmeier 2004, 2005b). They engaged with other actors in processes of setting up and running social enterprises, marketizing them, creating alliances, emphasizing problems, proposing competing solutions, creating common frames for possible solutions, solutions-on-paper and solutions-in-practice. The integrated strings model captures these components of advocacy and consequently provides a more comprehensive understanding of the network (structure) of advocacy than the existing literature.

Scholars of migration as well as politicians point out that diasporas and migrants are very lucrative: they provide remittances, funding in times of crisis (such as natural disasters), political support abroad, political backing in their countries of origin and even support for development projects (see Basch et al. 1994; Jackson et al. 2004; Lacroix 2005; Smith and Guarnizo 1998; Vertovec

2009). My research confirms that people in the diaspora do play some of these roles. However, their contribution to the processes of change in their country of origin needs to be discussed as part of wider processes, as I attempted to do in this thesis. The social enterprises they set up, their expertise and funding and the alliances they create in support of their projects might be strings in wider networks of advocacy and policy-making and should be analysed as such.

Last but not least, my research contributes to the academic debate regarding the use of diverse strands of expertise in advocacy, policy-making and creation of services. Scholars have pointed out that research can be used for 'substantiating' or 'legitimizing' policies and decisions (Boswell 2008, 2009a; Haas 1982a, 1992b; Knorr 1977; Weiss 1977b). However, emphasis on the role of research led scholars and laypeople to downplay or overlook the role of other sources of expertise that might shape processes of advocacy and policy-making. I showed that advocates, civil servants and staff of international organizations relied on the available research to inform and legitimate their discourse and actions. However, when experts emphasized the uncertainties related to a certain issue or policy (e.g. childcare policy, migration policy), the actors involved in advocacy (in opposing positions) relied on inside knowledge, intelligence and past or pilot solutions-in-practice for making choices, as I pointed out in Chapters 5 and 6.

This thesis demonstrates that research is useful for making sense of complex processes of transformation and for scrutinizing academic arguments and taken-for-granted ideas. The integrated strings model could be useful for practitioners (particularly potential activists and staff of NGOs) as (1) an analytical tool for learning from past experience about what prompted or impeded changes in practice, law and policy with regard to certain issues which are topical around the world (e.g. sustainable development, children's rights and migrants' access to the labour market), and (2) a practical tool for them in order to become aware of the possible dynamics of an advocacy campaign; this would help them improve their planning for advocacy (i.e. prepare and marketize a pilot solution-in-practice, create alliances, review and employ existing regulations and expertise) in order to maximize their chances to influence practice, law and policy.

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Note: For internet references the dates correspond to the dates I last viewed the material unless a precise publication date was mentioned on the website. For references to mass media I use the name of the publication or broadcaster as 'author' unless the author specified.

## 9 Appendices

### *Appendix 1 List of interviewees and organizations*

Name	Organization	Date and place of interview
Gabriela Achihai	Fundatia de Sprijin Comunitar (FSC)	10 August 2007, Bacau
Anda Anastasescu	Constantin Silvestri Foundation	19 April 2007, London
Irina Avornicitei	Fundatia de Sprijin Comunitar (FSC)	12 December 2007, Bacau
Maria Berza	Pro Patrimonio	3 August 2007, Sinaia
Mark Biech	Hope for the Nations	22 July 2007, Brasov
Inocentiu (Inno) Brezeanu	Romani in UK	10 March 2007, London
Serban Cantacuzino	Pro Patrimonio	11 June 2007, London
Bogdan Carpa-Veche	Romanian Embassy	8 July 2008, London
Angus Cleaver	Cleaford Christian Trust	13 June 2007, Farnham
Zaki Cooper	Business for New Europe Group	31 October 2007, London
Mona Cosma	Soros Foundation Romania	18 December 2007, Bucuresti
Mirela Cucireanu	Brasov City Hall	30 July 2007, Brasov

Jessica Douglas-Home	Mihai Eminescu Trust	14 February 2008, London
Gelu Duminica	Agentia Impreuna	19 December 2007, Bucuresti
Caroline Fernolend	Mihai Eminescu Trust	7 August 2007, Brasov
Nicole Formescu	Fundatia Comunitatea Romaneasca	19 March 2007, London
Ionela Flood	Romanca Society	6 February 2007, London
Luminita Holban	Mihai Eminescu Trust	30 November 2007, London
Daniel Hristea	Fundatia de Asistenta Sociala si Tineret (FAST)	26 July 2007, Brasov
Calin Huma	Anglo-Romanian Economic and Political Forum	7 June 2007, London
Cristina Irimie	Romani in UK Ltd. and <i>Roman in UK</i> newspaper	14 September 2007, London
Jonathan Knight	JCWI	15 February 2008, London
Raduta Matache	Romanian Embassy in London	2 April 2007, London
Dominic McCann	Community Aid Network Brasov	23 July 2007, Brasov
Monica McDaid	Romanian Challenge Appeal (RCA)	18 March 2008, Birmingham
Anne-Marie Martin	British-Romanian Chamber of Commerce	23 May 2007, London
Cornelia Mihaescu	FARA Charity Bucuresti	7 August 2008, Bucuresti
Ramona Mitrica	Romanian Cultural Centre	8 February 2007, London

Georgette Mulheir	Hope and Homes for Children (HHC)	18 June 2008, London
Jane Nicholson	FARA Charity	20 November 2007, London
Razvan Novacovschi	Oxford Romanian Cultural Society	1 November 2007, Oxford
Jason O'Flaherty	Wishing Well Appeal	13 November 2007, Eastborne
Anca Pantea	Fundatia Casa Sperantei	30 July 2007, Brasov
Bogdan Patrinoche	Romanian Business Club	9 October 2007, London
Graham Perolls	Hospices of Hope	16 June 2008, London
Cornelia Petcu	Fundatia de Sprijin Comunitar (FSC)	10 December 2007, Bacau
Costel Petre	Romania in the Third Millenium	28 March 2007, London
Sorana Pirvulescu	LSE Romanian Society	21 February 2007, London
Mike Phillips	author	4 May 2007, London
Rudolf Poledna	Babes-Bolyai University	18 July 2007, Cluj-Napoca
Anca Popa	Ministry of Foreign Affairs	13 July 2007, Bucuresti
Catalina Preda	UNDP Romania	17 December 2007, Bucuresti
Alexia Quin	Music as Therapy	7 November 2007, London
Indrei Ratiu	Fundatia Ratiu Romania	19 July 2007, Turda

Nicolae Ratiu	Relief Fund for Romania (RFFR) and Ratiu Family Charitable Foundation	4 March 2008, London
Radu Rautiu	scientist	31 May 2007, London
Geof Robinson	STEPS	13 April 2008, London
Marina Sturdza	Supporter of various projects	30 March 2007 and 22 May 2007, London
Simona Tatulescu	London Resources Ltd.	24 February 2007, London
Tudor Toma	Romanian Medical Society	6 March 2007, London
David Webster	Anglo-Romanian Economic and Political Forum	29 March 2007, London

I also had ad-hoc discussions with other people working in these organizations and with employees of the following organizations: Fundatia Sasilor Transilvaneni Sibiu, Asociatia pentru Dezvoltare Durabila Brasov and Bacau City Hall.

**Appendix 2 NVivo codes**

Nodes in Set: All Free Nodes

Created: 06/05/2008 - 12:58:21

Modified: 06/05/2008 - 12:58:21

Number of Nodes: 88

- 1 Accountability
- 2 being patron
- 3 British Society
- 4 Bucharest
- 5 Central authorities
- 6 CHALLENGES
- 7 CHANCE
- 8 CHANGE
- 9 CharitableGiving
- 10 Childcare system
- 11 ChildrensHighLevelGroup
- 12 Cleaford-RoInfo
- 13 CommunicationwithRoOffspring
- 14 Corruption
- 15 Cross-pollination
- 16 Crucial meetings - networking
- 17 DevelopmentoftheProg
- 18 DiasporaNetworks
- 19 DISCOURSESContradict
- 20 diverse networking
- 21 Donations
- 22 EducationRo
- 23 EFFECTS
- 24 EmotionalLinks2Ro
- 25 Entrepreneurship
- 26 EU funding

27	EU influence
28	ExperienceHelp
29	FarmaciaMobila
30	Fight-Lupta
31	Friendship
32	Funding
33	God-religion
34	I want to influence the society in a
35	Individuals
36	information source
37	International actors
38	InternationalExpertize
39	InternationalOrg
40	lack of experience
41	Law
42	LearningSocReality
43	LimitsodProjects
44	little groups UK
45	Lobby
46	Local authorities Ro
47	Local key people
48	MANUALS
49	mediator
50	MinExterne
51	MODEL
52	Motivation
53	Networks
54	offspring organization in Ro
55	OldAttitudes
56	orphanages
57	PartnershipsCollab
58	Perception
59	PersonalChange
60	PoliticalLobby

- 61 Politics
- 62 Poverty
- 63 problemSolving
- 64 ProblemsRo
- 65 ProblemsUK
- 66 Professional-LocalStakeholders
- 67 ProfessionalNetworks
- 68 ProposalsRo
- 69 ReturnInRO
- 70 RIC
- 71 RightPeople
- 72 Ro diaspora
- 73 Ro society
- 74 ScientificColaboration
- 75 start up
- 76 support other projects
- 77 SupportDinRo
- 78 SupportDinUK
- 79 SupportFromBusinesspeople
- 80 Symbolic capital
- 81 TEAMS
- 82 tourism
- 83 TRAINING
- 84 Trust
- 85 Trustees
- 86 Visibility of Problems- Ro
- 87 VOLUNTEER
- 88 we got experience that could help you