Success in slow motion: The Europeanization of Romanian child protection policy

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Abstract This paper analyzes the influence of the European Union (EU) through a qualitative case study of child protection policy in Romania. This is a particularly tough case for the growing "Europeanization" literature. Prior research has called attention to several factors that promote Europeanization, including the presence of a pro-reform domestic coalition, the clarity and consistency of the EU's own legislative targets, a state's own prior involvement in the setting of European standards, a strong consensus among EU member states backing the European position, and strong non-European support for EU initiatives. According to these propositions, Romanian child protection seemed to provide a worst case scenario for Europeanization, as initially none of these conditions held. And yet the paper shows that substantial Europeanization occurred anyway. We argue that the EU experienced a very slow start with Romania but that it cultivated an opposition that responded to EU initiatives when that opposition took power. Moreover, the EU found three "workarounds" to the obstacles just noted: it asserted legislative targets it did not possess itself, invented new policy tools, and drew protection for its most controversial policy from another international organization, the ECHR. Our central theoretical claim is that external pressure requires internal accommodation in order to have lasting effects. The claim has important implications for the diffusion and conditionality debates.

Keywords European Union · Conditionality · Child protection · Romania · Enlargement · International organizations · Social policy

JEL Classification F53 · J12 · J13

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The horrible Romanian orphanages. Few images of communist misrule in Eastern Europe resonated more deeply with international observers in 1989–90 than scenes of malnourished and neglected children warehoused by the thousands in filthy quasi-military institutions. Nearly twenty years later, the situation has improved very substantially, to the point where former critics of Romania often hold up the Romanian reforms as a model for other postcommunist societies dealing with similar dilemmas. Why and how has this happened? This article uses the "slow motion success story" of Romanian orphanages to both distill and expand on major findings of an emerging literature on external influences on postcommunist transformations. It *distills* a set of related points about the centrality of connections between internal and external reformers and the deals that they strike; it also *expands* on the mechanisms by which such deals can be struck and shows that when common routes are ineffective, a number of "workarounds" exist that may still give outsiders the chance to promote major domestic reforms.

Scholars are increasingly aware of international influences on the shape of domestic institutions.[1] An important part of this research agenda deals with the effects of international organizations (IOs) on institutional and policy changes inside particular states. For a variety of reasons, IOs have had particularly pronounced effects on postcommunist reforms. Such externally-influenced reforms have sometimes been constitutional (e.g., electoral formulas or constitutional court designs), but more often they have prompted statutory changes that sought to promote either better economic performance (e.g., privatization programs, fiscal controls, or tax laws) or better democracies (e.g., minority protection laws, rule of law programs, or better civilian control of the military).[2]

In Central and Eastern Europe (CEE), postcommunist states have drawn focused attention from a variety of IOs. Over the last decade, many scholars have attended to the process of the increased integration of European countries—often referred to as "Europeanization." Europeanization is the set of "processes of construction, diffusion, and institutionalization of formal and informal rules, procedures, policy paradigms, styles, ways of doing things, shared beliefs and norms which are first defined and consolidated in the making of EU decisions and then incorporated in the logic of domestic discourse, identities, political structures and public policies" (Radaelli 2000: 3). Though to date, most Europeanization studies deal with EU member states, scholars are increasingly aware that the EU also has shaped the internal affairs of prospective member-states.[3] CEE states have faced pressures to adopt the provisions of the EU's so-called *acquis communautaire* and participate in a variety of EU programs.[4]

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[1] For recent, theoretically-oriented summaries, see Orenstein and Schmitz 2005 (comparative theories) and Mayer and Mourmouras 2008 (IR theories).

[2] Recent books that treat external influences on postcommunism without focusing on the EU include Epstein 2008; Deacon 2007; Goldsmith 2005; Gheciu 2005; Ekiert and Hanson 2003; Henderson 2003; Stone 2002; Zielonka and Pravda 2001; Jacoby 2000.

[3] Recent books that focus on EU influences in CEE include Grabbe 2006; Schimmelfennig and Sedelmeier 2005; Pridham 2005; Vachudova 2005; Jacoby 2004; Hughes, et al. 2004; Kelley 2003; Linden 2002.

[4] The *acquis communautaire* contains some 80,000 pages of treaties, legislation, principles, policies, practices, and obligations of EU member states.

This paper contributes to this emerging literature by analyzing the Europeanization of child protection policy in Romania, including its infamous orphanages. This case began as a particularly difficult one for Europeanization theory, but it ultimately underscores and extends in three particular ways the main lesson of a decade of research: outsider reformers need to build informal links with insiders if they are to succeed in promoting lasting changes.

Prior research has called attention to several factors that promote Europeanization, including a pro-reform domestic coalition (Vachudova 2005; Jacoby 2004), a clear and consistent legislative target (in this case, the relevant sections of the *acquis communautaire*) (Sissenich 2005; Hughes, Sasse, and Gordon 2004), a state's own prior involvement in the setting of EU standards (Börzel 2002), a consensus among EU member states backing the European position (Sissenich 2005), and strong non-European support for EU initiatives (Pevehouse 2005).

On all five dimensions, Romanian child protection initially seemed to provide almost a worst-case scenario for Europeanization: Romania had, for much of the 1990s, no pro-reform coalition worthy of the name and was largely unresponsive to recommendations from international organizations, including the EU (Schwellnus 2005; Kelley 2004). The EU has virtually no *acquis* in this area since child protection is a matter for member states to decide on their own. As a non-member, Romania obviously had no prior involvement in the development of these (or any other) EU standards. While most EU conditionality in CEE had the approval of all the old member states, its child protection policies incurred the wrath of several states, especially Italy. And finally, the US strongly disapproved of what became the central EU demand: a ban on international adoptions from Romania.

And yet, as we suggested above and show below, Romanian child protection policies have been substantially Europeanized, both on paper and in practice. The puzzle is why. Our article addresses this puzzle in four steps, which boil down to patience, opportunism, creativity, and tenacity. First, notwithstanding Romania's long resistance to EU pressures, a new set of domestic actors after 1996 opened the door to a more open engagement of the EU on a whole range of issues. This necessary, though far from sufficient condition, mostly confirms emerging conventional wisdom. Second, we show that while the EU indeed had a thin[5] *acquis* in this area, it was able to essentially outsource the writing of substantive conditions by drawing on existing United Nations conventions and then credibly defend them in ways the UN had been unable to do. Third, the EU built new instruments that more clearly obliged aspirant member states to reform their institutions, even if those states had not been involved in defining the new standards. Finally, taking the last two dimensions together, the EU could defend its ban in the face of criticism from other EU states and the US, in part by alerting Romanian authorities to crucial flanking measures in the European Convention on Human Rights (ECHR).

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[5] Essentially, the EU only had the Copenhagen Criteria, technically not part of the *acquis* but routinely used as such by the EU (see Grabbe 2006) with which to challenge child protection policies on human rights grounds.

1 Combining International and Domestic Explanatory Factors

Two implications of the case matter most for political scientists and policymakers. The first speaks to the widespread interest in "diffusion" of political instruments from state to state. A staple of this literature is the effort to control for domestic influences when testing propositions about diffusion (c.f. O'Dwyer 2006). When it comes to domestic versus international sources of institutional change, however, diffusion usually is not an "either/or" proposition. Posing the source of diffusion as "external or internal" often has limited utility since both mechanisms are so often necessary parts of a persuasive explanation. Works that emphasize the domestic roots of diffusion—through uncoerced policy learning—are most effective when they point out the complementary effects of external influences (e.g. Weyland 2005: 25–26). Conversely, while this article emphasizes the importance of external actors, a central claim is that EU pressures were inadequate to spark real change until Romania's domestic coalition shifted after 1996. And even those efforts required the workarounds already noted and took years to bear fruit under subsequent governments.

Second, this article shows how to bring together domestic and international causes, crucial when initial conditions are as unpromising as in this case. The four mechanisms we stress are consistent with those identified by broader studies of democratization in CEE. Together, they underscore that for determined IOs, hard cases are not lost causes. For example, Vachudova (2005) notes that the EU often cannot change a recalcitrant government's policy, but it can provide a focal point for cooperation and substantive policy proposals to an otherwise splintered opposition. In this case, both mechanisms occur around the 1996 elections. But if these "breakthrough elections" allowed the EU a voice, we show how EU actions could only provide a focal point for reform by opportunistically borrowing from another IO, the UN (Kelley 2004; Schwellnus 2005).[6]

If the first two mechanisms—domestic allies and a borrowed *acquis*—are already identified in the literature, the next two are treated rather less. We show how the EU helped usher in a new era of child protection policy by using conditionality in the form of creative "thresholds" that specified functional demands for the creation of new actors and agencies rather than giving specific institutional checklists (Jacoby 2004). The EU also moved to oblige Romanian politicians to diminish domestic rents that arose in the policy sector by banning international adoptions in 2001. Here, rather than the standard story about the European *Commission* demanding new practices, the story is also about the European *Parliament* demanding the dismantling of existing ones. Finally, tenacity mattered as much as creativity. The EU pushed Romania to stay the course of these reforms in the face of challenges from other European (and US) politicians who sought to reopen Romania for

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[6] "Borrowed *acquis*" may strike some as an oxymoron given that *acquis* usually refers to certain official EU policies. By "borrowed," we mean simply that the EU communicated to Romanian officials their expectation that Romania would adhere to the terms of the UN CRC. The EU, in effect, outsourced the substance of conditions to another IO, using standards the UN had articulated many years previously.

international adoptions.[7] Here again, the European Parliament but also the ECHR played a central role in defending the new regime for child protection in Romania.

To develop these points, our paper analyzes three phases of policy change. First, from 1989–1996, we emphasize disorganized, ad hoc changes. During this period Europeanization had little measurable effect as Romanian leadership paid, at best, lip service to Western pressures. Second, between 1997 and 2001, Europeanization pressures increased considerably—especially after 1999—and we see a substantial and rapid Romanian response in the form of legal changes and increased capacity to cope with abandoned children. Overlapping both initial phases, however, we also see the rise of a poorly regulated market for international adoptions and the concomitant spread of substantial corruption. This problem arguably got worse during the second phase, even as clear progress was made on other fronts. Third, from 2001 to the present we see renewed Europeanization pressures, this time to ban international adoptions, even in the face of criticism of some member states and the United States.

In the first phase, domestic forces for reform were too weak to drive thorough change. In the second phase, international forces were too remote to implement legal changes alone. One problem area—a major Romanian deficit in institutional capacity—was improved, but another problem—corrupt international adoptions—actually got worse. In the third phase, as domestic capacity increased in new areas like foster care, external pressure from both the European Commission and Parliament resulted in the cessation of international adoptions, a ban that endured in the face of substantial opposition. In sum, the old system largely has been dismantled, and a new one has been built.

2 Phase One: Ad Hoc Changes

Romania joined the EU in January 2007, but it traveled a rocky postcommunist road to get there. Between December 1989 and November 1996, the same party, the National Salvation Front (FSN), and the same president, Ion Iliescu (FSN's leader), ruled Romania.[8] Iliescu mixed rhetorical affinity for Romanian engagement with the West with illiberal tactics, including electoral fraud and ethnic scapegoating, to remain in power (Gallagher 2005; Shafir 1997). Iliescu faced few domestic challenges. Romania's semi-presidential system produced few checks on its leader's power, and the opposition was weak and fragmented (Vachudova 2005: 165–69).

Under Iliescu, Romania embarked only very slowly on political and economic reforms.[9] Yet despite the glacial pace of its initial reforms, cooperation with and membership in the EU became one of Romania's central goals. In March 1995, Romania signed an "Association Agreement" with the EU, and the EU accepted Romania as a candidate for future membership. Membership meant meeting a set of accession conditions that the EU had set at the Copenhagen European Council

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[7] For a case in which the US enticed Romania to undercut EU-sanctioned policies, see Kelley 2007.

[8] The party was subsequently renamed twice, to Party of Social Democracy of Romania (PDSR) in 1993 and then to Party of Social Democracy (PSD) in 2001.

[9] In recent years its reforms have gathered momentum and some were sustained or even accelerated during Iliescu's return to power from 2000–2004.

meetings in 1993. In this paper, we are centrally concerned with the first Copenhagen criterion, which requires that the country "be a stable democracy, respect human rights and the rule of law and protect minorities."[10] The EU emphasized that the issue of child protection is an important part of human rights criteria. Romania thus would be reviewed in annual reports on its progress in meeting these (and later, other) criteria.

Long before this—indeed shortly after the December 1989 Romanian revolution—Romanian orphanages had become infamous for their appalling conditions (Lataianu 2001; Jerre 2005; GIASAI 2002). Criticisms registered broadly in the Western media and beyond.[11] The high number of abandoned and orphaned children was rooted in Romanian communism. In hopes of increasing Romania's birthrate—and hence its supply of industrial workers—Decree 770 of 1966 prohibited abortion and contraceptives (Kligman 1998). Decree 770 resulted in the births of many unwanted children while high rates of maternal mortality produced many orphans.[12] The rising cost of living also caused many poor families to place children in residential care. Romanian authorities placed abandoned children in huge, mismanaged and socially isolated state institutions, and well over 100,000 children were institutionalized by 1989.

After western media exposed the plight of these children, Romanian authorities increased funding for food, medicine, clothing, and building improvements in the residential institutions. State authorities also administered humanitarian aid from international organization and western states and civil societies, including the EU, UNICEF, USAID, Doctors Without Borders, Caritas, and others. Numerous NGOs, backed by western funds and expertise, launched pilot projects promoting family-type alternatives for institutionalized children (Lataianu 2001). Child protection policy, however, was a low priority for the first two Iliescu governments, and no thorough reforms were undertaken (Lataianu 2004).

Already in this initial phase, international adoption became the main alternative to institutional placement. In 1991, around 10,000 Romanian children were adopted abroad, and Romania quickly became one of the main sources for inter-county adoption.[13] In this period, 2,594 babies were adopted to US homes alone, comprising almost one third of all international adoptions made by American parents. Numerous allegations of child trafficking led successive Romanian governments to further regulate adoptions. But the mish-mash of rules left ample room for abuse. For example, when a 1990 reform did not clearly stipulate the criteria for "abandonment," it opened the door to an avalanche of international adoption requests and helped spur a black market of baby intermediaries (Greenwell 2003: 75; Dickens 2002).

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[10] http://europa.eu.int/scadplus/leg/en/lvb/e50017.htm#CRITERIA.

[11] In fact, few policy sector failures generate—as Romania's orphanages did—separate feature films from Hollywood and the United Kingdom.

[12] Romanian maternal mortality was 3.5 to 4 times higher than the European average rate in the period between 1970 to 1990 (Ghețau 1997).

[13] Statistics in this paragraph are from Greenwell (2003: 75–6). All told, about 30,000 Romanian children have been adopted abroad since communism's end.

In July 1991, Law 48/1991 made the new Romanian Adoption Committee (RAC) the central coordinating institution for adoptions. In principle, all adoptions had to be screened and monitored by this agency. The government intended for the new agency to meet the requirements of the UN Convention for Rights of the Child (CRC), signed by Romania in 1990. However, the baby trade, once in progress, was very hard to stop. Law 47/1993 introduced a stricter definition of abandoned children (a child was declared eligible for adoption if the parents show no interest in the child's wellbeing for more than six months).[14] However, manipulation of records in orphanages, inexperienced or corrupt staff, and the lack of RAC monitoring all provided opportunities for illicit adoptions (Dickens 2002; Bainham 2003). Therefore, despite laws designed, in part, to limit the most corrupt forms of international adoptions, international adoptions continued to rise for several more years until 2001 (see Table 1 and discussion below).

At the same time, neither the democratization of society nor the liberalization of abortion laws brought the expected decrease in the number of children entering residential care. Instead, this number increased modestly between 1990 and 1994. Mismanaged economic reform meant large segments of the population were reduced to nonworking poor, many of whom institutionalized their children (Lataianu 2004).

Meanwhile, the devastating impact of the "old-style" Romanian institutionalization was becoming clear. A meta-study of child development research on institutionalized Romanian children concluded, "findings across time and studies are consistent in showing the negative impact of institutionalization on all aspects of children's development (intellectual, physical, behavioral, and social-emotional" (Maclean 2003: 853). The same review concluded that there is "no doubt" that adoption out of Romanian orphanages is a "powerful" intervention (Maclean 2003: 860. See also Parker and Nelson 2005; Zeanah et al. 2005; Carlson and Earls 1997; Kaler and Freeman 1994; Lataianu 2003).

By 1996, it was clear that a more comprehensive reform of the system was badly needed. But while governments focused on ad hoc improvements in living standards in the institutions, comprehensive reform of the child protection system was a low priority. Remarkably, in spite of seven post-communist child protection laws, Law 3/1970 was still in force, according to which, institutionalization was still the second best child protection option (after national or international adoption).

Yet at this stage, IOs had limited leverage. Outside actors had little chance to affect Romanian politics at a time when domestic actors either saw IO membership come relatively easily (e.g., the Council of Europe) or placed little priority on joining IOs for which membership would be costly (e.g., the EU). The Council of Europe had warned Romania about necessary reforms to the child care system, but was much more focused on ethnic minorities (Goldstein and Ban 2005). The EU was like many donors in that its contributions mainly shored up the fiscal insolvency of the system inherited from the communist years.

The UN did a bit more. On the basis of a 1993 Romanian report on its own compliance with the CRC, the UN had provided a critical response demonstrating a

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[14] Subsequent Laws 84/1994 and 65/1995 implemented the provisions contained in The Hague Convention on Child Protection intended to prevent inter-country adoption from becoming child trafficking.

Table 1 National and international adoptions in Romania, 1994–2006

	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Natl adoption	2792	2389	1005	No data	840	1710	1219	1274	1346	1383	1422	1136	1421
Internatl adoption		2038	1789	1315	851	2017	2575	3035	1521	407	279	251	2	0

Source: ANDPC Statistics (www.copii.ro)

lack of coordination between various Romanian institutions and was highly critical about certain policies (UNICEF 2004). In response, the government produced the National Action Plan on child protection, yet the Plan lacked specific objectives and clear lines of action (GIASAI 2002).

By far the most important development of this phase, however, was the further development of NGOs who would become important carriers of later reform impulses. By 1996, there were over 400 Romanian NGOs active in child protection services (Lataianu 2001). Some were directed by international relief organizations that had come at the beginning of the 1990s (e.g., Romanian Orphan Trust, Holt, World Vision, Save the Children, Christian Children's Fund, Medicines sans Frontieres, Handicap International, Caritas, and Pestalozzi, among others). But most were new Romanian NGOs, though heavily supported financially and logistically by donors as UNICEF, USAID, EU end others. Already, some NGOs had begun pilot programs for "family-type alternatives" (especially foster care) for institutionalized children (Roth 1999; Lataianu 2001; Dickens and Groza 2004).

Yet, as a series of reports underscored, the capacity of not-for-profit sector to initiate a comprehensive reform on its own was limited (c.f. US Embassy in Romania 2001; Delegation of the European Commission 2005a; UNICEF 2004). Still, some NGOs monitored Romania's progress (or lack thereof) in implementing CRC (Save the Children 1995), while others lobbied the Romanian government for comprehensive reform (USAID 1996; UNICEF 2004; Save the Children 1995). In later years, their recommendations and policy guides would constitute the basis of much real reform (Lataianu 2001).

3 Phase Two: Domestic Catch-up, Foreign Agenda-setting

This section introduces the first two factors explaining the puzzle of successful Europeanization in this policy sector, namely a crucial shift in Romanian domestic politics and the EU's borrowed *acquis*. Reforms of the child protection system were closely connected with the coming to power of President Emil Constantinescu and the four-party center-right Democratic Convention (DC) in late 1996. To be sure, this was not a case in which any of the DC parties had shown real prior commitment to child protection. If there was a "differential empowerment" (Börzel and Risse 2000) or "minority traditions" (Jacoby 2000) story here, it lay not with political parties but with the NGOs just described.

But if the DC parties had shown little prior interest in child protection, they were very interested in the EU. Indeed, besides opposition to the PDSR, the only thing

uniting this diverse alliance was a willingness to accelerate regime transformation and integration in the EU and NATO. Here, time was of the essence. As the new coalition took office, two key events loomed on the near horizon: NATO's Madrid Summit (July 1997) and the EU's Luxembourg Summit (December 1997). Each IO intended to make public the first wave of enlargement countries, and due to its half-hearted reforms to date, Romania appeared a long-shot for both organizations. Accordingly, the new government began an aggressive campaign to show Romania's commitment to integration with both IOs. At the same time, Romanian voters, perhaps the most Euro-optimist in all of CEE, were getting the message that Iliescu's pseudo-reforms had badly damaged Romania' standing with these IOs. Because the ruling alliance's heterogeneity allowed no common ideology, efforts to win acceptance in these Euro-Atlantic structures represented the only jointly available electoral capital for all four parties.

Child protection was thus among a flurry of reforms undertaken by the DC government. Here, the UN was important, not because it had leverage over Romania—it did not—but because the CRC provided a substantive focal point for reforms. Romania had signed the UN CRC in 1990, yet prior to 1997 its legislation had only very partially responded to CRC imperatives (Lataianu 2003). An early signal of DC readiness had come just before the elections, when Emil Constantinescu of the DC acknowledged in a letter to child protection NGOs that more could be done for children in need and that he would support NGO efforts to respond to EU calls for changes in the system (USAID 1996). In December 1996, the government announced its intentions to thoroughly address the problem of institutionalized children though without giving many specifics (*New York Times*, December 15, 1996). Yet a number of initiatives were forthcoming.

First, in January 1997, the Department for Child Protection (DCP) was created as an independent governmental structure. The national DCP oversaw the work of 40 new county-level DCPs as well.[15] Such rapid and substantial decentralization in a country with a long tradition of (over)centralization caught the attention of many. The organization's main mission was to draw up long-term strategies of child protection, supervise and coordinate the system on the national level, prepare legislative initiatives on child protection, and monitor domestic legislation concerning children's rights with international agreements to which Romania was a signatory. Its link to the CRC was clear, as it was an elaboration of the National Committee for Child Protection, first established in 1993 to execute the CRC principles in Romania, including Article 21a, which sets broad guidelines for state authority over adoptions. Yet Article 21a did not set specific, highly "determinate" standards for states, but rather established broad thresholds that had been easy to evade when the domestic will was not there, but were also easier to meet when such will was in place (Jacoby 2004).

Second, EO 26/1997 codified a new philosophy that the best option for institutionalized children would be family-type alternatives for child care (hopefully

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[15] In 2000, the national DCP was changed to the National Agency for Child Protection (NACP) and then, in 2001, to the National Authority for Child Protection and Adoption (NACPA), its current name. Somewhat confusingly, the county organs continued to go by the name DCP.

reintegration into the biological family, but the new ordinance also foresaw foster care and adoption, in that order). This philosophy responded directly to thresholds in Article 21b of the CRC and, replacing Law 3/1970 from the communist era, it stated that institutionalization was a *temporary* measure for children in difficulty. The role of the non-governmental organizations was encouraged, especially in foster care (Zeanah et. al. 2003). Responsibility for child protection shifted from the central state. Each county council established its own DCP unit to co-ordinate child protection, operate local child care institutions, make decisions on individual cases, and finance this activity, while Bucharest would be responsible for coordination at the national level. This was, on paper at least, a massive shift of responsibilities and infrastructure.

The third major bill, EO 25/1997, reformed the much-criticized adoption services. A Romanian family's request for adoption now had priority over that of a foreign family and inter-country adoption nominally was made a last option. The law also stipulated, in accordance with further thresholds in Articles 7 and 8 of the CRC, provisions to preserve the child's identity, including nationality, name, and family relations, and stipulated minimal material and moral standards for the prospective adoptive parents (Article 21c and 21d) (Greenwell 2003: 86).

The DC government's 1997 reforms responded to the certainty that the troubled child protection system would be a concern for the EU, but, as noted, the EU had actually made few specific requests in this policy sector, beyond noting the importance of the CRC. The EU was shifting policies as well, however, and 1997 saw the first EU Commission report (*avis*) regarding the readiness of the candidate countries for eventual membership, to be followed by annual updates from the Commission. The Commission began "screening" the institutions, laws, and practices of each candidate country against the mandatory *acquis communautaire* (Delegation of the European Commission in Romania 2004: 1; Glenn 2004; Micklewright and Stewart 2001; Lataianu 2001; UNICEF 1997). The implicit threat to say "no" opened the door for a number of positive initiatives.

These positive initiatives were accompanied by substantial sums of aid. In 1999, the Commission allotted twenty five million Euro to develop alternative services at the local level (Delegation of the European Commission in Romania 2005a, b: 2–3). These projects aimed to decrease the number of children living in old-style mass institutions, assist families at risk of abandoning children, develop local networks of social workers specialized in childcare, and sustain foster families and other alternative activities (Lataianu 2003). Combined with the support to prop up the old system, EU aid exceeded 100 million Euros between 1990 and 2000, with humanitarian aid amounting to 60 million and grants for reforming the child protection system accounting for the remainder.[16]

In a short time, therefore, the EU formalized its borrowed *acquis* (putting the CRC in the Justice and Home Affairs monitoring chapter), developed a rudimentary monitoring system (the *avis* and annual reports), and produced both new carrots (aid and the hope of membership) and new sticks (the credible threat of exclusion from

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[16] At the initiative of Emma Nicholson, the European Parliament Rapporteur for Romania's accession, the EU Delegation in Romania also helped constitute a High Level Donor Group for stop-gap support for the Romanian child care system.

membership). In short, it became a real agenda-setter for the first time in Romanian politics.

Given the flurry of legislation in 1997 and its deference to CRC thresholds, it is unsurprising that the EU's first Regular Report (in 1998) indicated that the new reforms provided "a positive change in government policy on child protection and a new determination to care for this vulnerable section of society" (European Commission 1998: 10). Subsequent reports, however, grew much more critical. The EU identified two serious problems with the 1997 legislation. First, coordination between the central government and local authorities was inadequate. The central authorities decentralized social services without providing the needed funds or guidance to local officials (UNICEF 2004: 19; Lambru and Rosu 2000: 147; Lataianu 2001: 100). Lacking clear budget lines, county councils and mayors often considered other types of expenses more important than those for children in need.[17] Moreover, decentralization of social services was impeded by lack of local infrastructure and professional staff and poor inter-sectoral linkages among education, health services and child protection sectors (Dickens and Groza 2002). Because child protection was not put under the responsibility of one agency, supervision and control functions were shared by many institutions. Conflicts of interest resulted when, for example, the DCP acted both as service provider and controlling body (UNICEF 2004: 20).

Dissatisfied, the EU insisted that Romania set up a single national authority to develop child protection policies. This was not an effort to "diffuse" an existing Western structure. The EU set several functional thresholds rather than mandating precise design rules. For example, the EU stipulated that the new agency must provide the legal and structural basis for control and supervision over all types of residential institutions, as well as set methodological norms regarding the appropriate standards of caring for the resident children. This demand had substantial implications and went far beyond what DC would have tried on its own. In light of a history of ministerial fragmentation, NACP and its associated county-level DCPs supervised only about half of Romania's institutionalized children (Lataianu 2003: 112–13).

A second major obstacle lay in implementation of the 1997 reforms. Here, the Regular Report in October 1999 was blunt, saying it was "of crucial importance" that the Romanian government

> … gives top priority to child protection and accepts that it has primary responsibility for the well-being of all children in [its] care. It must secure sufficient financial provisions to maintain acceptable standards of care (covering food medical provision, clothing, heating, normal operating expenditure and adequate staff) for all children in all different types of child-care institutions.[18]

The Commission, having decided that recommendations in the Accession Partnership and criticisms in the Regular Reports were inadequate, moved to the stick of conditionality (Kelley 2004). The Commission stated that "the opening of

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[17] One local DCP increased salaries for many staff to more than $1000 per month, ten times the average salary for state employees (Iordache 1999: 9).

[18] European Commission (1999b): 16. The report also criticized the lack of properly trained staff and the dependence on international assistance.

the negotiations with Romania should be conditional on the confirmation of effective action being taken by Romanian authorities to provide adequate budgetary resources and to implement structural reform of children institutions before the end of 1999" (European Commission 1999a).

These threats got the government's attention.[19] Two months before the next EU Summit, Romania adopted an Emergency Ordinance putting the renamed NACP—now called the National Authority for Child Protection and Adoption (NACPA)—directly under the Prime Minister's supervision, exactly as the European Commission had requested. Romania also allotted the equivalent of $40 million to support continued reform through special annual budget allocations.

If the EU got the Romanian government to spend its own resources, it also obliged the government to plan. The Commission conditioned annual assistance of 650 million Euros between 2000–2006 on the completion of a National Strategy for the Mid-Term Development of Romania, which made reforming child protection a legislative priority. When NACPA then elaborated Romania's first such national strategy (for the period 2000–2003), its institutional priorities incorporated CRC principles on the best interest of the child, non-discrimination, multifaceted and multidisciplinary intervention, decentralization, and partnership.

By the end of this phase, the picture was mixed. Several steps noted in this section represented a real advance in the nation's capacity to care for its children in something other than quasi-military or quasi-clinical settings. On the other hand, Romania struggled to implement the flurry of 1997 reforms. Practically, those reforms discredited existing state capacity (that had its own constituencies) while calling for the creation of new capacity, especially foster homes and other quasi-family settings for child protection. Conceptually, a rough inside-outside partnership had been established, and if the CRC was a guide to what to do, the EU was crucial in adding specifics and in keeping the Romanian government focused on the problem. The EU's loose functional demands had helped lay a foundation of reform, but the EU's leverage had only worked with domestic actors committed to EU membership. Now the one-term DC government was coming to an end,[20] NATO and EU membership were still open questions, and, as the next section will show, the coordination and implementation obstacles had only been partially overcome.

4 Phase Three: Children for Sale?

Just as indicators of progress in legal framework, strategic planning, and administrative capacity appeared in mid-2001, Romania was rocked by yet another dysfunctional aspect of its child protection system. Once again, the EU helped shape both the criticism and the response. On May 30, 2001, Emma Nicholson, the European Parliament's Rapporteur for Romania, stated that the Parliament might recommend that the Commission suspend accession negotiations with Romania. Her own draft report on Romania's lack of progress on European integration indicated

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[19] Hafner-Burton (2005) shows trade regimes often spur human rights progress.

[20] For accounts of the DC's demise, see Gallagher (2005); Vachudova (2005).

that there was a "well-oiled system" that involved "encouragement [of child abandonment] by the state" because of lucrative links with international adoption agencies.[21]

The next day, Nicholson underlined in an interview on Radio Romania that the international adoption agencies earn money "selling" Romanian children on the international adoption market, regardless of the best interest of the child. She emphasized that the UN CRC represents part of the obligatory EU conditionality, and by such practices, Romania clearly was not in compliance. She noted, for example, the UN CRC stipulates that national adoptions or family placements should have priority over inter-country adoptions. Yet in 2000, the number of inter-country adoptions from Romania reached 3,035, more than double the number of national adoptions (1,219) (see Table 1).

PDSR Prime Minister Adrian Năstase reacted firmly, saying that Nicholson's draft was not objective. Several high ranking Romanian politicians claimed the report was "exaggerated" and full of "groundless allegations."[22] Yet Năstase's wing of the PDSR was more responsive to EU pressure than Iliescu's had been, and Romanian public opinion on the EU was running at 75% favourable—the highest in CEE (Linden 2004: 51). Thus, with a few public grumbles, the government reacted to EU requests and placed a moratorium on June 21, 2001 on any new international adoptions, also freezing those already in preparation.

Simultaneously, Romanian authorities set up a Group for the Analysis of the Inter-Country Adoption System (GIASAI), composed of Romanian specialists, and commissioned another report by Alin Teodorescu of the widely respected IMAS polling agency. The government seems to have expected these reports to portray issues raised by Nicholson in a less critical light. If so, it was disappointed. The IMAS report, Nicholson reported, "found out things that made my own report pale into insignificance" (Quoted in Murray 2006: 1). Both reports also confirmed major problems identified months earlier in a USAID report, which also argued that international adoption indirectly created an adoption market (USAID 2001). The GIASAI report confirmed that international adoption constituted a "pull factor" for the abandonment of many Romanian children.

There is little doubt that Romania had become a major new supplier of children for international adoption (see Table 1) and that money influenced adoption practices. Even small amounts of the sums foreign parents are ready to pay (up to $30,000) can affect parents mired in poverty (Kapstein 2003; Bainham 2003). While many people suppose that international adoption deals mostly with orphaned children, in Romania (and other countries in the region), the vast majority of adopted children have one or more living parents.[23] The sums connected with international adoption could provide an incentive for foreign or domestic entrepreneurs to

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[21] Quoted from *RFE/RL NEWSLINE* 5(103), Part II, May 31, 2001.

[22] Yet one government minister estimated the "market" at about $200 million during the TV program, "Calea de mijloc," TVR1 Channel, November 11, 2002.

[23] In 1990's the vast majority of children in the Romanian system were abandoned by their parents because of poverty combined with factors like alcoholism, drug-addiction, teenage motherhood, or alienation due to rapid social change. In 1997, only 1.8% of institutionalized Romanian children had no living parents and just 13.9% had only one living parent (Lataianu 2003: 109).

persuade local parents and families in difficulty to abandon their children. Moreover, corrupt local intermediaries and officials could manipulate the international conventions, while incomplete legislation and weak institutional oversight combined to make international adoption a good business.

Such "good business" was the case even after the change of Romanian international adoption policy in the aftermath of the 1997 reforms. According to the USAID and GIASAI reports, international adoption was plagued by widespread corruption because of the lack of transparency in processing the fees paid by Western adoptive parents. The costs for international adoption were often a matter of negotiations, with sums ranging from $6000–$30,000. As the Romanian banking system was underdeveloped, many transactions were done in cash, a further invitation to corruption. Institutions housing the children were ranked in a point system of selection, and their ranking often depended on contributions to local officials. Officials changed the point criteria several times, often in ways that favored particular NGOs and foundations acting as intermediaries.

Moreover, the 1997 reforms still gave Romanian families few incentives to adopt Romanian children. Foreign families were not obliged by law to live with the adoptable children for a probationary period as were Romanian families (GIASAI 2002: 25). And because Romanian parents paid no fees, many local officials preferred international adoptions, which brought cash for personal or institutional gain and more rapidly cut the number of children to be assisted with the remaining funds. Reports abound that Romanian intermediaries intervened with courts, DCP, and orphanage directors to declare a child internationally adoptable, to discourage the children's own relatives or Romanian prospective parents to adopt the child, or to accelerate or skip cumbersome procedures.[24]

The GIASAI report proposed a legislative package to improve the legal procedures for adoptions (*Nine O' Clock*, April 29, 2002). The GIASAI proposals were analyzed in Bucharest together with EU experts, and then sent to Romano Prodi, President of the European Commission, for review. But the EU did not simply dictate terms. In the next two years, the legislation was modified many times in accordance with experts' and stakeholders' recommendations. In February 2004, Gabriela Coman, the exasperated NACPA President, declared that the legislative drafting and redrafting had been reduced to "ping-pong" because of the lack of any settled position from European Commission on how the final legislation should look (*Ziua*, February 25, 2004).

The EU also supported Romanian programs to boost public understanding of children in need (Delegation of the European Commission in Romania 2005b: 3). NACPA launched a public awareness campaign known as "*Casa de copii nu e acasa*"—roughly, "an orphanage is a house, not a home." The program emphasized that bringing up a child in a family environment is in the best interest of the child. Increasingly, domestic adoption and providing alternative services to help families in need are promoted in the media. Perhaps the campaign's most original step was a national contest for children from the newly established placement centers and family-type houses. The winning children received EU-funded fellowships and were invited

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[24] Foreign parents also had access to younger children. In 2000, the average age of an adopted child placed in a foreign family was 10 months versus three years in a Romanian family (USAID 2001: 7).

Table 2 Deinstitutionalization of children in Romania, 1997–2006

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Institutionalized children[a]	39569	38597	33356	57181	57060	43092	37660	32679	28786	27188
Children in "substitute families"[b]	11899	17044	23721	30572	30829	43234	46568	50239	47723	48980

As noted in the text, children previously institutionalized in a variety of other ministries (e.g. Health Ministry) were transferred to NACPA supervision in 2000
Source: NACPA Statistics (www.copii.ro)
[a] Includes both public and private placement centers
[b] Relatives up to fourth degree, public and private professional carer, other families

to visit key European institutions in September 2002, where some spoke to the European Parliament about transformations in Romanian child protection (Lataianu 2004). The national awareness campaign and initiatives to promote national adoptions may have contributed to the modest increase in national adoptions since 2001, roughly the same period in which international adoptions have sharply declined (see Table 1).

While reforms suggested by the EU often run the risk of being "paper changes" that fail to result in behavioral differences, there is evidence that recent Romanian governments have taken this reorientation seriously. The post-2000 reforms consolidated institutional capacity first built in 1997 and 1998, and the state worked to prevent abandonment, close old-style child care facilities, develop family-like childcare protection, create services and networks of professional social workers, and harmonize laws with Romania's international obligations. Starting in 2004, unified national standards of child protection brought NACPA improved capacity to monitor and inspect local levels.[25] The efforts made by successive Romanian governments assisted by international organizations bore clear evidence of progress in the de-institutionalization of children (see Table 2) and the growth of alternative child care (see Table 3).

By 2005, about 0.65% of Romania's 5,000,000 children in the 0–18 year age cohort were institutionalized, and most of the large old-style institutions had been closed (European Commission 2005). The EU's Children First initiative helped close about 90 older institutions while setting up scores of the newer types of institutions (Murray 2006: 2; Table 3). And about 50% of the 4,600 children listed as abandoned in Romanian hospitals in 2005 were returned to their parents, while substantially fewer children are now abandoned each year (Murray 2006: 3). Today, most minors in foster care or institutions are over ten years old and/or with special needs, both factors that make them less likely candidates for adoption.

How good for children are these new structures? It is hard to know. A MacArthur Foundation research network on "Early Experience and Brain Development" has established a series of foster homes in Romania, most of which the state later agreed to take over and run, in order to test the proposition that new forms of institutionalization are superior to old forms (Zeanah et. al. 2003). With major structural reforms conducted so recently, however, we have no systematic data on

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[25] There were also steps towards improving the care of children with special needs and handicaps. As noted elsewhere, these steps remain very incomplete.

Table 3 Alternative child care services in Romania, 2000–2005

Types of New Services	2000	2005
Pre-natal care services to prevent child abandonment	8	23
Counseling and family planning services	2	23
Mother and baby centers	24	58
Day care centers	16	118
Professional foster carers	6927	14111
Centers to support reintegration into biological families	10	48
Family type placement units		
Houses	57	287
Apartments	41	352
Old-type institutions that were divided into apartments	50	126
Emergency services for children with behavior disorders	3	10
Support centers for youth over 18	6	50
Treatment centers for abused children	0	12
Day care centers for disabled children	11	92
Shelters for street children	0	15

Source: NAPCR 2006

the effectiveness of the newer institutions. Anecdotal evidence suggests the foster homes are a significant improvement, and indeed even before the reforms, Smyke, Dumitrescu, and Zeanah (2002) found that institutionalized toddlers who experienced a smaller number of staff (e.g., less turnover) per week suffered fewer attachment disorders than toddlers (in the same institution) cared for by a higher number of staff during the week. This suggests that real benefits may accrue even from less than radical improvements in institutionalized care.[26]

The latest major reform came into force in 2005. It assigned parents the primary responsibility for raising children, with local community and state support being subsidiary. It also obliged local authorities to ensure children's support if necessary to prevent their parents from institutionalizing them because of poverty. In cases of institutionalization, the law required an individualized plan of services and protection in order to meet the needs of children separated from their family. The law also established the Romanian Office for Adoptions as the sole governmental body dealing with adoptions and tasked it with making in-country adoption an absolute priority and inter-country adoption the last option. International adoption of Romanian children is now limited to foreigners who can prove that they are the minors' second degree relatives (usually grandparents). Children under two cannot be adopted internationally, and Romanian parents continue to have the right to consent to their child's adoption even after other parental rights are terminated. Only the courts are entitled to grant adoption rights to a petitioner, and the adoption fees are flat fees now paid via bank transfer.

As noted, a potential barrier to Europeanization was the fact that several European leaders pressed Romania to relax the 2001 moratorium. Such pressure came from France and Spain, though pressure from Italy was the most public.[27] In January

[26] The 2006 MDRI Report, while focused on children with mental disabilities, indicates there remain horrifying conditions in some small government-run institutions.

[27] Facing demographic pressures, all three states have intervened against the ban on international adoptions (and, by extension, against EU policy).

2004, EU officials accused Romania of breaking the moratorium by approving 105 dossiers for inter-country adoption in response to Italian pressure. As Table 1 indicates, the 2001 moratorium had not been absolute, and a few hundred cases were still approved each year (*Daily Telegraph*, February 4, 2004). But when Italian Prime Minister Silvio Berlusconi boasted publicly of his personal intervention with the Romanian Prime Minister, the EU fought back, threatening to cut off aid, until Bucharest announced that such loopholes in the moratorium were closed.[28] As noted, the ban was made permanent in 2005. The number of international adoptions fell to two in 2005 and zero in 2006.

Crucial additional backing for the EU position came from the ECHR. Drawing primarily on Article 8, the Court has put limits on a state's ability to put children in institutionalized care, which "should normally be regarded as a temporary measure to be discontinued as soon as circumstances permit" (quoted in Bainham 2003: 232). In a 2001 case, the Court fined the Romanian government for making insufficient efforts to reunite two children with one of their parents. ECHR decisions require "extraordinarily compelling reasons" for removing babies from their families. The most detailed study of this process in Romania concludes that if the state were to reverse the ban before completing the development of alternative mechanisms, it is likely that "multiple breaches" of the ECHR would occur (Bainham 2003: 234).

To be sure, some aspects of Europeanization were rushed. Closing large institutions sometimes turned into a "competition to see which regions could close the most institutions […] and some children were reintegrated into a family before it was properly thought out" (Stefan Darabus in *BBC News*, July 14, 2005). Many of the alternative services noted above still vary widely in quality across Romanian counties (Jerre 2005: 3). Jonathan Scheele, head of the Commission's Delegation in Bucharest declared that the Romanian "legislation is good, almost better than any in Europe, but what matters is what happens in practice" (*BBC News*, July 14, 2005: 2). Much more, then, can and should be done.

5 Conclusion

The legal and institutional changes promoted by the EU—which presumed building new kinds of facilities, creating new administrative agencies, and challenging received cultural norms—cannot be expected to fully reform the troubled Romanian orphanages in the decade since the EU grew active there. And they have not. Yet although many problems remain only half-solved, any objective analysis indicates Romania has made real progress in child protection. After years of fierce criticism, it was striking to hear Emma Nicholson congratulate Romanian authorities for giving at-risk children high priority and even suggest Romania play a leadership role for other former communist countries, such as Ukraine, Moldova or Bulgaria, modeling what to do and how to implement the UN CRC (UNICEF 2001). Already in 2006,

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[28] Since 2001, all top Romanian-US bilateral meetings have discussed the ban on international adoptions, which the U.S. opposes. One former prime minister noted that "Romania stopped the export of children. Americans should understand that we have a law in conformity with EU laws" and that Romania is bound by the UN CRC and Hague Convention. *Cotidianul*, December 1, 2005.

the UK *Sunday Times* summarized the situation as follows: "Over the last four years a quiet revolution has been happening in Romania…There was also a drive to encourage Romanian families to stay together and to put an end to the longstanding practice of abandoning unwanted children…in seeking to close their orphanages, the Romanians were aiming to halt decades of mismanagement in just a few years. It was a daunting task" (February 5, 2006).

Nowhere in Europe have alternative services, mainly foster care and guardianship, increased as quickly as in Romania since the late 1990s. By 2002, the number of children in residential care was higher in Latvia (270 per 10,000), Poland (236), and Lithuania (186) than it was in Romania (156).[29] Even when one includes Western Europe, Romania has become less of an outlier. For example, figures on the proportion of children under age three who were in institutions for more than three months in 2003 showed that Belgium had almost double the rate of Romania, (60 per 10,000 versus 33) and that Romania had only slightly more than both Finland and France (28 and 27, respectively). Romania's hardest and best-informed critics grew cautiously optimistic, and Nicholson declared, "[...] finally the abandoned children situation has got to the very heart of Romanians. I assure you that the situation has really changed" (*Adevarul*, November 4, 2002).

We showed that Romanian child protection policy was substantially Europeanized in the face of several obstacles. We provided evidence in varied forms—from detailed descriptive changes of rules, to all available quantitative data on adoption trends, to chronological and substantive links between EU demands and Romanian responses. In the past several years, a growing literature has described the Europeanization process at work in the EU's member states and prospective members.[30] To be sure, scholars have showed that it is often an oversimplification to attribute causal power to the EU alone (O'Dwyer 2006; Hughes, Sasse, and Gordon 2004). Yet it remains striking that EU conditionality has had a significant effect on Romanian child protection *at all* given Romania's initial history of strong resistance to outside pressures, the EU's thin *acquis*, the availability of rents in a corrupt system, and member state and US opposition to the ban on international adoptions.

Each of these barriers appears in the theoretical literature, and all of these factors should have been barriers to Europeanization in this policy sector. We argue that Europeanization made many substantial reforms in Romanian child protection policy because of a confluence of four factors: 1) Romanian policymakers underwent a significant change of orientation after an election in 1996 ("patience"); 2) the EU borrowed from the UN an *acquis* it did not possess ("opportunism"); 3) the EU developed new instruments, including a dramatic complete ban on international adoptions ("creativity"); and 4) the ECHR served as an additional resource for the EU in the dispute over the ban on international adoptions ("tenacity").

Most conventionally, our account stresses that EU actions could only matter when there was real support from the Romanian government. For several years, this was not the case, and domestic government preferences blocked Europeanization. For several years, the plight of institutionalized children was not a high priority for any of

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[29] Data in this paragraph are from Jerre (2005: 16–18).

[30] See the works in footnote three.

Romania's governments (Lataianu 2004). UN commitments commenced in 1990, but the state did little to meet these obligations. This pattern conforms with that found by Kelley (2004) in minority protections: normative pressure alone often failed to get CEE states to make and abide by commitments, but membership conditionality often worked. After the 1996 election, Romania responded to the EU's "active leverage," having earlier ignored the "passive leverage" of the EU and the UN, thus conforming to Vachudova's distinction between normative conditionality and membership conditionality (2005). And if "conviction" played a modest role for the DC (even less for the PSD), we showed that there was a real constituency for the reforms among many of the several hundred Romanian NGOs active in the sector.

EU conditionality, our second mechanism, also is not new. What is striking, however, is that the EU used conditionality in a policy area where it had virtually no *acquis* of its own since every member state has its own system of child protection (Micklewright and Stewart 2001; Lataianu 2001; UNICEF 1997). With no experience addressing a situation comparable to the large number of Romanian institutionalized children, EU officials channeled Romanian officials towards meeting UN CRC provisions. Moreover, EU representatives—especially, Emma Nicholson—looked for partnerships with other major stakeholders, including UNICEF, the World Bank, and international and Romanian NGOs (Lataianu 2004). That the EU leaned on other like-minded IOs to formulate its policy priorities is consistent with recent findings from other policy areas. Schwellnuss (2005), for example, shows that the EU borrowed heavily from the OSCE in developing its policy on protecting Roma (see also Kelley 2004). Some might reasonably object that EU conditionality was powerful enough that it *alone* could motivate states to overcome major deficiencies. The problem is that such cases generally show a fairly superficial adaptation.[31] That changes went far deeper in Romania is puzzling in this light and led us above to develop additional factors that mattered.

We saw that two additional workarounds also played important roles in buttressing the reform coalition around child protection from the last 1990s forward. First, the EU developed new instruments to add to the loose *acquis* it had borrowed from the UN. It recognized that the structural changes based on thresholds in the CRC had little chance of succeeding as long as a constantly mutating virus of corruption surrounding international adoption infected the entire policy sector. Its radical and creative suggestion—found nowhere in the CRC—was for Romania to ban international adoptions.[32] Romania did this substantially in 2001 and fully in 2005, though in both cases against the protests of states where many families would have welcomed the chance to adopt Romanian children. Second, these reforms had to be defended not only against domestic rent seekers (Mayer and Mourmouras 2008) but also against interested parties abroad. Italian pressure was substantial, and it is questionable whether Romanian officials would have sustained this ban absent EU efforts to make the commitment credible by threatening a suspension of the membership process. Here, not only did the European Parliament play an extraordinary role (in addition to the usual role played by the Commission), but the

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[31] See Jacoby (2004: chapter 2) for the case of consumer protection measures in CEE.

[32] The EU's development of so-called "road maps" and "safeguard clauses" were also evidence of new instruments (Phinnemore 2007).

ECHR, using Article 8 on the right of family and home life, was an additional resource that strengthened the Romanian government's legal position in enforcing the ban.[33]

Of the four mechanisms we discuss, the last three are essentially workarounds, suggesting that the theoretical focus on a substantial *acquis*, prior state involvement, and an international consensus are not strictly necessary for conditionality to succeed. Once the EU found actors it could work with, it imported demands from another IO (to compensate for a thin *acquis*), banned existing practices (essentially compensating for the lack of prior Romanian involvement by crippling the existing Romanian system), and it flanked its bans with the threat of ECHR action (to counter complaints from EU member states and from the US). All three workarounds were useful complements to the crucial domestic shift and continued to function even when the FSN returned to power.

For some international relations scholars, it is intrinsically interesting that reforms that might otherwise have been decades in the making were put in place in a few short years, let alone that they occurred in a sensitive policy area in a country that still performs badly in very many ways. For others, however, Europeanization is an unfamiliar process, Romania a peripheral state, and child protection an obscure policy area. What broader lessons are at stake?

Two stand out. First, the case underscores that external actors need long attention spans in order to help their domestic partners defend policy innovations opposed by domestic or international foes (Allegret and Dulbecco 2006). Effective outsiders often are the ones who combine some form of power to say "no" with the capacity to stay engaged over the longer term. These attributes helped the EU overcome substantial obstacles in the case at hand, and there are good theoretical reasons to expect they will be important in other cases as well (Jacoby 2006). This is because thoroughgoing reforms of policy sub-sectors—even when based upon purported best practices—*almost never work the first time*. Domestic actors are required who can "pull in" innovations from outside and work to adapt them to local conditions. Romania's 1997 reforms—based largely on the new DC government's own interpretation of what the international community wanted—were fraught with half measures and coterminous with a big upswing in international adoptions, many of which were clearly fueled by corruption. But if this was no overnight success story, EU intervention helped sustain positive reform impulses while channeling them in creative directions (Lataianu 2004). Success here came in slow motion and by a process of insider-outsider linkages that are easy to miss in stylized inquiries about whether "external *or* internal dimensions are the real causes."

Second, powerful IOs actually may have significant room to improvise as they seek to change the behavior of individual states. Certainly, the borrowed and vague *acquis* suggests that highly "determinate" rules may not be essential to effective conditionality (c.f. Schimmelfennig and Sedelmeier 2005: 12–13; Legro 1997: 34). Instead, the relatively loose thresholds in the CRC appear to have given Romanian reformers a set of functional imperatives that—while in some ways harder to meet than a superficial institutional checklist—also went surprisingly deep (Carothers

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[33] It is an open question whether Romania might soon move, as other countries with weak judicial systems have done, toward a tightly regulated system of legal international adoption. We thank an anonymous reviewer for stimulating thoughts on this point.

2004). Moreover, the most consequential leverage employed by the EU—the ban on international adoptions from Romania—was not the technocratic letter-of-the-law conditionality often associated with the IMF, but an ad hoc policy with thin precedent in international law.

External actors need resources to help their domestic partners defend their innovations against those who stand to lose from them (Calvo-Gonzalez 2007; Börzel and Risse 2000; Jacoby 2000). After all, banning behaviors is much easier than building effective new organizations that can endure and adapt over time. But with the ban in place, Romania is now building such organizations. With dramatically lower case loads, these organizations are functioning far better than old-style ones and indeed often better than in other countries at similar levels of development. The EU, despite a slow start and almost non-existent reform targets of its own, became a major agent of change in Romanian child protection.

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