report

EU Financial Assistance to the Western Balkans: a minority-focused review of CARDS and IPA

By Heidrun Ferrari and Samia Liaquat Ali Khan

Suto Orizari, a monitor from the Macedonian organization Initiative for Social Change (InSoC), interviews a member of a Roma community in Macedonia as part of the research for DecadeWatch. The DecadeWatch project is an initiative in which Roma activists assess the progress of the Decade of Roma Inclusion (2005-2015). This image was taken in 2010, marking the halfway point of the project.
Ljatifa Sikovska, DW monitor, InSoC.

The authors

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Contributing partner NGOs

- Independent, Bosnia and Herzegovina
- Center for Peace, Legal Advice and Psychosocial Assistance, Croatia
- Roma and Ashkali Documentation Centre, Kosovo
- Roma Democratic Development Association Sonce, Macedonia
- UNO Libertask, Montenegro
- Roma Women's Centre Bibija, Serbia

Minority Rights Group International

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MRG works with over 150 organizations in nearly 50 countries. Our governing Council, which meets twice a year, has members from 10 different countries. MRG has consultative status with the United Nations Economic and Social Council (ECOSOC), and observer status with the African Commission on Human and Peoples' Rights (ACHPR). MRG is registered as a charity and a company limited by guarantee under English law. Registered charity no. 282305, limited company no. 1544957.

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Contents

Acronyms and abbreviations

BiH	Bosnia and Herzegovina
CARDS	Community Assistance for Reconstruction, Development and Stabilisation
CEDAW	Convention on the Elimination of Discrimination Against Women
CERD	Committee on the Elimination of Racial Discrimination
CES	Croatian Employment Services
CLNM	Constitutional Law of National Minorities
CRC	Convention on the Rights of the Child
CSO	Civil society organization
CSP	Country Strategy Paper
DEI	Directorate for European Integration
DG	Directorate General
DIS	Decentralized implementation system
EAR	European Agency for Reconstruction
ECHO	European Commission Humanitarian Office
ECHR	European Convention on Human Rights and Fundamental Freedoms
ESF	European Social Fund
EU	European Union
FCNM	Framework Convention for the Protection of National Minorities
HRD	Human Resources Development
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of all Forms of Racial Discrimination
ICESCR	International Covenant on Economic Social and Cultural Rights

IDP	Internally Displaced Person
ILO	International Labour Organization
IPA	Instrument for Pre-Accession Assistance
JAP	Joint Assessment of Employment Policy Priorities
JIM	Joint Memorandum on Social Inclusion
MIPD	Multi-Annual Indicative Planning Document
MRG	Minority Rights Group International
NGO	Non-governmental organization
OP	Multi-Annual Operational Programmes
OSCE	Organization for Security and Co-operation in Europe
RSP	Regional Strategy Paper
SAA	Stabilisation and Association Agreements
SAp	Stabilisation and Association process
SEE	South-East Europe
SMEs	Small and medium enterprises
SWAP	Sector-wide approach
TACSO	Technical Assistance for Civil Society Organisations
UDHM	Universal Declaration on Human Rights
UN	United Nations
UNDM	UN Declaration on the Rights of Persons Belonging to National or Ethnic, Linguistic or Religious Minorities
UNDRD	UN Declaration on the Right to Development
UNESCO	UN Educational, Scientific and Cultural Organization

Executive summary

The countries of the Western Balkans - Albania, Bosnia and Herzegovina (BiH), Croatia, Macedonia, Montenegro, Serbia, and Kosovo (under UNSCR 1244) - have since the early 1990s received considerable financial aid from the European Union (EU). Much of this support has, since the late 1990s at least, been focused on ensuring political and economic stabilization, and the consolidation of democracy and civil society in the region. The EU also exerts considerable influence on the legal, political and social environments of these countries. As such, the EU has a key role to play in ensuring that the needs and priorities of minority groups are identified and addressed as an important component in longer term democratic stabilization.

Following on from an earlier MRG report entitled *Pushing for Change? South East Europe's Minorities in the EU Progress Reports,* this study provides a minority-rights focused assessment of the EU's principal development programmes for engagement in the region – the Community Assistance for Reconstruction, Development and Stabilisation (CARDS) programme (which ran from 2002 until 2006) and the current Instrument for Pre-Accession Assistance (IPA) programme. Drawing on policy and programme documents, as well as material collected by MRG's partner organizations in the region during workshops and interviews with minority civil society organizations (CSOs), the report assesses the extent to which minority inclusion and protection forms a part of the current IPA strategy and programming, looking particularly at minority participation in public life, access to education and access to employment.

But as this study shows, despite a commitment to addressing the needs of minorities in EU policy, neither the CARDS nor the IPA programmes have succeeded in consistently addressing minority issues and supporting CSO groups representing minority issues. Particular areas of concern identified here include lack of consultation with minority CSOs during strategy and programme development, the low numbers of minority CSOs selected to implement sectoral (rather than minority-focused) projects, and the capacity of minority CSOs to respond to specific calls for proposals, mainly linked to language and the size of the grants available. It is also clear that neither CARDS nor (thus far) IPA can be said to have had a profound, positive impact on the lives of marginalized minority groups in the region, with several of the projects

assessed here proving to be unsustainable in the long term, or failing to achieve their outcomes of, for instance, increasing access to employment among young Roma people.

Recommendations include:

To the European Commission

- Ensure that EU Progress Reports provide an in-depth analysis of the situation of minorities in candidate and potential candidate countries, and consistently monitor minorities' participation and representation in political and public bodies, and access to education and employment.
- Recruit specialists on minority issues, gender and social inclusion within the Directorates General responsible for IPA programming. Their recommendations should feed into both strategic planning and the programming level.
- Include minority-specific indicators, baselines and benchmarks in all relevant IPA projects.

To candidate and potential candidate countries

- Ensure that national statistics bureaus build capacity to collect ethnic and gender disaggregated data systematically in all key sectors.
- Conduct minority assessments with the full and active participation of minorities as part of planning stages for all programmes and ensure that these are reflected in relevant programme documents.

To EU member states

- In the light of the Paris Declaration, European Commission commitments on aid effectiveness and the increased efforts for an application of sector-wide approaches (SWAPs), those EU member states that are bilateral donors should play a key role in pushing for the more effective mainstreaming of minorities into the planning and programming of IPA assistance, both at Brussels level as well as through in-country donor coordination mechanisms.

Introduction

Since the early 1990s, the European Union (EU) has been the largest donor to the countries of the Western Balkans (defined for the purposes of this study as Bosnia and Herzegovina [BiH], Croatia, Macedonia, Montenegro, Serbia, Kosovo [under UNSCR 1244]).[1] In addition to financial assistance, the EU also exerts considerable influence on the legal, political and social environment in these countries, given that all desire eventually to become member states. Initially, the bulk of this assistance was humanitarian aid channelled to these countries as they experienced, and emerged from, the conflicts that dominated the region in the 1990s. But from the mid 1990s onwards, the donor priorities of the EU shifted to encompass political and economic stabilization and the consolidation of democracy and civil society in the region, in addition to continuing to address post-conflict issues such as the need to rebuild infrastructure and reintegrate refugees, displaced persons and former soldiers back into society. The need to address the needs and priorities of minority groups was early on identified as a key component in the process of ensuring long-term democratic stabilization. But as this study shows, despite this commitment, neither of the EU's principal development programmes for engagement in the region – the Community Assistance for Reconstruction, Development and Stabilisation (CARDS) programme (which ran from 2002 until 2006) and the current Instrument for Pre-Accession Assistance (IPA) programme – have succeeded in consistently addressing minority issues and supporting civil society organizations (CSOs) representing minority issues.[2] And neither can be said to have had a profound, positive impact on the lives of marginalized minority groups in the region.

This study provides a minority-rights focused assessment of the IPA, and of lessons learned from its predecessor, CARDS, in order to assess the extent to which minority inclusion and protection forms a part of the current IPA strategy and programming. We use Minority Rights Group International's (MRG's) standard definition of 'minority', namely: 'disadvantaged ethnic, national, religious, linguistic or cultural groups who are smaller in number than the rest of the population and who may wish to maintain and develop their identity'.[3] For the purposes of this study, minority inclusion means the participation of minority representatives or organizations in the design, delivery, implementation, and monitoring and evaluation of EU-funded programmes under CARDS and IPA. Minority protection relates to safeguarding the political, social and economic rights of minorities, and ensuring equality and freedom from discrimination. This report follows on closely from an earlier MRG report entitled *Pushing for Change? South East Europe's Minorities in the EU Progress Reports*.[4] It is for this reason that the specific thematic areas of minority participation in public life, access to education and access to employment are the main focus of this study, as these were the focus of this earlier report.

The countries covered under this evaluation include BiH, Croatia, Macedonia, Montenegro, Serbia and Kosovo (under UNSCR 1244). MRG has maintained contacts with CSOs in these countries for a number of years, and some of these partner organizations[5] were involved in collecting information on IPA and CARDS from government departments, European Commission (the Commission) in-country offices and from minority communities and organizations within their countries. The authors conducted a desk review of these and other documents that were made available by MRG and through the Commission's and the European Agency for Reconstruction's (EAR) websites, among others, and also drew on material collected by partner organizations at workshops and during interviews with people working for minority CSOs. The work was conducted between May and August 2010.

The next section introduces the framework for the evaluation as well as limitations faced in producing this study. An overview of the CARDS financial instrument and its role in supporting minority rights within the region follows, and includes a selection of case studies. In the following chapter, the focus shifts to IPA strategic and programming documents; this is followed by a detailed assessment of IPA strategy and programming in relation to three issues of concern to minorities: participation, access to education and access to employment. The section on IPA planning and implementation reflects on the extent to which minorities themselves are able to input into the planning of IPA, and contribute as both beneficiaries and contractors to its implementation, and how minorities' concerns are mainstreamed into the project design. The study ends with conclusions and recommendations to the EU, national governments and civil society on what is necessary to ensure minority inclusion and protection, which is a key ingredient of democratic stabilization within the Western Balkans.

Methodology

This study draws on both primary and secondary research, conducted during the summer of 2010. MRG's partner organizations were active in providing the authors with information and relevant material on the involvement of minority CSOs in both CARDS and IPA programming. Partner CSOs also undertook workshops/focus group discussions to collate minority reflections on the impact of CARDS programmes on specific minority communities. The authors then used this primary and secondary data to evaluate CARDS and IPA from a minority rights perspective, using carefully developed indicators to assess whether minority issues were included throughout the various stages of the project cycle – planning, implementation and review.

CARDS

The following set of criteria and indicators were identified as relevant to the evaluation's objectives in terms of determining the impact of CARDS programming on minority populations in the countries covered in this study:

Internal indicators:
- level of consultation with minority CSOs in the design of annual programmes, strategic reviews and design of country strategy papers (CSPs), and implementation; and
- internal expertise available within the European Commisssion delegation or national government on minority rights issues.

External indicators:
- political participation of minorities at local, regional and national levels;
- minority access to education based on the 4 As (available, accessible, acceptable, adaptable);
- minority access to employment (ensuring minority employment in public and private sectors) and economic participation; and
- level of print and broadcast media available in minority languages (number of newspapers, magazines, TV channels or programmes on state channels).

Availability of disaggregated data
- extent of disaggregated data collection (on basis of ethnicity and gender), by government census or other,

and/or through project benchmarking at more local levels, to monitor progress in minority inclusion, protection and the reduction of racism and xenophobia in the majority population.

Each partner was responsible for providing a list of CARDS projects from which the authors selected one project for analysis. The initial selection was based on two main criteria: (a) projects should preferably be sectoral as opposed to minority-specific, and (b) projects should link in to at least one of the three thematic issues (participation, education, employment). However, due to various limitations, only one project was selected for full analysis, while three others were used as examples.[6] These, along with information collected by partners through stakeholder workshops and interviews (reviewing CARDS more generally), form the basis of the review in the chapter on CARDS.

IPA

Due to the fact that IPA is comprised of very large and complex programme components, the study concentrates on two out of the five specific components which are the most relevant for minorities:

- *Component I* – Transition Assistance and Institution Building, which is open to all potential candidate countries; and
- *Component IV* – Human Resources Development, which is open to candidate countries, including Croatia and Macedonia.

On the basis of the three sectors – participation, employment and education – the study specifically aims to identify how minority rights and minorities' concerns have been taken into account to explore component I. At strategic planning level this was done through a systematic analysis of the Multi-annual Indicative Planning Documents (MIPDs) for 2007–9, 2008–10 and 2009–11. At programme level, selected project fiches[7] illustrate how minorities are either targeted through specific interventions or how the concerns expressed by minorities are mainstreamed into larger sectoral projects. In addition, the Multi-annual Operational Programmes (OP) of Human Resources Development (HRD) for Macedonia and for Croatia were screened to explore component IV. It is

important to note that it is beyond the scope of the study to appraise the actual implementation of these projects.

Finally, analysis of the inclusion of minorities into the IPA programming cycle is based on results of MRG partner workshops and stakeholder interviews that took place in early summer 2010. In addition, an illustration of the importance of minority-specific indicators and benchmarks to mainstream minorities' concerns was added.

Limitations

The authors and partners experienced some difficulties in obtaining data and this inability to access the relevant documents for CARDS has been a major impediment for the study. It must be noted that CARDS programme documents, such as project proposals, final reports and budgets, were extremely hard to come by and, in some cases, the authors had to rely upon project evaluations or final reports from the CSOs concerned. In a few instances (but not all), partners' requests for project applications from EU delegations were refused on the grounds that they were confidential, and lead project implementing organizations, who would have such information, could not be contacted.

The role of CARDS in supporting minority rights

Financial assistance from the EU to countries of the Western Balkans dates back to the early 1990s and since then the EU has been the largest donor to the region. During the first part of the decade, much of this assistance was humanitarian aid as a response to conflict and the post-conflict situation, delivered through the European Commission's Humanitarian Office (ECHO). But a more systematic approach was adopted from 1996 to channel aid to BiH, Croatia, the (then-) Federal Republic of Yugoslavia (Serbia and Montenegro) and Macedonia.[8] This assistance was provided not only to support the post-conflict reconstruction of infrastructure and the reintegration of refugees, displaced persons and former soldiers, but also to support the consolidation of democracy and civil society. Following on from this, the Stabilisation and Association process (SAp) was created in 1999 as a comprehensive approach towards the countries of South East Europe, including the Western Balkans. The SAp set out political and economic conditions for enhancing relations with the EU,[9] and targeted Albania, BiH, Croatia, Macedonia, and Serbia and Montenegro. In 2000 the CARDS programme was established as the main financial instrument for the SAp, with a focus on 'building up an institutional, legislative, economic and social framework directed at the values and models subscribed to by the European Union'.[10]

The CARDS programme had four major objectives:

- reconstruction, democratic stabilization, reconciliation and the return of refugees;
- institutional and legislative development, including harmonization with EU norms and approaches, in order to underpin democracy and the rule of law, human rights, civil society and the media, and the operation of a free market economy;
- sustainable economic and social development, including structural reform; and
- promotion of closer relations and regional cooperation among SAp countries and between them, the EU and the candidate countries of central Europe.

The EAR managed most of the activities under the CARDS programme in Macedonia, Serbia, Montenegro and Kosovo, while the EU was responsible for managing CARDS projects in BiH and Croatia.

The CARDS strategy represented an important breakthrough in the context of promoting minority rights.

CARDS highlighted the role of minorities in the process of ensuring long-term democratic stabilization, by specifically identifying human and minority rights as essential elements of this stabilization. In the CARDS 2002–6 Regional Strategy it is stated that: 'the process of democratic stabilisation is far from complete and *the treatment of minorities* lies at the heart of the problem'.[11] Hence, the protection of minority rights was identified as a medium-term challenge to be addressed at both the national and the regional level. Further, the protection of minorities, respect of cultural, linguistic and religious diversity, as well as the fight against racism and xenophobia were identified as particular priorities to promote democratic stabilization.

The CARDS programme budget for the period 2002–6 was €4.65 billion. A Regional Strategy Paper (RSP) for 2002–6 was developed, supported and guided by five CSPs, one for each SAp country (at the time).

Regional strategy 2002–6

CARDS regional strategy for 2002–6 took account of minority issues and the need to address the concerns of minority populations, on the basis that if these concerns were *not* addressed, further conflict might follow. Border regions were a particular focus, given that many minority populations lived in these areas, often in considerable poverty relative to the majority population; many within these communities harboured ongoing dissatisfaction with the post-conflict settlement. The role of minorities in democratic stabilization was also held to be very important, especially in terms of ensuring cooperation between minority and majority communities. This strategy paper concluded that racism and xenophobia towards minorities was still very prevalent in the region; that minority groups believed that their political demands could not and would not be satisfied through democratic processes; and that there was an urgent need to address the needs of refugees and internally displaced persons (IDPs). The regional CARDS strategy stated very directly that 'no long-term solution can work unless racism in the general population is addressed and bridges between majority and minority groups are built'.[12]

The role of civil society and an independent media in bringing about democratic stabilization and reconciliation between communities, and tackling the racism of the majority community, was also stressed. It was noted that

none of the countries had managed to achieve an effective civil society or vibrant media, and one of the key messages of the strategy paper was for governments to focus on supporting the development of these critical elements of society.[13]

The strategy for implementing CARDS was based on two essential elements:

- coordination and coherence between the European Commission, bilateral and multilateral donors, international institutions and national governments); and
- country ownership of all CARDS programmes, in order to make them relevant and effective.

Consultation was prioritized around both strategy development and programme implementation, and mentions the involvement of all stakeholders:

> *'These discussions involve not only the National Aid Coordinator but also line ministries and potential beneficiaries, international financial institutions and interests of the non-government sector.'*[14]

However, while the RSP provides sufficient detail as to how coordination and coherence would play out between the Commission, country governments, international financial institutions and donors, it remained mostly silent on the specific processes needed to ensure consultation with beneficiaries and the non-government sector.

CARDS Country Strategy Papers

The CARDS CSPs for the period 2002–6 support the recommendations emerging from the RSP in regard to the situation of minorities. For example, the Serbia and Montenegro CSP states:

> *'Minorities, including the Roma, face discrimination and their basic rights are still not fully respected. Inter-ethnic violence is still very acute in Kosovo. The right of return for refugees and displaced persons has not been secured throughout the territory of FRY and returnees frequently suffer from discrimination in respect of their civil, social and political rights. Gender discrimination is still an issue that requires attention.'*[15]

It also stated that 'minority, gender and social vulnerability considerations will be integrated in the mainstream of all

EC assistance programmes'. Elsewhere, one of the focal areas under the Serbia MIPD[16] (2002–4) was listed as 'Social Development and Civil Society'; within this programming stream, funding of approximately €58 million was directed towards university education, vocational education, training and human resource development. Although the programme objectives did not mention minorities, a condition was included that programmes should *'ensure fair access to education and training for both genders and all ethnic minorities'*. Indicators for cross-cutting issues to be addressed throughout the programme included a focus on ethnic minorities, with two specific indicators relating to minorities' increased access to better education and employment opportunities:

- Less inter-ethnic and social tension due to greater fairness of opportunities as regards education and the labour market.
- Access to labour market is provided to ethnic minorities on a more equal basis.[17]

Similarly, the CSP for Macedonia (2002–6) stated that one of the main priorities for the country was maintaining peace and stability and easing inter-ethnic tensions. Priority thematic areas for cooperation under CARDS included democracy and the rule of law, administrative capacity-building, and social and economic development, with a specific focus on civil society, ethnic reconciliation, consultation and implementation of the Stabilisation and Association Agreements (SAA). One of the key areas of policy reform articulated in the paper was: 'the proportional representation of ethnic minorities in the sector of Public Administration and the police services will have to be ensured and the use of minority languages introduced in the Public Administration as well as for primary, secondary and university education'.[18] It also noted that the Roma community was subject to constant discrimination and was particularly vulnerable in relation to the provision of housing, education, health and welfare services. The CSP and related programming for Macedonia drew from lessons learned from past programming:

> *'A lack of strategy documents in the 1990s undermined the focus and direction of the EC programme. The annual programmes include little in the way of strategic analysis. Programming largely took place in headquarters, with relatively little consultation with other stakeholders. The programmes need to ensure greater government ownership and take into account limited implementation and absorption capacity of the government.'*[19]

A review of other CSPs provides much in the same vein. It is thus safe to say that both the broader remit of the RSPs and CSPs and the multi-annual indicative frameworks (and budgets) indicate that programmes must have a minority focus and that progress in regard to minority inclusion and equal participation and access to areas such as education and employment, were central to the success of the CARDS strategy.

Lessons learned from CARDS implementation: minority perspectives

In regard to addressing minority issues, CARDS programming can be divided into two main components:

(a) *Sectoral programmes* that focus on broader goals of economic development, poverty reduction, civil society strengthening, etc., where minorities and gender feature as cross-cutting issues. The exception here is when the sector is 'integrated return', where often the target beneficiaries are minorities.

(b) *Programmes or projects that retain a minority focus* and attempt to tackle or engage with minority-specific concerns and issues. Such projects are implemented within the broader sectoral remit (for example, a project focusing on providing vocational training for Roma in Macedonia would come under the sector of economic and social development). In such projects, where target beneficiaries are minorities, cross-cutting issues, if mentioned, would refer to gender and the environment, etc.

A number of evaluations have been conducted in the past few years on CARDS programming, both at country level and regionally for the EU and the EAR. These evaluations have, in general, focused on the main aims and objectives of CARDS financing, and, apart from a small number of evaluations that have focused specifically on Roma, have not identified minorities as a priority. That said, all of them have addressed minorities and gender under cross-cutting issues, which does allow some assessment of progress made in relation to the improvement of the situation of minorities across the Western Balkans. A number of evaluations – including the EAR's *Synthesis of Findings from Evaluation Reports, 2001–2005* and *A Retrospective Evaluation of CARDS Programmes in Kosovo – Final Evaluation Report* (COWI)[20] – identified the lack of priority given to cross-cutting issues as a major hurdle to achieving minority inclusion and integration. Many evaluations found that gender and minority were

mentioned in project plans at the beginning of the period, but not made operational through activities or in budgets. Where gender issues had been recognized at a strategic level, there was little or no information on how to make this operational at the project level. A retrospective evaluation of CARDS programmes in Kosovo concluded that projects in the rural development sector only mentioned gender and minority issues under the section on 'reporting', without there being any actual project objectives or activities linked to these.[21]

> *'Cross-cutting themes have mainly been addressed in the latter part of the period, and donor coordination has not been consistently carried out, thus resulting in lower overall aid effectiveness … In some of the reports, it is, however, not very operational and concrete, and does indicate that the project partners may not have been aware of what was expected from the projects in terms of gender and minorities.'* [22]

In order to further analyse and understand these and other limitations, the remainder of this chapter provides a minority-focused review of certain CARDS programmes. The project examples reviewed below reflect both sectoral and minority-specific projects, including a minority focused project in BiH, projects targeting the Roma minority from Macedonia and Montenegro, and a sectoral project from Serbia. Information was gathered from a selection of project documents, as well as from reports from stakeholder workshops and interviews conducted by partner organizations.

Case study 1: a minority-specific project in BiH

Call for proposals

Under the 2006 CARDS annual programme for BiH, the European Commission delegation advertised a call for proposals to civil society groups entitled 'Minority rights/refugees return/grant scheme to civil society programme'. The objective of the project was to support the reconciliation and reintegration of minority refugees and IDPs, and to contribute to the creation of an environment more conducive to sustainable return. Priority issues to be addressed were discrimination, socio-economic rights and xenophobia preventing sustainable reintegration.

Overall, the call for proposals seems to be in accordance with minority rights criteria in the CSP, given that it focused on minority returnees. Such an explicit focus on addressing minority issues is important, given that contractors (be they CSOs, international or regional

agencies, or government agencies) may not realize the importance of addressing minority issues within more general project proposals. But this call in fact inadvertently served to further marginalize some of the minority groups in BiH, rather than promoting their interests. A sentence in the background information accompanying the call read: 'The minority returnees considered under this programme are *constituent people* in the areas where they do not constitute majority' (emphasis added). BiH's National Law on the Protection of Rights of Persons Belonging to National Minorities recognizes 17 national minorities,[23] but only Bosniaks, Croats and Serbs are considered to be constituent peoples. By limiting the call for proposals to refer to only constituent peoples, the EU was failing to adhere to human and minority rights legal standards.[24,25] This limitation also has serious implications for the ability of smaller minorities to participate actively in development initiatives which affect them, thus also falling foul of the UN Declaration on the Right to Development.

Lack of consultation

Findings from workshops and interviews with representatives from minority communities and CSOs, held in BiH at various points over the course of 2010, indicate that at the EU assistance level, 27 assessment reports helped shape the CSPs. Further, international organizations and agencies working in BiH, including EU agencies, had contributed significantly to these processes. While the number of reports and other documents used in designing CARDS programmes is impressive, a quick analysis of the annual EU Progress Reports on a country-by-country level finds no detailed analysis of who minorities are and the issues that they face (especially in the areas of political participation, access to employment and education), which could have been used to enhance CARDS programming and implementation.

At a more fundamental level, it appears that minority rights groups had little opportunity to input into the design of the CARDS annual programme for 2006. When questioned during workshops and interviews, CSO and minority community representatives reflected that, although they had been aware of specific calls for proposals under CARDS programmes, they had not been involved in any initial consultation processes and were unaware if any had actually taken place. A number of respondents remembered attending a presentation by the Directorate of European Integration (DEI) on CARDS projects for 2006, but also that this took place after the CARDS 2006 programme had already been approved.

This lack of consultation and involvement of minority organizations and representatives, meant that the CARDS programme document in BiH for 2006 was unable to provide sufficient information on the political and socio-economic situation of minorities in the country, simply identifying more broadly the issue of 'the return and sustainable re-integration of displaced persons and refugees'. Also, no pertinent suggestions/recommendations were provided in the calls for proposals or strategy documents in terms of requiring the collection of disaggregated data at national or local levels, which could provide the basis for future monitoring and evaluation on the sustainable reintegration not only of constituent peoples who make up a minority in a specific region, but more broadly to cover all national minorities who were affected by displacement.

The project

VESTA, a local NGO working on the media, based in Tuzla, successfully applied for a grant under the call. Their project was called 'The media in the process of reintegration and sustainable return – the campaign for reducing the effect of discriminatory and xenophobic elements in the zones of return and for respecting socio-economic rights of minority returnees in Northeastern Bosnia and Herzegovina (NE BiH)'.

The main project goal was to support the sustainable return and reintegration of returnees and displaced persons in the local community through work with the media, through three groups of activities:

- organizing and conducting professional training of media workers on peace-time investigative journalism and human rights;
- educating media workers, minority returnee communities and representatives of local authorities about the multi-sector dimension of the law on free access to information and the campaign for more efficient implementation of that law; and
- carrying out an advocacy campaign for reducing xenophobic elements, together with monitoring and informing the public and the governmental institutions about the elements of xenophobia and discrimination and the dynamics of overcoming them.

The final beneficiaries were numbered at over 30,000 minority returnees in NE BiH, along with approximately 45 media workers, 130 representatives of minority returnee communities and 30 local authority representatives from 15 municipalities of NE BiH.

An important aim of the project was to reduce discrimination and xenophobia against minority returnees, and the logical framework identified a set of indicators to monitor progress against this. The final evaluation, conducted at the end of the project period, observed that some of the indicators used were too vague, meaning that progress could not be measured.

Relevant indicators are essential in order to monitor and evaluate the achievement of project objectives and outcomes. A more rigorous analysis of how activities lead to outcomes and impacts, and what verifiable indicators need to be included, must occur at the stage of proposal evaluation. More effective advice and guidance from the European Commission delegation could have helped VESTA to strengthen weak indicators and identify the most suitable means of verification so as to ensure proper monitoring could take place.

In terms of actual project impact, the external evaluation conclusions suggested that respect for human rights in the areas of return showed signs of improvement, with the evaluator providing an estimation of a 5 per cent improvement in human rights compared to the pre-project situation. It was also indicated that media had a significant impact on the return process in NE BiH and the evaluation recommended that project activities had the potential to be expanded and extended.

Contractors (be they civil society organizations, international or regional agencies, or government agencies) may not realize the importance of incorporating indicators and objectives reflecting cross-cutting issues within project proposals, with the result that only minority-specific projects, like the one analysed here, may actually achieve intended results. However, as noted earlier, the focus on constituent peoples in the call for proposals signifies the exclusion of the other national minorities from participation in such projects, which may actually have the unintended consequence of further marginalizing these smaller minority groups.

It is well documented that government data and census figures in most South East Europe countries rarely provided disaggregated data in relation to minorities. This makes it difficult to track progress on quantitative indicators relating to minorities' access to employment, higher education, etc. Although some efforts have been made to track minority inclusion in public administration bodies and in the police service (such as in Macedonia), and in EU Progress Reports, on the whole, practical implementation of cross-cutting issues and indicators were not prioritized under CARDS.

Case study 2: educational projects for the Roma minority in Montenegro and Macedonia (minority-specific projects)

Montenegro

The 2006 Action Programme for Montenegro under the Democratic Stabilization and Civil Society sector targeted 'Support to Civil Society Sector' as a key financing goal. This was managed by the EAR and implemented through an international call for proposals. Anticipated results included the active participation of CSOs in the implementation of the country's poverty reduction strategy (in partnership with government), while concurrently promoting equal opportunities for the groups that are most discriminated against in society.

One project under this call, 'A Second Chance – Integration by Adult Literacy and Vocational Education', implemented by DVV International and its partner the Roma Scholarship Foundation, was focused specifically (but not exclusively) on improving opportunities for young Roma adults who were illiterate and unemployed. A further objective was to ensure an equal gender ratio between young men and women. The literacy and vocational training provided were intended to have long-term impacts on direct beneficiaries and their families, by helping young Roma people enter employment, and thereby contribute to family incomes.

At the end of the project, the implementing organizations reviewed their results. One of the key findings was that, although trainees were very positive about their involvement in the project and the knowledge they had gained, a majority were unable to find employment when the project finished. In some cases, due to the outreach work by programme implementers and the employment agency, trainees managed to get seasonal jobs and jobs with local authorities. But what was apparent was that, when it came to searching for longer-term employment, young Roma people continued to face discrimination in terms of stereotypes and prejudices. It seems this risk was not properly accounted for during the planning phase. So although this project achieved what it set out to do in terms of providing training and support, and project beneficiaries responded well to the activities, their long-term situation remained unchanged.

Macedonia

Similarly, in Macedonia, a project called 'New approaches in awareness raising on education, technology and human rights among Roma' was implemented in the municipality of Bitola by a local minority organization called Bairska

Svetlina, another NGO, and in conjunction with the municipality of Bitola. During the life of the project, a Roma Multimedia and Information Centre was established, which proved to be very successful with members of the Roma community, who visited it often. But, from discussions held during workshops in Macedonia, it was revealed that when the project ended, the centre stopped functioning due to lack of support from the municipality.

Case study 3: Serbia – sectoral project on civil society strengthening

Programme aim

One of the key priorities identified under CARDS Action Programme 2006 for Serbia was strengthening civil society. Using the lessons learned from previous EAR-funded projects (a mid-term review had been conducted in 2005), the focus was to strengthen CSOs and links between them, and to promote dialogue between government and civil society, with a special emphasis on gender perspectives and poverty reduction. Financial support was provided through the Social Innovation Fund (a government body) and through the UN Development Programme (UNDP). In the section on cross-cutting issues, it was noted that:

> 'special effort shall be made to ensure that minority groups are fully included in project initiatives and benefit from the project results. This includes a) giving special attention to pro-poor policies of importance to particular minority groups, b) promoting social provision reform that provides space for tailor-made initiatives which meet the needs of particular minorities, and c) ensuring gender equality mechanisms benefit women from minority groups'.[26]

As a strategy, the identification of cross-cutting issues as central to the overall objectives and the focus on minority women are especially welcome. The only drawback is the lack of detailed information on what such 'special efforts' could entail, and the sorts of indicators that would be required to measure progress.

Impact on civil society groups

It would appear that CSOs represented at a workshop held by MRG's partner BIBIJA, benefited little from this focus on civil society strengthening. During the workshop, participants mentioned that very little information was available in Serbia throughout the CARDS implementation period. There was no real consultation process undertaken by either the EU or EAR (which was the implementing partner in Serbia), and responses from the workshops and interviews suggest that many local and national CSOs did not have much contact with the European Commission delegation, and faced certain obstacles in achieving such contact. Calls for proposals were not widely distributed and many Roma organizations and other CSOs were unable to access these calls unless they were distributed by another CSO through their own local networks. Language was also a huge barrier as many local CSOs had no staff or volunteers who spoke English; this continues to be a problem. It was noted that all plans and programmes had to go to Brussels for approval, and that rarely had the CSOs present been invited to, or participated in, consultative processes for designing these plans and programmes. The perception that was thus created among these representatives of minority civil society groups was that the Commission was a highly centralized body, and that priorities and programmes were decided in Brussels, especially during the first few years of CARDS.

In terms of developing the capacities of CSOs, many participants agreed that civil society continues to remain extremely weak in Serbia. They noted that local and national level CSOs remained largely invisible to the Commission and to government ministries. These CSOs lacked knowledge and expertise through which they could contribute effectively if the opportunity for consultation did arise, and they often (especially the more remotely located CSOs) had no access to information on calls for proposals and potential opportunities for funding. Women's organizations were also not provided with much support, and representatives of women's groups and of minorities (especially from Roma communities) were not aware of or informed about donor priorities and activities. For instance, representatives from the Roma Information Centre from Kragujevac stated that every time calls for proposals were 'general', that is, sectoral, Roma and women's organizations and minority organizations such as their organization, were not selected. These smaller CSOs realized this was because of the prohibitive criteria associated with the call, language barriers, and the absence of experts and capacities in their own organizations. In contrast, the more well-known and experienced CSOs that had recognized experts on staff had far more success in receiving funding. It was pointed out during the workshop that such organizations have larger capacities, and stronger advocacy and lobbying abilities, and this helps in building relationships with international organizations and national institutions.[27] The opinion of focus group participants representing Roma CSOs was that Roma and Roma women's organizations had more chances of obtaining funding when the focus of the call was minority or Roma specific.

Sustainability

According to workshop participants, sustainability of projects in Serbia is weak or sometimes non-existent. A representative from the TERRA project from Paracin mentioned their experiences from a project on social entrepreneurship:

'while the project was being implemented and while we had a partner, a private firm, the project remained viable and provided beneficiaries the opportunity to develop and strengthen their skills in order to become entrepreneurs. However, when the project ended, the CSO was unable to keep supporting the women with the result that all the gains made were lost, and after a year there was no evidence of the work that had been carried out.'

Other participants also agreed that there were inherent weaknesses in many projects in Serbia, which meant that once the project period was over and funding had dried up, the gains made during the life of the project proved to be unsustainable. In some cases, however, sustainability was achieved if the local government recognized that the project (usually service oriented) had achieved a high degree of success, and adopted it as a model of good practice. An example provided was a Safe House for women victims of violence in Kragujevac, which continues to operate today with government support.

Reflections

These case studies reveal that, despite a commitment to addressing minority rights issues within CARDS programmes, in terms of project implementation, impact in this area was limited. In areas such as building the capacity of CSOs representing minority interests, and ensuring the sustainability of programme work, outcomes fell far short of expectations. Minority CSOs continue to face many obstacles to being involved in EU programming for the region. Part of the problem rests with the lack of capacities inherent in smaller and institutionally weaker organizations, and their inability to meet criteria related to financial responsibility. One of the areas where CARDS programming around civil society could have been more positive for minority CSOs is through the direct support (organizational development, staff training on project cycle management, advocacy and rights trainings, financial support and training) of minority and grassroots CSOs to

enable them to become much more actively engaged with the EU itself, as well as within the sphere of national and regional civil society.

The EAR's *A Synthesis of Findings from Evaluation Reports, 2001–2005* refers to the need to ensure that programmes and calls for proposals undertake a realistic assessment of what can be achieved, how and over what period of time, to ensure longer-term sustainability of outcomes.

'Programme objectives thus need to be set more realistically by taking into full account local resources and circumstances. Objectives and expected results need to be scaled down and focused accordingly. Measurable, sustainable changes with regard to aspects such as gender, political empowerment of women or reconciliation will not occur within one or two years of implementation.' [28]

This assessment is even more relevant when examining the situation of minorities and minority/majority reconciliation, and is a key issue for consideration under IPA and for future programmes that aim to bring about long-term social and economic change.

Ensuring that programmes do not inadvertently *further* marginalize particular minority groups – as happened as a result of the call for proposals under CARDS for BiH targeting only members of constituent nationality groups – is also something that CARDS programmes had not taken into account. Thus, a key lesson drawn from this analysis and which should be taken up within IPA is that programmes, be they sectoral or minority-specific, must be inclusive (that is, reflecting the needs of all, not some, minority communities).

Finally, IPA and other future programming must require the development and identification of specific indicators which can track and monitor progress against the minority-specific or cross-cutting goals provided in CSPs and calls for proposals, all the more so given that government data and census figures in most countries in the region rarely provide disaggregated data in relation to minorities.

The cases analysed above provide a brief snapshot of how well minorities and minority concerns were integrated under CARDS financing. Some gains have been made, but there are certain gaps which, if not corrected for, could have serious implications with regard to longer-term minority protection and minority/majority reconciliation, in the region. These must be addressed under IPA.

Instrument for Pre-Accession Assistance (IPA)

The Instrument for Pre-Accession Assistance (IPA) is the European Commission's single financial instrument for the pre-accession process and covers the period 2007–13.[29] It covers countries with candidate status (Turkey, Croatia and Macedonia) and with potential candidate status (Albania, BiH, Montenegro, Serbia and Kosovo under UNSCR 1244).[30] The main objectives of this single financial instrument include assistance to candidate and potential candidate countries in their efforts to harmonize with and implement the *acquis communautaire* as well as to prepare them for the receipt and use of Structural Funds.[31]

The IPA consists of five distinctive components (see Table 1). This study will concentrate on components I and IV, as these are of most relevance for minorities.

The granting of IPA funding is clearly based on the beneficiary country's respect for the principles of democracy, the rule of law and human and minority rights and fundamental freedoms. The 2006 Council Regulation states that

'Assistance for candidate countries as well as for potential candidate countries should continue to support them in their efforts to strengthen democratic institutions and the rule of law, reform public administration, carry out economic reforms, respect human as well as minority rights, promote gender equality, support the development of civil society and advance regional cooperation as well as reconciliation and reconstruction, and contribute to sustainable development and poverty reduction in these countries, and it should therefore be targeted at supporting a wide range of institution-building measures.' [32]

For this reason, the scope of IPA assistance aims to support: 'the promotion and the protection of human rights and fundamental freedoms and enhanced respect for minority rights, the promotion of gender equality and non-discrimination…'.[33]

The total pre-accession funding for the current financial framework (2007–13) amounts to €11.5 billion.

So far, the disbursement of IPA funds has been relatively slow, as many recipient countries are not yet in a position to be able to spend the allocated IPA resources in an effective and efficient way.

With IPA there has been an important shift towards decentralized management, similar to the management structures of the Structural and Cohesion Funds available to EU member states. It is hoped that this will have the effect of strengthening public management capacities and structures. The ultimate aim is to have in place a *decentralized implementation system* (DIS) with the recipient country responsible for tendering, contracting and project management. At this point only candidate countries are in the process of enforcing the DIS.

The IPA programming cycle is marked by close cooperation between the Commission and national governments. At the *strategic planning level*, MIPDs are prepared by the Commission with the involvement of various key Directorate Generals (DGs) including Enlargement, Regional Policy, Employment, Social Affairs and Equal Opportunities, and Agriculture and Rural Development. In the preparation of the MIPDs, the relevant DGs must include the use of minority expertise, either through ensuring minority experts are on staff, or bringing in consultants during the required period of

Table 1: Components of the IPA

(I)	Transition Assistance and Institution Building	focuses on building and strengthening of the institutional framework related to the adoption and implementation of the EU's *acquis communautaire*.
(II)	Cross-Border Cooperation	among beneficiary countries as well as with member states.
(III)	Regional Development	in the area of environmental protection and transport, as well as for the promotion of competitiveness and regional development.
(IV)	Human Resources Development	focusing on employment, education and training, as well as social inclusion and – in preparation for accession to the European Social Fund (ESF) – social cohesion.
(V)	Rural Development	preparing for participation in the common agricultural policy and rural development.

Table 2: Allocation component I: Transition Assistance and Institution Building (in € millions)

	2007	2008	2009	2010	2011	2012
Multi-beneficiary	108.9	135.7	160.0	157.7	160.0	164.2
Croatia	49.6	45.3	45.6	39.4	39.9	40.8
Macedonia	41.6	41.1	38.1	36.3	34.5	32.9
Bosnia and Herzegovina	58.1	69.8	83.8	100.6	102.6	104.7
Montenegro	27.4	28.1	28.6	29.2	29.8	30.4
Serbia	181.5	179.4	182.6	186.2	190.0	193.8
Kosovo	68.3	184.7	103.6	64.4	65.8	67.0

SOURCE: FIGURES ARE FROM HTTP://EC.EUROPA.EU/ENLARGEMENT/INDEX_EN.HTM
NOTE: ADDITIONAL COUNTRY-SPECIFIC FUNDING UNDER COMPONENT I AVAILABLE FOR ALBANIA AND TURKEY.

Table 3: Allocation component IV: Human Resources Development (in € millions)

	2007	2008	2009	2010	2011	2012
Croatia	11.3	12.7	14.2	15.7	16.0	16.0
Macedonia	3.2	6.0	7.1	8.4	9.4	10.0

SOURCE: HTTP://EC.EUROPA.EU/ENLARGEMENT/INDEX_EN.HTM
NOTE: ADDITIONAL COUNTRY-SPECIFIC FUNDING UNDER COMPONENT IV AVAILABLE FOR TURKEY.

preparation and follow-up. These three-year planning documents, which include either the first two or all five components, are revised annually on the basis of findings in the Progress Reports and other relevant policy documents, including national sectoral strategies.[34]

At the *programming level* the MIPDs are translated into annual component specific programmes. Following this, on the basis of project fiches developed by the national authorities, the Commission prepares respective financial proposals at operational level. Project fiches detail the specific activities, target groups and expected results of a project, which are also presented in a logical framework matrix and link in to the overall costs and the contribution by the Commission. For components III to V, open to candidate countries only, the Commission has adopted component-specific multi-annual operational programmes which have been prepared by the candidate country governments. Project fiches and operational programmes as prepared by national governments should also ensure the input of minority rights' experts and minority representatives. Ideally, this expertise should be present within the relevant ministries.

The following three sections of this report will address how minority rights and minorities' concerns have been taken into account at both strategic planning and programming level, in the sectors of participation, employment and education.

IPA relevance and effectiveness in relation to minority rights: participation

The right to political, economic, social and cultural participation is deeply ingrained in international law. Article 21 of the Universal Declaration on Human Rights (UDHR) states that: 'Everyone has the right to take part in the government of his/her country, directly or through freely chosen representatives'. This provision is backed up by Article 25 of the International Covenant on Civil and Political Rights (ICCPR), which talks about the right of everyone to take part in public affairs. Within the European context, Article 3 of Protocol 1 to the European Convention on Human Rights and Fundamental Freedoms (ECHR) creates an obligation for the states party to hold free elections under conditions that ensure the free expression of the will of all people.

In regard to minority participation in particular, the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Linguistic or Religious Minorities (UNDM) states that: 'persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life' (Article 2(2)) and the right to 'participate effectively in decisions on the national, and where appropriate, regional level concerning the minority to which they belong or the regions in which they live' (Article 2(3)). Within Europe, Article 15 of the Framework Convention for the Protection of National Minorities (FCNM) also stresses the importance of minorities to be able to participate freely and effectively in cultural, social and economic life, and in public affairs.[35] In 1999 the High Commissioner on National Minorities of the Organization for Security and Co-operation in Europe (OSCE) published the Lund Recommendations on the Effective Participation of National Minorities in Public Life.[36]

Certain human rights documents call upon states to implement special measures in order to ensure the participation of minority groups. Article 1 of the International Covenant on the Elimination of Racial Discrimination (ICERD) permits the implementation of special measures to ensure that certain racial or ethnic groups or individuals can enjoy equal exercise of their rights as compared to the rest of the population. The same approach is taken by Article 4 of the FCNM which allows states to:

'adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority.' [37]

The right to participate in development is enshrined in the UN Declaration on the Right to Development (UNDRD), which states at Article 1 that development is:

'an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.'

Minorities may face a number of obstacles which in practice hinder their participation in these processes. States therefore have the obligation to take positive measures to overcome specific difficulties, such as illiteracy, language barriers, poverty or impediments to freedom of movement. The importance of minimum levels of education and other social and economic facilities to the exercise of the right to participate is increasingly recognized in studies on poverty and social development:

'Rights of participation cannot be enjoyed unless certain conditions exist. These include physical and emotional security, financial resources and minimum levels of education for the minorities. There has to be a toleration of opposing, particularly minority, views, and a general condemnation of discriminatory practices.' [38]

Minorities' concerns

'Where minorities and indigenous peoples are excluded from political, social and economic decisions that have major repercussions on their lives, the price that a society pays can often be enormously high, in terms of economic cost, missed opportunities, conflict and ruined lives.' [39]

Over the last 15 years, minority organizations in the Western Balkans have become increasingly vociferous in their demands for participation in national and local decision-making. Yet, with a few exceptions, the political participation of, for example, members of the Roma community across the region, and indeed across Europe, continues to be negligible. The outcomes of this continued lack of political participation can be seen in the persistence of school segregation and extremely high levels of material deprivation among these minority populations.[40]

The lack of political participation and representation is not linked to one particular minority community. BiH's failure to implement constitutional amendments that would enable non-constituent people to stand for election, as well as satisfy the preconditions for the signing of the SAA, has been regularly highlighted.[41] In Croatia, considered to be the most advanced in terms of meeting Accession requirements, the participation of minorities in local-level elected bodies continues to be minimal, effectively curtailing their ability to participate fully in political processes. In 2005 the FCNM Advisory Committee published its report on Kosovo. The report underlines that decentralization and local self-government reform are clearly relevant for minority communities and should be carried out in a manner that involves minorities. The report also highlighted that the participation of minorities in the municipal civil service, government, judiciary and police remained 'disconcertingly low'. Minority CSOs in Macedonia have continuously expressed strong concerns about the political marginalization of minority groups including Roma, Serbs, Turks and Vlachs. These groups remain excluded from public administration and public enterprise, and even find it difficult to participate in civil society consultations with the government.

Such concerns among minority communities find expression across the Western Balkans, and are not confined to particular countries. What emerges is a picture where minority participation in political and public life continues to be ignored by governments even where international pressure regarding minority protection is strong.

Minority participation in EU Progress Reports

Minority representation and participation in public life have been highlighted in most Progress Reports. Reports have paid attention to the inadequate representation of minorities in the judiciary, police and government. The 2009 Report on Croatia states that 'Minorities continue to face particular difficulties in the area of employment, both

in terms of under-representation in the State administration, the judiciary and the police as well as in the wider public sector.'[42] Much of the focus is on the policy framework and legal provisions of minority participation. The 2009 Report on Montenegro states that 'the constitutional provision on "proportionate representation" of national minorities in public services needs to be clarified'.[43] Progress Reports on BiH continuously monitored the delay and final adoption of a comprehensive anti-discrimination law into national legislation.[44] Reports on Croatia reiterate the inadequate implementation of the Constitutional Law of National Minorities (CLNM) which has resulted in under-representation of minorities in state administration, the judiciary and the police, as well as a lack of participation of minorities in local-level elected bodies.[45]

Minority-specific interventions under IPA

IPA component I (Institution Building), open to all potential candidate countries, encompasses political requirements, socio-economic requirements and European standards, in line with the Copenhagen Criteria.[46] In order to fulfil the political criteria, IPA assistance under component I concentrates mainly on the reform of public administration and local government, the police and the judiciary, as well as on civil society support, the promotion of human rights and the protection of minorities.

Consequently, at the IPA strategic planning level all MIPDs refer to minorities as well as IDPs and refugees as specific priority areas under the fulfilment of political criteria. Issues concerning minorities which have been emphasized in Progress Reports are, to a certain extent, reflected in the IPA programme support, as indicated in the MIPDs. For example the Kosovo 2009–11 MIPD acknowledges that further efforts need to be made to 'establish a multi-ethnic, democratic society firmly anchored in the rule of law and respecting and protecting the rights of the Serb and other minorities', and hence the focus of IPA assistance should be on the fulfilment of the EU's political criteria and the consolidation of Kosovo's institutional set-up, including the protection of Serbian and other minorities.[47] Areas of support for minorities indicated by the Montenegro MIPDs include support for the implementation of the national strategy to address the needs of refugees and displaced persons, and the implementation of Roma strategies and action plans. What becomes noticeable is that, for most countries, objectives remain unchanged in consecutive MIPDs. This raises the question of how thoroughly the annual review of MIPDs is undertaken on the basis of new findings of

Progress Reports and input from other relevant stakeholders.

At the operational level, for most candidate and potential candidate countries projects have been developed on the basis of the MIPDs and annual programmes specifically to support the rights of minorities to participate in public life. For example, the 2009 project 'Establishing a comprehensive system for anti-discrimination protection' seeks to strengthen the capacity of the Office of the Ombudsman in Croatia (as the central body responsible for combating discrimination) and of the Office of Human Rights (as the state body most directly involved in the elimination of discrimination), to develop an efficient system for statistical monitoring of cases of discrimination and to elaborate a comprehensive system of assistance to the victims of discriminatory practices.[48] In Macedonia, the 2007 project 'Support to the implementation of the Public Administration Reform' contains a specific intervention component to support the implementation of the Strategy for Equitable Representation. This aims to achieve appropriate representation of the different ethnic groups in public administration, as stipulated in the Ohrid Framework Agreement.[49] The 2008 'Democracy and fundamental rights' project contains a Roma-specific intervention to provide support to the implementation of the National Roma Strategy in Macedonia. This includes training for relevant coordination structures at both national level (including for the newly established Unit for Roma Affairs) and selected municipalities, as well as seminars to assess action plans related to the National Strategy for Roma and to support the implementation of local action plans.[50]

Mainstreaming minorities into IPA sectoral projects

All MIPDs identify minority concerns and non-discrimination as cross-cutting issues. The mainstreaming of cross-cutting issues has increasingly gained significance, for example through the 2005 European Development Consensus whereby the Commission declared that it will apply a strengthened approach to mainstreaming cross-cutting issues.[51] Reference to cross-cutting issues, including to minorities, vulnerable groups and/or anti-discrimination is found in annexes of all MIPDs. Nevertheless, many of these annexes seem to have been compiled using a 'cut-and-paste approach', with the same formulations appearing over and over again.[52] For example all consecutive BiH MIPDs state under Annex 4, cross-cutting issues, that 'minority concerns will be reflected in all activities programmed under IPA, in particular when it concerns public services, legislative matters and economic

development.'[53] The very same wording can also be found in all the MIPDs for Croatia.

At the operational level, IPA projects supporting the achievement of the political requirements of the Copenhagen Criteria provide support to public administration reform, reform of police and the judiciary, and support to civil society. In all project fiches minority rights are referred to as cross-cutting issues. There are, however, few examples of projects that provide stipulations on how to make these cross-cutting issues operational.

Public administration reform

The three projects described below demonstrate existing differences in approach and quality to integrating minorities as cross-cutting issues into public administration reform.

The 2007 project for BiH 'Reinforcement of local democracy' seeks 'to encourage partnership and permanent dialogue between CSOs and local authorities through attracting municipalities to recognize the role of [the] civil society sector and benefit from the partnership with CSOs and vice versa'.[54] The beneficiaries of this project are local municipalities. The project fiche identifies the core problems, including insufficient partnership and dialogue leading to under-utilization of CSOs as partners in service provision, in combination with non-transparent contracting procedures or a lack of involvement of CSOs in local policy-making processes. These problems are generally more evident and multiplied for a lot of minority CSOs through lack of access to relevant information, or discriminatory practices by municipal officials. Hence, it is very surprising that the project fiche does not pay attention to the inclusion of minority CSOs as partners in the project. Under its cross-cutting section the fiche states that 'areas that will be most likely covered through this programme will be: social issues, gender issues, environment issues, human rights issues, etc.' and that 'the need to properly address gender issues and to take account of rights of minority groups, in particular Roma, will be an integral part of the selection and evaluation process'.[55] Yet there are no measures foreseen in the project to ensure that minority CSOs themselves are actively working on the issues listed above.

In Kosovo, the 2007 project 'Supporting local government and decentralization' aims to improve coordination between central government and municipalities on policy development, the enforcement of legal frameworks and service delivery, and to improve the performance and accountability of municipalities to deliver cost-effective public services and to improve dialogue with citizens. Although the project fiche has included measures to address minorities as a cross-cutting issue, including the improvement of publicity and

information services and regular meetings of an equal opportunities committee, it is questionable whether these measures will prove to be sufficient.[56]

In contrast to the BiH and Kosovo projects, the 2007 project for Macedonia, 'Support to the implementation of the Public Administration Reform' includes a designated budget to operationalize cross-cutting issues with a clear reference to lessons learned from CARDS. As the project fiche states:

> *'Another important lesson learned during the CARDS period is that appropriate mainstreaming of cross-cutting issues would significantly be stimulated through the allocation of a designated budget. Therefore, maximum 10% of the total budget will be reserved to targeted support to the mainstreaming of cross-cutting issues…'* [57]

The fiche stipulates that the designated budget should support training measures to enable the project beneficiaries to mainstream cross-cutting issues by ensuring: (a) that internal structures and operating procedures will promote the inclusion of minority and vulnerable groups; and (b) that relevant laws, strategies and policies to be produced by the beneficiaries will promote the inclusion of minority and vulnerable groups. The fiche also stipulates concrete methods that are to be applied, for example 'internal minority and vulnerable group assessments' to measure progress.[58]

Reform of police and judiciary

Differences in the operationalization of minority rights as cross-cutting issues are also evident in IPA projects supporting police reforms. For example, the purpose of the 2007 project for Macedonia, 'Support to the implementation of the police reform strategy', is 'to ensure a professional police service and administration … in which the public will have trust'.[59] The justification of the project as stated in the project fiche highlights that 'relevant provisions of the Ohrid Framework Agreement remain crucial, especially for the continued building and long-term sustainability of inter-ethnic trust and resultant stability in the country'.[60] Hence, the project fiche rightly states the parameters of minority inclusion: (a) participation in the administrative service by minorities as stipulated in the Equal Representation Strategy, following up on the Ohrid Framework Agreement; (b) the appropriate use of the minority languages in the police service; and (c) the particular requirements of dealing with minority issues in strategic, tactical and operational police matters – thereby mainstreaming minority issues throughout the policy and implementation sequence.

A quite different approach to mainstreaming minority rights can be found in the 2008 project 'Support to the police reform process in Bosnia and Herzegovina', which includes the establishment of police bodies and support agencies. Here, the project aims to ensure the mainstreaming of minorities by requiring concrete monitoring of indicators. As the project fiche states: 'Contractors involved in the project will be required to provide monitoring data recording the participation of men and women and minorities' representation in terms of expert inputs and trainee days as an integral component of all project progress reports.'[61] However these indicators are not reflected in the logical framework matrix of the project fiche.

Support to civil society

All countries in the region implement specific projects either through their annual programmes under IPA component I or through the Civil Society Facility (CSF). The latter has been launched by DG Enlargement in 2008 as a new strategy towards civil society. Overall these projects aim to enable CSOs to influence and to shape policy making processes and to ensure transparent and accountable governance.

Comparable to the IPA projects supporting reforms of police and public administration, IPA projects aiming to strengthen civil society mostly refer to minorities as a cross-cutting issue. Often the wording, for example, 'meeting the needs of ethnic communities'[62] or 'further the interests of this [i.e. the Roma] disadvantaged group'[63] does not suggest the active or direct engagement of minority civil society organizations as partners, project beneficiaries or implementers. Nor are any other measures used to operationalize cross-cutting issues in a relevant and practical manner. This omission is critical, especially as some of the projects explicitly link into minority-specific policies. For example, the 2008 project fiche 'Civil society facility – enhancing the capacities of the civil society sector for the monitoring of implementation of the EU *Acquis*' in Croatia explicitly refers to the Croatian National Programme of the Protection and Promotion of Human Rights 2008–11 as a relevant programmatic context for the project.

The 2009 project fiche 'Support to civil society' in Serbia focuses on the broad range of actions aimed at upholding anti-discrimination policies by aligning the project *inter alia* to the 'National Strategy for Improving the Position of the Roma Population and the National Programme for Integration'.[64] The 2008 project 'Support the participation of the civil sector in decision-making process and in providing social services' in Macedonia can be viewed as an exception as 'raising the quality of

interethnic relations' is listed as one of five defined areas for the grant scheme component of the project.[65] To a limited extent, the 2008 project 'Support to media and civil society' in Kosovo also refers to minorities in the project's purpose and expected results. As stated in the fiche, the purpose of the project is to 'To strengthen the capacity of the Kosovo Media Institute & strengthen civil society involvement in policy making and awareness raising in the area of environment and equal opportunities'.[66] The respective results include: 'a) Increased involvement of sectoral CSOs in policy making in the field of environment, equal opportunity and provision of social services for specific vulnerable groups' and 'b) More interaction between sectoral CSOs representing different communities in Kosovo'.[67]

IPA relevance and effectiveness in relation to minority rights: education

Education is recognized as a universal human right under the UDHR, the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child (CRC), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the UNESCO Convention Against Discrimination in Education. International human rights instruments set out the minimum standards for the respect, protection and fulfilment of the right to education. This includes free and compulsory primary education, equal access to education including secondary education, and the right of parents to choose the education of their children. Of critical importance is the fact that education is not only seen as a human right on its own, but is also considered an 'empowerment' right, as it allows for the realization of other fundamental rights and freedoms, such as the right to vote, to work and to free speech.

The ECHR reaffirms the rights to education under Protocol 1, Article 2. The EU Charter of Fundamental Freedoms also asserts this right under Article 14 and Article 21, which sets out equality before the law, prohibits discrimination and provides for the rights of the child. Further, the Racial Equality Directive (2000/43/EC) provides protection against discrimination in the area of education.

Under international human rights law, states are obliged to provide education according to the 4A scheme:

- *Available:* there should be sufficient number of schools and teachers within the state.
- *Accessible:* schools should be accessible to all, especially the most vulnerable groups. Accessibility has three dimensions: non-discrimination, physical accessibility and economic accessibility (affordability).
- *Acceptable:* to both students and parents in form and content, including curricula and teaching methods, and relevant, culturally appropriate and of good quality.
- *Adaptable:* schools should be able to respond to the needs of students within their diverse social and cultural settings, as well as the needs of changing societies and communities.[68]

Due to the particular situation of minorities, the 4A scheme is especially important and international human rights law provides for special minority rights in the context of education. For minorities in Europe, the FCNM provides the basis for taking these rights further. The Advisory Committee of the FCNM has concluded that the notions of acceptability and adaptability are of particular relevance to persons belonging to national minorities.[69] The OSCE has provided the Hague Recommendations Regarding the Education Rights of National Minorities (1996) and the Oslo Recommendations Regarding the Linguistic Rights of National Minorities (1998). The Council of Europe has also elaborated a special instrument on minority languages called the European Charter for Regional and Minority Languages.

States have special duties towards minorities' education, which include the duty to promote multicultural education, and to provide teacher training and quality textbooks for minority languages teaching. Significantly, in certain circumstances, states are mandated to adopt positive action measures in order to live up to their commitments towards minorities. Non-action of states in this regard can amount to a violation of their obligations under the FCNM, according to the Advisory Committee.[70]

Minorities' concerns

Across the Western Balkans, the need for relevant and quality education has repeatedly been identified by members of minority communities. For these communities, education is viewed both as a vehicle of empowerment and a way to protect their identity and culture. In BiH, although legislation on minority language education is in place, implementation remains extremely weak. Ethnic minority students continue to face discrimination in schools, and in some cases children from different ethnic minority backgrounds have absolutely no interaction with one other.[71]

In Macedonia, there are strong divisions along ethnic lines in the school system. Teaching materials and methods are inappropriate for minorities, and teaching in languages other than Macedonian remains insufficient and of poor quality. Drop-out rates and absenteeism among Roma children are very high, as is their over-representation in educational facilities for pupils with a mental disability.[72]

Four types of education for minorities exist in Serbia: education in a minority language, education in Serbian and a minority language, education in Serbian with courses in the mother tongue with elements of national culture, and bilingual education. Nevertheless, certain minorities (like the Vlach national minority in north-eastern Serbia or Ashkalis in Serbia/Vojvodina) are not provided with any form of education in their mother tongue. There are also problems around the quality and content of textbooks, and, in the case of the Roma minority, an extremely high rate of illiteracy for both adults and children.[73] Overall, among minority communities in Serbia, rates of illiteracy are higher than the country average.

In 2009, the report on Croatia by the Committee on the elimination of Discrimination (CERD)vii stated that although progress had been made, there was still cases of de facto discrimination in education, especially against the Serb and Roma minorities. CERD has repeatedly recommended to the Croatian government that additional efforts are required to end discrimination against Roma children, and has suggested classes in Roma languages and the end of segregation in schools (whereby Roma children follow a different curriculum) as especially important.[75]

Education in EU Progress Reports

All EU Progress Reports closely monitor reform in the education sector, in line with the Bologna Process,[76] the related development and adoption of national qualification frameworks, the strengthening of administrative capacities of relevant ministries, and overall budgetary allocations for education. Monitoring also covers efforts in raising the quality of tertiary education, vocational training and adult education; the recognition of informal learning; and also addresses gaps between demand for and supply of skilled and qualified workers for the employment sector. With regard to minorities, Progress Reports primarily concentrate on the situation of Roma. The 2009 report for Serbia states: 'The rate of school attendance by Roma children, especially girls, is still very low. Due to their insufficient knowledge of the Serbian language, many children, particularly Roma refugees from abroad, are placed in special schools for children with disabilities.'[77] Reports also address issues relating to access to quality education for children from minority groups (particularly Roma). This includes inclusive education strategies, education in minority languages, compulsory education, measures to tackle drop-out rates and other affirmative action. Increased attention is given to pre-school education. The 2007 report for

Croatia notes that: 'Progress is being made on the pre-school education of Roma under the government's action plan for the "Decade of Roma Inclusion 2005–2015" … However, overall implementation of the action plan needs to be speeded up.'[78] Furthermore, a limited number of Progress Reports consider tertiary education, in particular of Roma, as for instance the 2009 Report for Montenegro, stating that: 'further efforts are needed to improve the situation of the RAE[79] population. As regards education, scholarship funding for RAE students remains at a token level and almost fully dependent on external donors.'[80]

IPA-funded minority-specific interventions

At the strategic planning level, component I of the IPA (Institution Building), as outlined in the MIPDs, also supports education sector reforms, with the aim of enabling candidate countries to realize the socio-economic requirements of accession. Again, there are substantial differences as to how minorities are included. MIPDs for BiH do not discuss minority issues in relation to educational reforms under the socio-economic criteria, although one of the objectives under the political criteria is social inclusion and return. This includes the aim of supporting minorities and vulnerable groups, Roma in particular, and providing assistance to ensure the economic and social reintegration of returnees.[81]

In the Serbian MIPDs one of the main priorities and objectives under the socio-economic criteria is the promotion and implementation of the reform of the education system which specifically includes the integration of 'marginalized groups (predominantly Roma) and children/people with special needs into the regular education system … as a pre-condition of other expected results such as employment, social inclusion and poverty reduction'.[82] The Operational Programme (OP) Human Resource Development (HRD) for Macedonia includes 'enabling access to quality education for ethnic communities' within the education and training priority axis, with objectives to support the integration of Roma into the education system, and to support the integration of other ethnic communities, including Albanians.[83] Measures include training of school teachers and Roma parents, updating the curricula to include intercultural education, and financial support to the parents of children from Roma and other communities. Further measures relating to developing adult education and lifelong learning include a programme aimed at adults who were unable to complete primary schooling.[84] The Croatian OP HRD includes a measure to 'support access to education by disadvantaged groups' in the social inclusion priority

axis. Disadvantaged groups are here defined as 'primary and secondary school drop-outs, those in lagging-behind regions, people with disabilities and minorities.'[85]

In Serbia, there are three large IPA projects working towards improving the quality and availability of education to children from vulnerable groups, all of which identify Roma, among others, as an explicit target group. The 2008 project 'Education for all – increasing the availability and quality of education for children from marginalized groups' aims to increase the inclusion of these children in preschool and elementary education, and to reduce drop-out rates through support provided by teaching assistants and community liaison coordinators. The 2009 project 'Improvement of preschool education in Serbia' (IMPRES project) aims to strengthen the conditions of preschool education, especially for children from vulnerable groups, by improving preschool institutions' capacities in targeted municipalities.

Mainstreaming minorities into IPA sectoral projects

Mainstreaming of minority concerns into sectoral reform processes is essential if the right to accessible education is to be realized. Despite this, there are very few examples of how minority rights as a cross-cutting issue is operationalized into IPA projects that aim to support educational reform processes. For example, the fiche of the 2008 project 'Support to the higher education system in Bosnia and Herzegovina' recognizes minorities as a cross-cutting issue, but then states that:

> 'Minorities often find particular difficulties in gaining access to higher education. This is particularly the case for Roma who are often passively and actively excluded from the education system as a whole. Although the main priority in this area is access to primary and secondary education, the higher educational aspects should not be overlooked in future strategy.'[86]

This implies that access of minorities to higher education is not a main concern of present reform processes.

Other examples can be found in the 2007 and 2009 preparatory measures for the Lifelong Learning and Youth in Action programmes in Croatia and in Macedonia (funded through IPA and implemented through the DG Education and Culture). The projects intend to prepare Croatia and Macedonia as candidate countries for participation in European Commission programmes, through building the capacity of the relevant national agencies to manage programmes and giving stakeholders the opportunity to participate in some projects. These projects provide concrete funding opportunities for education projects undertaken by minority CSOs and provide an opportunity for minority CSOs to obtain essential experience of Commission programming rules and build up a track record of implementing Commission-funded projects. Nevertheless, all project fiches state that 'the project does not directly involve activities with a minority impact.'[87]

IPA relevance and effectiveness in relation to minority rights: employment

Access to employment is central to economic participation. The right to dignified work, free from discrimination and exploitation, provides that all people should have the opportunity to earn a wage that is adequate for their health and wellbeing. The right to work, as set out in the ICERD, ICESCR, the International Labour Organization's (ILO) Convention concerning Discrimination in Respect of Employment and Occupation, the UDHR and the UNDM among others, includes:

- freedom to choose or accept work;
- freedom from slavery and forced labour;
- favourable and just working conditions, including freedom of association, equal pay for equal work, adequate minimum wage, a safe work environment, equal opportunity for advancement and adequate rest time; and
- access to vocational training and guidance.[88]

Minorities are entitled to the same rights as all other people and groups in society in regard to employment, and yet often experience difficulty in accessing those rights. Denial of the right to decent work as experienced by minorities may be linked to direct or indirect discrimination, but can also be a result of structural disadvantages, such as lower educational levels or segregated housing.[89] Reflecting this in the context of Roma in Europe, in 2000 CERD issued a special recommendation urging states party to adopt positive action measures, including 'special measures to promote the employment of Roma in the public administration and institutions as well as in private companies'.[90] Significantly, the right to work without discrimination has also been highlighted within the *acquis communautaire*. EU law has paid attention to human rights particularly in the employment context. In 2000 the EU passed two directives implementing the principle of equal treatment – the Racial Equality Directive (2000/43/EC) and the Employment Equality Directive (2000/78/EC), collectively known as the 'Equality Directives'. The Equality Directives define and prohibit direct and indirect discrimination, harassment, instruction to discriminate and victimization.[91]

Minorities' concerns

In regard to denial of the right to work, Roma communities in the Western Balkans are particularly badly affected.

In Macedonia, Roma are grossly under-represented in both private and public sector employment, the latter in spite of the Framework Agreement provision on proportional representation of ethnicities at state institutions at all levels. Factors contributing to the lack of opportunities for Roma in Macedonia, and in fact across the Western Balkans, include lack of education and skills, compounded by employers' negative perceptions of Roma, political patronage, and discrimination against Roma people.[92]

For minority communities in Croatia, discrimination in access to employment continues to be a major cause for concern, and remains one of the most important obstacles to minority return, primarily affecting the Serb community. Bosniaks and Serbs remain under-represented in both public and private sectors, and especially within the judiciary, the police and public administration bodies. So far, the government has made little progress in implementing initiatives around minority employment within the public sector.[93] The lack of data disaggregated by ethnicity has hampered monitoring of minority representation in public bodies, and there have been numerous allegations of continuing discrimination in employment, both in the public and private sectors.[94]

In Serbia, unemployment among Roma is more than twice that of the rest of the population; there are also high rates of unemployment among refugees and IDPs. Among the long-term unemployed, women and those less educated are the most affected.[95]

The 2007 official unemployment rate in BiH as a whole was calculated at 29 per cent; in comparison, a survey of Roma households conducted in 16 municipalities in 2006 and 2007 yielded the finding that only 4 per cent of adult Roma were employed. Of these, fewer than half were registered with the Employment Bureau, and approximately one person in ten was receiving social assistance. Child labour within Roma communities in BiH is fairly common. It removes children from accessing education and this lack of education and

proper vocational/skills development often results in subsequent exclusion from the formal labour market, entrenching the transmission of poverty from one generation to the next.[96]

The poverty experienced by many Roma families in Montenegro also results in relatively high rates of child labour among this minority group. Here, the poverty rate among Roma households is 4.5 times higher than the national poverty rate. Similarly, unemployment is nearly four times higher than the overall rate of unemployment (43.3 per cent versus 11 per cent). Whereas Roma in general tend to perform low-paid tasks considered undesirable by other population groups, the most frequent source of income for Roma refugees and displaced persons is trade in the informal economy.[97]

Employment in EU Progress Reports

In the field of employment, most Progress Reports focus on two main minority-specific issues.

First, they look at the economic situation of Roma, with most reports emphasizing that unemployment rates among Roma communities are far higher than national averages. For instance, the 2008 report on Macedonia notes that: 'In 2007, Roma had the highest rate of unemployment (according to some reports about 70%), the lowest personal and family incomes and the highest mortality rate of any ethnic group.'[98] This attention to socio-economic conditions is in line with recent EU initiatives targeting the inclusion of Roma.[99] In contrast to the attention given to Roma, the socio-economic situation of other minority groups also affected by unemployment and poverty receives less consideration. Second, Progress Reports for BiH, Croatia and Montenegro look at employment discrimination as a major obstacle to the sustainable return of displaced persons and refugees. For example, the 2007 report on Croatia states that: 'Members of the Serb minority, including those who remained in Croatia during the war, face major difficulties concerning access to employment, especially in the war-affected areas.'[100]

But one thing Progress Reports fail to do systematically is to highlight efforts in mainstreaming minorities into sectoral programmes. Exceptions include the 2009 report on Montenegro, which draws attention to the Montenegrin Agency for Employment's adoption of programmes for the integration of minorities into the workforce,[101] and the 2009 report on Macedonia, which notes that: 'The measures taken to improve access to the labour market for vulnerable groups, including people with disabilities, remain insufficient.'[102]

In addition to regular Progress Reports and input into relevant national policies, the European Commission seeks to engage candidate states in a process aiming to encourage action to combat poverty and social exclusion, and to reform social protection systems on the basis of policy exchanges and mutual learning with existing member states. Together, these activities constitute the basis for IPA programming in the field of employment and social inclusion; throughout, the significance of employment issues is emphasized. In 2007, the Joint Memorandum on Social Inclusion (JIM) of the Republic of Croatia was signed between the DG for Employment, Social Affairs and Equal Opportunities and Croatia. The JIM identifies key challenges and contains an agreement on policy priorities, including to:

> 'raise the employability of those groups most affected by long-term unemployment and inactivity, primarily by focusing active labour market policy measures on persons with disabilities, Roma, older workers, and former addicts; in employment, to give special attention to eliminating discrimination against women; to ensure full implementation of the minority employment provisions of the Constitutional Law on National Minorities; to keep records on the participation of social assistance users in active labour market programmes.'[103]

The signing of a similar memorandum with Macedonia is currently under discussion.

Furthermore, the Joint Assessment of Employment Policy Priorities (JAP) aims to support candidate countries to reform their employment systems in line with common goals, such as increasing employment and establishing a well-functioning labour market. Candidate countries are at different stages of the process and so far only Croatia has signed the JAP (in May 2008). The JAP document identified concrete priorities for action in regard to minorities, including to: *'Implement more effectively the current programmes for the vulnerable groups in the labour market and expand them, in particular with a view to making a significant impact on employment of the Serb minority, the Roma and other minorities.'*[104]

IPA-funded minority-specific interventions

There are few examples of specific interventions targeting minorities in the field of employment. The Macedonian Operational Programme (OP) on component IV, Human Resources Development (HRD) contains relevant specific objectives. These include: 'Facilitating integration of the

Roma representatives excluded from the labour market through enhancement and strengthening their employment potentials' and 'Introducing specific employment services through enabling training created in line with individual needs and conditions (including language issues), of the Roma, and Albanians and Turkish women.' The specific objectives aim to achieve social inclusion and the promotion of an inclusive labour market as a third priority of the OP. Measures include on-the-job training and basic skills development, as well as awareness-raising activities to tackle discrimination.[105]

Mainstreaming minorities into IPA sectoral projects

As with education sector reform, in regard to employment policy, at the strategic planning level, component I of the IPA (Institution Building) also aims to enable candidate countries to realize the socio-economic requirements of accession. Assistance outlined in IPA MIPDs include policies relating to access to employment and development of an active labour market, small and medium enterprise (SME) development and strengthening of competitiveness, reform of the education system and the social welfare system, as well as social inclusion measures. But in this area, most MIPDs make no direct reference to minorities. The MIPDs for Serbia are exceptional in this regard, as they state explicitly that, as part of the objective to enhance access to employment and participation in the formal labour market: 'Particular attention should be given to … vulnerable groups (such as … Roma, refugees and IDPs …)'.[106] What is important to note is that the economic advancement of minorities as seen as an issue related to the fulfilment of the *political* requirements for accession. Hence, MIPDs that have identified support to minorities in this respect, assign this support as an area of intervention and a priority to achieve the political requirements.

The Operational Programme (OP) for Human Resource Development (HRD) 2007–9 for Croatia sets out the strategic priorities and respective interventions under component IV of the IPA programme. In its socio-economic analysis preceding the programme strategies the OP acknowledges that, although the Croatian Employment Services (CES): 'provides … some specific measures to national minorities (Roma) … the programmes have also included general "introduction to job" provisions that apply to everyone and this has limited the impact on these specific target groups'.[107] In the first priority axis of the OP, which aims to enhance access to employment and sustainable inclusion in the labour market through strengthening the CES, a newly established training facility will build skills of specialized counsellors for disadvantaged groups. Minorities are subsumed under this title of 'disadvantaged groups', rather than being named as a specific target group. Under the second priority axis, measures which seek to reinforce social inclusion of disadvantaged groups include increasing access to employment through training of staff in the employment and social welfare services, training of disadvantaged groups, the establishment of a network of 'Mentors for Social Integration', and the implementation of grant schemes supporting work placements and other relevant services.

In an encouraging development, the 2008 project 'Labour market reform and workforce development' in Montenegro, which seeks to support capacity-building of the Ministry of Health, Labour and Social Welfare and of the Employment Agency, includes a commitment to (potential) positive action: 'with a view to ensuring full equality in practice, the principle of equal treatment shall not prevent the decision makers from maintaining or adopting specific measures to prevent or compensate for disadvantages linked to racial or ethnic origin'. Measures include the design of training programmes for specific target groups, including Roma and other minority communities, refugees and IDPs, and the statement that these target groups will be the focus of the project.[108]

Inclusion of minorities into the IPA programming cycle

The preceding analysis on the role of IPA in taking forward minority rights as a cornerstone of EU policy for the region presents a mixed picture. On average, strategic documents do mention the importance of minority protection and inclusion, most specifically within the political contexts of stabilization and association. In terms of social and economic development, minorities are viewed as a cross-cutting issue to be addressed within wider sectoral programmes as well as through specific action programmes directly benefiting vulnerable groups (this term usually includes women, the disabled, older people and minorities). However, unless cross-cutting issues are given serious attention by planners and programme implementers, they lose their ability to address the challenges faced by minorities.

One of the lessons learnt from CARDS was that cross-cutting issues tended to be ignored in actual project design (with specific minority-related indicators rarely being requested by the financing authority or contractors) and were not identified as key objectives linked to activities and budgets in larger sectoral projects. IPA projects and programmes need to ensure that these lessons are being addressed practically and must be able to show evidence to this effect. Central to this is the extent to which minorities themselves are able to input into the planning of IPA and contribute as both beneficiaries and contractors to the implementation. Further, there must be sufficient minority expertise and knowledge within the EU DGs that are most involved in IPA planning. This section addresses this issue, drawing on workshop discussions and interviews with representatives of minority communities, which took place in summer 2010.

Consultation

Consultation with CSOs is a compulsory stage of IPA. The 'Partnership principle' in Article 6 on 'Planning Assistance' of the 2006 Council regulation establishing IPA states that:

> 'assistance under this Regulation shall be provided on the basis of multi-annual indicative planning documents established by [the] country in close consultation with national authorities, so as to support national strategies and ensure the engagement and involvement of the country concerned. Civil

> society and other stakeholders shall be associated where appropriate (…).' [109]

Consultation processes vary considerably from country to country. In BiH the primary contact for the Directorate for European Integration (DEI) has been the Civil Society Board, which was established under an agreement between the Council of Ministers and CSOs in 2007. That said, CSO representatives have pointed out that the Civil Society Board is not an exclusive representative body of civil society, and that there are a variety of networks and umbrella organizations through which CSOs cooperate. Moreover, CSOs received information about the IPA only after completion of the planning cycle. As one representative of a minority CSO reflected at a workshop in BiH:

> 'My personal impression from the meeting was that there were so many "excuses" why CSOs were not more actively involved in these processes. We were not clear as to why the Directorate for European Integration invited us only when the entire process had been completed and projects approved.' [110]

Recognizing that the Civil Society Board did not fully represent the diversity of CSOs in Croatia, for the new MIPD 2011–13, the European Commission and the DEI also approached other networks and asked them to appoint representatives to participate in consultation processes. This included representatives from the Roma community and from refugee and IDP groups. Representatives from minority CSOs who took part in this study acknowledged that this was an improvement on earlier consultation processes, but also pointed out that they still do not receive the background material and information that they felt they needed to adequately prepare to take part in the process. It should also be noted that the confusing allocation of responsibilities adds to the difficulties in engaging CSOs. For example, the Senior Programme Officer for CSOs works for the Ministry of Justice, although it is the Ministry of Civil Affairs with whom all CSOs are registered at the national level.

In Serbia, minority CSO interest in participating in the planning of programme priorities and in supporting the realization of the political criteria of accession (for example, public administration reform, police reform, strengthening of civil society and the promotion of human

rights) resulted in the Ministry of Human and Minority Rights drawing up a list of CSOs it cooperates with to be invited to consultation events. Furthermore, the Department for EU Funds and Development Assistance of the Ministry of Finance invited CSOs to comment on draft project fiches and select priorities, although it was pointed out that CSOs providing comments received no feedback. Since 2009, there has been a commitment to including CSOs in multi-annual programming and identification of priorities, but no mechanism has yet been formally established. Overall, the CSO representatives who spoke to MRG felt that minority CSOs were not sufficiently represented in consultation meetings, and that there was little evidence of their input into consultation processes being reflected in the design of MIPDs and project fiches. As one participant of the MRG workshop in Serbia described the consultation process in the IPA programming cycle: 'in institutions nobody has a project view … comments and suggestions coming from CSOs are mostly not understood in the right sense. This is how the situation looks from the inside, unfortunately.'[111]

In Macedonia, CSOs had a chance to participate in consultation processes prior to the development of the Multi-annual Operational Programme Human Resources Development 2007–13 for IPA component IV. This included consultations on priority axis 2 with Roma organizations in regard to education provision. Nevertheless, it was felt that minority CSOs should also have been involved in the actual project planning phase.[112]

The key issue identified both by CSO representatives participating in this study and by other stakeholders is that consultation processes with civil society groups are often ad hoc and based primarily on personal contacts rather than institutionalized procedures embedded into the IPA programming cycle. This is in part due to the fact that, in the Western Balkans, structured and institutionalized interaction between CSOs and governments is not practised, an issue that has been especially highlighted by minority CSOs from Macedonia. A survey conducted by the Serbian Ministry of Finance comes to similar conclusions and points out that first and foremost a political consensus is needed to lead a consultative process and to involve CSOs in decision-making processes. In addition, consultative processes and government–CSO relations have to be institutionalized and provided with sufficient financial means to ensure the inclusion of smaller and remotely located CSOs. Finally, the capacity of government actors also needs to be developed further to enable them to take up meaningful roles throughout this process.

In addition, minority CSOs across the region view consultation at the strategic planning and programming levels, and input into MIPDs and annual programmes, as one step in a larger process. They view contribution at the operational level to the development of concrete project fiches and Terms of Reference for contractors as another vital part of the consultation process, and one in which they are currently not actively involved.[113] Finally, minority CSOs are very much aware that their participation in the IPA programming cycle also requires engagement with the Commission in Brussels. For this it is of utmost importance to create a platform of (minority) CSOs able to engage with EU officials and to lobby them directly for the inclusion of their interests and their participation in IPA. In turn, the Commission must also ensure that minority rights experts are on staff, especially within the relevant DGs, and are called upon to provide input during the strategic planning and programming periods (similar to the role of gender specialists/experts). However, it must be noted that having minority rights experts on staff is not sufficient and that consultation with minority groups and their representatives is an essential part of the IPA process.

Capacity to implement IPA-funded projects

In order to be able to participate in all stages of the IPA cycle, minority CSOs need to have a firm understanding of complex IPA procedures and institutional set-ups, and how projects are developed and managed. But this understanding is lacking, as these information and capacity needs with regard to the IPA are not addressed. A survey conducted by the Serbian Ministry of Finance in 2009 found that 75 per cent of Serbian CSOs were not familiar with IPA programming, 45 per cent did not have sufficient experience in the development and implementation of EU-funded projects, and 70 per cent identified a need for training on the development and implementation of EU-funded projects.[114] Often it is minority CSOs from remote regions, who have little interaction with stakeholders at national level, that lack knowledge of the IPA and have little experience with EU funding.

Although relevant calls and documentation are available on the websites of national authorities and the European Commission delegations, minority CSOs feel the need for more in-depth information and the chance to build their skills. Seminars and presentations conducted during the first years of IPA were primarily promotional, and did not provide CSOs and other stakeholders (such as local authorities) with the in-depth knowledge and skills needed to participate in the IPA programming cycle, including applying for IPA funds. A lot of costly training courses are offered to CSOs by local or international consulting firms who view the IPA skills and knowledge gap as a market opportunity for their services. But very

often these courses only provide a basic overview of IPA components and structures and are too short to provide sufficient time to gain skills in IPA project development, let alone project implementation (including complex European Commission procurement rules and other compliance issues).

Since 2009 the EU has funded a project, 'Technical Assistance for Civil Society Organisations' (TACSO) that provides national and regional training courses free of charge. TACSO aims to strengthen the capacities of CSOs in pre-accession countries in the planning and implementation of EU-funded projects through offering one- to three-day courses. TACSO has local representatives based in-country, provides newsletters via email and holds regular information sessions.

An issue related to minority CSO knowledge and capacity to participate in all stages of the IPA programme cycle is also the availability of documentation in local languages. To a certain extent, national ministries and directorates leading on the implementation of IPA make translations of key documents in state languages available. However, the frequency and coverage of minority languages varies greatly. For example, minority CSOs from Montenegro have highlighted that they do not receive relevant documentation in local languages at all. In Serbia, relevant documentation is mostly available in English, which again challenges capacities of minority CSOs to access information. In BiH, it is the CSOs themselves that organize translations of calls for proposals and guidelines, and disseminate information through mailing lists or websites.

There is particular awareness of the fact that minority CSOs are rarely direct beneficiaries of IPA, as most funding goes to contracts for the provision of technical assistance provided by international consultancy firms. Some of these contracts would provide a grant scheme component for minority (and/or other) CSOs but here minorities are a target group rather than the direct beneficiary (i.e. contract holder). Also, most funding amounts are too large for minority CSOs to absorb and manage. In particular, smaller minority CSOs struggle to comply with compulsory European Commission implementation procedures. Training for minority CSOs, as provided by TACSO, is viewed as essential to build CSO capacity on complex procurement and compliance rules, in order not only to be able to access IPA grants but also to be competent partners in the provision of technical assistance. Here, Roma organizations have drawn lessons learned from the last enlargement round (which revealed that Roma organizations in Bulgaria and Romania needed particular capacity strengthening in order to be able to access Structural Funds) to argue for access to suitable training.

An additional obstacle for many minority CSOs is that they are not able to secure sufficient matching funds to access EU grants. Applicants need to provide 10 per cent to 25 per cent of the total project costs to match the EU grant; this often proves to be an insurmountable obstacle for smaller organizations.[115] Finally, to a certain extent, minority CSOs consulted for this study also felt that their role as advocates for minority rights makes it difficult for them to access IPA funds as, on the one hand they are to monitor their governments' human and minority rights performance, and on the other hand must cooperate with national authorities managing IPA funds.[116]

Minority-specific indicators and benchmarks

The development of minority-specific indicators and benchmarks is an essential prerequisite to mainstreaming minorities into sectoral projects systematically. The importance of clear indicators and benchmarks had been highlighted in many CARDS project evaluations. These benchmarks should be included at all levels of monitoring but especially at the levels of results and impact. Yet, this lesson learned is rarely actualized in IPA project fiches.

For instance, the 2008 project 'Labour market reform and workforce development' in Montenegro focuses on active labour market measures in four selected municipalities. One important expected result is making 'hard to place' unemployed people more employable; 'hard to place' people includes a total of 14 identified groups, among them minority groups.[117] This expected result is very well operationalized into concrete and measurable indicators: around 400 people to be trained, of whom 20 per cent will have found employment within three months and 30 per cent within six months following completion of the training. These indicators can offer a solid basis for minority-specific benchmarks, but these are not included. Although the importance of the usage of minority disaggregated data is highlighted and the beneficiary is requested 'to assure that national minority disaggregated data is made available whenever possible to analyse the social and economic impact of activities undertaken', the project fiche does not include minority-specific benchmarks.[118] It only states that identified target groups 'will be [the] focus of the project, in line with their representativeness in selected municipalities'.[119]

Minority-specific benchmarks are also mostly absent in sectoral projects, even when sound indicators are available. For example, the overall objective of the 2008 project 'Croatian Employment Service (CES) Labour Market Training Centre' is well operationalized through a concrete indicator: 'Placement rate increased by 5% until 2013'.

Here, benchmarks outlining minority placement rates could have been included, especially as 'poverty concentrated in war-affected areas and among the Roma minority' has been identified as a key issue and project activities include CES capacity-building measures to work with these groups.[120]

Conclusions

This analysis of the role of CARDS and IPA in taking forward minority rights as a cornerstone of EU policy for the Western Balkans region provides a mixed picture. On the whole, strategic documents do mention the importance of minority protection and inclusion for long-term stability, most specifically within the political context of stabilization and association. In terms of social and economic development, minorities have been, and continue to be viewed as a 'cross-cutting' issue to be addressed within wider sectoral programmes, as well as through specific action programmes directly benefiting vulnerable groups. But herein lies the problem: unless cross-cutting issues are given serious attention by planners and programme implementers, they lose their ability to address the challenges faced by minorities.

The low level of success of CARDS in bringing about significant changes to the lives of minorities within South-East Europe – especially in the context of public participation, access to education and employment – means that the need is greater than ever for IPA to prove it can do otherwise. Many lessons from CARDS remain unaddressed, and in some instances, unacknowledged, throughout IPA documents. For example, by failing to ensure the practical application of cross-cutting issues within sectoral programmes, the EU failed in its objective to improve minority/majority relations, one of the key identified components that could lead to lasting stability in the region. The EU must understand how successes and failures under CARDS, and especially issues of sustainability around outcomes and impacts, can feed into IPA strategies and programmes, leading to the desired progress against goals.

As the main political and financing partner for the countries of the Western Balkans (both for accession and pre-accession countries), in regard to protecting and promoting minority rights, the EU needs to take on a greater burden of responsibility, and to create a much more detailed and stricter regime for governments and contracting agencies within the parameters of the IPA strategic, policy and programme documents. IPA interventions in all sectors that consider minorities as a cross-cutting issue still do not provide much relevant information in terms of background context, disaggregated data, or guidance on minorities and minority rights approaches. The focus on achieving minority inclusion and improvement in minority/majority relations needs to be bolstered through well-articulated monitoring frameworks which will ensure that cross-cutting issues have relevant objectives, activities, outcomes, indicators and budgets attached to them, and are monitored against broader EU objectives on minority protection and inclusion (as outlined in strategy documents, the Copenhagen Criteria and SAA). It is not enough simply to invite minority-specific calls for proposals, as happened under CARDS. Instead, it is imperative that broader programmes and projects involve a minority focus and can prove (through the use of quantitative and qualitative indicators and monitoring) that they have improved the situation of minorities within the region/country of focus. This must include monitoring the three essential areas of minority involvement which can have an impact on improved minority rights and minority/majority relations, that is, participation, access to education, and access to employment and economic rights.

Recommendations

Recommendations are specifically concerned with new strategic planning, implementation and review of IPA, especially as it relates to both internal processes and anticipated outcomes linked to the three themes of participation, access to education and access to employment.

Recommendations to stakeholders

European Commission

- Ensure that EU Progress Reports provide an in-depth analysis of the situation of minorities in candidate and potential candidate countries, and consistently monitor minorities' participation and representation in political and public bodies, and access to education and employment.
- Insist on the collection of disaggregated data (specifically on ethnicity and gender) in candidate and potential candidate countries in order to establish clear minority-specific indicators, baselines and benchmarks in IPA programming.
- Recruit specialists on minority issues, gender and social inclusion within the Directorates General responsible for IPA programming. Their recommendations should feed into both the strategic planning and the programming level.
- Ensure that minority CSOs with limited absorption capacities are able to access IPA funding directly through small grants and assistance schemes on matching grants, and are included in broader sectoral projects as key partners.
- Include minority-specific indicators, baselines and benchmarks in all relevant IPA projects.

Candidate and potential candidate countries

- Ensure that national statistics bureaus build capacity to collect ethnic and gender disaggregated data systematically in all key sectors.
- Conduct minority assessments with the full and active participation of minorities as part of planning stages for all programmes and ensure that these are reflected

in relevant programme documents.
- Make data on recruitment in the public sector publicly available, so that equitable minority representation in public administration bodies (both at national and local levels), the police force and other similar institutions can be systematically monitored.
- Ensure that specialists on minority issues, gender and social inclusion are placed within central finance and contracting agencies and implementing departments.

EU member states

- In the light of the Paris Declaration, European Community commitments on aid effectiveness and the increased efforts for an application of sector-wide approaches, those EU member states that are bilateral donors should play a key role in pushing for the more effective mainstreaming of minorities into the planning and programming of IPA assistance, both at Brussels level as well as through in-country donor coordination mechanisms.

International civil society/ consulting firms

- Make use of the knowledge and expertise, as well as the close links to minority communities, of minority CSOs to ensure that minorities' concerns are effectively mainstreamed in the design and monitoring of sectoral projects.

Thematic recommendations

Participation

- IPA programmes should identify specific measures and projects which ensure that people belonging to all minorities are represented within institutions such as the police service, judiciary, local authorities and other governmental bodies; specific indicators should be identified to measure the level of minority participation with regular benchmarks being set to monitor progress towards this goal.
- The greater focus of IPA on the inclusion of civil society actors should also include minority CSOs, to ensure that these groups benefit from participation in IPA processes and programmes.

Education

- IPA projects supporting education reform processes should specifically ensure that minority communities' access to education provision follows the 4As – availability, accessibility, acceptability and adaptability.
- Education systems need to be developed with a focus on quality education in minority languages, and teachers and textbooks that do not discriminate against minority communities.
- Special attention should be given to increasing the prospects of minority students' access to higher education, for example through mentoring programmes and scholarships for higher education.

Employment

- Vocational education and training programmes provided in minority areas should take into account the socio-economic situation faced by communities and create programmes accordingly.
- Programmes should tackle current discriminatory attitudes and practices within public and private employment sectors by working with local government authorities and national ministries to ensure that equal opportunity policies are in place and monitored regularly.

Notes

1 References to Kosovo in this report are to Kosovo (under UNSCR 1244).

2 While CARDS and IPA have been the main EU programmes in the Western Balkans region, it should be noted that financial support is also available through other programmes, many of which (such as the European Instrument for Democracy and Human Rights – EIDHR) also deal with minority issues.

3 See: MRG, 'Who are minorities?', http://www.minority rights.org/566/who-are-minorities/who-are-minorities.html

4 Bokulić, S. and Kostadinova, G., *Pushing for Change? South East Europe's Minorities in the EU Progress Reports*, London, MRG, 2008.

5 Partner organizations include: Bibija, Serbia; Centre for Peace, Legal Advice and Psychosocial Assistance, Croatia; Independent Zenica, BiH; SONCE, Macedonia; Unolibertask, Montenegro.

6 Projects reviewed (albeit with the limitations mentioned above) were from BiH, Macedonia, Montenegro and Serbia.

7 Project fiches detail the specific activities, target groups and expected results of a project. Documents for CARDS and IPA (Project Fiches, Progress Reports, MIPDs, etc.) are available at: http://ec.europa.eu/enlargement/candidate-countries/index_en.htm

8 Council Regulation (EC) No. 1628/96 relating to aid for BiH, Croatia, the Federal Republic of Yugoslavia and the former Yugoslavian Republic of Macedonia, URL (consulted October 2010): http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31996R1628:EN:HTML

9 See 'Communication from the Commission to the Council on operational conclusions – EU stabilisation and association process for countries of South-Eastern Europe, Bosnia and Herzegovina, Croatia, Federal Republic of Yugoslavia, former Yugoslav Republic of Macedonia and Albania': http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!CELEXnumdoc&lg=en&numdoc=500DC0049, which gives Council conclusions on the principle of conditionality governing the development of the EU's relations with certain countries of South-East Europe, 29 April, 1997.

10 Council Regulation No. 2666/2000, page 1, point 5, URL (consulted October 2010): http://ec.europa.eu/enlargement/pdf/financial_assistance/cards/general/2666_00_en.pdf

11 European Commission: CARDS Assistance Programme to the Western Balkans, Regional Strategy Paper 2002–6, URL (consulted October 2010): http://www.mathra.gr/files/regional_strategy_paper_en.pdf

12 *Ibid.,* p. 10.

13 *Ibid.,* p. 11.

14 *Ibid.,* p. 19.

15 CARDS CSP for Serbia and Montenegro, 2002–6 (country analysis section), URL (consulted October 2010): http://ec.europa.eu/enlargement/pdf/financial_assistance/cards/publications/fry_strategy_paper_en.pdf

16 MIPDs provide programming and budget details for the CSPs.

17 CARDS CSP for Serbia and Montenegro, 2002–6, *op. cit.,* pp. 13–14.

18 CARDS CSP for fYR Macedonia, 2002–6, p. 6, URL (consulted October 2010): http://ec.europa.eu/enlargement/pdf/financial_assistance/cards/publications/fyrom_strategy_paper_en.pdf

19 *Ibid.,* p. 29.

20 EAR, *A Synthesis of Findings from Evaluation Reports, 2001–2005,* EU/12/034/05, February 2006; COWI, *A Retrospective Evaluation of CARDS Programmes in Kosovo*, July 2009, URL (consulted October 2010): http://ec.europa.eu/enlargement/pdf/financial_assistance/cards/evaluation-reports/05-fr_cards_kosovo_160709.pdf

21 COWI, *op. cit.*

22 *Ibid.,* p. 29.

23 These include Albanians, Czechs, Germans, Hungarians, Italians, Jews, Macedonians, Montenegrins, Poles, Roma, Romanians, Russians, Ruthenians, Slovaks, Slovenians, Turks and Ukrainians. See Ćićak, G. and Hamzić, D., *Bosnia and Herzegovina: National Minorities and the Right to Education,* micro-study, London, MRG, 2006.

24 Legal standards include: the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Linguistic or Religious Minorities (UNDM), the European Convention on Human Rights and Fundamental Freedoms (ECHR) and the Framework Convention for the Protection of National Minorities (FCNM). While the EU itself has not signed up to any convention, many of the EU member states have, and it is still reasonable to hold the EU as an institution (and its policies) accountable against these human rights standards.

25 In a recent precedent-setting case, in December 2009: 'the European Court on Human Rights found Bosnia and Herzegovina to be in breach of Protocol 12 of ECHR, which provides for the right to equal treatment and non-discrimination, in failing to allow its citizens who are not "Constituent Peoples" to stand for election to the Presidency'. See MRG, 'BiH: challenging discriminatory provisions in the BiH electoral system', URL (consulted October 2010): http://www.minorityrights.org/552/key-mrg-legal-cases-undertaken-since-2002/key-mrg-legal-cases-undertaken-since-2002.html#bosnia

26 Sector Fiche 3.1.2 to EAR CARDS Action Programme 2006 for Serbia, 'Strengthening the role of civil society in shaping poverty-related policies and practices', p. 6.

27 This is also mentioned in the CARDS Synthesis Report: *'support is jeopardised by the access procedures (i.e. bank guarantees, certification of accounts, length of service), that harm the interests of the local actors and their organisations. This idea has been supported by all the local CSO consultations carried out during the evaluation. The local stakeholders have also stressed their concern that the heavy access procedures favour the bigger EU NGOs and their control over the local organisations. (Development Researcher's Network Consortium, Evaluation of the Assistance to Balkan Countries under CARDS Regulation 2666/2000,* Synthesis Report, vol. 1, June 2004, pp. 39–40)

28 EAR, *A Synthesis of Findings from Evaluation Reports, 2001–2005,* op. cit., p. 24.

29 Council Regulation (EC) 1085/2006, adopted on 17 July 2006, URL (consulted October 2010): http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_210/l_21020060731en00820093.pdf

30 Discussions on the inclusion of Iceland as the latest potential candidate are ongoing.

31 The *acquis communautaire* constitutes EU law and includes all treaties and directives of EU institutions. The European Regional Development Fund (ERDF) and the European Social Fund (ESF) signify the Structural Funds as the EU financial

instrument to tackle regional disparities within and in between member states aiming for greater socio-economic cohesion.

32 Council Regulation (EC) 1085/2006, 17 July 2006, *op. cit.*

33 *Ibid.*

34 At present, the third MIPD version for each candidate and potential candidate country for the years 2009–11 is applicable. All countries have a review of MIPDs in 2010 with the exception of Serbia, which will have a full review for the 2011–13 programme, according to information MRG received from a European Commission representative at a workshop in Brussels on 30 March 2010.

35 For more details, see Bokulić and Kostadinova, *op. cit.*, p. 11.

36 For details see OSCE High Commissioner on National Minorities (HCNM): The Lund Recommendations on the Effective Participation of National Minorities in Public Life and Explanatory Note, September 1999; URL (consulted): http://www.osce.org/documents/hcnm/1999/09/2929_en.pdf

37 Framework Convention for the Protection of National Minorities (FCNM), 1995, entered into force 1998, Article 4, para. 2.

38 Ghai, Y., *Public Participation and Minorities,* London, MRG, 2003, p.12.

39 *Ibid.,* p. 2.

40 Müller, S. and Jovanovic, Z., *Pathways to Progress? The EU and Roma Inclusion in the Western Balkans,* Hungary, OSI, 2010, p. 25.

41 See note 24.

42 Croatia 2009 Progress Report, p. 14.

43 Montenegro 2009 Progress Report, p. 17.

44 Bosnia and Herzegovina 2007 Progress Report, p. 18; 2008 Progress Report, p. 19; 2009 Progress Report, p. 19.

45 See for example Croatia 2007 Progress Report, p. 12 and the 2008 Progress Report, p. 12.

46 The 1993 European Council held in Copenhagen explicated the conditions for EU membership, including democracy, the rule of law, human rights and protection of minorities (political criteria), a functioning market economy and the capacity to cope with the competitive internal market of the EU (economic criteria) and the ability to assume the *acquis communautaire* (acquis criterion).

47 Kosovo MIPD 2009–11, p. 11.

48 IPA 2009 Croatia Project Fiche, 'Establishing a comprehensive system for anti-discrimination protection', p. 2.

49 IPA 2007 Macedonia Project Fiche, 'Support to the implementation of the public administration reform'. The Ohrid Framework Agreement was signed by the major Macedonian and Albanian parties in August 2001 following the ending of the conflict with the aim of strengthening minority representation through a variety of measures. These include among others the official status of languages spoken by over 20 per cent of the population and representation in public administration.

50 IPA 2008 Macedonia Project Fiche, 'Democracy and fundamental rights'.

51 See Joint Statement, 'The European consensus on development', URL (consulted October 2010): http://ec.europa.eu/development/icenter/repository/european_consensus_2005_en.pdf

52 This 'cut-and-paste' approach appears also in some of the European Commission Progress Reports, as noted by Bokulić and Kostadinova, *op. cit.*, p. 32.

53 BiH MIPDs 2007–9, 2008–10, 2009–11.

54 IPA 2007 BiH Project Fiche, 'Reinforcement of local democracy', p. 1.

55 *Ibid.*, p.7.

56 IPA 2007 Kosovo Project Fiche, 'Supporting local government and decentralisation', p. 13.

57 IPA 2007 Macedonia Project Fiche, 'Support to the implementation of the Public Administration Reform', p. 14.

58 *Ibid.,* p. 16.

59 IPA 2007 Project Fiche for the former Yugoslav Republic of Macedonia, 'Support to the implementation of the police reform strategy', p. 2.

60 *Ibid.,* p. 3.

61 IPA 2008 Project Fiche for BiH, 'Support to the police reform process', p. 9.

62 IPA 2007 Project Fiche, 'Support to civil society in Montenegro', p. 9.

63 IPA 2007 Project Fiche for BiH, 'Capacity building of civil society to take part in policy dialogue', p. 7.

64 IPA 2009 Centralised Programmes Project Fiche, 'Support to civil society in Serbia', p. 4.

65 IPA 2008 Project Fiche for Macedonia, 'Support the participation of the civil sector in decision making process and in providing social services', pp. 14–15.

66 IPA 2008 Project Fiche for Kosovo, 'Support to media and civil society', p. 2.

67 The logical framework matrix includes a third result: 'c. Increased interaction between children of different communities in Kosovo.' Although having a value in itself, it is unclear how this result can contribute to the achievement of the project purpose to strengthen civil society involvement in policy-making and awareness-raising in the area of environment and equal opportunities.

68 Bokulić and Kostadinova, *op. cit.,* p. 14.

69 Advisory Committee on the FCNM, *Commentary on Education under the Framework Convention for the Protection of National Minorities,* adopted at 25th Session 2 March 2006, Strasbourg, Council of Europe, p. 27.

70 Bokulić and Kostadinova, *op. cit.*, p. 15.

71 *Ibid.,* p. 19

72 ECRI, Report on the Former Yugoslav Republic of Macedonia, Strasbourg, Council of Europe, June 2010, URL (consulted October 2010): http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Former_Yugoslav_Republic_Macedonia/MKD-CbC-IV-2010-019-ENG.pdf

73 European Training Foundation, ETF *Country Analysis – Serbia,* Turin, ETF, 2006, p. 3.

74 CERD reviews country reports and progress against articles of ICERD, to ensure that countries which have ratified the convention are implementing relevant measures.

75 Centre for Peace and Psycho-social Assistance, *FCNM Shadow Report,* 3rd Monitoring Cycle, Croatia, February 2010.

76 With the 1999 Bologna Declaration a series of reforms (the 'Bologna Process') was initiated to create a European Higher Education Area by 2010, which makes higher education in EU member states more compatible and more competitive.

77 Serbia 2009 Progress Report, p. 16.

78 Croatia 2007 Progress Report, p. 14.

79 RAE stands for Roma, Ashkali, Egyptian. It is a term that is, in certain countries, considered offensive by members of these communities as it ignores distinctions between their identities and circumstances.

80 Montenegro 2009 Progress Report, p. 18.

81 BiH 2008–10 MIPD, p. 17.

82 Serbia MIPD 2007–9, pp. 18–19. Similar objectives also appear in preceding MIPDs.

83 The former Yugoslav Republic of Macedonia, Multi-annual Operational Programme Human Resource Development 2007–2013, pp. 80, 157.

84 *Ibid.,* pp. 83, 158. There is however no definition provided of the potential make-up of these excluded people.

85 Republic of Croatia, Operational Programme for Human Resource Development 2007–2009, Instrument for Pre-Accession Assistance 2007HR051PO001, September 2007, pp. 52, 70–72.

86 IPA 2008 Project Fiche, 'EU support to reform of higher education in Bosnia and Herzegovina', p. 8.

87 IPA 2007 Project Fiches for Croatia, 'Preparatory measures for the Lifelong Learning and Youth in Action programmes', p. 5; IPA 2009 Project Fiches for Croatia, 'Preparatory measures for the Lifelong Learning and Youth in Action programmes', p. 7; IPA 2007 Project Fiches for the former Yugoslav Republic of Macedonia, 'Preparatory measures for the Lifelong Learning and Youth in Action programmes', p. 6.

88 Bedard, T., *Participation of Minorities in Economic Life: An Advocacy Guide for Minorities in South East Europe*, London, MRG, 2005, p. 14.

89 Bokulić and Kostadinova, *op. cit.,* p. 13.

90 Committee on the Elimination of Racial Discrimination, General Recommendation No. 27: Discrimination against Roma, August 2000, www.ohchr.org

91 Kostadinova, G., *Substantive Equality, Positive Action and Roma Rights in the European Union*, London, MRG, September 2006.

92 Redzepi, N. and Bojadzieva, A., *Policies for Improvement of the Employment of Roma in Macedonia,* micro study, London, MRG, 2005.

93 Bokulić and Kostadinova, *op. cit.*, p. 20.

94 Centre for Peace and Psycho-social Assistance, *op. cit.,* p. 32.

95 European Training Foundation, *op. cit.,* p. 3.

96 Roma Education Fund, *Advancing Education of Roma in Bosnia and Herzegovina, 2009 Country Assessment,* Budapest, Roma Education Fund, 2009, p. 12.

97 *Ibid.*

98 Macedonia 2008 Progress Report, p. 21.

99 In December 2007 the European Council addressed the issue of Roma inclusion in its Conclusions for the first time. In January 2008, a resolution of the European Parliament, which requested the introduction of a 'European Framework Strategy on Roma Inclusion' and a 'Community Action Plan on Roma Inclusion' was published. This was followed by a Commission Staff Working Document focusing on EU policies targeting Roma, including enlargement policies. For an in-depth description and analysis of the process see Müller, S. and Jovanovic, Z., *Pathways to Progress? The European Union and Roma Inclusion in the Western Balkans,* Open Society Institute, March 2010, p. 45.

100 Croatia 2007 Progress Report, p. 13.

101 Montenegro 2009 Progress Report, p. 25.

102 Macedonia 2009 Progress Report, p. 54.

103 Joint Memorandum on Social Inclusion of the Republic of Croatia, Zagreb, 5 March 2007, p. 58.

104 Joint Assessment of the Employment Policy Priorities of the Republic of Croatia, Brussels, 28 May 2008, p. 50.

105 Macedonia, Multi-annual Operational Programme, 'Human Resource Development 2007–13', IPA Component IV, pp. 160–1.

106 Serbia MIPD 2009–11, p. 24. Also to be found in the two preceding MIPDs.

107 Operational Programme for Human Resource Development 2007–2009 for Croatia, p. 148.

108 IPA 2008 Project Fiche for Montenegro, 'Labour market reform and workforce development', p. 14.

109 Council regulation (EC) No. 1085/2006 of 17 July 2006 establishing IPA, *op. cit.*

110 MRG partner workshop in Sarajevo, BiH, June 2010.

111 MRG partner workshop in Belgrade, Serbia, June 2010

112 MRG partner workshop in Skopje, Macedonia, May 2010.

113 This issue was particularly highlighted during the MRG partner workshop in Macedonia.

114 Serbian Ministry of Finance: 'Development of mechanisms for consultations with civil society on IPA programming, October 2009' (available in Serbian only – 'Razvoj mehanizama za konsultacije sa civilnim drustvo u vezi sa programiranjem Instrumenata za pretpristupnu pomoc [IPA]). As part of this survey 219 CSOs and representatives of 10 ministries were interviewed and several consultative processes were analysed, including on the National Strategy for Youth

115 In some instances these can be lower, down to 5 per cent, as for example in the case of a minority rights-related call for proposals in Kosovo.

116 Interview conducted by MRG partner in Montenegro with minority representative, August 2010.

117 Additional 'hard to place' groups include also people with disabilities, people aged over 50, redundancies from privatized companies, unemployed women and youth, etc.

118 IPA 2008 Project Fiche for Montenegro, *op. cit.,* p. 14. The beneficiary of the project is the Ministry of Health, Labour and Social Welfare.

119 *Ibid.,* p. 8.

120 IPA 2008 Project Fiche 'Croatian Employment Service Market Training Centre', p. 4.

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EU Financial Assistance to the Western Balkans: a minority-focused review of CARDS and IPA

Since the early 1990s, the European Union (EU) has been the largest donor to the countries of the Western Balkans – Albania, Bosnia and Herzegovina (BiH), Croatia, Macedonia, Montenegro, Serbia and Kosovo (under UNSCR 1244). Since the late 1990s, the main focus of this engagement has been ensuring political and economic stabilization and the consolidation of democracy and civil society in the region. The need to address the needs and priorities of minority groups was early on identified as a key component in the process of ensuring long-term democratic stabilization. But as this study shows, despite this commitment, neither the CARDS nor the IPA development programme have succeeded in consistently addressing minority issues and supporting civil society organizations (CSOs) representing minority issues, or in having a profound, positive impact on the lives of marginalized minority groups in the region.

Following on from an earlier MRG report *Pushing for Change? South East Europe's Minorities in the EU Progress Reports*, this study provides a minority-rights focused assessment of the EU's principal development programmes for engagement in the region – the Community Assistance for Reconstruction, Development and Stabilisation (CARDS) programme (which ran from 2002 until 2006) and the current Instrument for Pre-Accession Assistance (IPA) programme. Drawing on policy and programme documents, as well as material collected by MRG's partner organizations in the region during workshops and interviews with minority CSOs, the report assesses the extent to which minority inclusion and protection forms a part of the current IPA strategy and programming, looking particularly at minority participation in public life, access to education and access to employment