

Eurolimes

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“Jean Monnet” European Centre of Excellence

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Volume 16

Cross-Border Governance and the Borders Evolutions

Edited by

Alina STOICA, Carlos E. PACHECO AMARAL, István SÜLI-ZAKAR

References by

Renaud de la BROSSE & Ariane LANDUYT



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Cross-Border Governance and the Borders Evolutions – Introductory Study

Alina STOICA¹

The first formal efforts for cross-border cooperation have their beginnings in the '50s. Over time there have been important steps in order to extend, enhance and improve such cooperation, from the institutional structures to the funding programmes and guidelines for the programme. For example, in the last 20 years there have been initiatives playing a crucial role in cross-border and transnational networking across the EU. They have helped to improve border permeability in several dimensions of territorial development: economic, cultural, institutional, environmental, social and of infrastructure.²

The Eurolimes Journal has maintained a constant concern for the borders issue, publishing research in fifteen printed issues. This very issue locates the same area of interest, the research published here tapping into three fundamental concepts: border, cross-border governance³ and political organisation.

In a postmodern world, a European world, dominated by tolerance and very much concerned with the effects of globalisation, all the Community institutions together with the national-state institutions have been trying to create a unified space for free movement, to neutralise and to diminish the barrier effect of the *frontiers*, encouraging the process of European unification⁴. But this requires what is called “good governance”.

A term of novelty that followed the fall of the communist bloc, in the 90s, the concept of *good governance* promotes equity, participation, pluralism, transparency, accountability and the rule of law, in a manner that is effective, efficient and enduring. In translating these principles into practice, we see the holding of free, fair and frequent elections, representative legislatures that make laws and provide oversight, and an independent judiciary to interpret those laws.⁵

In the final document of the World Summit in 2005 on the responsibility to protect the civil population against genocide, war crimes, ethnic purges and crimes against humanity, the world leaders mentioned the role of good governance with respect to economic development, eradication of poverty and hunger, and also with respect to sustainable development. For good governance to exist both in theory and in practice it is alleged a true need to know the point of view of citizens; they are to be involved in the process of decision-making. They have the right to information and access.⁶

¹ Lecturer PhD. within the Department of International Relations and European Studies, University of Oradea.

² “Borders and Borderlands. Today’s Challenges and Tomorrow’s Prospects” (2012 European Association for Borderland Studies Conference, Lisbon, 12th to 15th September 2012), accessed September 26, 2012, <http://bordersandborderlands2012.weebly.com/index.html>.

³ See Oana-Andreea Ion, *Guvernanța Uniunii Europene. Abordări actuale* [European Union governance. Actual approaches] (Iași: Polirom, 2013).

⁴ See Maxime Tandonnet, *Géopolitique des migrations. La crise des frontières* (Paris: Editions Ellipses, 2007).

⁵ “Governance,” *Global Issues*, accessed September 29, 2013, <http://www.un.org/en/globalissues/governance/>.

⁶ “Civil Society. Peace & Conflict,” accessed September 29, 2013, <http://issues.tigweb.org/civilsociety>.

The European Community is perhaps the most important agent in changing the governance and in issuing policies in the contemporary Europe. The integration process within the Union has always generated territorial reorganisation and resizing influencing the cross-border political debates and mobilising a distinct set of actors. “New governance dilemmas emerge as globalisation processes unfold at different scales. The rescaling and reterritorialisation aspects of globalisation processes create new political spaces that don’t easily fit into existing jurisdictional boundaries. The new political space emerging at regional levels - in response to the incentives of the European Union and/or broader impacts of globalisation and economic restructuring - is characterised by complexity, fragmentation, interdependence, ambiguity, and risk” believes Susan Clarke.⁷

This open, fluid setting creates new conditions under which decisions must be made — interdependent, complex, loosely linked actors and institutions with shared purposes but no shared authority — and makes such decisions more problematic⁸. “Notably, governments are increasingly interdependent with other public and private actors — governance processes require that actors seeking mutual gains find ways to coordinate their efforts. And often local officials will be one of many actors with stakes in cross - border decisions: no one actor will be able to produce the desired outcomes due to interdependent resources and actions; there may be value - added in combining resources rather than acting alone but in the absence of any hierarchy of control or authority, decisions are made by negotiations and interactive processes, building on trust and consensus”⁹.

The volum brings together twelve papers, organised in four sections, according to the theme compatibility between them.

Section one – *The Impact of the Frontier upon Community Building* – contains studies that contribute to the broader understanding of the role, impact and barriers faced by cross-border cooperation in Central Europe (see Anatolij Kruglashov and Abel Polese). The effects of this collaboration are strongly influenced by a series of factors out of which we particularly noted the distance from the individual corridors, the distance between the border and the county seat and the towns with a population of 20 thousand inhabitants, the intensity of sister city relations, the presence of the minority, the impact of the country-level west-east slope as well as the rurality of the border zone areas¹⁰. This is complemented by the asymmetry of economic and financial resources, plus the lack of existing legal regulations, regional policies and management policies whose effect generates a slow and disrupted evolution of this kind of cooperation. Perhaps the most advanced aspect of the cross-border cooperation is the one targetting research¹¹,

⁷ Susan E. Clarke, “Spatial Concepts and Cross-border Governance Strategies: Comparing North-American and Northern Europe Experiences” (Presented at the EURA Conference on Urban and Spatial European Policies, Turin 18-20 aprilie 2002), 2, accessed September 15, 2013, <http://time.dufe.edu.cn/jingjiwencong/waiwenziliao/9clarke.pdf>.

⁸ Susan E. Clarke, “Regional and Transnational Discourse: The Politics of Ideas and Regime Formation in Cascadia,” *International Journal of Economic Development* 2, 3 (2000).

⁹ Clarke, “Spatial Concepts,” 2-3. See too Paula Gângă, „Guvernanța globală” [Global governance], in Daniel Biro, *Relații internaționale contemporane* [Contemporary international relations] (Iași: Polirom, 2013), 231-247.

¹⁰ See the paper signed by László Gulyás and Lorant Bali and their study case on the Mura Region EGTC (n.n.).

¹¹ See the existing collaboration between the University of Oradea and the University of Debrecen, between the University of Oradea and the University of Chișinău, between the University of Oradea and the University of Cernăuți (for the last collaboration the volume *Politici imperiale în estul și vestul spațiului românesc* [Imperial politics at the East and West of Romania], ed. Sorin Șipoș et al. (Oradea:

unfortunately insufficiently supported by the local and regional authorities (see the cases of Ukraine and Republic of Moldova). The case studies presented in this first part identify relevant nuances to developing theoretical borders, but also for the regional and Euro-regional cross-border cooperation, exploring the role of identities in the cooperation process and the role of borders in the development of these identities.

The article signed by László Gulyás and Lorant Bali address the cross-border cooperation with applicability on the evolution of Croatian-Hungarian border after 1990, from the dissolution of the Yugoslav state until now. Projects supported by the EU for good governance in the area are presented in the second part of the paper, which culminates in a pertinent review relevant to the problems that the Mura Region EGTC has been facing.

The relations between the Soviet bloc states are put under question by the Ukrainian researcher Anatoliy Kruglashov, who proves once again to be a thorough observer of the realities on the Romanian-Moldovan-Ukrainian border. Starting from the arguments of existing interstate tensions and disagreements here, generated by the different status of the three countries to the EU and to Russia, the author tries to show the importance of Euro-regional and regional policies promoted by the EU in the process of strengthening cooperation and cohabitation across the border.

Preoccupied by the existing socio-economic realities at the eastern border of the UE, Abel Polense develops in his work “an exploration of the grey zones emerging from state weakness and the necessity citizens have to get to the end of the month”. And to be able to do such thing, the author analyses two border regions in Ukraine. One is the border between Poland and Ukraine with L'viv and Rzeszow as local capitals, the other is the border between Ukraine and Moldova with Odessa and Chişinău as main cities but, in reality, most of the trade ending up in Tiraspol, the capital of Transdnistria.

To better understand the political system of the European Union, the junior researcher Adrian C. Pop examines some of the most current concepts of community discourse, strongly interconnected: multilevel governance, subsidiarity, decentralisation / regionalisation. „The multilevel governance system mostly based on the subsidiarity principle greatly explains the present European Union’s institutional architecture and quantifies the progress the EU made concerning the integration process. Taking on the borders’ functionalities - specifically the EU’s borders - which underwent significant changes during the last two decades, the article intends to trace the local authorities’ implications in strengthening or loosening the EU borders’ role - especially the external borders - through different instruments of cooperation or securitisation” (see Adrian C. Pop in the present volume).

The papers included in the second section of the volume, *The Factors That Enhance or Hinder Cross-Border Cooperation*, address the issues of the Euroregions and aim to identify their role, highlighting strengths and weaknesses. It should also be noted that the establishment of Euroregions at the confluence of various European countries targets to focus and to increase the efficiency of the many common border activities. While the level of integration varies from one region to another, the creation of Euro-regional institutions remains the key aspect of any future common policy (targeting politics, economy or culture). Institutional development should promote the elimination of barriers between the surrounding areas and to promote cross-border cooperation and for this purpose, to establish opportunities for political actors in the various states involved (see Margaryta Chabanna).

In this respect Thomas Perrin gives a new dimension to the role of culture, this time viewed from the perspective of Western Europe Euroregions. After thorough analysis, Thomas Perrin says that “after a general presentation of euroregional cultural policies, and of the main criticism that these policies can be addressed, the hypothesis of a certain renewal of euroregional cultural governance is questioned following two lines: the policy discourse and means on the one hand, the appropriation of these policies by stakeholders and actors on the other hand”.

Therefore, the European regional governance is a work in constant development. Maurice Guyader visits a very important topic, that of the economic integration of the states of Central and Eastern Europe. At the core of his presentation lies the economic role played or possible to be played by the Danube. One of the most eloquent natural factors in the sphere of international interests in this part of the European Union, the Danube is, from the geopolitical perspective, the main integrator, even if it is not always visible nor considered at its true value by politicians and academics.

In a well-documented work, keeping to one of her research area – paradiplomacy – Paulina Astroza undertakes to demonstrate the role which the sub-state diplomacy can have in the case of cross-border cooperation. In a world of internal and external transformations, of change of scenarios, influenced by globalisation and regional policies, cross-border cooperation also becomes dynamic and multifaceted.

The third part of the volume groups together contributions circumscribed to the theme of *The New Ways of Mapping Borders in Addition to the Geopolitical Perspective*; the connection area is the interest for the EU Neighbourhood Policy. As per the official documents, the aim of the ENP is to enable closer cooperation in order to strengthen the prosperity, stability and security in and around the EU.¹² In support of this view, the EU has supported numerous projects. Some of them are addressed in the work of this section. Istvan Süli-Zakar, co-director of the Institute of Euroregional Studies Oradea-Debrecen, European Centre of Excellence, with his colleagues Tibor Tóké and Gabor Lenkey, from the University of Debrecen, analyses the Romanian-Hungarian border cooperation from a cultural and academic perspective, making a scientific study showing the contributions of Romanian and Hungarian authors, notably the members of IERS and joint projects – undertaken or underway.

The study signed by Raúl Hernández I Sagrera indicates the absence of a common border service in the EU, however compensated by the neighbourhood policy established in eastern and southern EU, “comparing the state of play of developments in the area in each of the Neighbourhoods”¹³. In his acceptance, “the EU cross-border cooperation is assessed as a policy area within the wider EU cooperation on Justice, Liberty and Security (JLS) with third countries. In other words, the article seeks to identify the role that cross-border cooperation plays in the overall EU JLS cooperation, focusing on the link between the EU border management cooperation and other EU policy areas like the Schengen visa liberalisation process and EU Mobility Partnerships”. He used sources based on research

¹² See the official website of the Ministry of Foreign Affairs of Romania, “Politica Europeană de vecinătate” [European Neighbourhood Policy], accessed September 18, 2013, <http://www.mae.ro/node/1531>.

¹³ As per the autor, see: Arnaud Jouanne and Kastriot Gjoni, “Le rôle de l'Union Européenne sur la gestion des frontières dans les Balkans occidentaux,” *Eurolimes* 14, *Enlargements, Borders and the Changes of EU Political Priorities*, ed. Ariane Landuyt et al. (Oradea: Oradea University Press, autumn 2012), 53.

he conducted at FRONTEX, EUBAM, i.e. border services from Ukraine and The Republic of Moldova.

Within this section we also note Pavlo Molochko's contribution on cross-border governance between Romania and Ukraine¹⁴. We find here, along with the analysed problems of the outgoing programmes, a signaling of the potential of cross-border cooperation between the two countries, which he considers the most untapped.

Numerous projects have been funded by the EU in this regard, such as the establishment of the Institute of Euroregional Studies Oradea-Debrecen, on the Romanian-Hungarian border, so within the EU (see Istvan Süli-Zakar, Tibor Tókécs, and Gabor Lenkey) or the ones adopted on the southern and eastern borders of the EU (see Raül Hernández I Sagraera and Pavlo Molochko) and which facilitate the development of cross-border cooperation, remained yet untapped to the maximum potential.

Finally, the last section of the volume, titled *The Spatial Dimension of Borders, Including Maritime Spaces*, addresses the role of the ultraperipheral regions (islands or former colonies) of the EU Member States in the process of European governance (see Pedro Faria e Castro and Alina Oros) without ignoring the autonomous state from a political and administrative perspective. "Outermost regions are an essential element for the external projection of the European Union. They are territories that represent the transcontinental extension of the member states of the Union since, in all their political, social and economic dimensions, they are Europe. All the outermost regions have statutes that endow them with a certain degree of autonomy – at different levels depending on the member states with which they are affiliated – but that allows them to have their own unique way of integration within the Union", states the researcher from the University of Azores, Pedro Faria e Castro.

Alina Oros, too, speaks in her paper about the outer borders of the European Union, but she addresses an utmost interesting aspect, that of the huge potential of the relations between former colonies of the Member States with the EU, from the perspective of governance. "The paper focuses on a precise area, the external borders of European Union, namely "the less perceived" territories that are spread in the oceans or are situated on other continents, having the status of EU members. The aim of the paper is to analyse the governance of these external borders in order to obtain a clear image of the role played by Overseas Countries and Territories and Outermost Regions in their own management, the relation with EU and the implication in the governance of the territories; to realise a short inventory of the domains that fall into the duty of each entity," states the author.

The volume ends with a focus chapter, where the researcher Carlos Amaral adventures deep into the concept of frontier, with a particular interest in the relations between power and political community, social integration. Scientist emeritus at the University of Azzore, Portugal, Carlos Amaral is already known for its concerns about various aspects of regional autonomy and the principle of governance within international relations. With this study he makes a review of the fundamental characteristics "of the of political organisation subjacent to the major western historical periods, how they perceive, both human nature and social integration, as well as the type of political community they require and the demands they place upon the respective frontiers".

In conclusion, we note that a good governance generates through correct democratic development (transparency, representation, pluralism and accountability) a

¹⁴ See Mircea Brie, "European Instruments of Cross-border cooperation. Case study: the Romanian-Ukrainian Border," in *Identités, citoyennetés et démocratie, 20 ans après*, ed. Fabienne Maron and Grzegorz Pozarl (Bruxelles: Editions Bruylant, 2010), 265-280.

direct impact on the lives of citizens. As we can see in the above-mentioned papers, the concept of good governance is to be found in most aspects of life: social, political, cultural and not least, economic.

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I. The Impact of the Frontier upon Community Building

László GULYÁS, Lóránt BALI (Szeged) ◀▶ *From the Coexistence of Border Zones to Integration: Characteristics of Croatian-Hungarian Border Relations from 1945 until Today*

Anatoliy KRUGLASHOV (Chernivtsi) ◀▶ *Euroregion Upper Prut: Studies and Activities*

Abel POLESE (Tallin) ◀▶ *The Socio-Economic Function of Borders, Evidence from EU Neighbourhood Countries*

Adrian Cosmin POP (Cluj-Napoca) ◀▶ *On Multilevel Governance and the Local Authorities' Role in Implementing the EU's Policy on Borders*

From the Coexistence of Border Zones to Integration: Characteristics of Croatian-Hungarian Border Relations from 1945 until Today

László GULYÁS¹, Lóránt BALI²

Abstract: *The questions in Central Europe relating to the role of country borders (separating vs. integrating) have always been in the centre of academic attention. After the fall of communist regimes (1989-1991) the countries of the region joined the European Union one by one and, as a result, border zone relations have increased both in numbers and in intensity.³ The Croatian-Hungarian border has a history of over 900 years. This long historical period can be divided into six phases. This paper focuses on the main events and the characteristic features of the last two (5th and 6th) periods in the history of the Croatian-Hungarian border. The 5th period began in 1945 with the foundation of the second Yugoslav State and it came to an end in 1991 with the dissolution of the country. Although, in the second part of this period (from the 1960s onward) some border zone relations were already detectable in the area, still, the border zones of the time can be described as “merely coexisting” areas. In the first part of our paper the main features of this period are introduced. The 6th period of the history of the Croatian-Hungarian border began in 1991, with the dissolution of the second Yugoslav State, and it lasts until recently. The second part of our paper explores the characteristics of this period by analysing those European projects of the time, which were aimed at enhancing Croatian-Hungarian cooperation. In the third part of our paper the problems of the emergence of the Mura Region EGTC are investigated.*

Keywords: *the role of country borders, border zone relations, Croatian-Hungarian border, Croatian-Hungarian cooperation, Mura Region EGTC.*

Introduction: Periods of the History of the Croatian-Hungarian Border

In our opinion the 900-year-history of the Croatian-Hungarian border can be divided into the following six periods:⁴

¹ Assistant professor, University of Pannonia-Georgikon Faculty (Keszthely), Hungary, Department of Corporate Economics and Rural Development.

² Associate Professor, University of Szeged, Hungary, Department of Economics and Rural Development.

³ Luminița Șoproni and Ioan Horga, “The Romanian-Hungarian Border. Link or Delimitation, for the Post-adhesion Process of Romania and Hungary?,” *EuroTimes* 8, *Europe and its Economic Frontiers*, ed. Luminița Șoproni et al. (Oradea: Oradea University Press, Autumn 2009), 43-56; István Süli-Zakar and Ioan Horga, *Regional Development in the Romanian-Hungarian Cross-border Space - from National to European Perspective* (Debrecen University Press, 2006).

⁴ Kitanics Máté, „Magyar-balkáni kapcsolatok, a kezdetektől napjainkig” [The Hungarian-Balkan relationships from the beginnings to recent years], in *The Hungarian Cultural Diversity Research, Joint Research with the University Pécs for the Preservation and Development of Cultural Diversity*, ed. Akyo Jamamoto (Nagoya: Graduate School of Humanities and Social Sciences Nagoya City University, 2008), 51-58.

- **First period:** 10th-11th centuries. This period is marked by the coexistence of the independent Croatian and Hungarian states.

- **Second period:** 1102-1918. This period is characterised by the personal union of the two states.⁵

- **Third period:** 1918-1941. In this period Croatia, then part of the first Yugoslav state, bordered on Hungary, meaning, that the border was actually a Yugoslav-Hungarian border.

- **Fourth period:** 1941-1945. It represents a short period of independence for Croatia, with the heavy burden of the Second World War.

- **Fifth period:** 1945-1991. In this period Croatia is part of the second Yugoslav state, meaning that the border was again a Yugoslav-Hungarian border.

- **Sixth period:** from 1991 up to now. Croatia is an independent country bordering on Hungary.

The detailed description of the first four periods would require a historical approach; consequently, they cannot be discussed within the framework of this paper. The events and characteristics, leading up to the present-day processes are to be hidden in the fifth phase of the history of Croatian-Hungarian relations. Consequently, a brief introduction of this period is offered in this paper, while the sixth period is discussed in detail.

Characteristics of the Fifth Period (1945-1991)

It was in 1945 that the Yugoslav State was reborn as the second Yugoslav State, or, as it was often called after the name of its 'state founder', Tito's Yugoslavia. Although Tito died in 1980, the state, which had been brought about by him, began to dissolve only in 1991. Consequently, 1945 is taken as the starting date of the fifth period, and the year 1991 is considered its end date.

In this period Croatia was one of the member states of Yugoslavia, thus Croatian-Hungarian relations were primarily defined by the nature of the Yugoslav-Hungarian relations. Owing to the deepening conflicts between Stalin and Tito, the relations between Yugoslavia and the communist bloc worsened in 1948-1949. Since Hungary was part of the communist bloc and as such, loyal to Stalin, the Yugoslav-Hungarian relations in this period were at their worst. It was almost impossible to cross the 621-km-long Yugoslav-Hungarian border (355 km of which was the Croatian-Hungarian border) and the border zone was notorious for open political and military conflicts. In the summer of 1951 the Hungarian side of the border was fortified and a protective zone was established, an area of mine fields, barbed wire fences and concrete fortifications.⁶ In the border zone, owing to this situation, former plans for the development of heavy industry thwarted.

From the late 1950s onward the tension between Yugoslavia, an 'outsider', and the other countries inside the Eastern bloc, was beginning to lessen meaning that the Yugoslav State began to open up to Western Europe as well. The policy of opening up had its own consequences for Hungary, too. Different goods, which were not importable from

⁵ Hajdú Zoltán, *Magyarország közigazgatási földrajza* [Administrative geography of Hungary] (Pécs-Budapest: Dialóg Campus Kiadó, 2001), 86.

⁶ Hajdú Zoltán, „A magyar-jugoszláv kapcsolatok a hidegháború első szakaszában 1948-1955” [Hungarian-Yugoslavian relationship in the first period of Cold War, 1948-1955], in *A baranyai államhatár a XX. Században* [Stateborder of Baranya in the 20th century], ed. Horváth István and Kiss Jenő (Budapest: HM Hadtörténeti Intézet és Múzeum [Institute and Museum of Military History], 2008), 69-77.

the west, certain retail and consumer goods came to Hungary from Yugoslavia by means of private import.⁷

From the mid-1960s Croatian-Hungarian cross-border relations intensified. These relations can be divided into two groups: 1. centrally organised, i.e. top-down relations. 2. bottom-up relations. Several courses were organised from above with reporting and advisory functions in order to enhance cooperation. In 1969 the Hungarian-Yugoslav Permanent Subcommittee for Country Planning and Urban Development was set up with the aim of investigating the specificities of the Hungarian-Yugoslav border, elaborating and coordinating a development plan. One of the tasks suggested for consideration by the Committee was the joint elaboration of the regional touristic development plan of the Órség region and the Lendva Hills by the Slovenian Committee for Environmental Protection and Country Planning as well as the Geographical Institute of the University of Ljubljana. The development plan of the region near the Danube River, as well as the impact analysis of the hydroelectric plants to be established on the Danube and the Mura Rivers, were prepared in cooperation with the Institute of Urbanistics of Osijek.⁸

The joint and environmentally friendly utilisation of the Dráva and Mura Rivers was one of the most significant problems of the development of the Yugoslav-Hungarian border zone as early as the communist period. In 1978, within the framework of an intergovernmental agreement, recommendations were made to solve these problems. Prior to these official attempts there had been some concrete cross-border developments, including the opening of the railway bridge in Gyékényes in April 1960. The stabilising Yugoslav-Hungarian official relations of the 1960s made it possible for the unofficial, bottom-up relations to improve. In the 1970s border zone counties and towns were establishing partnerships with counties and towns from the other side of the border. Due to the federal structure of the Yugoslav state these relations were of different nature and quality when considering different sections of the Yugoslav-Hungarian border. Along the Croatian-Hungarian section of the border the relations between towns and settlements dominated. An example of this trend was the establishment of a twin city relationship between Osijek and Pécs in 1973, a link, which still exists in our days.⁹

Agricultural cooperation was gradually being upgraded. The agricultural cooperatives near Mohács established international partnerships with sugar-mills in Beli manastir, Bellye and Županija, Yugoslavia. Cooperation was based on comparative advantages. Hungarian agricultural cooperatives, based on the crop capacity of their fields, surpassed the ones in Yugoslavia, while the Yugoslav sugar-mills, using German production technology, produced more sugar than the Hungarian plants. All these relations were based on the socialist model of economy meaning, that it was not the individual

⁷ Golobics Pál, *Fejezetek a társadalomföldrajz köréből. Világgazdaság, integrációk, együttműködések* [Studies of social geography. Economy of world, integrations, cooperations] (Pécs: Pécsi Tudományegyetem Természettudományi Kar Földrajzi Intézet [University of Pécs, Institute of Geography], 2001), 169.

⁸ Zala György, „A határmenti együttműködés szükségessége, eddigi főbb eredményei és problémái” [Cross-border cooperation, results and problems], in *OKKF Ts-2/2 A terület - és településfejlődés társadalmi-gazdasági folyamatai Magyarországon* [Social and economic process of rural and settlement development] (Budapest: Ts-2/2 Program Iroda, 1988), 221.

⁹ Reményi Péter, „A Nyugat-Balkán kapuvárosai. A Pécs-Eszék várospár” [Gatetowns of Western-Balkan. Pécs-Eszék twincity], in *Magyarok a Kárpát-medencében* [Hungarians in the Carpatian basin], ed. Szónokyné Ancsin Gabriella (Szeged: Szegedi Tudományegyetem, 2009), 367-376.

companies that established partnerships with the Hungarian agricultural cooperatives, but their cooperation was regulated by intergovernmental agreements.¹⁰

From the 1960s onward shopping tourism was becoming increasingly significant on both sides of the border; there were settlements where it was complemented by medical tourism. In Hungary the towns of Nagykanizsa, Nagyatád, Kaposvár and Pécs and in Croatia Čakovec, Koprivnica, Virovitica and Osijek were the target towns for shoppers. The changes in shopping tourism on both sides of the border can best be described by using baskets of consumer goods as indicators. For Hungarian citizens Yugoslavia represented a gateway to the West where they had access to several goods and services, which were non-available or banned in the Eastern bloc. Owing to increased inflation and economic instability in their home country, in the eighties the citizens of Yugoslavia, primarily those, who lived in Voivodina, in the vicinity of the Hungarian border, kept their savings in Hungarian banks. A decade later it was these savings that made the establishment and operation of Serbian and Croatian companies possible in Hungary.

Newly opened border-crossing stations contributed to the intensification of economic relations in the 1970s and 1980s. Prior to this period Letenye used to be the only road border crossing on the Croatian-Hungarian border. Later several other crossing points were opened in Udvar, Drávaszabolcs, Barcs and Berzence. With this new development the problems of traffic congestion and the lack of border crossing points were solved. The border crossing of Udvar also counterbalanced the Budapest-Letenye-Rijeka axis, while the one opened in Drávaszabolcs jump-started shopping tourism in Harkány and Pécs. The opening of the border crossing station in Barcs offered new possibilities for the development of the town, although Barcs has not been able to exploit this advantage fully.

Prior to the outbreak of the Southern Slav war the cooperation between the two countries was based on a spontaneously organised and run private cross-border trade, which was complemented by some centrally organised activities, especially in the field of agriculture. On the basis of our recent experiences it can be concluded that these relations represented the first forms of self-organised economic activities, although, when considering their efficiency, they lagged far behind the similar activities, detectable in the border zones of the west.¹¹

The Characteristics of the Sixth Period (from 1991 until today)

War conditions (1991-1995) and administrative difficulties

It had been after the proclamation of the independence of Croatia in 1991 that the Croatian-Serbian war broke out and the leaders of Hungary's national and local governments as well as the players of the Hungarian economy were to face a brand new situation. The areas in the vicinity of Hungary's southern borders became war zones where serious military events took place, which were often accompanied with violations of the national borders. Owing to the Croatian-Serbian war the population living in the border zone on the Hungarian side, the leaders of the local governments of Hungary's border zone settlements had to solve problems, which had been unprecedented in the previous 45 years. One of these new problems was hosting thousands of refugees and providing them with food and shelter. The refugee crisis was especially deep in eastern

¹⁰ Gulyás László, *Két régió - Felvidék és Vajdaság – sorsa az Osztrák-Magyar Monarchiától napjainkig* [History of two regions – Felvidék and Vajdaság – from Austro-Hungarian Monarch till present day] (Budapest: Hazai Térségfejlesztő Rt./Underground Press Ltd., 2005), 115.

¹¹ Golobics 153.

Slavonia during violent military events and the siege of Szentlászló (Laslovo), Kórógy (Korud), Vukovár and Vinkovci. Hungary, especially the towns of Nagyatád, Mohács, Kaposvár, Pécs, Harkány and Siklós gave shelter to and provided food for all refugees, irrespective of their ethnic or religious status.

During the Croatian-Serbian war those forms of cooperation, which had been acceptable in the past (the cooperation for example in the area of sugar production), ceased to exist, the 'economic relations between Hungary and Croatia were restricted to private trade'.¹² This situation was reflected in the emergence of mass shopping tourism. The main target settlements for Croatian shoppers included Nagykanizsa, Letenye, Nagyatád, Barcs, Csurgó, Berzence, Sellye, Siklós and Mohács, towns, where large groups of Croatian shoppers were everyday reality. At the border crossing points traffic was almost restricted to one-way traffic. In this period most legal trade relations were replaced by illegal trade and bootlegging.¹³

When the Croatian-Serbian war came to an end in 1995, the Croatian-Serbian cross border relations had to be rebuilt from ground zero. In Hungary this task was undertaken by the Pécs-Baranya Chamber of Commerce and Industry. From 1998 onward the Hungarian intention to deepen the Croatian-Hungarian relations became more evident. In this period the primary goal of cooperation was to participate in the postwar reconstruction of the country. Despite that postwar Croatian-Hungarian relations were very slow to develop.

Another factor for delaying the development of Croatian-Hungarian relations was the reorganisation of the administrative system in Hungary. The Antall-Boross (1990-1994) government, the first democratic government of Hungary that came into office after the change of the political system in 1989, decided upon eliminating the previous, socialist system of local councils. Thus the counties as well as the smaller administrative districts lost their administrative and organisational functions and sank into oblivion. In the meantime, in the mid-1990s new administrative regions were organised. The process, in which the former counties were weakening and the new regions were being organised had its impact on the newly reconstructed border zone relations.

The Hungarian regions in the making did not have their own local governments, instead, they were governed by a Regional Development Council, with the only task of allocating developmental funds. In addition, the majority of the members of this Council were delegated by the State. The situation was made even more complicated by the fact that the Hungarian Local Government Law provided local authorities with the right of free association. Thus they established unions of small regions, which failed to work efficiently, because its members, instead of rationality, were driven by their own local interests.

In the 1990s and in the first decade of the 21st century Hungarian counties on average comprised about 160 adjunct local governments and they struggled with a variety of tasks from city planning to establishing and organising crossborder cooperation. Due to all these factors the Hungarian system of city planning did not work efficiently at local level.¹⁴

¹² Ibid., 142.

¹³ Pap Norbert, „Az effektív államterület problémája és jelentősége Magyarországon” [The problem and significance of effective state territory in Hungary] (*IV. MagyarPolitikai Földrajzi Konferencia. A Kárpát-medence politikai földrajza* [Hungarian Political Geography Conference IV. Political Geography of the Carpathian-basin]), ed. Pap Norbert and Végh Andor (Pécs: PTE TTK Földrajzi Intézet Kelet-Mediterrán és Balkán Tanulmányok Központja [Centre of Eastern-Mediterranean and Balkan Studies, Institute of Geography], 2005), 73-76.

¹⁴ Pap Norbert, „A Nyugat-Balkán államföldrajzi berendezkedése és államainak magyar kapcsolatai” [The state geography of the Western-Balkans and the Hungarian relations of its

On the other hand the Croatian administrative system was brought about after the country had seceded from Yugoslavia. In the Republic of Croatia the county („županija”) represented the middle level in the municipal and administrative structure and it was endowed with governmental and economic rights. The lowest level of the country’s administrative system was represented by the ‘općina’, a socio-economic territorial unit.

The Croatian administrative system was very different from the Hungarian one. The most important of these differences was the clear hierarchical nature of the Croatian system. While the system in Hungary was rather horizontal (with local self-governments without rights), the Croatian system was of vertical structure and the government had full control over local government offices. The establishment of the Croatian statistical regions was completed according to EU expectations, but these units did not possess any administrative function and did not dispose of any funds for regional planning.¹⁵

In summary, it can be stated that considering Croatian-Hungarian border zone cooperation the hierarchical Croatian administrative system was unable to comprehend the Hungarian system. Due to this fact the quality of cooperation was poor and a unique financial system was introduced in which democratic institutions could control less. It also has to be emphasised that the second Orbán government of Hungary which came into office in 2010 proceeded to transform the Hungarian administrative system and brought about government offices and districts. In our opinion, due to these changes, the Hungarian system can become similar to the Croatian administration. As a result, in the future it will be much easier to establish and strengthen cross border links between the individual administrative units, because they will have the same competences and will represent the same hierarchical level.

EU projects, enhancing Croatian-Hungarian cooperation (2007-2013)

The development of cross-border cooperation was considerably influenced by the availability of financial resources. As the Hungarian relations to the EU were growing more marked, there were more and more financial resources available for Croatia and Hungary. Thus new possibilities opened for the border zones to catch up. It was in 1994 that the Council of Europe launched its PHARE Cross-Border Cooperation (Phare-CBC) programme, which targeted the border zones of the new member-countries with the aim of assisting them to catch up with other EU countries. The PHARE CBC programme emphasised five priorities. It was in 1995, following Austria’s ascension to the EU, that Hungary became eligible for this programme. In June 1995 Croatia also joined the PHARE programme, but this status was soon to be suspended when in August the Serbian army launched its first attack against the country. The Council of Ministers of the EU halted the negotiations and the joint programmes did not receive any support. It was only in 2002 that the first EU programme concerning the Croatian – Hungarian border zone was approved. Funds were eventually allocated in 2003. From 1995 onward the following EU programmes were launched in the border zones:

1. PHARE – External Border Initiative

The PHARE External Border Initiative was literally the first cross-border cooperation programme. Within the framework of this programme two successful projects

states], in *A Nyugat-Balkán* [The Western Balkans], ed. Kobilka István and Pap Norbert (Budapest: Magyar Köztársaság Katonai Biztonsági Hivatala [Military Security Service of Hungary, 2009], 31-70.

¹⁵ Tereza Rogić Lugarić et al. „Normativna decentralizacija u Hrvatskoj i njezine granice” [The general decentralisation in Croatia and its boundaries], *M.A.K.-Golden* 14, 6 (2005), 1175-1198.

were implemented. One of these was the establishment of the Miroslav Krleža Croatian-Hungarian Educational Centre, the other was the construction of an outer circular road near Harkány. A total sum of 3.3 million euros was paid to finance these two projects.

2. PHARE – Interreg Programme for Institutional Development

It is related to 2002-2003 and this title practically covered the possibility of applying for funds from the Croatian-Hungarian Experimental Small Regional Fund. Within the framework of this programme a total of 45 project applications were submitted, from which 14 got funded. As a result, a total sum of 583,000 euros was allocated to applicants.

3. Hungary – Croatia IPA Cross-Border Co-operation Programme

This programme is the most relevant for our research, since this source was the first one Hungary could fully explore from 2007-2013 after it joined the European Union in 2004. This is why this programme will be given a detailed analysis.

With the IPA programme a new period started in the history of border zones and in financing cooperation. The change was of utmost importance in relation to the amount of money and the territorial context as well. The area concerned grew significantly on the Croatian side. The Croatian counties including Medimurska, Koprivničko-križevačka, Virovitičko-podravska and Osiječko-barijska županija as well as the neighbouring areas of Bjelovarsko-bilogorska, Požeško-slavonska, Vukovarsko-srijemska and Varaždinska županija became beneficiaries of the programme. This expansion meant a major step forward in the history of Croatian-Hungarian relations.

Concerning its economy Varaždinska županija is part of Croatia's core areas and it is located by the Budapest-Nagykanizsa-Zagreb-Rijeka-(Split) axis. The triangular area surrounded by the towns of Zalaegerszeg-Murska Subota-Koprivnica-Nagykanizsa is also part of the area and, concerning the intensity of cross border relations, this area demonstrated the most significant development during the past ten years. The future significance of the Vukovarsko-srijemska županija will grow due to the increasingly important role of the Hungarian-Croatian-Serbian triple border and the implementation of the projects of the Danube strategy. The northern areas of the Bjelovarsko-bilogorska, Požeško-slavonska županija are part of the zones of attraction of the border crossing towns of Barcs and Berzence, meaning, that with the expansion of the Schengen agreement to Croatia and with the growth of EU funds, these rural areas will be given a chance too, to intensify their cooperation with settlements on the Hungarian side.

The first priority of the programme is related to the touristic destination of the Dráva-Mura region and the development of sustainable tourism in the valley of these rivers. The second priority is related to the development of human resources in the cooperating economies and communities. The main target areas include activities like search for business partners, the mobility of work force, joint research and development, joint local planning, educational and training programmes, the deepening of people-to-people relationships and the promotion and preservation of bilingualism. In comparison with the possibilities inherent in the previous funds the financial resources have significantly increased and the total sum of 583 thousand euros are available within these projects, from which 23 million euros have already been spent. There have been three rounds of project applications. In the first round there were 67 applications and 40 of them got support. In the second round 60 applications (from a total of 90) and in the third round 39 applications got approval and financial support.

It is interesting to note that in the first round most supported projects were from the areas of research and development, education and training and people-to-people relationships. In the area of research half of the supported projects were initiated by local

governments and development agencies. This situation can be explained by the fact that up-to-date research is embedded in practical life. Examples include research into the potentials of geothermal energy, biotechnology and unemployment. In the area of education the participating settlements are of various background and they include Murakeresztúr, Čakovec (Csáktornya), Marcali, Slatina, Szigetvár, Osijek (Eszék) and Pécs. In over 50% of these settlements the already existing sister city relationships served as bases for further development. The situation was similar in the group of projects representing the area of people-to-people relationships. In this latter group the border zone small towns including Virovitica, Čakovec, Križevci, Letenye and Szigetvár were the most successful both in Croatia and in Hungary.

In the area of cooperating economies there were only a few projects which aimed to intensify economic cooperation. The search for new business partners was the most typical project aim within this group and there was one beneficiary from each Hungarian county. Examples include the Business Centre Public Foundation of Somogy County (Kaposvár), the Southern Transdanubian Regional Employers and Manufacturers Association (Pécs), Foundation for Business Development of Zala County (Zalaegerszeg). Under the heading 'joint local planning, strategies and programmes' there were only two investments which were aimed to elaborate a civil emergency plan and the related IT system in the valley of the Drava River.

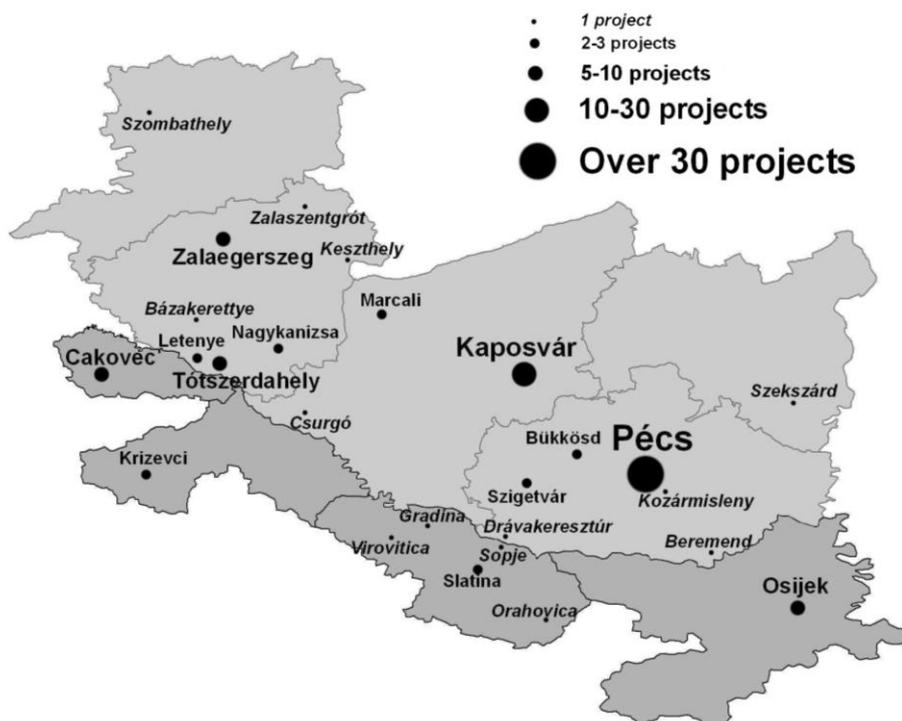
In the second round of applications there were 50% more applicants, there was a total of 60 successful applications. As far as the aims and objectives of applications were concerned, no major change could be detected in this group; the former trend prevailed. In relation to the first priority one and a half times as many projects were submitted as in the first round. In the group 'Sustainable tourism in the Mura-Dráva-Danube region' no project application was submitted. In the group of the second priority a growth of 25-50% could be seen. In the group of cooperating economies there was an average growth and it was only the group of 'Joint Research, Development and Innovation' in which a decrease of 25% could be detected. In the group of projects 'Community relations, HR development' the number of winning project applications increased by over 50%, while in the group of 'People-to-People Relationships' the number of successful projects increased by 100%. (On the other hand there was a decrease in the number of projects related to the topic of bilingualism).

When over viewing the winning projects of the second round the same old tendency can be seen, which was already evident in the first group: local governments used cross border project funds to supplement their own deficit in funds. Examples include the following projects in priority 1.1.1. and priority 1.1.2.: 'The Development of Waste Water Treatment Plant in Letenye and the Development of the Sewage System in the Southeastern Part of Prilog' and 'The Technical Documentation of the Construction of the Sewage System in the Towns of Bázakerettye, Donja Dubrava, Donji Vidovec and Kotoriba', as well as the 'Technical Documentation of the Sewage System of the Towns of Őrtilos and Goričán' In all these cases the growth of the socio-economic cohesion of border zones is questionable, especially when considering the case of Bázakerettye.

There are no similar features concerning the second priority. Similar to the first round of projects the largest number of successful projects are elaborated on the topics of 'Joint Research, Development and Innovation (R+D+I)', a 'Cross-Border Educational, Training and Exchange Programs', 'People-to-People Relationships' and 'Bilingualism'. Spatial heterogeneity can also be detected in the group of these projects. The towns of Skopje, Slatina, Beremend, Marcali, Kaposvár, Osijek and Pécs can serve as examples.

When overviewing the winning projects of the third round some differences immediately become evident. The largest number of projects can be related to the main topic of „Sustainable tourism in the area of the Mura-Dráva-Danube rivers” and, more specifically, they explore the topics of leisure and ecotourism. In addition, decision makers preferred projects related to active tourism and projects aimed to create a unified touristic image. In the first two rounds there was only one single project in this field, while in the third one there were 26. In the group of projects ‘Cooperating economies’ the number of projects went significantly down by more than 50%. An even more radical decline can be seen in the topic area of ‘Inter-community HR development’. In this group of projects in the first round there were 11, in the second round 31, while in the third round only 3 projects.

Figure 1. Spatial distribution of winning projects on the basis of Hungary-Croatia IPA Cross-border Co-operation Programme



Source: Bali Lóránt, *Ahorvát-magyar határon átnyúló kapcsolatok jelene és jövője* [Future of the cross-border cooperation of Hungarian-Croatian border] (Budapest: Underground Kiadó és Terjesztő KFT/Underground Press Ltd., 2012), 159.

On the basis of the above map it can be seen that there is a group of settlements in the Muraköz region and by the Mura River in the border zone, which demonstrate rural characteristics. The number of interactions between them has been on the increase, owing to the geographical proximity of the settlements as well as to the economic, family and interethnic relations between the mayors and the inhabitants. The Association for Regional Development in the Muraköz Region has had experiences in cooperation for over 20 years and their activity laid the foundation for a sample project, the establishment of an EGTC (European Grouping for Territorial Cooperation).

Table 1. Priorities /Action plans/Activities
Hungary-Croatia IPA cross-border cooperation programme

(A comprehensive Table of the results of the first, second and third rounds of applications)

Priority 1. Sustainable environment and tourism	Round 1	Round 2	Round 3
1.1. Sustainable and attractive environment			
1.1.1. Landscape development in the area of the Mura-Dráva-Danube Rivers	2	3	1
1.1.2. Environmental planning and small community actions aimed to enhance environmental quality; reconstruction of habitats	4	6	1
1.2. Sustainable tourism in the area of the Mura-Dráva-Danube Rivers			
1.2.1. Elaboration of a regional tourism product	1	0	0
1.2.2. Development of infrastructure related to active and ecotourism. Visitor centres, open-air schools, water sports infrastructure, bicycle routes, hikers trails, rental stations	0	0	13
1.2.3. Cultural heritage: establishment of thematic routes	0	0	7
1.2.4. Popularisation of the riverside area as tourism product	0	0	4
1.2.5. Motivation of private investments	0	0	2
Priority 2. Cooperating economies and HR development between communities			
2.1. Cooperating economies			
2.1.1. Search for cross-border business partners	3	6	0
2.1.2. Enhancement of workforce mobility across the borders	2	3	2
2.1.3. Joint research, development and innovation (R+D+I)	8	6	3
2.1.4. Joint local planning, strategies and programmes	2	5	3
2.2. HR development between communities			
2.2.1. Cross-border educational, training and exchange programmes	7	12	3
2.2.2. People-to-people relations	7	16	0
2.2.3. Bilingualism	4	3	0
Total	40	60	39

Source: Author's own data.

The Establishment and the Future of the Mura Region EGTC

Preceding events

When investigating the establishment of the Mura Region EGTC it is actually the area of the former – historical – Zala County and its possibilities for economic reintegration that are being considered. The area in question is the Koprivnica-Varaždin-Čakovec-Lendava-Nagykanizsa region and the micro region by the Mura River, inhabited by Croatian, Hungarian and Slovenian population. With Slovenia's ascension to the European Union and with Croatia joining the EU on July 1, 2013, the intergovernmental, territorial and local relations have gained momentum. This development has been aided by EU funds aimed to enhance border-zone relations.¹⁶

¹⁶ Edit Lőrinczné Bencze, „A horvát regionális politika prioritásai: a különleges bánásmódban részesülő területek” [Priorities of Croatian regional policy, special areas], in *A Virtuális Intézet Közép-Európa Kutatására (VIKEK) Évkönyve* [Yearbook of Virtual Institute of Research for Central-Europe] 1, 1 (January 2009): 161-166.

The economic development of the Mura region was the outcome of the success of the cooperation between local governments, non-governmental organisations, and various regional social and economic groupings. Since the changing of the political system several local governmental groups have been established in the Mura region, all of which work actively in spite of the difficulties of the economic recessions of the period of political change and of our recent times. The partner of the project manager is the Mura Regional Development Agency, an organisation, which has been active for 19 years in shaping the territorial processes of the Mura Region. The Association and its partners including Donja Dubrava, Goričan and Donji Vidovec have implemented several successful projects for the last 15 years. These projects have had their impact on ethnic, cultural, sport and educational interactions but they did not have any effect on economic relations.

When the Agency was founded primarily the local governments and *općinas*, as well as associations for regional development were addressed. After its foundation the Association's primary aim was to expand and before the project is completed the Association intends to count on the participation and activities of 30-40 settlements, associations and authorities, and one institution of higher education as well. In order to produce the best results possible the heterogeneity of membership is of primary importance. This is how the interests of all local, civilian and official groups can be brought into the project. In addition, the project leaders count on the participation of organisations, which deal with research and development as well as territorial innovation.

Aims and Current Projects of the Mura Region EGTC

The Mura Regional Development Agency, with the participation of Donja Dubrava, Donji Vidovec and Goričan, as well as the Pannon University, providing an academic background to the project, established the Mura Region EGTC, which is aimed at implementing environmentally sustainable investments in the region, and, at the same time, sustaining the existing network of settlements and adapting their best project plans. One of the main aims is to lay the foundation for a knowledge – and culture – based sustainable development in the area of the Mura Region EGTC, an area, which incorporates The Lower Mura Region in Hungary and the Mura-Dráva triangle in Croatia. Other aims of the Mura region EGTC include the utilisation of the regions' natural resources and cultural heritage and the existing interethnic socio-economic relations. When considering the aspect of knowledge it primarily means our ancestors' knowledge about nature, food production and crafts, as well as the third generation technologies, related to renewable energy resources. When developing industrial parks it is an important aspect to strengthen local businesses, producing supplementary income¹⁷.

The first project of this kind started in 2013 and it is still an ongoing project. The project (No: HUHR/1001/2.1.4./0004) is aimed to lay the foundations for the establishment of a joint microregional industrial park in Tótszerdahely and Goričan. The project is also aimed to develop an operational strategy as well as to develop further the existing industrial zones (Goričan), and the smaller cell-like industrial establishments (Tótszerdahely). The geographical proximity of the two settlements as well as the homogeneity of the region and the disappearance of the border anticipate workforce mobility in both directions.

Another aim is to produce equipment and appliances, suitable for utilising renewable energy resources partially from natural materials, in order to provide the

¹⁷ Matica Malden, „Gospodarstvo Podravine 1991-2001 godine” [The economy of Podravina 1991-2001], *Podravski zbornik* [Journal of Drava-region] 29 (2003): 21-41.

planned Donja Dubrava and Donji Vidoveci power plants, the floating water plant on the Mura River near Tótszerdahely and the Donja Dubrava water plant on the Drava River. This project will lay the foundation for regional energy production, based on renewable energy resources. The production of renewable energy in the region will soon be complemented with industrial production¹⁸.

Developments in tourism are aimed to elaborate a unified destination management. Parts of this concept already exist, for example the Full Bowl Festival HUHR 0901/2.2.2/0002 (MNTT-Goričan), which introduces regional gastronomy, and the regional Strudel Festival, organised by the local government of Tótszerdahely. Thus the common ethnic and folk traditions, the common features in agriculture, fishing and handicrafts of the Mura region and the Mura-Dráva triangle are to produce a tourist destination of unified appearance. The Mura Region Development Agency, Donja Dubrava, Donji Vidovec and Goričan intend to construct a bicycle route which can be linked to the Zalaegerszeg-Goričan-Ludbreg-Prelog-Donji Kraljevec bicycle route, still in the planning phase. If this project is implemented, not only the Mura Region Development Agency and its partners will be able to utilise a cross-border network of bicycle routes, but the inhabitants of Međimursak and several settlements in Zala County will be able to use them.

The plans concerning Goričan are related to the development of the infrastructure of the industrial park and the improvement of the town centre. The development of the built-in environment and the provision of improved services can contribute to the appeal of the settlement for cyclists and other tourists as well. As it can be seen from the above, from all these future projects a successful region is to be born, where developmental plans are built on past achievements and cooperation, and, at the same time, the settlements as well as the people are looking forward to future cooperation.

Chances of the EGTC

The position of the prospective Murania Euroregion EGTC is unique. While in the Croatian-Hungarian cross-border zone the mezoregional interactions are viable, which are propelled by big and medium-sized towns, in the new, emerging EGTC, the situation is very different. Its chief settlement, a town of great economic potential belongs only to the category of small towns. On the other hand with the development of transport infrastructure, the future expansion of the Schengen zone, Croatia's ascension to the EU as of July 1, 2013, and the growing number of border crossing options (Letenye by the old Road No. 7) the region is given a chance to eliminate the negative effects of borders in the area of the former – larger – Zala County. Practically it means that a multicultural area, which was on the periphery, is to get back into the very centre of social and economic life. Peripheral features still prevail to some extent, because both the Croatian-Slovenian Muraköz and the Hungarian Mura region had been places of massive capital withdrawal in the period of communism, but in the 1990s they had access to some extra investment funds. After the turn of the millennium, owing to the lobbying local cultural and economic elite, development picked up speed.

Conclusions

In summary it can be stated that the Croatian-Hungarian cross-border relations and the degree of the socio-economic development of the border zone are influenced by the following factors. On the Hungarian side these factors primarily include the distance

¹⁸ Matica Mladen, „Održivi razvoj ruralnog prostora uz rijeku Dravu” [Sustainable development in rural areas along the Drava], *Podravski zbornik* [Journal of Drava-region] 31 (2005), 23-31.

from the individual corridors, the distance between the border and the county seat and the towns with a population of 20 thousand inhabitants, the intensity of sister city relations, the presence of the Croatian minority, the impact of the country-level west-east slope as well as the rurality of the border zone areas of Transdanubia. These features are also highlighted by the spatial concentration of winning regional projects.

On the Croatian side it is primarily the county seats and the towns which represent the most potent settlements in the border zone. Examples include Osijek, Virovitica, Koprivnica, Varaždin and Čakovec. The Mursko Središće-Lendava-Lenti-Nagykanizs-Prelog region of the Croatian-Slovenian-Hungarian border is to be emphasised, because the planned Mura Region EGTC is to be established here in a basically rural region. In addition, the spatial distribution of the Hungarian and Croatian ethnicities in the neighbouring countries is of special significance.

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Euroregion Upper Prut: Studies and Activities

Anatoliy KRUGLASHOV¹

Abstract. *New Euroregions established alongside of the EU Eastern Border worthy to be analysed with regard to their efficiency and efficacy. The period of time passed over of their foundation proves not of hopes and aspirations attributed to them come true. Upper Prut Euroregion is no exception too. The article considers main purposes and goals of the Euroregion establishment and critically reassesses pros and cons of this type of cross-border cooperation amidst Ukraine, Romania and Republic of Moldova. The author also makes an attempt at systematising current research on the Euroregion activities at all the countries concerned.*

Key words: *Upper Prut Euroregion, cross-border cooperation, Ukraine-Romania-Moldova relations.*

Introduction

Researching on the cross-border cooperation (CBC) in former Eastern Europe makes sense for various academic reasons and is themes of great interest at a Central and European level². Cross-border cooperation aims at cooperation within Euroregions, as well as at the participation of the development regions to the European structures and organisations promoting their economic and institutional development to carry out joint projects³.

First of all, it is important to trace back the origin of such cooperation with special attention to the process of overcoming Soviet legacy of ideology and propaganda, which prevailed in trans-frontier relations among Soviet bloc countries. This legacy made this kind of cooperation of neighbours mainly symbolic and less of all practically useful for them. Secondly, because of the dominant general trend of further regionalisation around Europe, it accelerates relations between regions and their activity vis-à-vis their foreign partners, primarily neighbours. Thirdly, it is important to study and estimate CBC's effectiveness and efficacy, especially when the researcher deals with countries still at the stage of transition, like Ukraine and some other post-Soviet states.

In the before-mentioned wider context, the case of Ukraine-Romania-Moldavia state borders deserves some attention. This part of the EU eastern border is remarkably burdened with some problems of functioning and has been marked by some interstate tensions. All these states encountered troublesome periods of strained relations, and these problems have been resolved only partially up to now. Thus, this negative heritage of

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² Constantin Țoca, "Cross-border Cooperation in Central and Eastern Europe," (Review of: *Central European Regional Policy and Human Geography*, Year II, no.1, 2012, HU ISSN 2062-8870, HU E-ISSN 2062-8889.) *Eurotimes* 14, *Enlargements, Borders and the Chances of EU Political Priorities*, ed. Ariane Landuyt et al. (Oradea: Oradea University Press, Autumn 2012), 192.

³ Mircea Brie, "From Smaller to Greater Europe: Identity of the EU Eastern Borders," *Eurotimes* 2, *From Smaller to Greater Europe: Border Identity Testimonies*, ed. Mircea Brie and Gábor Kosma (Oradea: Oradea University Press, Autumn 2006), 8.

distrust and suspicion implies specificity of the three countries' border regions from the political point of view. At the same time, the current state of border regions of all three countries concerned might be also characterised by economic disparity and asymmetry of resources, meaning the best situation with regard to Romanian regions, less healthy in Ukrainian ones and the worst of all in Moldavian territories alongside common frontiers. The current tendency of increasing disparities is rather a novelty, and it occurred because of less successful Ukrainian and Moldavian transition to democracy and market economy as compared with the Romanian case, and to a great extent due to consequences of Romania's entrance into the EU. The EU's eastward Enlargement has made a crucial impact on the new border regions, comparable with 1989-1991 revolutions. It has drawn more visible lines dividing Romanian, Ukrainian and Moldavian citizens and territories with regard to living standards, accessibility of financial resources, quality of public administration, etc.

One of the focal points in the evolution of Romanian, Ukrainian and Moldavian borders is the establishment of two Euroregions, namely Low Danube and Upper Prut. Both of them appeared in the process of Ukraine-Romania rapprochement, when the two countries engaged in the Big Treaty of 1997 negotiations. Bucharest insisted on inclusion into the Treaty of the article stipulating formation of these two Euroregions. It might be stated that this is the case of Upper Prut Euroregion that aroused both hopes and fears of contracting parties. For these and some other reasons studying the case of Upper Prut Euroregion is not limited only to academic concern, but has also been colored with flavour of actual international policy. In this article, the author considers both reasoning and aspirations of the three countries which agreed to establish Upper Prut Euroregion, then analyses its institutional design and proposes some critical remarks concerning its activity. Finally, knowledge base of the subject of the paper is considered, and some evaluation is offered in the conclusion.

Brief history of Upper Prut Euroregion, its composition and structure

While considering Upper Prut Euroregion's earlier history, it is important to take into account peculiarities of Bukovyna and Bessarabia, which provoke long-standing disputes and some minority problems, and which have profound impact on the trilateral relations between Ukraine, Romania and Moldova. Mainly, the conflict took place because of the territorial claims made by officials in Bucharest after the breakdown of N. Ceaușescu's regime, playing a territorial card with its neighbours, Ukraine and Moldova respectively. For Moldova, the quest for reunification added fuel to the flame of Transnistrian crisis, which led to the country's breakup into territories controlled either by Chișinău or Tiraspol. As far as Ukraine is concerned, this course provoked a series of diplomatic tensions and further aggravation of majority-minority relations in the border regions, where Ukrainians had lived peacefully alongside Romanians for centuries⁴. After 1997, tensions fortunately started to be gradually eased up, and tough and sometimes aggressive rhetoric from the România Mare repertoire was excluded of the main discourse of Bucharest's official foreign policy, remaining sometimes an instrument of some political parties and actors in the country up to the present time⁵.

When legal provisions of the Ukrainian-Romanian state border were finalised after 1997 Treaty's signing and ratification, Romania started to accelerate the process of

⁴ Sergey Hacman, "Rehionalnyi dosvid realizatsii evropeiskogo instrumentu susidstva i partnerstva" [The regional experience of realisation of European instrument of neighbourhood and partnership], in *Vlada ta upravlinaea 2* [Authority and Management] (Chernivtsi: Bukrek, 2012), 172-173.

⁵ Anatoliy Kruglashov, "Troublesome Neighborhood: Romania and Ukraine Relationships," *New Ukraine. A Journal of History and Politics* 11 (2011): 114-116.

establishing two new Euroregions. Bucharest viewed them as the means of keeping up Romanian minorities outside Romania, supporting their identity, education in the mother tongue and respect for traditional culture. The Ukrainian and Moldavian counterparts suspected certain vested interests under the diplomatic guise of taking care of minorities, and feared interference of Bucharest into their domestic policies. Accordingly, negotiations on the two Euroregions went through several delays and certain hardships⁶. For instance, Ukraine expressed interest in agreeing with the Romanian side on a special kind of Euroregion, namely EcoEuroregion of Upper Prut, with priority given to resolving ecological issues instead of protecting minorities⁷. Bucharest did not agree with this proposal of Ukrainian officials, and finally both Euroregions were established alongside state borders of the three countries. Euroregion Upper Prut, as well as another Euroregion Low Danube, emerged as an initiative of one party only. It makes it colored with specific concerns of Bucharest, the initiative of Romanian political elite with very little presence of local authorities' attitudes, nothing to say about local communities' concerns, which were alienated and stood aside of the whole process of negotiating and designing Euroregions, both in legal terms and with regard to their institutional structure.

Different if not confronting visions of the Euroregion surely did not promise it good luck from the very beginning of this story. Nevertheless, some concessions were made, and they paved a way for successful finalisation of negotiations on the legal status of Upper Prut Euroregion in 2000⁸.

General data about the newly established Euroregion and its participants from all the three countries are below:

General Data Euroregion "Upper Prut"

The administrative-territorial unit	Territory thousand km ²	Population	Including		Urban population, %	The population density, persons / km ²
			urban population	rural population		
Ukraine						
Chernivtsi region	8,1	935,4	399,3	536,1	42,7	115

⁶ Zinovii Broide, "Evroregion Verhnii Prut – konstytuiuvanna, konkretni zavdannia, perspektyvy" [Euroregion Upper Prut – constitution, specific tasks, perspectives], in *Regiony Shidnoi Evropy: integratsiini ochikuvanna ta konfrontatsiini nebezpeky*, Materialy miznarodnoi naukovoii konferentsii, Chernivtsi, 18-19 veresnea 2000 [Regions of Eastern Europe: the integration mode and confrontational danger: the International Conference Materials, Chernivtsi, September, 18-19, 2000] (Chernivtsi: Bukrek, 2000), 126-128.

⁷ Zinovii Broide. "Ekoevroregion – novyi mekhanizm subregionalnogo sotrudnichestva, obespechenia ustoichivogo razvitia i tehnogenno-ekologicheskoi bezopasnosti" [Eco-euroregion – the new mechanism of subregional cooperation, sustainable development and anthropogenic and environmental safety], in *Transkordonne spivrobotnytstvo u polietnichnyh regionah Shidnoi ta Pivdenno-Shidnoi Evropy: Materialy naukovogo sympozionu* [Transborder cooperation in polyethnic regions of Eastern and South-Eastern Europe: the Materials of scientific symposium] (Chernivtsi: Zoloti lytavry, 1999), 75-83.

⁸ Mihai Roşcovan, *Cooperarea transfrontalieră a Republicii Moldova cu România și Ucraina* [Cross-border cooperation between Republic of Moldova, Romania and Ukraine] (2003), accessed August, 20, 2013, www.ipp.md/public/files/Publicatii/2003/iulie/Pr.Roscovan.doc.

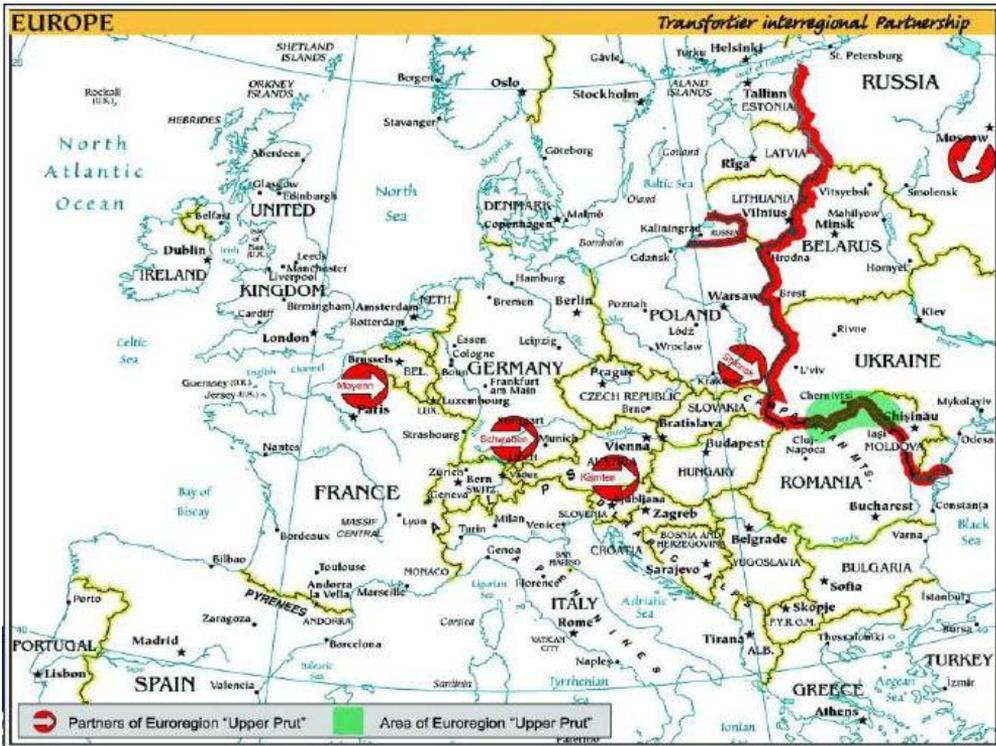
General Data Euroregion “Upper Prut”

The administrative-territorial unit	Territory thousand km ²	Population	Including		Urban population, %	The population density, persons / km ²
			urban population	rural population		
Romania						
District Botoshanskyy	4,98	461,4	178,9	282,4	38,7	92,5
Suceava District	8,55	716,3	254,4	461,9	35,5	83,7
Moldova						
District Beltskyy	4,15	504,9	231,2	273,7	45,8	121,6
District Yedynetskyy	3,14	300,7	89,9	210,8	29,9	96

If the territorial size and population of administrative units comprising Upper Prut Euroregion could be recognised as more or less equal, it is not possible to state the same about their economic potential. In the Romanian case, Suceava region seems to be well-doing in comparison with Botoşani, overweighing Chernivtsi region and Northern Moldova districts which lag far behind. Economic disparity is not the only challenge to the new Euroregion. Taking into account that Upper Prut has been launched to overcome problems of ethnic minorities, this aspect makes evolution of the cross-border cooperation agenda shadowed with opposing approaches to the issue of administrative units engaged. In the beginning years of the Euroregion’s activity, the involved parties cared about their record with regard to protection of minorities, mainly Romanians in Ukraine and Ukrainians in Romania⁹. And they were not prepared to deal with this problem. First of all, such narrow and biased focus of attention does not contribute to general achievements of the new Euroregion. Then, not all territories of the Euroregion were in fact preoccupied with that agenda of cooperation, likewise Botoşani in Romania and Ivano-Frankivsk region in Ukraine. Northern Moldavian districts did not show much concern about these issues either.

Here is the map of Europe with the territory of Upper Prut Euroregion and its foreign partners:

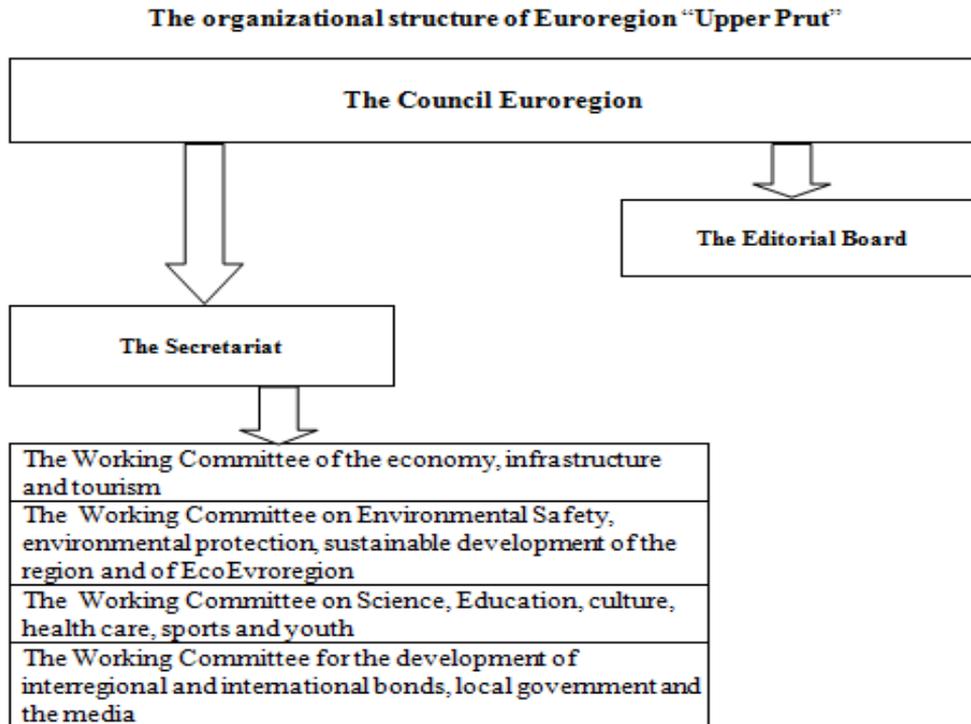
⁹ Ştefan Purici. “Pivnichnobukovynski rumuny ta pivdenbukovynski ukraintsi u periodi 1989-2001 rokov” [Northernbukovinian Romanians and Southbukovinian Ukrainians in 1989-2001], in *Etnichni vzaemyny na terytorii Evrorehionu Verhnii Prut. Mijnarodnanaukovakonferentsia, 8-9 chervnea 2001 roku* [The ethnic relations on the territory of Euroregion the Upper Prut. International scientific conference, June, 8-9, 2001] (Chernivsti: Bukrek, 2004), 151-153; Nataliya Nechayeva-Yuriychuk, “National Development beyond the Nation-State: Problems and Prospects,” in *Ethnicity, Confession and Intercultural Dialogue at the European Union Eastern Border*, ed. Mircea Brie et al., Supplement of *Eurolimes* (2011), 436-444; Pavlo Molochko, “Peculiarities of Ethnonational Policy of Ukraine (Illustrated by the Example of the Chernivtsi Region),” in *Ethnicity, Confession and Intercultural Dialogue at the European Union Eastern Border*, ed. Mircea Brie et al., Supplement of *Eurolimes* (2011), 343-355.



Apart from this conflicting topicality, partners' divisive approaches and stances towards cooperation with regard to further development of the three counties have made the regions' capacity for interaction even more problematic. Romania, in the framework of its pre-accession preparation for EU accession, conducted many systematic reforms. They have changed the country's regional policy and administrative mechanisms, granting regional authorities much more competence and resources, including CBC agenda. Moreover, decentralisation process has contributed substantially to obvious loosening of central state bodies' grasp upon CBC cooperation, and granted much more power to local self-government rather than executives controlled directly by Bucharest. These changes have made Romania's CBC cooperation much more flexible and closer to vital needs of local communities¹⁰. Ukraine has not succeeded in its administrative-territorial reform, aimed at making local communities true owners of the territory, less dependent on the central government. After 2010 presidential election in Ukraine, the Russian model of vertical power has been re-established in the country, undermining capacity of local self-government and implying local executives' control directly from Kyiv. Meanwhile, the CBC agenda and Euroregional cooperation never gained momentum as state policy priority. Finally, the administrative reform in Moldova yielded dubious results with regard to ability of local communities and their authorities to effectively deal with CBC tasks. Even more importantly, re-establishment of small administrative units (districts) in Moldova meant their weakening position in all aspects of cross-border cooperation, last both not the least in the sense of lacking well-prepared specialists able to cope with inter-regional projects, including ones sponsored by the EU.

¹⁰ Dorina Camelia Ilieș, "Premises of Transboundary Cooperation in the Geoparks Area at the External Border of EU. The Subject Matter of the Northern Sector of the Romanian-Ukrainian Border," *Romanian Review on Political Geography*, 10th year, 1 (2008): 15-26.

From the formal point of view, both legal and institutional framework of Upper Prut Euroregion corresponds with European standards of CBC, and this Euroregion's activity hardly differs from existing practices around Europe. Below is the scheme which explains the institutional design of Upper Prut Euroregion:



The scheme provided above does not reveal true meaning of Euroregion's functioning. There are some key problems when one considers the nature and main outputs of Euroregion's activity. Let me start with some organisational problems. Because presidency of the Euroregion is based on the rotation principle, it leads to its great dependence on the administrative and managerial capacity of the region in charge of presidency. In turn, personal leadership qualities and attention paid to performance of presidency duties is usually limited to secondary importance as executed by Head of Regional Council or some other official in charge from Romania, Moldova or Ukraine. The short history of Upper Prut Euroregion is filled with several periods of low-profile activity, if any. Thus all of them has been making this cooperation having small impact on the regional development¹¹. The figure of the leader in charge of Presidency affects other institutional bodies, including the Secretariat and Working Committees. Normally, they are composed of bureaucrats with limited responsibility for CBC and no incentives to be actively engaged into Euroregion's institutional routine, unless they are in the team which receives extra benefits from special CBC projects.

The next group of concomitant problems is attributed to financial aspects. The Euroregion is not a supranational structure by its nature, and therefore has no separate budget at its disposal. When it is needed to discuss financial sources of Euroregional activity, one has to conclude that local and regional finance does not pose the main

¹¹ Hacman, 221.

resource, whatever is planned or done in the Euroregion's framework. For most partners, respective state budgets do not constitute a solid source of CBC, either. What actually remains expected of all territorial units are European Funds managed mainly by the European Commission. Of course, such source is very valuable for all partners, and it ensures successful implementation of some projects, making benefits for development of local communities both considerable and positive. At the same time, this kind of dependency results in several negative consequences. Mostly, unilateral reliance on support from Brussels prioritised access to funding for the Romanian partners, as Romania is the EU member state, and to lesser extent for Ukraine and Moldova, whose position and influence on the decision-making process and distribution of available funds is incomparable with Romania's. The results are of mixed character¹². For instance, one should recognise that Romanian agencies in charge of realisation of ENPI have demonstrated unprecedented delays and reshufflings of short-listed candidates for grants in the previous years. While in the Ukrainian case, some strange activities by certain state agencies could be witnessed with regard to implementation of projects, once available money went out of the regional bodies' control. All these facts and fears proved to be challenging for further prospects of mutual trust and cooperative atmosphere in the framework of Upper Prut Euroregion.

Activity of Euroregion participants: hopes and practical results

Expectations attributed to Upper Prut Euroregion activities might be divided into economic, social and political ones. From the economic point of view, participants of the Euroregion hope for better advancement of CBC, including joint ventures and growing investments. They aspire for improvement of goods and movement of people across state borders, and subsequently rely on tourism and infrastructure development¹³. Prior to creation of the Euroregion, Romania and Ukraine opened Palaces of Commerce in Chernivtsi and Suceava. The two countries had to coordinate and stimulate business activity across the state border and promote economic partnership¹⁴. However, these expectations turned into a failure rather than became a true success story. No major reduction of taxation, which would somewhat remind the regime of free economic zone, has happened in the Euroregion. Activities of both Palaces of Commerce have not flourished in the recent years, and infrastructure and tourism, while growing, have not become a stable source of income for the regions concerned. Moreover, until now Ukrainian and Moldavian roads and network of hotels remain lagging far behind their Romanian partners, with somewhat vague prospects of soon improvement.

Hopes for improved local cross-border movement have been undermined by visa regime complications, as the result of Romanian accession to the EU in 2007. In comparison with the earlier period, visa regime implementation meant more complications for Ukrainian and Moldavian citizens. Obtaining visa requires a package of documents, certain period of waiting for the result, at least two visits to the Consulate of Romania, and some payment for the service and visa fee. In addition to these complications, several

¹² Ibid., 222-231.

¹³ Broide, "Evroregion Verhnii Prut...", 134-135.

¹⁴ Roman Bilyk, "Evroregion Verhnii Prut u formuvanni systemy ekonomichnyh zvezkiv ta u rozvytku evrointegratsiinyh protsesiv" [Euroregion Upper Prut in formation of system of economic connections and in development of Euro-integration processes], *Visnyk Chernivetskogo torgovelno-ekonomichnogo instytutu* [The Journal of Chernivtsi Trade-Economic Institute], 1 (2009): 42-43.

checkpoints on the border of Romania with neighbouring states have been closed down for uncertain period of time for their modernisation in compliance with the EU standards. For Chernivtsi region, it means that only two of them continued functioning. This is by no means satisfactory for people or movement of goods across the border.

Speaking about some social, cultural and educational projects, these aspects of CBC in Upper Prut Euroregion seem to fare better in comparison with purely economic ones. Up to now, dozens of active projects have been implemented, promoting cultural exchanges, joint festivals and other public events (e.g. Bukovynian meetings), encouraging tourism in rural areas (for instance centered on Hotyn fortress), and some other initiatives¹⁵. When evaluating these projects implemented mainly since 2005 as quite successful ones, one has to bear in mind their dependence on external EU support and funding, chronically delayed project implementation and some other difficulties in the path of their successful completion. Some examples of implementation of such projects hint at possible vested if not corrupt interests, which is reflected in projects' choice and use of funds.

The above-mentioned difficulties are even more exacerbated by as yet considerable gaps between the legal framework and administrative practices in Romania, Moldavia and Ukraine concerning CBC of local and regional authorities and other actors (businesses, NGOs, media, etc). Existing divergences negatively affect the Euroregion's advancement. Even some projects at the stage of implementation may be scrutinised differently in partner countries by local authorities, which make the situation hardly tolerable. Many of the Euroregion's above-mentioned shortcomings originated from lack of transparency and publicity, while the related activity might be scrutinised. The necessity of making its function and activity accessible for public opinion does not produce any kind of common and agreed information policy together with regular mechanisms of sharing important information among citizens of the territories concerned. Generally, citizens of Romania, Ukraine and Moldova have very little understanding of why Upper Prut Euroregion was established, how it works, or how they could benefit from this kind of CBC. Information on Euroregion's activities presented in the media is mainly sporadic, fragmented and do not over a comprehensive picture of cross-border cooperation between regional and local partners. Involved parties do not succeed in launching media network of cooperation or creating joint web resources with the goal of reflecting Upper Prut Euroregion's activities and performance.

Lack of comprehensive and adequate information is complemented by the low level of civil society's involvement into Euroregional institutional and managerial affairs. A few years ago, Ukrainian, Romanian and Moldavian NGOs announced the launch of a joint platform of civil society cooperation and approached authorities of Euroregional regions with some concrete proposals. Nevertheless, not many changes took place in the sphere of cooperation between civil society and authorities, and unfortunately NGOs are oftentimes not as active as they would like to present themselves publicly, according to their declarations.

Finally, one could observe that in the framework of Upper Prut Euroregion, the main axis of cooperation is located right between Suceava and Chernivtsi, while other partners have less influence on cooperation agenda and activities. This trend might be illustrated by some examples, e.g. two joint plenary sessions of Regional Councils of Chernivtsi and Suceava (2008 and 2012), launch of the new initiative "Bukovynian dialogue" (initiated by Mykhailo Papiev, Head of Chernivsti Oblast State Administration),

¹⁵ Hacman, 224-226.

and respective events in 2011 (Chernivtsi), 2012 (Vienna) and 2013 (Suceava)¹⁶. As of now, it is still hardly possible to estimate concrete results of these events. What is beyond any doubt, though, is that they serve as an important forum for regional elites on both sides, and as a communication platform for further dialogue aimed at better understanding of each other.

So, more than a decade of Upper Prut activities produce an ambiguous impression. Some improvements in relations between neighbours might be witnessed and welcomed, including the most precious achievement – growing trust and partners’ readiness to cooperate. At the same time, visa difficulties and limitation of people’s movement across state borders after 2007 make citizens of Ukraine and Moldova estranged and alienated from their neighbours and sometimes even relatives. The decade left behind seems to be commemorated by some modest achievements in implementation of economic and social projects, with somewhat better progress in the cultural and educational spheres. Neither potential nor current needs of partners have been realised or met to a full extent. Moreover, hopes for the Euroregion to become an efficient instrument of satisfying ethnic minorities’ needs have been similarly exaggerated, mainly on Bucharest’s side. While it’s reasonable to agree that the EU Enlargement towards Eastern Europe helps overcoming numerous minority conflicts in the area in general¹⁷, Ukraine-Romania borders including in particular.

Most productive realm: researches and studies

In general, it is not a very bold statement that while the Euroregion of Upper Prut unites regions of the three countries, there are only two active centres of research there, Chernivtsi Jury Fedkovych National University and Ștefan cel Mare University of Suceava. The Moldavian side is underrepresented in research activities of the Euroregion, mainly because of relative weakness of Belts Pedagogical University’s academic staff. Areas of research interest encompass a wide range of topics, from the history of territories which constitute Upper Prut Euroregion to the administrative structure and functions of the Euroregion’s institutions, key aspects of economic cooperation, social initiatives and their implementation.

It is not surprising that the majority of available publications which reflect research results are devoted to interethnic relations within the Euroregion territories. Economic, social, political and administrative dimensions of CBC and Euroregion’s activities are also in the focus of research. Personally, on the Romanian side most active in researching the Euroregion are Prof. Ștefan Purici, Assoc. Prof. Florin Pintescu, Accos. Prof. Alexander Nedelea, and some other scholars. The Ukrainian active authors in the field studies are Assoc. Prof. Sergey Hacman, Prof. Anatoliy Kruglashov, Prof. Volodymyr Fisanov, Prof. Natalia Rotar, and some other scholars. And finally, from Moldova one can acknowledge research activity of Prof. Alexander Balynsky and Assoc. Prof. Igor Kozhokaru, for instance (see Bibliography).

It is also reasonable to mention the most important forums where researchers from the region and beyond have had a good chance to meet with each other and exchange their scholarship outcomes. All of these events were supported by third parties, outside of the

¹⁶ Vasyl Kaptaru, “Bukovynskyi dialog - 2013” [The Bukovinian dialog], accessed July 5, 2013, <http://main.rrr.ro/pages/printeaza/2946>.

¹⁷ Frank Pfetsch, “Borders Cause of Conflict or Catalyst for Peace?,” *Eurotimes* 4, *Europe from Exclusive Borders to Inclusive Frontiers*, ed. Gerard Delanty et al. (Oradea: Oradea University Press, Autumn 2007), 18.

tree neighbouring states-cofounders of the Euroregion. First of all, this is International Conference “Ukraine-Romania-Moldavia: historical, cultural and political aspects of relations in European context” (2001, 2004, 2007, 2010) held in Chernivtsi¹⁸. Academic articles presented at these Conferences have been published in four consecutive volumes, with support by Canadian Institute of Ukrainian Studies, University of Alberta (Edmonton). Another key partner of these Conferences was Friedrich Ebert Fund in Ukraine and Moldova. One more remarkable event took place in Chernivtsi in 2001. It was the International Conference “Interethnic relations on the territory of Upper Prut Euroregion,” and the compilation of articles was published with support of Carinthia Institute of Ethnic Minorities (Klagenfurt, Carinthia, Austria). This anthology has one important merit, because texts of Romanian and Ukrainian authors were mutually translated there, to make both audiences equally acquainted with the texts in their native languages. Unfortunately, this is the only book on the regional topic with parallel texts in the Ukrainian and Romanian languages¹⁹. This line of discussion of ethnic dimensions by scholars and some practitioners (public officials and civil servants from the three countries) of newly established Euroregions continued during a follow-up international conference held in 2002. The topic of the Conference was “Euroregions: a potential of interethnic relations harmonization” (published with support of Friedrich Ebert Fund, Germany)²⁰.

Surely, linguistic barriers are not the only obstacles for regional scholars and academic institutions aiming at closer partnership. There is another principal limitation which should be underlined here. Namely, over the past years regional scholars from Moldova, Romania and Ukraine have not had a single chance to conduct any comprehensive research together. They are still just dreaming about possible participation of the three counties in academic research on the topics relevant to Upper Prut Euroregion, including a joint project on permanent monitoring of ethnic relations in the Euroregion territory, proposed back in 2001. The three states’ central and regional authorities have preferred to ignore such requests for academic cooperation, despite a vital necessity of making discussion on protection of minorities well-grounded and elaborated in accordance with strict and commonly accepted criteria and indicators. The absence of appropriate academic instruments leaves opened windows of opportunities for speculation and manipulation on the issues of human rights and protection of minorities, as the result of someone’s ill intentions.

Leaving aside these critical remarks, one thing is worth mentioning as a very positive development. Communication and cooperation among researchers from Ukraine, Romania and Moldova is improving, as they have recently abandoned the destructive practice of mutual accusations and Cold-war style rhetoric in their discussions of the region. And still, academic cooperation in the region needs further improvements and systematic support, which is presently lacking.

¹⁸ Anatoliy Kruglashov, “International Scientific Conference “Ukraine-Romania-Moldova: Historical, Political and Cultural Relations in the Context of Modern European Process (18-19 September 2007, Chernivtsi, Ukraine),” *Eurotimes* 4, *Europe from Exclusive Borders to Inclusive Frontiers*, ed. Gerard Delanty et al. (Oradea: Oradea University Press, Autumn 2007), 187-188.

¹⁹ *Etnichni vzaemyny na terytorii Evroregionu Verhnii Prut, materialy miznarodnoi naukovoï konferentsii* [Ethnic relations on the territory of Euroregion Upper Prut, the materials of international scientific conference], ed. Anatoliy Kurglashov et al. (Chernivtsi: Bukrek, 2004).

²⁰ *Evroregiony: potentsial mizetnichnoi vzaemodii* [Euroregions: the potential of interethnic interaction], ed. Anatoliy Kruglashov (Chernivtsi: Bukrek, 2004), 256.

Conclusions

Since the very beginning, Euroregion Upper Prut has been marked by certain specificities, namely too high expectations of one side (Romania), and certain suspicions and fears of the other sides (Ukraine and Moldova). Throughout development of this project, both attitudes might be assessed as both misleading and finally wrong. While legal foundations and institutional framework of the Euroregion have been successfully finalised, its activity still remains quite low and hardly effective.

All territorial units engaged in the process of Euroregional cooperation look for external funding, and least of all they rely on their own local resources or funds provided by respective partners. Economic and ecological projects have made certain positive impact on the territories concerned, but these projects are less developed in comparison with tourist, cultural and educational initiatives.

Still, activities of the Euroregion's institutions remain within the realm of regional bureaucracies' responsibility, with certain flavour of business lobbying behind them. They are not cooperating with civil society of the region or NGOs representing local population on a regular basis. It makes ordinary citizens of the three countries ill-informed about the CBC and Euroregion, and alienates them from this institution. Even the bureaucratic backbone of the Euroregion does not work as a regular mechanism and heavily depends on the current political situation in the triangle of Romania-Ukraine-Moldova. It is complemented with asymmetry of economic and financial resources, as well as inadequacy of legal regulations and existing models of regional policy and management, which makes this kind of cooperation rather fragile and moving forward at a slow and at times interrupted pace.

Maybe the most flourishing aspect of the Euroregional cooperation is research activity of local scholars, where Ukrainian and Romanian researchers take the lead continuously. However, they lack support from their respective central and regional authorities, while their recommendations normally have only indirect influence on the real process of CBC in the framework of Upper Prut Euroregion. It results in a sort of parallel existence of formal Upper Prut Euroregion structures, and the activities in which local communities of the region concerned are involved.

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The Socio-Economic Function of Borders, Evidence from EU Neighbourhood Countries

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Abstract: *Literature on different aspects of borders is quickly growing in the social sciences. Not only geopolitical but also economic and social aspects of very diverse borders have been explored. This continues the currently ongoing exploration of borders but it focuses on an aspect that, in our view, is understudied. We refer here to the informal function of a border that emerges from the clear conflict between an official narrative of a state, condemning certain actions, and an unofficial discourse that in the end allows them, not to say prompts people to engage with them. This paper is an exploration of the grey zones emerging from state weakness and the necessity citizens have to get to the end of the month. Case studies have been constructed from two border regions in Ukraine. One is the border between Poland and Ukraine with L'viv and Rzeszow as local capitals, the other is the border between Ukraine and Moldova with Odessa and Chişinău as main cities but, in reality, most of the trade ending up in Tiraspol, the capital of Transdnistria.*

Key words: *Border, Bessarabia, Moldova, Poland, Smuggling, Ukraine*

Introduction

Literature on different aspects of borders is quickly growing in the social sciences. Not only geopolitical but also economic and social aspects of very diverse borders have been explored.² This continues the currently ongoing exploration of borders but it focuses on an aspect that, in our view, is understudied.³ We refer here to the informal function of a

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² See Jon Abbink, "Creating Borders: Exploring the Impact of the Ethio-Eritrean War on the Local Population," in *Africa* 56, 4 (2001), 447-458; Nicolae Dandiş, „Cross-border Cooperation: A Strategic Dimension of European Neighbourhood Policy at the Eastern Frontier of the EU,” in *EuroTimes* 7, *Europe and the Neighbourhood*, edited by Dorin Ioan Dolghi et al. (Oradea: Oradea University Press, 2009); George Gavrilis, *The Dynamics of Interstate Boundaries* (Cambridge: Cambridge University Press, 2008); Markus V. Hoehne and Dereje Feyissa, „Resourcing State Borders and Borderlands in the Horn of Africa,” *Working papers* (Max-Planck-Institute for Social Anthropology, 2008); Rico Isaacs, *Party System Formation in Kazakhstan: Between Formal and Informal Politics* (London: Routledge, 2011); David B. Newman, "Borders and Barriers: Changing Geographic Perspectives on Territorial Lines," in *Identities, Borders, Orders: Rethinking International Relations Theory*, Mathias Albert et al. (Minneapolis: University of Minnesota Press, 2001); Paul Nugent, *Smugglers, Secessionists and Loyal Citizens on the Ghana-Togo Frontier* (Athens: Ohio University Press, 2002); Abel Polese, "The Formal and the Informal: Exploring 'Ukrainian' Education in Ukraine. Scenes from Odessa," *Comparative Education* 46, 1 (2010); Luminiţa Şoproni and Ioan Horga, „The Romanian Hungarian Border, Link or Delimitation for the Post-adhesion Process of Romania and Hungary?,” *EuroTimes* 8, *Europe and Its Economic Frontiers*, ed. Luminiţa Şoproni et al. (Oradea: Oradea University Press, 2009).

³ Bettina Bruns, *Grenze als Ressource: Die soziale Organisation von Schmuggel am Rande der europäischen Union* [The social organisation of smuggling on the edge of the European Union] (Wiesbaden: VS Verlag für Sozialwissenschaften, 2009); *Subverting Borders: Doing Research on Smuggling and Small-Scale Trade*, ed. Bettina Bruns and Judith Miggelbrink (Leipzig: VS

border that emerges from the clear conflict between an official narrative of a state, condemning certain actions and an unofficial discourse that in the end allows them, not to say prompts people to engage with them.

Drawing evidence from two Ukrainian borders, it is shown that, despite an official discourse condemning contraband, the petty trade in which people engage is often perceived as something socially acceptable by the traders themselves and, in some respect, even by border officers. The Bourdieu an gap between state and individual morality⁴ finds empirical application in this research, where people choose to subscribe to a state or individual moral code depending on the opportunities they offer.

This paper is an exploration of the grey zones emerging from state weakness and the necessity citizens have to get to the end of the month. Case studies have been constructed from two border regions in Ukraine. One is the border between Poland and Ukraine with L'viv and Rzeszów as local capitals, the other is the border between Ukraine and Moldova with Odessa and Chişinău as main cities but, in reality, most of the trade ending up in Tiraspol, the capital of Transdnistria. In the two cases strategies and tactics are quite different due to their very nature. The border with Poland is an EU external border and presents some challenges for all actors. The EU has been training border officers for years and Poland is keen to show that this led to an improvement of the situation; there is more control and less possibility to negotiate official rules. The border with Moldova has undergone less pressure, especially given that the border is with a region that has not been recognised by no EU country. There is a EU monitoring mission but the border is well known for being very permeable and for different, and vary, items to be passed through it.

Methodologically, this article is informed from different sources during several research stays. The author has spent twenty-four months in the city of Odessa, in the south of Ukraine, having the chance to cross several times the border with Transdnistria and Moldova. During these crossings, the author has used both train and bus so to grasp the difference between the two options. The author has also lived in Poland for twenty four months and frequently crossed the border with Ukraine at several points that are here used as terms of comparison for the case study on the bus leaving from L'viv and crossing at Mostivska. During all these border crossings the author has had the chance to conduct informal interviews with various kinds of actors carrying goods through the border, complemented by participant observation while interacting with the informants. Not all border-crossing are documented because some are more interesting than others but also, and even more important, because some border-crossing experiences have been used to better understand other tactics used in other occasions. Nor I claim here that the cases described are representative for all borders or all citizens. There is much more going on at these borders and this is also why the EU has prioritised training of border officers in both areas. However, the illustrations provided in this paper are a way to shed some light on possible directions of border research while, on the other hand, suggesting that the complexity of such situations need further studies that measure the expectations of a state against what the citizens are trying to get. It is suggested that only by comparing the level

Verlag, 2012); Abel Polese, "Border Crossing as a Daily Strategy of Post Soviet Survival: the Odessa-Chişinău Elektrichka," *Eastern European Anthropology Review* 24, 1 (2006); Abel Polese, „Who Has the Right to Forbid and Who to Trade? Making Sense of Illegality on the Polish-Ukrainian Border,” in *Subverting Borders: Doing Research on Smuggling and Small-Scale Trade*, ed. Bettina Bruns and Judith Miggelbring (Leipzig: VS Verlag, 2012).

⁴ Pierre Bourdieu, *Outline of a Theory of Practice* (Cambridge: Cambridge University Press, 1977).

of informal transactions in all possible ways of crossing that it becomes possible to provide a comprehensive picture of a border and its permeability, a thing that is presented using a different section for every different border just after the theoretical part.

The grey area between the licit and the legal

Underground economies are considered related to institutional failure.⁵ A weak state means uncontrolled revenues, no income taxes paid and, even more importantly, a distorted perception of the role of the state. In such cases the state may be perceived as limiting initiative and activities whilst bringing no real advantage to the loyal citizen. Where a state is able to protect its citizens and offer some advantages, or at least perspectives of change, people would be more willing to act in the frame of legality.

However, this also happens because allowing people to survive on the verge of illegality is a way to make up for ineffective economic reforms that affect some regions in particular. Owing to necessity, people might want to construct a grey area between legality and illegality, considered socially acceptable or licit in their perception.⁶ The narrative relative to this grey area creates new expressions and scenarios to explain social phenomena that the simple distinction legal-illegal is insufficient to describe. This is visible also in other contexts, when other actors use alternative expressions such as ‘signs of attention’⁷, ‘little corruption’ that does not hurt anyone⁸ or construct social norms to survive legal impositions.⁹

In such a context informal payments at a border are not necessarily an example of the degradation of society. On the contrary, they participate in creating an independent – and possibly uncontrollable – economic system in which the state officially forbids, but in reality allows, and the people officially abide by the rules, but also know how to increase their revenues. All actors are satisfied, limiting economic discontent and avoiding social tensions. Such petty trade may be seen as the solution, rather than the cause, to problems such as high unemployment and low revenues. When few people are willing – or allowed – to invest in domestic companies, goods are hard to find and money scarcely circulates, informal payments, networks, *blat*’ seem a possible solution. This situation is also convenient for political elites, especially when they are unable to engage in effective reforms. Border officers will not object since they can top up their salary and ordinary people can break up a vicious circle preventing them from earning money and access some goods at a price cheaper than the domestic one.

Custom officers have to find a way to integrate their income and also have a certain plan to fulfil but, conversely from their Polish counterpart, their main concern is their superiors, who will demand a part of their extra incomes. Thus their task is to check the right people, who can present them with enough money, for money needs to be shared with their superiors. There seems to be little of the civic engagement to the state and the

⁵ Maurizio Bovi, “The Nature of the Underground Economy-Some Evidence from OECD Countries,” in *JIDT* 7 (2003): 60-70.

⁶ Itty Abraham and Willem van Schendel, “Introduction: The Making of Illicitness,” in *Illicit Flows and Criminal Things: States, Borders, and the Other Side of Globalisation*, ed. Willem van Schendel and Itty Abraham (Bloomington: Indiana University Press, 2005).

⁷ See Jennifer Patico, “Chocolate and Cognac: Gifts and the Recognition of Social Worlds in Post-Soviet Russia,” *Ethnos* 67, 3 (2002).

⁸ See Johan Rasanayagam, „Market, State and Community in Uzbekistan: Reworking the Concept of the Informal Economy,” *Max Planck Working Papers* 59 (2003).

⁹ See Graham Harrison, “Corruption, Development Theory and the Boundaries of Social Change,” *Contemporary Politics* 5, 3 (1999): 207-220.

sense of duty that pushes them to act. This ‘uncivic’ approach has been explored by anthropologists like Roitman¹⁰ redefining the way people live their citizenship and engage in civic actions or their denial like in the case of fiscal disobedience. Likewise Kyle and Siracusa¹¹ also show how failed-to-meet expectations can alter the relationship of citizens with domestic and international laws, prompting them to break laws in search of welfare their country is unable to grant. In such cases social rules come to overlap legal ones and the border between the legal and the licit becomes fluid. Control over the situation is not assured by laws but by informal norms like in the case of traffic police fines that regulate the behaviour of drivers. In the West it would be ‘if you do not want to pay a fine, drive consciously’ whereas in the Ukraine ‘if you want to lower the risk of being harassed by traffic police drive consciously’. The result might be very similar¹² with the difference that in this second case the state loses the extra revenues coming from fines.

Scenes from a cross-border coach

L’viv bus station 8am. Groups of people are getting organised to head towards the Ukrainian borders, car drivers offer lifts, people negotiate with bus drivers and discuss among themselves. The border crossing involves several actors. On the one hand we have the European Union, with its desire to control the flux of people, and goods, through their borders; on the other the Ukrainian authorities that are seeking good relations with its neighbours. A third set of actors are those engaged in cross-border small trade. There are several ways to cross onto Poland to bring goods there (train, bus, car, foot) but the best one to observe social dynamics, and appreciate the amount of social capital necessary is by bus. Wide and diverse groups of people get involved in this kind of trade and establish solidarity relations that help them with their work.

There are also several kinds of products that are shipped through the Polish-Ukrainian border. This research concentrates on alcohol and, even more important, cigarettes that guarantee a decent profit margin once sold in Poland. The main challenge is, however, to be able to carry them over the border since control has been getting increasingly tough. I was informed that shortly after my fieldwork ended border authorities adopted a new role. Whilst for those travelling by plane to the EU the limit remains one carton of cigarettes, it is now forbidden to cross into Poland with more than two packets of cigarettes, especially if you are travelling by bus from Ukraine.

Attempts to regulate and limit trades and action also open opportunities for some people who can take advantages of some weaknesses of the system to earn some extra money paying with the risk they take in performing certain actions.

As soon as the border nears ladies in the bus start rushing around and open the cigarette cartons to hide single packets wherever they can. Some squeeze 3 or 4 of them into black stockings and hide this ‘black sausage’ behind the bus curtains. Some others remove the pillow from the seat and hide some underneath it. All places with little light

¹⁰ Janet Roitman, *Fiscal Disobedience: An Anthropology of Economic Regulation in Central Africa* (Princeton/N.J: Princeton University Press, 2005).

¹¹ David Kyle and Christina Siracusa, „Seeing the State like an Migrant : Why So Many Non-criminals Break Immigration Laws,” in *Illicit Flows and Criminal Things: States, Borders, and the Other Side of Globalisation*, ed. Willem van Schendel and Itty Abraham (Bloomington: Indiana University Press, 2005).

¹² Jeremy Morris and Abel Polese, *The Informal Post-Socialist Economy. Embedded Practices and Livelihoods* (London and New York: Routledge, 2013); Abel Polese, “If I Receive It, It Is a Gift; if I Demand It, then It Is a Bribe: On the Local Meaning of Economic Transactions in Post-Soviet Ukraine,” in *Anthropology in Action* 5, 3 (2008).

are particularly appreciated, be this the overhead compartment (where the black stockings are hidden as deeply as possible) or other small sections between a seat and the bus walls. Almost everybody changes their clothes to be able to hide some cigarettes under the new, and wider, ones and everybody only keeps the maximum quantity of alcohol and cigarettes allowed in their hand bags ready for inspection.

The border approaches; ladies make their final checks to make sure the cigarettes will not fall out at the wrong moment. Once the time has come, passengers may be asked to leave the bus and take out their personal belongings. The inspection has two dimensions. On the one hand they check every passenger and how many goods they have with them. On the other they check the bus full of nobody's goods, cigarettes that nobody will claim back and that will be confiscated without punishing those trying to pass them through the border.

Competition between formal and informal structures is stiff. Personal connections are not infrequent around the border. Historical and economic elements, as well as geographical proximity, entangle lives of many people. If this is an advantage for an individual, it is damage for the authorities who can count only on a limited control. This is why border controls have become more and more impersonal.

The difficulty to count on the understanding of border officers has brought people with different interests and goals to work together. Everybody hides goods in the bus and remembers where. Some bags are eventually found and taken away. Once back in the bus, traders check who has lost what for the good of the community. Having to find a quantity of cigarettes means the Polish officers will not look at whose they are; they will simply be satisfied to have collected enough evidence of their good work. Those who have the highest losses will find consolation in that next time it might not be their turn to lose that much and their profit will be higher. I talk of teams because, especially in some buses (like the L'viv-Lublin one) people get into the bus at the same point and come from the same village, showing solidarity with each other.

Passengers go back into the bus and wait. Only one young lady is sent for and disappears into a customs barrack. This is one of the examples of the incapacity of the authorities to crack on personal connections and make civic responsibility prevail over everything else. In this case one of the ladies turns out to have a lover at the border crossing point and is with him while everybody waits for them. Thanks to this asset, other say, she is the bravest one in the bus, carrying far more goods than she would be allowed and securing much higher revenues than the others. This has allowed her to buy some land and build a house where she lives comfortably enough, whilst her village mates struggle to survive.

Most ladies acknowledged that team work is needed to cross the border. Belonging to the same village was another reason to cooperate and no one ever mentioned what they were doing as something they perceived as 'illegal'. However, the relationship with the young border officer put this lady in an ambivalent position. She seemed to be outside the team, able to carry more things but being only partially accepted as part of the village, as some people considered she was selling her body for money. The fact that she enjoyed a higher economic status in some cases was not enough to justify her 'low moral level' and some ladies mentioned they would not do this even if they had the possibility.

After the border was crossed nobody hurried to retrieve their goods. There was still a chance of a hidden control before the first village. Once the chances lowered, they set out to check who had lost what and changed back into "normal" clothes. Normally the driver stops the bus and they buy huge sacks of onions, that for some reason are cheaper in Poland than in the Ukraine and can be sold back home. Meat is another of the goods to buy in Poland and sell in the Ukraine but it is riskier. First of all transporting meat is not permitted

across the border, secondly meat is a perishable good and it might go off (especially in the summer) or be confiscated whereas onions are more innocent in many respects.

There are other ways of crossing the border and they also entail the use of personal networks and Bourdieau social capital but the bus is possibly the one where it is more likely to appreciate the creation and persistence of the importance of social capital underpinning cross-border trade, be this illegal, extra-legal or simply petty. Informal structures replicate themselves and come to interact with formal ones so to create a parallel system where individual moralities are stronger than collective ones and individual gain makes up for the lack of gain given that the state is not taking care of its citizens.

Scenes from a cross-border train

This second case study is informed by smuggling practices between the Ukrainian and Moldovan borders so to show the conflict between the ways social capital is used here. Personal networks allow individuals to create a system that is successful *per se*, bringing gains to all of them but possibly at the damage of the wider community.

The case study is centred on networks established by those travelling between Odessa and Chişinău by train (the train has been phased out shortly after my fieldwork in an attempt to reduce smuggling between the two cities). Trade between Ukraine and Moldova is possibly composed of two components: legal goods (crossing the border illegally but legal once they are in the country, food or clothes for example) and illegal goods (illegal already at the time of their production, such as drugs or cigarettes). My research deals with the legal ones that are mostly transported from Odessa, where one of the largest markets in the world is located, to Moldova. At the time of this research (2004-2006) a series of monopolies strangled competition in the country, while international bans made either difficult or too expensive to bring legally into Tiraspol (in the Republic of Transdnistria) a wide range of goods.¹³ Papava and Khaduri¹⁴ remark that amongst those who call themselves entrepreneurs in post-communist countries, many are former Party figures and former directors in whose behaviour it is very difficult to find the merits possessed by Western type entrepreneurs. They are able to carry out political lobbying to obtain favourable conditions for their work; and they are able to hamper competition in the country, aware that this would entail the arrival of quality goods on 'their' market, which is dominated by 'their' seconded goods. Smugglers address this discrepancy, making up for the low quality of goods and improving choices for customers, by breaking the circle of a seconded goods economy run by local entrepreneurs.

At the Odessa railway station the congestion is so bad that railway officials have to filter the passengers approaching the train and to divide them into several waves. Everybody has at least one trolley overloaded with boxes filled with recent purchases. Once people reach the train they run for the best places to put down their heavy luggage - aggressive behaviour and even petty physical confrontation, sometimes culminating into a slap or a little more, are not uncommon at this time. As the train leaves, re-packing procedures begin. From the departure of the train until it reaches the Ukrainian border (the station of Razdelna) most people mix up, hide and change the composition of their boxes.

¹³ Donnacha Ó Beacháin. "The Role of the EU and the OSCE in Promoting Security and Cooperation in the South Caucasus and Moldova," in *Security and Cross-Border Cooperation in the EU, Black Sea Region and the Southern Caucasus*, ed. Ayça Ergun and Hamlet Isaxanli (NATO Science for Peace and Security Series, IOS Press, 2013).

¹⁴ Vladimer Papava and N. Khaduri, "On the Shadow Political Economy of the Post Communist Transformation, an Institutional Analysis," in *Problems of Economic Transitions* 40, 6 (1997): 30-31.

The aim is to hide valuable items purchased under food or socks. Normally, people trade in clothes as they are easier to transport and allow a higher profit, given that the choice on the Moldovan market is very limited. But in the boxes there might be any other item.

One of my informants, whom I met several times during my trips, spelled out some of the products he intended to buy in Odessa – margarine, *krabovy palochky* [crab meat] and mayonnaise – because he could find them at lower prices in Odessa. He used to travel every other day to Odessa and had already a retailer in Chişinău so that, once he returned, he could sell everything immediately and rest for the remaining part of the day. This activity is completely beyond state control but limited in size and, therefore, of little interest to Moldovan officers. Nevertheless, the man took the precaution of getting off one station before the main Chişinău station in order to avoid possible customs control officers.

The types of goods introduced into a country varies according to which particular border is being crossed. In the Ukraine-Moldovan-Transdnistrian case, neither alcohol nor tobacco is involved and trains are not searched. The system is much simpler and everything takes place during daylight hours. After passing the Ukrainian border, as mentioned, there is no real Moldovan border but officials are susceptible to jump on the train anytime. Negotiation with custom officers is, in general, possible. However, the capacity to negotiate is highly influenced by the mood of the officers and, even more important, by the pressure from the authorities in a given moment. In high pressure periods border officers need to produce some tangible results and they will crack more on traders, or will ask for a higher price to compensate the risk. Traders have to play the poor, unimportant and weak to convince officers that they are not worth attention or can only afford a small present. In many cases they will share the goods and redistribute them throughout the train.

Most of them are relatives or simply partners of those carrying the goods. They pretend to be together and divide the quantity of goods being carried amongst four or five persons. From this moment until Chisinau, it is a matter of negotiation. People will have to play ‘the poor’, ‘the ignorant’, and ‘the naïve’ and pretend that the quantity of goods they carry with them is fair – though there is no official definition of ‘fair’. Otherwise they will be obliged to leave the train and negotiate with the officer.

Despite the fact that the shadow economy is negatively perceived by economists who see it as a loss for state finances, and by those who see it as fiscal fraud, contextualisation shows the specificities of the *elektrichka* case. In this case, the shadow economy is the response of local traders to an imposed monopoly by local businessmen, characterised by a deficit of goods (especially quality goods), high prices and a lack of jobs.

Both state officials and ordinary people expect to benefit from the *elektrichka*. As wages are very low on both sides of the border, the situation is comfortable for the government and its employees: by tolerating widespread corruption, the Ukrainian and Moldovan states do not have to allocate large sums from the budget for the salary of state officials but, at the same time, as it is well known that the meagre salary will be topped up with additional “provisions”, it is still possible to recruit people to work on such a low wage.

The ticket control is a first opportunity. The whole trip Chişinău-Odessa costed, at the time of this research, 13 Hryvnia (around two Euros at the rate of the time) but one can get along with less by paying the Ukrainian inspector and then the Moldovan counterpart. The price varies according to the length of the route and for students there is a “special price”. On the Ukrainian side of the Ukrainian-Moldovan border, everything is relatively calm. If success in smuggling things into Poland depends on the mood of the officers and the quantity of goods, here it is simpler, it depends on the price. The customs officer goes back and forth handing out a customs declaration to those with luggage. The form will

remain blank; its only function is to envelop the banknotes that all those willing to avoid control will insert in between papers. Newcomers are rapidly integrated; they simply need to ask what the price is and will be updated by more experienced colleagues. One bill for small luggage, more as the load increases. Everybody hides most of the valuable goods under petty items such as paper or pencils. The trick here is to move objects around and convince officials that one has little (in value) in order to pay as little as possible.

The Moldovan side is more complicated. There is no checkpoint and people have to be ready to be checked at any time. Boxes are distributed around the train with the hope that they remain unnoticed. People will declare not to know their ownership but they will keep an eye on them. Some extended families are involved in this business, often travelling together but having different surnames in their passports in order to pass themselves off as strangers if needed. Experienced officers are likely to spot these cases but they are also willing to turn a blind eye, as long as the whole “elektrichka community” will benefit from it.

The “excluded” in this situation are Transdnistrian officials, who are known to be greedier so that people are willing to avoid travelling by bus unless they really have little, or nothing, to carry onto the other side.

Conclusion

This paper has explored the different ways a border can become an opportunity for those trying to take advantage of it. Several actors, and dynamics, have been presented, from micro to macro ones. They are all involved in the construction of a system that allows a number of citizens to survive while not challenging the symbolic order of the state. First, we have the state (and states) with their role of controlling and managing a space. State rules centrally conceived have an impact on the way a border is managed and may enter, in some cases, in conflict with the way locals would see the border to be managed. Locals are more sensitive to what happens at the border level, they are themselves part of the game and need to keep the balance between representing the state, and thus their role as state officers, and the fact that they are involved in social relationship with locals, often more than the state would like them to be.

A second range of actors are those for whom the border represents a limit but they are able to transform it into an opportunity and take advantage of it. Never in history there's been a black market tamed from the supply side¹⁵ so that the permeability of the borders studied in this paper can also be ascribed to the fact that the authorities see them as a safety valve, as a way to limit social tensions locally.¹⁶ As long as unemployment is high, but there is a way to be employed informally or salaries are low, but there is a way to integrate them by selling extra goods, all actors seem happy. The state has to endure less pressure by the citizens who can then take advantage of the limited control enforced and 'pay the state back' by not challenging its symbolic function that remains such only theoretically, since the state is failing to act as a welfare distributor.

¹⁵ R.T. Naylor, *Wages of Crime: Black Markets, Illegal Finance, and the Underworld Economy* (Ithaca/NY: Cornell University Press, 2002).

¹⁶ Jeremy Morris, “Beyond coping? Alternatives to Consumption within a Social Network of Russian Workers,” *Ethnography* 14, 1 (2013); Abel Polese and Peter Rodgers, “Surviving Post-Socialism: The Role of Informal Economic Practices,” *International Journal of Sociology and Social Policy* 31, 11/12 (2011); Abel Polese, „Drinking with Vova: a Ukrainian Entrepreneur between Informality and Illegality,” in *The Informal Post-Socialist Economy: Embedded Practices and Livelihoods*, ed. Jeremy Morris and Abel Polese. London and New York: Routledge, 2013.

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On Multilevel Governance and the Local Authorities' Role in Implementing the EU's Policy on Borders

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Abstract: *The main objectives of the present article is to trace down the relationship between several concepts usually referred to as being strongly interconnected, in a vertical and horizontal manner, somehow deriving from each other: multilevel governance, subsidiarity, decentralisation / regionalisation. Hot topics in the European Union discourse and, subsequently, for the Europeanisation (and integration) process, each of the aforementioned notions contributes to the understanding of the EU's polity as a pre-given condition for the present-day welfare. The multilevel governance system mostly based on the subsidiarity principle greatly explains the present European Union's institutional architecture and quantifies the progress the EU made concerning the integration process. Taking on the borders' functionalities - specifically the EU's borders - which underwent significant changes during the last two decades, the article intends to trace the local authorities' implications in strengthening or loosening the EU borders' role - especially the external borders - through different instruments of cooperation or securitisation.*

Key words: *multi-level governance, ENP, local authorities, subsidiarity principle, borders' management*

The multilevel governance² and the principle of subsidiarity

1. The multilevel governance

Preliminary statement:

“As a new cycle in Europe is taking shape, the Committee of the Regions has taken the initiative of submitting its design for a Community method based on a type of governance which involves local authorities in the formulation and implementation of the Community policies. For the Committee of the Regions, which since 1994 has been defending the advances of the European integration process and pleading for greater democratisation of its public sphere, it is essential that in the decisive phases of the European political circle, Europe is built in partnership.”³

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² Coined by Gary Marks (1992) “who first proposed it as a useful concept for understanding some of the decision-making dynamics of the European Union.” Simona Piattoni, *The Theory of Multi-level Governance. Conceptual, Empirical and Normative Challenges* (Oxford: Oxford University Press, 2010), 17.

³ Luc Van den Brande, foreword to *The White Paper on Multi-level Governance* (Committee of the Regions, 2009), 3. In “The CoR White Paper on multilevel governance” further is stated: “The European Union's capacity to perform its role and achieve Community objectives depends not only on its organisation but also above all on its mode of governance. The legitimacy, efficiency and visibility of the way the Community operates depend on contributions from all the various players. They are guaranteed if local and regional authorities are genuine ‘partners’ rather than mere ‘intermediaries’. Partnership goes beyond participation and consultation, promoting a more

Released in 2009, the CoR White Paper on Multilevel Governance draws upon the idea of shared responsibility mirroring an action in concert⁴ which involves several levels of authority conceptualised through the decentralisation / regionalisation policy, in order to imprint a new dynamic to the European integration process. As a widely spanned process, “MLG is an inherently dynamic concept that crosses several analytical boundaries or “gates”: namely the gates between centre and periphery, between the domestic and the international, and between state and society.”⁵ The multilevel governance system is also strongly connected to the European Neighbourhood Policy (ENP) as an instrument for the reconsideration of the EU’s capacity to adapt and extend its governance beyond its constitutional elements; as Gerard Delanty puts it “[a]nother example of the changing relation of the centre to the periphery in Europe is the emerging of a new kind of governance whereby the EU expands its governance beyond the Member States to neighbouring regions.”⁶

Furthermore, as a means to better answer to the demands of the sectoral policies, commonly translated into new challenges for the European Union, the multilevel governance principle must be applied, if not for giving a better structure to the already complicated decision making process, than at least for “making maximum use of the Lisbon Treaty’s potential for consultation and participation”; in this sense, “the ability of a territory to make the most of its resources is determined not by the technological conditions provided, but by the interaction of institutions and decisions, be they private or public, economic or political ... i.e. in other words multilevel governance”⁷ In addition, as PhD Professor Istvan Süli-Zakar notes “[a]s a result of regionalism a macroregional geographical structure evolves which enables the optimal use of human, ecological and economic resources. My experience leads me to believe that nowadays the self-governments are afraid of the horizontal relations, cooperations and integrations that rely on common goals. However, the willingness and capacity to cooperate is the feature of the true self-governance. Therefore, the importance of cooperations within the regions must be improved in the future and the horizontal self-governmental, macroregional and international will get a strategic role”.⁸

dynamic approach and greater responsibility for the various players. Accordingly, the challenge of multilevel governance is to ensure that there is a complementary balance between institutional governance and partnership-based governance. The development of political and administrative culture in the European Union must therefore be encouraged and stimulated. The European public seems to want it.” The Committee of the Regions, “The White Paper on Multi-level Governance,” Brussels (2009): 11, accessed September 15, 2013, http://cor.europa.eu/en/activities/governance/Documents/mlg-white-paper/0387_inside-en-last.pdf.

⁴ “There are many goals which we cannot achieve on our own, but only in concert. Tasks are shared between the European Union, the Member States and their regions and local authorities.” (The Committee of the Regions, “The White Paper on multi-level governance,” 8. Quotation from the Declaration on the occasion of the fiftieth anniversary of the signature of the Treaties of Rome, Berlin, 25 March 2007.

⁵ Ibid., 27.

⁶ Gerard Delanty, “Borders in a Changing Europe: Dynamics of Openness and Closure,” in *Eurolimes 1, Europe and Its Borders*, ed. Ioan Horga et al. (Oradea: Oradea University Press, Spring 2006), 50.

⁷ Michel Delebarre, foreword to The Committee of the Regions, “The White Paper on Multi-level Governance,” 4.

⁸ István Süli-Zakar, “Regions for the United Europe,” in *Eurolimes 1, Europe and Its Borders*, ed. Ioan Horga et al. (Oradea: Oradea University Press, Spring 2006), 15.

Another important characteristic of multilevel governance is given by its vertical and horizontal nature underpinning new forms of engagement on both directions; as Paul Stubbs notes: “[t]he main value of the concept of multilevel governance is that it allows for an understanding of complexity at and between levels. In this sense, the vertical notion of multilevel governance, including but also seemingly ‘above’ and ‘below’ the nation state, goes alongside the horizontal notion of complex governance to address relationships between state and non-state actors, and new forms of public-private partnerships”.⁹

In the introduction to her book entitled *The Theory of Multilevel Governance: Conceptual, Empirical and Normative Challenges*, Simona Piattoni gives the following definition for multilevel governance: “It evokes the idea of increasingly complex arrangements for arriving at authoritative decisions in increasingly dense networks of public and private, individual and collective actors. In particular, it is deemed to capture important features of how binding decisions are arrived at in the European Union. Yet, MLG is not just a convenient description of political mobilisation leading to European policy-making, it also points to fundamental changes in contemporary rule. As such, it suggests that structural transformations are taking place in contemporary European states under the impact of the process of European integration. Finally, MLG prompts reconsideration of what constitutes legitimate rule (in both state and non-state contexts), and therefore invites normative reflection on the conditions under which binding decisions gain widespread acceptance and bestow legitimacy on the institutions that produce them.”¹⁰

Furthermore, Simona Piattoni makes the distinction between MLG as political mobilisation, MLG as policy-making and MLG as polity-structuring (politics-policy-polity).¹¹ Undertaking an in-depth conceptual analysis upon the notional dynamics of MLG, Simona Piattoni arrives to the following (complementary) definition: “the term ‘multilevel governance’ denotes a diverse set of arrangements, a panoply of systems of coordination and negotiation among formally independent but functionally interdependent entities that stand in complex relations to one another and that, through coordination and negotiation, keep redefining these relations.”¹² In a more pragmatic manner, “[t]he objective of [multilevel] governance consists of the involvement of all the actors, through different forms of partnership, regardless of the level at which they are situated (community institutions, national governments, local and regional authorities or civil society). A specific feature of the multilevel governance system is the fact that the decision-making process is based on negotiations between the main actors, to arrive at a consensus and non-majoritary vote.”¹³

The multilevel governance principle, broadly applied in order to delimitate the structural consequences of a politically complex system, has moved from a rather qualitative instrument towards a quantitative one, narrowing its area of applicability, at least in the field of research, to the EU decision making process.

Capitalising on the advantages derived from a shared political responsibility, the multilevel governance-based system manages not only to co-opt regional and local players to exercise a strong and committed leadership based upon a coordinated action, but also to

⁹ Paul Stubbs, “Stretching Concepts to Far? Multilevel Governance, Policy Transfer and the Politics of Scale in South East Europe,” *Southeast European Politics* 6, 2 (2005): 67.

¹⁰ Piattoni, 1.

¹¹ For further information, see Piattoni, 18-26.

¹² *Ibid.*, 26.

¹³ Adrian Ivan and Natalia Cugleşan, “Multilevel Governance and Decentralization in the Unitary States of the European Union. Case Study: France and Romania,” *Novos Estudos Juridicos* 14, 1 (2009): 48.

integrate their own objectives within the strategies of the European Union.¹⁴ Furthermore, the multilevel governance matrix, once applied, generates new paths of communication between territorial and jurisdictional levels, issued from the involvement of several players benefiting, by definition, from different authoritative power, within an already multi-layered EU structure; paddling on this particular aspect, one may say that the multilevel governance model ensures a more democratic decision making process, by underpinning a stronger and a more comprehensive participation from those directly affected by the policy being under evaluation. The instrumental (negative) value of this particular approach is shown by its structural interconnectedness (based on assumed independency) managing to absorb all the potentialities of an opinion (solution) vertigo and externalising them at the expense of regional and local authorities.

The multilevel governance acts, in addition, as a viable formula to accommodate the ever-growing tendencies towards the reinstatement of nation-states by giving them a platform to express their concerns and needs (with a twist); by targeting the lower tiers of national governments (i.e. states' peripheral elements), the European Union underpins a de facto decentralisation and in so doing, it copes with the internal mechanisms of a retaliating state by ensuring the participation of each level of government to the decision making process. The initiative was highly supported and developed accordingly, holding an important role in overcoming the uprising political and economic problems of national states: “[t]he European experiences of the regional crisis management show that the solution of the crisis situations may be only based on the elaboration and realisation of local and regional strategies treating the different problems in a complex way, considering the local peculiarities by all means and promoted the positive regional initiatives. All these necessitated the decentralisation of the state administration – and within it especially of the decision-making levels of regional development.”¹⁵

Notwithstanding, local and regional players are usually found under a massive pressure from the centre and are forcefully engaged with the national objectives; the multilevel governance system acts as a trigger for their emancipation by enhancing their opportunities to speak up not on behalf of the national, but regional and local communities and to challenge the gate-keeping capacity of the central states. The added value of such system is expressed by the creation of regional and local networks through which the process of governance benefits from a horizontal dimension usually unregarded as a potential development for the implementation of common policies. Nevertheless, as

¹⁴ “The Committee of the Regions considers multilevel governance to mean coordinated action by the European Union, the Member States and local and regional authorities, based on partnership and aimed at drawing up and implementing EU policies.[...] Multilevel governance is not simply a question of translating European or national objectives into the local or regional action, but must also be understood as a process for integrating the objectives of local and regional authorities within the strategies of the European Union.” The Committee of the Regions, “The White Paper on Multi-level Governance,” 12, 14.

¹⁵ Süli-Zakar, 22. “When studying the regional policy of the European Union, it may be established that regionalism became the determining and dynamising element of the political and economic development of the post-war Western Europe. The triumphant regionalism in the past decades proved to be suitable for the solution of the centuries old political, ethnic and regional development acute problems. It is an especially important task for the euroregionalism to diminish the inhibiting and dividing role of political borders in the socio-economic processes and to strengthen cross-border co-operations [...]. We may word our scientific conclusion on the basis of this: the regions and the regionalism had an essential role in the creation of the European Union.” Ibid., 23.

Simona Piattoni argues, the multilevel governance may also be pursuing in regards to “the transformation of the national state, both in terms of its territorial articulation and in terms of its authoritative decision-making arrangements.”¹⁶

The practice of multilevel governance correlates the two important features of an efficient political system: pluralism (in terms of political deciders) and authoritative diversity (also the core concept for the European project). Although confronted with a structural distrust among its members, the European Union may achieve a better minds’ alignment and a better synchronisation of needs (both strongly called for in order to deepen the integration process and to achieve a territorial cohesion) if the EU is to implement an efficient multilevel governance system. Under a more pragmatic consideration, “governance must operate at multiple scales in order to capture variations in the territorial reach of policy externalities. [...] To internalise externalities, governance must be multilevel.”¹⁷

2. *Brief recounting on the principle of subsidiarity*

Preliminary statement:

“The principle of subsidiarity seeks to ensure that, in areas of non-exclusive Community responsibility, decisions are taken at the most appropriate level. As a result, in these areas, tests must be carried out to ensure that Community action is justified with regard to the options available at national, regional and local level.”¹⁸ The principle of subsidiarity invokes the necessity of involving several tiers of governments (or levels of governance) in the decision making process, based on the appropriateness of the political decider related to the issue at stake; the principle of subsidiarity is cosubstantial to the multilevel governance being at times the institutional path and the regulatory instrument for its implementation.

Besides its Catholic roots, the principle of subsidiarity falls under the incidence of several European momentums among which the constant increase of the EU’s competences to the detriment of those of its Member States; in this sense, Cristina Ares Castro-Conde states the following: “[m]oving to the application of the principle of subsidiarity in the EU, it is worth noting that its entrance into the EU’s political arena was motivated by the reaction of certain sub-national actors, especially the German Länder, to the phenomenon called “creeping competences”: the progressively acquisition of more competences by the EU (by means of Art. 308 TEC) and subsequent increasingly invasion of the sub-national domain of competences constitutionally guaranteed or politically agreed internally within each MS.”¹⁹ Although blatantly ambiguous²⁰ in its definition and

¹⁶ Piattoni, 3.

¹⁷ Gary Marks and Liesbet Hooghe, “Contrasting Visions of Multilevel Governance,” in *Multilevel Governance*, ed. Ian Bache et al. (Oxford: Oxford University Press, 2004), 16.

¹⁸ The Committee of the Regions, “The White Paper on Multi-level Governance,” 37.

¹⁹ Cristina Ares Castro-Conde, “The Europeanization of Regional Governance in Post-Lisbon EU: the Role of Regional Legislative Assemblies,” in *Regional and Cohesion Policy. Insights into the Role of the Partnership Principle in the New Policy Design*, ed. Ioan Horga et al. (Oradea: University of Oradea Press, 2011), 35.

²⁰ On this particular matter, Ioan Horga states the following: “far from being a univocal concept, it is rather an “inherently contested” concept. Each tier of government, and even non-governmental actors, interpret it to suit their own agenda. To Member States, subsidiarity means that the Union should tackle only those issues which the Member States cannot effectively handle themselves to local and regional authorities. It means that action should be taken at the closest possible level to the ultimate receivers of the policy, that is, at the local and regional level; [...] The concept has

its area of implementation, the principle of subsidiarity counts, nevertheless, as much a functional rule as a normative conception²¹ being massively translated into the European Treaties and, in doing so, contributing to the reshaping of the national authoritative decision making arrangements; deliberately introduced for the reason of lessening the EU's propensity towards centralisation, the principle of subsidiarity brings together the supranational, national and sub-national levels in a configuration of shared competences and responsibilities necessary for the well-functioning of a multilevel governance system.²² By operating in accordance with the most appropriate tier of government agreed upon for solving a specific, level-related issue, the principle of subsidiarity provides a regulatory framework within a strongly politicised environment, perfectly compliant with the fluid, flexible dynamics of a structurally ambiguous EU scheme for the distribution of competences. Nevertheless, the principle of subsidiarity generates an accountable logic for the EU construction process.

Furthermore, it is important to assess the strong relationship between the multilevel governance concept and the principle of subsidiarity: "MLG is a mechanism that operates more effectively while being connected with the subsidiarity principle (linking responsibilities of different actors with the characteristic of their interaction)."²³ Each player, regardless the level of governance, becomes a provider of expertise concerning different issues they have to tackle, individually or collectively, fuelling the trend towards a dynamic subsidiarity based on horizontal and vertical lines of connection and empowering and strengthening the institutional partnership.

Local authorities' role in implementing the EU policy on borders

How does the concept of multilevel governance relate to borders and, furthermore, to the European Union policy on borders? The answer is through the European Neighbourhood Policy. The European governance goes beyond its own frontiers - in the sense of traditional power containers - by developing networks of cooperation with the surrounding states and actively contributing to the construction of a strategic space capable of importing new actors within the European Union matrix. The European Union exceeds the simple definition of a supranational organisation or political structure, being conducive to a more complex system of vertical and horizontal relations, to a distinctive configuration underpinned by a specific internal logic most obviously recognisable in its approach to governance methods; in this sense, Gerard Delanty states that "[t]he EU's system of governance now extends beyond EU space to the wider south and entails relations that cannot be understood in the traditional terms of a closed frontier. Europe's

been, in other words, a political tug-of-war: a restatement of the disagreement over which actors are legitimated to decide over which issues." (Ioan Horga, "The Multilevel Governance (MLG) and the Respect of the Subsidiarity Principle," in *Cross-Border Partnership. With Special Regard to the Hungarian-Romania-Ukrainian Tripartite Border*, ed. Ioan Horga et al. (Oradea: Oradea University Press, 2010), 169.

²¹ Castro-Conde, 36.

²² On this particular issue, the White Paper on multi-level governance states: "The implementation of multilevel governance depends on respect for the principle of subsidiarity, which prevents decisions from being restricted to a single tier of government and which guarantees that policies are conceived and applied at the most appropriate level. Respect for the principle of subsidiarity and multilevel governance are indissociable: one indicates the responsibilities of the different tiers of government, whilst the other emphasises their interaction." The Committee of the Regions, "The White Paper on Multi-level Governance," 3.

²³ Horga, 170.

borders, both internal and external, are shaped not just by the logic of Europeanisation, but by the interactions with the global context. The global, the national and the European dimensions interact to produce a complex field of borders and re-bordering out of which emerges a post-western constellation.”²⁴ The multiple scales of governance characterising the EU’s approach on polity development entail the redistribution of power among several actors; the EU policy on borders, depending on the nature of borders (internal or external), is definitely involving not only national but also regional authorities in the implementation process of EU’s directives. How does the devolution of powers occur? And furthermore, what is the influence yielded by the local authorities upon the configuration or reconfiguration of the EU’s borders? Without elaborating upon the internal borders of the European Union which fall under the incidence of a special legislation mostly depending on a given country’s accession to the Schengen area, my research will focus on the external borders of the European Union which unavoidably are national borders as well.

By taking, for instance, the border delimiting Romania and the Republic of Moldova which holds upon it the quality of also being the Eastern border of the European Union, one can address the question of local authorities’ challenges in dealing with an EU action pattern towards borders, in general, and external borders, in particular. On this particular matter, Selcen Öner by quoting Christiansen argues that: “[f]rom a functional perspective, the strengthening of sub-national regions was a response to overload in central government and the need to decentralise the delivery of public goods. From the perspective of democracy theory, it is argued that by reducing the distance between citizens and the central state, the conditions for participatory democracy are enhanced.”²⁵

Through required decentralisation, the EU Member States have witnessed the emergence of several authoritative institutions located at a supranational, national and subnational level; the growth of sub-national political consciousness has deeply affected the political structures of some Member States. In this particular configuration, “[t]he state power [...] upwards to supranational agencies such as the EU or downwards towards the state’s regional and local levels transcending traditional national problem-solving capacities.”²⁶ Notwithstanding, the mere existence of those regional and local players does not equal a functional structure capable of self-financing and of taking a personal stance over distinctive political or economic issues. Although policy-making responsibility is considered to be shared among more actors than in the previous configuration, let us not forget about the political weight of central governments within the decision-making process. As Bohdana Dimitrovova accurately observes: [o]n the one hand, the national states still remain politically important and retain much of their national sovereignty. On the other hand transnationalism and Europeanisation processes have decisively weakened their power.”²⁷ The sub-national players are still following the agenda of the nations-states to a large extent. Nevertheless, as Marko Trnski notes “[e]ach level of actors holds

²⁴ Gerard Delanty, “Peripheries and Borders in a Post-Western Europe,” in *Eurolimes 4, Europe from Exclusive Borders to Inclusive Frontiers*, ed. Gerard Delanty et al. (Oradea: Oradea University Press, Autumn 2007), 66.

²⁵ Selcen Öner, “Relations between the EU and Sub-Regions and Their Impact on the European Nation-State” (paper presented at the 1st DRC Summer School “The Europe of Regions for the Regions of Europe. Regional Co-operation as Central European Perspective,” Pecs, August 8-14, 2004), 33, accessed September 15, 2013, <http://drcsummerschool.eu/proceedings?order=getLinks&categoryId=3>.

²⁶ Bohdana Dimitrovova, “Towards a Controversial Border Strategy? The Case of Transcarpathia,” in *Eurolimes 3, Media, Intercultural Dialogue and the New Frontiers of Europe*, ed. by Fabienne Maron et al. (Oradea: Oradea University Press, Spring 2007), 118.

²⁷ *Ibid.*

important resources, such as information, political power, expertise and prestige, and all are engaged in a bargaining relationship.”²⁸ In spite of their political leadership being appointed from the centre, some sub-national regions of the Member States are less influenced by their nominators mostly because of their financial resources and capacity of installing offices in Brussels. But not all of the regions are benefiting from such financial, intellectual or human capital.

In terms of reframing and local adjustment of the EU’s policy on borders, one has first take into consideration the previous relationship between two countries before one’s accession to the EU, and second, the pressure yielded upon it from higher authorities to implement the new legislation procedures; in this sense, the note written by the Centre for European Policy Studies on Local and Regional Authorities and the EU’s External Borders (Sergio Carrera, Nicholas Hernanz and Joanna Parkin) emphasises the role of sub-national decision-makers: “The ground level effects of EU border policy developments means that it will be those local and regional level practitioners and authorities who will ultimately bear the task of adjusting to (or be the first to reap the advantages) stemming from fundamental modifications to the SBC [Schengen Borders Code] and the future shape of EU border controls and surveillance. The smooth operation of Schengen will also be dependent on the resources, practices and approaches of border practitioners applying the SBC ‘on the ground.’ This ‘local and regional dimension’ has so far been largely overlooked in the often heated and controversial debates at EU level surrounding the Schengen system and EU external borders more generally.”²⁹

Inevitably, the local and regional authorities are prone to be engaged in the development and assessment of the EU policy on borders; nevertheless, they might find themselves in a peculiar situation stemmed from their not so convergent interests and from their personal concerns regarding the procedures. If authorities below the national level are vested with tasks in border management-related matters, they instantly become the first-liners for the implementation of the EU rules, taking an active role in fostering the European Union vision regarding borders’ functionalities and control.³⁰ Cross-border cooperation on border management takes place in accordance with the two main objectives set up by a series of EU-led mechanisms: “[that] of developing efficient border structures and effective border controls, while at the same time ensuring that border controls do not impede cross-border exchanges and economic and social cohesion across state frontiers”.³¹ Nonetheless, the two preconditions accompanying the process - the

²⁸ He further asserts that “[i]t is worth repeating that the multilevel governance perspective acknowledges the continued importance of central governments in EU policy-making. Subnational and European actors have nowhere replaced the central governments as authoritative decision-makers. Multilevel governance also suggests that some subnational actors (such as the German Länder) are more influential than others, in part because of their financial and political power at domestic level.” Marko Trnski, “Multilevel Governance in the EU” (paper presented at the 1st DRC Summer School “The Europe of Regions for the Regions of Europe. Regional Cooperation as Central European Perspective,” Pecs, August 8-14, 2004): 24, accessed September 15, 2013, <http://drcsummerschool.eu/proceedings?order=getLinks&categoryId=3>.

²⁹ Sergio Carrera et al., “Local and Regional Authorities and the EU’s External Borders. A Multi-Level Governance Assessment of Schengen Governance and ‘Smart Borders’,” *Centre for European Policy Studies*, European Union (May 2013): 1.

³⁰ For instance, in Romania, the national services responsible for border-controls are the Border Police and the National Customs Authority.

³¹ Carrera et al., 30.

decentralisation and the multi-actor framework - generate a confusing legal environment prone to institutional blockage.

If local and regional decision-makers are to be made responsible for border-management, will they play by their own interests or on behalf of their superior controlling bodies over themselves (i.d. central governments, respectively the European Union)? For a clear-cut answer: they will comply with the rules (regardless of the source) for reason of absent autonomy. On this particular matter, Selcen Öner notes that the role of sub-national regions has mostly been reduced to the implementation of EU policies rather than participation to the decision-making process.³²

It is, therefore, interesting to assess the effectiveness of sub-national regions in terms of institutional infrastructure and capacity to take action. In their studies, Ivan Adrian and Natalia Cugleşan conclude that, for the Romanian case, “[t]he competences of the regional structures, Regional Development Council (RDC) and Regional Development Agency (RDA) have been established by law, in order to meet the requirements of implementing the regional development policy. In other matters, however, the two structures are irrelevant. [...] The Romanian State was not willing to introduce an intermediary level, from an administrative point of view, in accordance with the constitution, which recognises Romania’s organisation on two levels: central and local. Multilevel governance in Romania is currently structured on two levels. If we extend this to the supranational level. The process of decentralisation is unfolding; the transfer of competences depending on the results of the pilot experiment, but what can be affirmed for certain is the need to increase the responsibilities of the local public authorities.”³³

Coming back to border management policy, the reinstatement of visa regime for the Moldavians right after Romania’s accession to the European Union generated a collective hysteria among the Moldavian population which became translated into a mass migration towards Romania in the few days preceding the actual consumption of the event. The local authorities had nothing left to do but to implement the EU legislation regardless their previous political and customs arrangements; in so doing, the Romanian authorities, bravely aligned to the European Union’s attempt to extend the frontline of borders control externally, compromised their previous bilateral agreements, exemplifying the hierarchy of authoritative powers within a supranational, strongly contextualised system. Notwithstanding, the EU-led programmes accessed by the national authorities from Chişinău created a new structure capable to politically re-accommodate the two neighbours, although the local authorities were left outside the decision-making process. In the words of Mihai Răzvan Ungureanu “[w]e [Romanians] have already managed to assert ourselves as an important player in shaping all major EU policies and undertakings towards Republic of Moldova. In view of Republic of Moldova’s European aspirations, Romania has worked out a number of ways to provide substantial support, including a framework for cross-border cooperation with EU financial assistance, helping Moldovan authorities to harmonise their legislation, norms and standards to those of the European

³² “The sub-national regions have mostly started to become the institutions responsible for implementing the growing EU legislation, especially in fields like environmental protection, common standards and transport. They have thereby started to become more effective actors in European policy networks, although they are mostly active in the implementation process of EU policies, rather than the decision-making process.” Öner, 35.

³³ Ivan and Cugleşan, 56, 58.

Union, training Moldovan experts and sharing our experience, both successes and failures, with our partners in Chişinău.”³⁴

Conclusions

The principle of subsidiarity as fundamental for the implementation of a multilevel governance scheme has definitely underpinned the European integration process and the emergence of a sub-national European regionalism which, together with regionalisation, became “an organic part of the European thinking”³⁵. Being or not being to the detriment of nation-states remains a question of internal and administrative arrangements, a direct consequence of the degree of empowerment held by each region in part. Strongly active in the implementation process of most European policies, the regions, through their authoritative bodies, have gained an important source of influence mostly by creating extended networks of contacts, lobbies and partnerships; nevertheless, in border-management matters, the local authorities have nothing to do but comply with the European legislation, closely following a pattern of political subordination being entirely legitimated not by their actions but by their nominators. The necessity to export greater prerogatives towards regional and local decision-makers is quintessential for a sustainable development of the strategic space of borders and borderlands regions; the distinctiveness of the economic and political environment of the states’ peripheral articulations creates the premise for the introduction of new forms of participatory democracy capable of taking even further the European project.

The politics of scale accurately characterising the European Union approach on governance acts as an instrument for shaping even greater integration within the European Union context by creating a more complex and accountable organisational and institutional framework - a token for the EU’s complexity. Driven by a participatory democracy vision, the European project is still unfolding, finding itself in a perpetual quest for an ever greater structure, methodology and legitimacy.

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³⁴ Mihai Răzvan Ungureanu, “Eastern European Borders,” in *Eurotimes 1, Europe and Its Borders: Historical Perspective*, ed. Ioan Horga et al. (Oradea: Oradea University Press, Spring 2006), 147.

³⁵ Süli-Zakar, 18.

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II. The Factors that Enhance or Hinder Cross-Border Cooperation

Thomas PERRIN (Grenoble) ◀▶ *La gouvernance culturelle dans les eurorégions: enjeux et dynamiques*

Margaryta CHABANNA (Kiev) ◀▶ *Cross-Border Governance in the Carpathian Euroregion: Institutional Dimension of Decision-Making*

Maurice GUYADER (Paris) ◀▶ *L'intégration économique des pays d'Europe centrale et orientale*

Natalia CUGLEŞAN (Cluj-Napoca) ◀▶ *Regional Decentralisation in Romania and Its Impact on Cross-Border Cooperation*

La gouvernance culturelle dans les eurorégions: enjeux et dynamiques

Thomas PERRIN¹

Abstract. *This article deals with the cultural policies that are developed in the context of euroregions and analyses the governance that results from such policies. The processes and modalities of euroregional cultural governance present a certain innovative dimension, as well as implementation limits, which raises broader questions about euroregional governance. The analysis is based on case studies from Western Europe: euroregion Pyrénées-Méditerranée and Grande Région. After a general presentation of euroregional cultural policies, and of the main criticism that these policies can be addressed, the hypothesis of a certain renewal of euroregional cultural governance is questioned following two lines: the policy discourse and means on the one hand, the appropriation of these policies by stakeholders and actors on the other hand.*

Keywords: *euroregions, cultural policy, governance, cross-border cooperation, identity, interterritoriality.*

Introduction

Le terme « eurorégion » renvoie aux multiples associations et groupements entre autorités territoriales développés aux frontières des États européens, principalement ceux de l'Union européenne. Le développement de ces organisations a bénéficié du soutien à la fois du Conseil de l'Europe, par la promotion d'un cadre juridique favorable à la coopération entre collectivités et autorités décentralisées², et de l'Union européenne, à travers le financement de programmes dédiés à la coopération territoriale³. Ce faisant, les institutions européennes ont souhaité œuvrer au rapprochement des peuples et au développement des territoires de l'Europe, dans le respect de la diversité des communautés sub-nationales, dont certaines ont d'ailleurs été séparées par les frontières lors de la construction des États-Nations. De plus, comme la Commission l'a souligné lors de la préparation des bases légales des programmes pour 2014-2020, la coopération entre les territoires peut améliorer la gouvernance grâce à la coordination des politiques sectorielles et garantir des solutions plus efficaces découlant d'économies d'échelle et de l'obtention d'une masse critique⁴.

Depuis la création de l'*Euregio* en 1958 à la frontière germano-néerlandaise, puis « l'inflation » quantitative à partir des années 1990, on recense plus d'une centaine

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² Avec notamment la Convention-cadre européenne de 1981 sur la coopération transfrontalière des collectivités ou autorités territoriales, dite Convention de Madrid.

³ En particulier le programme INTERREG.

⁴ Commission européenne, "Proposition de règlement du Parlement européen et du Conseil portant dispositions particulières relatives à la contribution du Fonds européen de développement régional à l'objectif "Coopération territoriale européenne," COM(2011) 611 final/2, Bruxelles, 14 mars 2012.

d'organisations de ce type⁵. La multiplication des eurorégions est allée de pair avec la diversité des structures auxquelles peut renvoyer ce terme, dont les différentes dénominations – eurorégion, euroregio, euregio, europarégion, Grande Région, regio, conseil, communautés de travail, etc. – couvrent une grande variété de situations territoriales, structurelles ou fonctionnelles. Ainsi, le terme « eurorégion » fait figure de générique pour désigner les principaux *outputs* de la coopération territoriale européenne, tout en gardant présent à l'esprit qu'il renvoie à différents types d'entités et de structures. « Le phénomène des eurorégions est l'expression la plus actuelle de la coopération transfrontalière dans l'Union européenne [...] Entre les différentes dénominations qu'adopte la coopération transfrontalière, la plus populaire est celle des eurorégions, sans pour autant que celle-ci renvoie à un modèle juridique ou organisationnel homogène »⁶.

Parmi les différentes actions développées dans le cadre des eurorégions, la culture apparaît comme un domaine de coopération fréquent, donnant lieu à une forme particulière d'action culturelle. Une étude a montré qu'en France, les projets culturels ont représenté 17% du budget et 15% des projets au sein des programmes de coopération transfrontalière de l'Union européenne pour la période 2000-2006⁷. Une autre étude, commanditée par la Commission européenne, a quant à elle estimé que les projets culturels représentent 6 milliards d'euros sur l'ensemble de la politique régionale communautaire pour 2007-2013, soit 1,7% des fonds attribués à cette politique⁸, alors même que ce montant peut apparaître sous-estimé car ne prenant en compte que les projets liés au patrimoine, aux infrastructures et aux services culturels⁹.

En dépit du nombre important d'initiatives culturelles constatées à l'échelle des eurorégions et de leurs formes variées, le développement de l'action culturelle eurorégionale n'est pas allé sans soulever de critiques. La mise en avant voire la création d'une identité culturelle eurorégionale semble bien souvent relever de stratégies purement symboliques et politiciennes, de projection dans l'arène européenne-internationale, sans conséquences tangibles au plan du développement territorial. Sachant que la majorité des eurorégions sont avant tout créées pour bénéficier des financements de la politique régionale européenne, la mobilisation de la culture pour différencier telle ou telle eurorégion apparaît en contradiction avec la modalité qui consiste à utiliser, pour les opérations culturelles, les mêmes ressources et dispositifs que l'ensemble des eurorégions, et qui plus est exogènes à la « territorialité » que ces actions culturelles sont censées incarner.

⁵ Antoni Durà et al., “Las regiones transfronterizas: balance de la regionalización de la cooperación transfronteriza en Europa (1958-2007)” [Les régions transfrontalières: un bilan de la régionalisation et de la coopération transfrontalière en Europe], *Documents d'Anàlisi Geogràfica* 56, 1 (2010): 21-40.

⁶ Francesc Morata, “Euroregions i integració europea” [Euro-régions et intégration Européenne], *Documents d'Anàlisi Geogràfica* 56, 1 (2010): 42, 55.

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⁸ Centre for Strategy and Evaluation Services [in collaboration with ERICARTS], “Study on the Contribution of Culture to Local and Regional Development – Evidence from the Structural Funds,” (Bruxelles: Commission européenne, 2010), accessed April 25, 2013, http://ec.europa.eu/culture/key-documents/doc2942_en.htm.

⁹ KEA European Affairs, “Utilisation des fonds structurels pour des projets culturels,” (Bruxelles: Parlement européen, direction générale des Politiques internes de l'Union, 2012): 81.

Cependant, certaines évolutions macro-sociales nous amènent à poser l'hypothèse d'un renouvellement possible de la gouvernance culturelle eurorégionale : montée en puissance de l'interterritorialité comme modalité d'action publique, du local au global¹⁰; prise en compte accrue de la culture comme facteur à part entière du développement économique et territorial, dans le cadre du paradigme normatif de l'économie créative et d'un capitalisme qualifié de « cognitif-culturel »¹¹. Nous proposons donc, à partir des travaux menés au cours d'un doctorat de science politique, de tester cette hypothèse par une comparaison d'études de cas, de facture principalement qualitative, avec deux terrains principaux :

- l'eurorégion Pyrénées-Méditerranée qui associe depuis 2004 les régions françaises Languedoc-Roussillon et Midi-Pyrénées avec les communautés espagnoles de Catalogne, Aragon et Iles Baléares ;

- la Grande Région, créée en 1995 et qui regroupe les *Länder* allemands de Sarre et Rhénanie-Palatinat, la région française de Lorraine, le grand-duché de Luxembourg et trois entités fédérées belges : Région wallonne, Communautés germanophone et francophones.

La notion de gouvernance est utilisée ici dans le sens d'une intervention combinée de plusieurs types d'acteurs, situés à différentes échelles, dans la conduite d'une action publique. Si cet usage, centré sur l'action publique, diffère d'une signification plus large, qui renverrait à un « processus de coordination d'acteurs, de groupes sociaux et d'institutions, en vue d'atteindre des objectifs définis et discutés collectivement »¹², cela ne fait que correspondre à la polysémie et à la plasticité de cette notion.

L'approche comparative permet de saisir les spécificités propres à chaque contexte institutionnel, les éléments de différenciation ou de rapprochement entre les exemples analysés et ainsi d'isoler, le cas échéant, des invariants de l'action culturelle eurorégionale. Les sources documentaires et bibliographiques incluent les travaux de chercheurs et spécialistes du domaine, et sont complétées et illustrées par les données collectées lors de recherches doctorales et post-doctorales¹³ :

- une quarantaine d'entretiens semi-directifs réalisés auprès d'acteurs culturels, politiques et administratifs concernés par la mise en œuvre de l'action culturelle eurorégionale, auprès d'experts et d'universitaires également ;

- des données plus quantitatives issues de questionnaires auprès des bénéficiaires des dispositifs de soutien aux initiatives culturelles et artistiques dans l'eurorégion Pyrénées-Méditerranée.

Après une présentation générale de l'action culturelle eurorégionale et des principales critiques dont elle peut faire l'objet (1), l'hypothèse d'un renouvellement des enjeux et modalités de la gouvernance culturelle transfrontalière/eurorégionale est mise à l'épreuve à partir des exemples sélectionnés, en analysant d'une part les discours et moyens de l'action publique (2), d'autre part l'appropriation par les acteurs des projets et actions mis en œuvre (3).

¹⁰ *Le territoire est mort. Vive les territoires ! Une (re)fabrication au nom du développement*, ed. Benoît Antheaume and Frédéric Giraut (Montpellier: IRD Éditions, 2005); Martin Vanier, *Le pouvoir des territoires. Essai sur l'interterritorialité* (Paris: Economica, 2008).

¹¹ Allen J. Scott, "Capitalism and Urbanization in a New Key? The Cognitive-cultural Dimension," *Social Forces* 85, 4 (2007): 1465-1482.

¹² Patrick Le Galès, "Gouvernance," in *Dictionnaire des politiques publiques*, ed. Laurie Bousaguet et al. (Paris: Presses de Sciences Po, 2006), 243.

¹³ *Culture et eurorégions. Enjeux institutionnels de l'action culturelle eurorégionale* (Thèse soutenue le 13 décembre 2010 à l'Institut d'Études Politiques de Grenoble, sous la direction de M. Guy Saez. Post-doctorat en 2011 à l'Institut universitari d'estudis europeus de Barcelona, IUEE).

Figure 1: Eurorégion Pyrénées-Méditerranée

Source: realised by Marie-Laure Maraval, université de Toulouse-Le Mirail

Figure 2: Grande Région

Source: "La Grande Région," consulté le 30 avril 2013, <http://www.granderegion.net>.

Une action culturelle sujette aux critiques

On peut distinguer trois dimensions principales de la mobilisation des arts et de la culture dans les constructions eurorégionales: dimension historico-patrimoniaire, événementielle et réticulaire. Loin d'être exclusives, ces dimensions peuvent se combiner dans un même projet ou dispositif culturels.

La dimension historico-patrimoniaire renvoie à l'action culturelle menée en référence à une histoire et à un patrimoine communs, qui à la fois rassemblent de part et d'autre de la frontière et différencient par rapport aux ensembles culturels nationaux : expositions itinérantes et projets sur les éléments d'histoire commune, promotion des langues et cultures régionales partagées de part et d'autre de la frontière.

La dimension événementielle s'inscrit dans une tendance générale à faire de l'événement une ressource pour la « mise en culture des territoires »¹⁴, dans une optique de marketing territorial et d'attractivité. Les formes événementielles transfrontalières peuvent être diverses, au premier plan desquelles le festival¹⁵. Il peut aussi s'agir d'organiser des prix littéraires ou artistiques, ou encore des manifestations non récurrentes : concerts, expositions médiatiques, « fêtes » transfrontalières, et autres opérations de communication et de promotion culturelles.

La dimension réticulaire renvoie non seulement à la création de réseaux d'acteurs *stricto sensu*, mais aussi, sur un plan plus général, au développement de dispositifs de mise en réseau à la fois des autorités, des opérateurs et des publics : déclaration et conférence culturelles communes ; *passes* tel que le Pass Musée dans l'eurorégion du Rhin supérieur, plates-formes et réseaux et transfrontaliers d'opérateurs ; guides communs, routes et circuits transfrontaliers de tourisme culturel. Or l'analyse de l'action culturelle eurorégionale amène fréquemment à en souligner les faiblesses et les contradictions, principalement sur deux points.

Sur le plan structurel, il apparaît que la majeure partie des projets culturels sont financés et réalisés dans le cadre des programmes communautaires de coopération territoriale¹⁶, tels que le programme INTERREG. L'action culturelle eurorégionale dans ce cas ne déroge pas à la règle générale qui fait que bon nombre d'eurorégions sont en réalité créées pour servir de « structure porteuse » des subventions de l'Union européenne, et que la possibilité d'autonomisation de la coopération territoriale par rapport au financement communautaire paraît limitée¹⁷. La réalité se trouve dans ce cas en décalage avec la rhétorique politique : la variable culturelle est utilisée comme facteur de différenciation de telle ou telle construction eurorégionale par rapport à d'autres processus de coopérations territoriales « classiques »...tout en utilisant pour cela les sources de financement les plus classiques.

On constate également un décalage sur le fond entre « visions » et réalités culturelles eurorégionales. La mobilisation culturelle au nom d'une identité historico-

¹⁴ *La mise en culture des territoires. Nouvelles formes de culture événementielle et initiatives des collectivités locales*, ed. Violaine Appel et al., (Nancy: Presses universitaires de Nancy, 2008).

¹⁵ Anne-Marie Autissier, "Festivals transfrontaliers, enjeux et paradoxes," in *L'Europe des festivals. De Zagreb à Édimbourg, points de vue croisés*, ed. Anne-Marie Autissier (Toulouse: Éditions de l'Attribut, 2008), 73-84.

¹⁶ "Communautaire" est utilisé ici au sens de « relatif à l'Union européenne ». Cet usage se retrouve tout au long du texte, en dehors bien entendu d'un contexte ou de remarques indiquant un autre usage.

¹⁷ Susana Beltrán García, "La cooperación transfronteriza e interterritorial: un clásico renovado" [Frontière et coopération inter-régionale: un classic renové], *Revista d'Estudis Autonòmics i Federals* 4 (2007): 231.

patrimoniale commune, modèle récurrent de l'action culturelle eurorégionale, est de nature ambivalente et peut être autant une force centrifuge que centripète. La frontière est – surtout du point de vue identitaire – autant un facteur d'union que de division et « les solidarités régionales ne peuvent s'affranchir totalement de l'effet différenciateur des nationalismes étatiques »¹⁸. Ainsi, l'identité s'avère particulièrement complexe à manier dans un contexte transfrontalier¹⁹ et la culture peut être tout autant le « ciment » qui soude les coopérations que « l'acide » qui les dissout²⁰. La « typification » excessive des arguments identitaires peut décrédibiliser et rendre inopérantes les actions culturelles réalisées dans ce cadre. On peut prendre pour exemple le constat du peu de réalité de l'eurorégion Meuse-Rhin, de son inaptitude à générer une « image identitaire », et ce bien que les échanges culturels et sociaux se soient développés au sein de cette eurorégion²¹.

La culture dans le contexte des eurorégions est-elle donc condamnée à n'être que le faire valoir de l'action de leaders politiques qui souhaitent se projeter, au travers des regroupements eurorégionaux, dans l'arène politique européenne, voire internationale ? Qu'un accompagnement, en somme, des relations extérieures développées par les collectivités infra-étatiques dans le cadre de la « gouvernance multi-niveaux » de l'Union européenne ? Rien n'est moins sûr, à l'heure de l'économie de l'innovation et de la connaissance et des liens contemporains entre potentiel créatif et développement territorial²², à l'heure également de l'interterritorialité comme tendance de fond de l'action publique « post-moderne »²³. Ainsi, les expériences en cours dans la Grande Région, associée à Luxembourg comme capitale européenne de la culture en 2007, et dans l'eurorégion Pyrénées-Méditerranée, qui existe depuis 2004, semblent avoir pris la mesure de tels enjeux.

Un possible renouvellement du discours et des moyens de la gouvernance culturelle ?

En 2007, les autorités de la ville et du grand-duché de Luxembourg ont souhaité associer à leur titre de « capitale européenne de la culture » l'ensemble des territoires de la Grande Région, devenue « capitale européenne transfrontalière de la culture » sous le label « Luxplus 2007 ». Aussi, bien que le label « capitale européenne de la culture » concerne avant tout des villes, qui restent les lieux de créativité par excellence²⁴, l'extension de la manifestation au-delà du seul territoire métropolitain, certes inaugurée par Lille en 2004²⁵, a été l'axe déterminant – et innovant – de la candidature de

¹⁸ Jean-Baptiste Harguindeguy, «La coopération franco-espagnole face à ses contradictions,» *Études internationales* XXXV, 2 (2004): 322.

¹⁹ Birte Wassenberg, «Identité européenne et coopération transfrontalière. Quels liens ? L'exemple de l'espace du Rhin supérieur depuis les années 1990,» in *Vivre et construire l'Europe à l'échelle territoriale de 1945 à nos jours*, ed. Yves Dénéchère et Marie-Bénédicte Vincent (Bruxelles: PIE-Peter Lang, 2010), 191-210.

²⁰ James Anderson et al., «Culture, Co-operation and Borders,» in *European Studies: An Interdisciplinary Series in European Culture, History and Politics* 19, *Culture and Cooperation in Europe's Borderland*, ed. James Anderson et al. (Amsterdam-New-York, Ed. Rodopi, 2003), 22.

²¹ Autissier, 76.

²² *Développement culturel et territoires*, ed. Catherine Bernié-Boissard et al. (Paris: L'Harmattan, 2010).

²³ Antheaume and Giraut; Vanier.

²⁴ Guy Saez, «Les collectivités territoriales et la culture,» *Cahiers français* 348 (janvier 2009): 8-14.

²⁵ Avec des actions et programmations dans le cadre de l'espace eurorégional anglo-belgo-français « Nord-Transmanche », cf. Stange, 114-128.

Luxembourg pour 2007. On retrouve d'ailleurs cette configuration dans plusieurs capitales culturelles organisées depuis, avec par exemple la capitale « Ruhr 2010 », les candidatures française pour 2013²⁶, ou encore le projet de la ville belge de Mons pour 2015, qui se projette par cercles concentriques jusqu'à la frontière franco-belge.

À la suite de l'année Luxplus 2007, les membres de la Grande Région ont souhaité pérenniser la dynamique culturelle transfrontalière avec la création d'une structure commune, chargée d'impulser et de coordonner l'action culturelle eurorégionale : l'Espace culturel Grande Région. Une des premières actions de cet « opérateur culturel eurorégional » a été de mettre en place un formulaire unique de demande de subvention à l'attention de l'ensemble des acteurs culturels de la Grande Région.

L'eurorégion Pyrénées-Méditerranée, depuis sa création en 2004, accorde quant à elle aux secteurs culturel et artistique un rôle non négligeable dans la constitution d'un espace d'innovation et de développement durable, objectif principal du partenariat. Dès la première année du partenariat, un Portail culturel de l'eurorégion a été mis en place comme « vitrine culturelle » ayant vocation à devenir à la fois centre de ressources et plate-forme de mise en réseau des opérateurs. À partir de 2006, des rencontres culturelles eurorégionales annuelles sont organisées et les membres de l'eurorégion ont lancé des appels d'offres pour financer des initiatives culturelles et artistiques eurorégionales, un des seuls secteurs où de tels appels ont été lancés. Les premières années, il s'agissait d'appels lancés par chaque région à l'attention des acteurs culturels de son territoire, ces derniers devant ensuite coordonner leur action avec les acteurs d'autres régions participant au même projet. Les acteurs culturels ont aussi pu bénéficier de l'octroi de bourses de mobilité transfrontalière. Parallèlement, les membres de l'eurorégion ont mis en place le programme *LabTechnoCulturS* pour faire évoluer, au cours des quatre ans du programme, les actions et dispositifs déjà existants : évolution technologique du Portail ; mise en place de l'Anneau culturel, système de retransmission interactive en haute définition d'activités culturelles ; ouverture de nouvelles routes et itinéraires culturels par exemple.

Cette eurorégion a par ailleurs adopté le statut juridique de Groupement européen de coopération territoriale (GECT)²⁷, opérationnel depuis 2010, ce qui représente une nouvelle étape du partenariat, notamment sur le plan culturel. En effet la culture est un des premiers domaines d'intervention du GECT et depuis 2010 le GECT pilote un appel à projets culturels unique et commun pour tous les acteurs de l'eurorégion, en lieu et place des appels « régionalisés » qui ont eu cours de 2006 à 2009.

On retrouve, dans les deux cas, la problématique identitaire fortement présente. Les actions développées portent un label propre à l'eurorégion et non celui d'un programme de l'Union européenne : on pense à l'usage, dans la Grande Région, du cerf bleu comme emblème culturel, ainsi qu'à la stratégie de communication développée dans l'eurorégion Pyrénées-Méditerranée à travers une charte graphique spécifique. Un des principaux objectifs de Luxplus 2007 a été de passer d'une réalité économique – incarnée notamment

²⁶ Bordeaux et Toulouse mettant en valeur leur inscription dans un espace eurorégional transpyrénéen, Lyon se positionnant dans le « Diamant alpin » Genève-Lyon-Turin, et Marseille, qui a remporté la compétition avec une candidature labellisée « Marseille-Provence », associant une centaine de communes et ouverte sur l'espace euroméditerranéen.

²⁷ Ce statut du droit communautaire, reconnu dans les États-membres de l'Union européenne et créé en 2006, permet aux groupements interterritoriaux de se structurer en une entité juridique commune et unique, et par là même de stabiliser leur partenariat. « Règlement CE n 1082/2006 du 5 juillet 2006 du Parlement européen et du Conseil, relatif à un groupement européen de coopération territoriale, » *Journal Officiel de l'Union Européenne* L 210/19, 31.07.2006, accessed February 21, 2013, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:210:0019:0024:FR:PDF>.

par le volume des déplacements transfrontaliers quotidiens entre domicile et travail dans cette eurorégion – à une réalité culturelle, faisant émerger, au travers de la labellisation/projection culturelle du territoire de la Grande Région, une identité eurorégionale, non seulement auprès des populations qui l’habitent mais également au sein de l’espace européen voire au-delà. Quant à l’espace Pyrénées-Méditerranée, la problématique identitaire, structurée autour d’un axe occitano-catalan, y tient une place « traditionnelle » en matière d’action culturelle, mais pas toujours « en faveur de l’art », comme l’ont montré les limites de la posture artistique consistant à mobiliser une identité occitane, appréhendée au sein d’un axe Grand Sud²⁸.

Or, l’identité culturelle promue tant dans le cadre de la Grande Région que de l’eurorégion Pyrénées-Méditerranée semble faire l’objet d’une approche moins confinée aux strictes limites d’un espace transfrontalier à l’homogénéité culturelle mythifiée, et plus ouverte sur des thématiques contemporaines telles que la diversité culturelle, ou encore sur l’identité créative d’un territoire comme facteur d’attractivité et de développement économiques²⁹. Une telle orientation transparait par exemple dans le discours d’un responsable culturel de la *Generalitat* de Catalogne qui, lors de Rencontres culturelles organisées au Luxembourg en 2007, émet l’hypothèse que « l’expérience transfrontalière va un jour produire un récit du transfrontalier, un nouvel imaginaire, voire une identité multiple »³⁰.

En matière de financement, on constate une implication financière directe des autorités territoriales : appels à projets « Pyrénées-Méditerranée » financés sur fonds propres des régions, budget de Luxplus 2007 composé à près de 90% par les contributions de la Ville et du Grand-Duché de Luxembourg, contre 3% de subventions de l’Union européenne³¹. Ce signe apparent d’une autonomisation par rapport aux financements communautaires ne doit cependant pas occulter la faiblesse relative d’un tel engagement financier, aussi « endogène » soit-il. En effet, le budget de 200 000 euros environ des appels à projets culturels dans l’eurorégion Pyrénées-Méditerranée³², ou encore le coût global de 1,3 millions du *LabTechnoCulturS*, restent éloignés des 33,5 millions d’euros dépensés par exemple en 2012 par le Gouvernement de Catalogne pour le secteur « coopération et promotion culturelles », ou encore des 27 millions d’euros affectés aux affaires culturelles par la région Midi-Pyrénées en 2011. Cet état de fait peut être rapproché du bilan financier de Luxplus 2007, dont les projets transfrontaliers n’ont pas représenté plus de 10 % du budget général, pour 24 % de projets labellisés « transfrontaliers ». Par ailleurs, la mobilisation de financements de l’Union européenne pour continuer à développer les actions culturelles dans un cadre eurorégional est certes représentative de l’importance accordée à un tel développement, mais elle relance aussi la question de la capacité d’autonomisation et de pérennisation des dispositifs eurorégionaux par rapport à ces financements : tant l’Espace

²⁸ Martine Azam, “Le credo identitaire comme ressource pour l’art ? L’exemple français de la région toulousaine,” *Sociologie et sociétés* XXXIV, 2 (2002): 185-205.

²⁹ Thomas Perrin, “Prégnance et renouvellement du référentiel identitaire dans l’action culturelle eurorégionale,” in *Les nouveaux enjeux des politiques culturelles. Dynamiques européennes*, ed. Guy Saez and Jean-Pierre Saez (Paris: Éditions La Découverte, 2012), 223-237.

³⁰ Intervention d’Estanislau Vidal-Folch lors des Rencontres de Luxembourg de l’Association des villes et régions de la Grande Europe pour la culture, 12 et 13 octobre 2007.

³¹ *Luxembourg and Greater Region, European Capital of Culture. Final Report* (Luxembourg: ministère luxembourgeois chargé de la culture, 2008), 76, accessed April 23, 2013, <http://www.mcesr.public.lu>.

³² 240.000 euros en 2010, 250.000 euros en 2011 et 2012, 115.000 euros pour 2013.

culturel Grande Région que le *LabTechnoCulturS* ont été développés avec le cofinancement de programmes de coopération territoriale de l'Union européenne.

En tout état de cause, au-delà du discours qui sous-tend l'action culturelle et des moyens qui l'accompagnent, l'appropriation par les acteurs et opérateurs culturels des dispositifs et des ressources proposés apparaît comme un autre enjeu clé de la gouvernance culturelle eurorégionale.

Le passage du discours au terrain : stratégies à l'œuvre, typologie des projets

En ce qui concerne les premiers appels à projets dans l'eurorégion Pyrénées-Méditerranée, lancés par les Gouvernement de Catalogne, de Languedoc-Roussillon et de Midi-Pyrénées, on constate que les acteurs culturels ont été amenés à adopter une stratégie « d'équilibre territorial »³³ : dans la plupart des cas, l'inscription et le rayonnement du projet sur le territoire de l'eurorégion – ou plutôt sur *les* territoires des membres de l'eurorégion – sont apparus comme un des critères principaux des bailleurs de fonds. Ce qui ne fait que reproduire des pratiques constatées dans l'implémentation de projets et de politiques à l'échelle de l'Union européenne³⁴. De cette façon, les porteurs de projet ont pu se voir invités malgré eux dans un débat qui finalement les concerne peu. En témoignent certains acteurs, qui, lors d'un entretien à propos d'une demande de subvention dans l'eurorégion Pyrénées-Méditerranée avant la mise en place de l'appel unique, se sont étonnés de voir la discussion principalement porter sur la « qualité du partenariat », ce qui à l'échelle eurorégionale signifie l'équilibre entre la participation, l'apport et les bénéfices de chaque composante régionale partie prenante au projet, plutôt que sur le contenu artistique même du projet présenté.

L'action culturelle eurorégionale, un jeu d'équilibriste ? Sans doute, mais est-ce là une nouveauté, sachant que le secteur culturel est un de ceux où les acteurs sont parmi les plus habitués à croiser les financements et à « composer » avec différentes tutelles territoriales. La persistance du principe de territorialité de la dépense, même pour une opération de l'envergure de Luxplus 2007, principe posé dès le Sommet de la Grande Région à Liège en 2000³⁵, montre bien l'enjeu que représente l'interterritorialité comme modalité de gouvernance eurorégionale. Robert Gracia, coordinateur général de la capitale culturelle, a qualifié ce principe de « surréaliste ». Il souligne également l'échec du projet de Fonds culturel transfrontalier, qui n'a pas non plus été mis en place lors de la création de l'Espace culturel Grande Région : « On pourra en reparler dans 10 ans »³⁶. En tout état de cause, cette situation s'apparente plus à de la « coordination de territorialités » qu'à de l'interterritorialité à proprement parler, et montre que la gouvernance eurorégionale reste avant tout un processus d'association et de négociation entre partenaires régionaux.

On constate également cela à travers la différence des procédures pour accéder aux ressources des premiers appels dans l'eurorégion Pyrénées-Méditerranée. Par exemple, une dizaine de porteurs de projet interrogés par questionnaire ont montré des perceptions différentes de la procédure de demande de subvention : la moitié d'entre eux la trouve informelle tandis que pour l'autre moitié elle apparaît comme formalisée. Les acteurs

³³ Robert Boure et Alain Lefebvre, « La médiation culturelle du territoire, » *Sud-Ouest Européen* 8 (2000): 49-56.

³⁴ Olivier Nay, « Négocier le partenariat. Jeux et conflits dans la mise en œuvre de la politique communautaire en France, » *Revue française de science politique* 51, 3 (2001): 459-481.

³⁵ Et ce même si ce principe a été assorti d'un engagement de Luxembourg à couvrir les frais de communication sur l'ensemble des territoires de la Grande Région.

³⁶ Lors des Rencontres de Luxembourg de l'Association des villes et régions de la Grande Europe pour la culture, en 2007, 12 et 13 octobre 2007.

catalans ont dû remplir un formulaire spécifique de demande de subvention, contrairement à leurs homologues des régions françaises. La grande majorité des acteurs interrogés a eu connaissance des appels « de source institutionnelle » et « de manière plutôt officielle », c'est-à-dire unilatéralement, directement par le biais des services et administrations qui instruisent et sélectionnent les dossiers. De plus, les financements alloués l'ont parfois été de manière récurrente sur les mêmes projets d'une année sur l'autre, ce qui peut certes se comprendre au regard de la faiblesse des financements attribués et de la phase d'expérimentation qu'ont représenté les premiers appels, mais (re)pose néanmoins les questions d'un financement des initiatives culturelles réalisé « sur un mode très 'notabiliaire' », d'une expertise de dossiers relevant de choix « souvent discrétionnaires »³⁷. On retrouve ici le risque, déjà constaté en contexte transfrontalier, d'une dérive élitiste où, du fait de la « rareté » des ressources, du manque d'information et de l'absence de procédure normative convergente, seul un noyau d'acteurs, les plus intégrés auprès des décideurs et les mieux au fait des processus décisionnels, tirent avantage des dispositifs proposés³⁸. Ceci étant, les procédures ont été harmonisées, ne serait-ce qu'avec la mise en place d'appels à projets uniques et de structures pérennes. On peut donc constater que la gouvernance culturelle dans ces eurorégions a connu une certaine « transition interterritoriale ».

De plus, les autorités de l'eurorégion Pyrénées-Méditerranée et de la Grande Région ont mis en place, dès le lancement des opérations culturelles, des rencontres annuelles, journées techniques et autres tables rondes, qui apparaissent comme autant de forums d'information et de médiatisation des dispositifs auprès des professionnels, permettant d'aller à l'encontre d'une « dérive élitiste ». Ainsi, concernant l'opération Luxplus 2007, les acteurs ont pu bénéficier, dans l'élaboration de leurs projets eurorégionaux, du contexte d'une candidature préparée largement en amont de l'événement : la première déclaration du Premier ministre luxembourgeois Jean-Claude Juncker de l'orientation transfrontalière du projet date de 2000 et le dossier de candidature de février 2004. En quelques années on est passé d'une quasi absence de coopération culturelle transfrontalière à plus d'une centaine de projets transfrontaliers validés par la coordination générale, notamment grâce à l'organisation de tables rondes permettant l'émergence d'une routine partagée du transfrontalier, nécessaire à la mise en œuvre de projets communs. Robert Garcia souligne également que la plupart des projets estampillés transfrontaliers ont été initiés par les artistes eux-mêmes et non par les institutions³⁹, ce qui se confirme sur l'ensemble de la manifestation avec le financement à 44% de projets dits « externes » contre 27% de projets initiés par Luxplus 2007⁴⁰.

La typologie des projets mis en œuvre lors des appels Pyrénées-Méditerranée montre quant à elle que les dotations régionales ont été accordées à différents types d'acteurs. Les bénéficiaires des subventions eurorégionales vont de l'institution de dimension européenne voire internationale (MACBA/Musée d'art contemporain de Barcelone, université), jusqu'à l'association plutôt ancrée localement, en passant par une gamme diversifiée de structures régionales, municipales, voire nationales : musées,

³⁷ Alain Faure, « Politiques de coopération et pratiques culturelles. Les intérêts en jeu sur l'espace franco-genevois, » in *Gouvernance métropolitaine et transfrontalière. Action publique territoriale*, ed. Michel Bassand et al. (Paris: L'Harmattan, 1997), 76.

³⁸ Jouni Häkkli, « Governing the Mountains: Cross-border Regionalization in Catalonia, » in *Cross-Border Governance in the European Union*, ed. Barbara Hooper and Olivier Kramsch (Abingdon: Routledge, 2004), 56-69.

³⁹ Elisabeth Bouvet, « Luxembourg et Grande Région, capitale européenne de la culture 2007, » *Radio France Internationale*, 2006, accessed April 23, 2013, <http://www.rfi.fr>.

⁴⁰ *Luxembourg and Greater Region*, 75.

associations, instituts, compagnies, *etc.* De la même façon, sur le plan du contenu, les interventions eurorégionales couvrent un large spectre disciplinaire : lettres, patrimoine, arts vivants, arts visuels, musées et arts appliqués ; incluant également de l'interdisciplinarité : danse et multimédia, cirque et cinéma. On retrouve ainsi, au travers des projets soutenus, une conception de l'identité culturelle eurorégionale certes traditionnelle, avec la présence des langues et cultures occitano-catalanes, mais également – et majoritairement – synonyme de contemporanéité, de créativité. Sur ce dernier aspect on remarque plusieurs projets en arts du cirque et de la rue, fortement labellisés comme « filière d'excellence » par la région Midi-Pyrénées et dans une moindre mesure Languedoc-Roussillon, et comme « filière d'exception » pourrait-on dire en Catalogne, où se trouvent la plupart des structures qui, en Espagne, proposent une pratique renouvelée du cirque⁴¹.

Il n'en reste pas moins que l'incitation institutionnelle en faveur de projets eurorégionaux a probablement influencé, certes plus ou moins directement, le contenu et le montage des projets proposés : en général les acteurs ont appris la possibilité de financement de projets eurorégionaux par le biais des institutions prescriptrices et se sont saisi de la fenêtre d'opportunité ouverte par les autorités territoriales. On rejoint ici la question, particulièrement prégnante en contexte eurorégional, des interactions et de la convergence entre l'ambition politique pour la culture et sa réalisation concrète.

À cet égard, le développement et la consolidation de réseaux, notamment professionnels, apparaissent comme les relais indispensables des impulsions politiques et comme les principaux vecteurs de viabilité et d'inscription territoriale des partenariats eurorégionaux⁴². On se trouve là au « quatrième étage » de la coopération transfrontalière, celui des « multiples accords d'entrepreneurs publics bilatéraux ou d'entrepreneurs privés qui ne sont pas sous la dépendance directe des collectivités »⁴³. Le développement de réseaux professionnels présente une double importance, tant en termes « sectoriels » que territoriaux. Non seulement les réseaux revêtent une importance toute particulière dans le secteur culturel, en Europe voire au-delà, mais ils présentent aussi, de manière plus générale, un « potentiel spatial » comme outil de dépassement des frontières : « Les perspectives offertes par les réseaux culturels, situés à l'intersection des dynamiques artistiques et culturelles et des logiques territoriales, sont prometteuses [...] leur aptitude à naviguer entre dynamiques de projets et logiques institutionnelles peut leur permettre d'apporter une contribution essentielle au renouvellement des formes de l'action publique »⁴⁴.

⁴¹ Perrin, 227, 228.

⁴² „L'impact des réseaux en Sarre, Lorraine, Luxembourg, Rhénanie-Palatinat, Wallonie,” in *Les Cahiers de l'Institut de la Grande Région 2* (2002), ed. Louis Goffin and Stern Alain, accessed April 23, 2013, <http://www.institut-gr.lu>; Francesc Morata et Pilar Rodríguez, “Els actors de l'Euroregió Pirineus-Mediterrània. Xarxes, percepcions i expectatives” [Les acteurs de l'Eurorégion Pyrénées-Méditerranée. Réseaux, perceptions et attentes], *Working Papers On Line 19* (2008), accessed April 23, 2013, <http://www.iuee.eu>.

⁴³ Guy Saez and Michel Bassand, “La recomposition de l'action publique en contexte métropolitain et transfrontalier,” in *Gouvernance métropolitaine et transfrontalière. Action publique territoriale*, ed. Michel Bassand et al. (Paris: L'Harmattan, 1997), 34. Les trois autres « étages » étant, selon ces auteurs, respectivement : 1) Relations interétatiques : structures et accords transfrontaliers intergouvernementaux ; 2) Organisations « macro » à l'échelle sub-nationale, de type Communautés de travail ou d'intérêt (CTI) ; 3) Coopération « micro » : organisations et coopération de proximité, espaces plus restreints, tous types de collectivités territoriales.

⁴⁴ *Perspectives territoriales pour la culture*, ed. Jean-Pierre Augustin et Alain Lefebvre (Pessac: Maison des sciences de l'homme d'Aquitaine, 2004), 25.

La *Generalitat* de Catalogne a d'ailleurs proposé des appels spécifiques pour le développement de réseaux eurorégionaux de coopération, dotés de financements plus importants que les appels culturels, mais qui ont permis de financer des projets tels que le réseau des musées d'art contemporain ou un réseau des centres d'art pour les interventions dans les hôpitaux. En 2008, c'est sur le thème de « La Culture et les Réseaux » qu'a eu lieu la présentation des actions et financements en faveur des projets culturels eurorégionaux à l'Institut français de Barcelone. On retrouve ici l'échelle « centrale » de l'État comme partie prenante à la gouvernance culturelle eurorégionale : l'Institut français est un opérateur du ministère chargé des affaires étrangères. C'est d'ailleurs aussi à l'Institut français de Barcelone qu'une conférence s'est tenue en 2009 pour faire le bilan de trois ans de coopération culturelle eurorégionale et de son évolution, dans la perspective de mise en fonctionnement du GECT. En 2011, l'Institut a organisé une conférence pour présenter les résultats de l'appel à projets culturels du GECT.

Figure 3: *Eurorégion Pyrénées-Méditerranée. Culture and Networks.*

Euroregió Pirineus Mediterrània La Cultura i les Xarxes

Acte de presentació de les
línies de subvenció
de la Generalitat de Catalunya en el
marc de l'Euroregió

Presentació del Portal Cultura
de l'Euroregió i de projectes
culturals euroregionals

www.euroregio.eu/portalcultural



Al final de l'acte se servirà una copa de cava
i es lliurarà als assistents invitacions als museus
d'art contemporani de l'Euroregió

Es demana confirmació d'assistència
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Dilluns 10 de març de 2008 a les 19 h
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C/ Mojà, 8. 08006 Barcelona

PROGRAMA

Convocatòries

- **Fons per a projectes artístics que es realitzin en tres territoris de l'Euroregió 08-09**
Berta Sureda, directora de l'Entitat Autònoma de Difusió Cultural, Departament de Cultura i Mitjans de Comunicació
- **Ajuts que fomentin les xarxes euroregionals de cooperació en l'àmbit de l'Euroregió Pirineus Mediterrània**
Àngel Cortadelles, director general de Relacions Internacionals, Departament de Vicepresidència, Secretaria d'Affers Exteriors
- **Beques transfrontereres**
Ramon Fontdevila, director general del Centre de Promoció de la Cultura Popular i Tradicional Catalana, Departament de Cultura i Mitjans de Comunicació

Projectes

- **Portal Cultura de l'Euroregió Pirineus-Mediterrània**
Estanislau Vidal-Folch, responsable de l'Àrea de Relacions Internacionals, Departament de Cultura i Mitjans de Comunicació
- **Corpus Media. La dansa i les relacions amb els nous mitjans digitals**
Núria Font, Nu2's associació per a la creació
- **Camí de Circ**
Marta González i Sònia Martínez, Bidó de Nou Barris
- **II Jornades Culturals Euroregionals**
Josep Fargas, Transversal i Elena Mendlewicz, Associació de Professionals de la Gestió Cultural de Catalunya
- **Xarxa de Museus d'Art Contemporani**
Bartomeu Marí, conservador en cap del MACBA
- **Encuentro improvisación**
Margherita Bergamo, Erre que erre, companyia de dansa



Generalitat
de Catalunya
Departament de Vicepresidència, Secretaria d'Affers Exteriors
Departament de Cultura i Mitjans de Comunicació



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Source: <http://www.euroregio.eu> (consulté le 15/07/10)

Enfin, au-delà des comportements des acteurs et de leur traduction, sur le terrain, des projections politiques, la construction d'une gouvernance culturelle eurorégionale passe par l'appropriation par les populations concernées des politiques et des projets développés, une question d'autant plus cruciale étant donné l'importance de la question de

la participation du public pour l'action culturelle⁴⁵. Ainsi, la « stratégie identitaire » de l'opération Luxplus 2007 a été pensée comme une opportunité de favoriser le rapprochement des populations de la Grande Région, à la fois entre elles et vis-à-vis de l'entité Grande Région. La prégnance de cette dimension identité apparaît aussi dans le choix de Sibiu, en Roumanie, comme capitale culturelle jumelée avec Luxplus 2007. En effet, cette ville de Transylvanie aurait été fondée au XIIe siècle par des populations originaires du territoire actuel du grand-duché et de territoires alentours, ce dont rend compte le style architectural de la ville ainsi que le saxon, dialecte francique proche du luxembourgeois, qui demeure une langue encore pratiquée aujourd'hui⁴⁶. Ce choix a permis de souligner l'existence d'un patrimoine historico-culturel commun aux populations de la Grande Région, tout en le mettant en perspective dans le contexte de l'Union européenne.

La culture, par sa visibilité potentielle et sa haute charge symbolique, apparaît ici comme un domaine d'action privilégié pour apporter du « sens » à des constructions eurorégionales qui, en raison de leur faiblesse institutionnelle et structurelle, font encore figures d'expérimentations de coopération territoriale, de « laboratoires », plus que de *transboundary politics* à proprement parler⁴⁷. Encore faut-il pour cela que l'action culturelle proposée corresponde aux intérêts de la communauté transfrontalière « immédiate », ce qui n'est pas forcément évident dans un contexte transfrontalier encore fortement dépendants de stratégies et d'enjeux étatiques et supra-étatiques⁴⁸. On retrouve ici les risques de dérive élitiste, d'une action culturelle mise en œuvre par un groupe restreint « d'élus » et ne touchant qu'une partie réduite des populations. Or, il ne fait aucun doute qu'une large participation des populations est indispensable pour construire des territorialités – et *a fortiori* des interterritorialités telles que les eurorégions – qui dépassent le stade d'opérations de marketing territorial à court terme, une ambition que bien souvent les autorités territoriales prêtent au développement d'action culturelle.

Conclusion

Renouvellement et ouverture de l'identité culturelle territoriale, mise en place et consolidation de dispositifs culturels « endogènes », autant d'enjeux que certaines eurorégions semblent aujourd'hui avoir saisis et choisis comme objectifs de développement. Cependant, l'analyse montre que la gouvernance culturelle eurorégionale reste un processus en cours de développement, dont l'incomplétude va de pair avec les questions qu'il soulève quant à son évolution : la convergence interterritoriale des actions dans l'eurorégion Pyrénées-Méditerranée, facilitée par l'adoption du statut de Groupement européen de coopération territoriale (GECT), va-t-elle se maintenir dans un contexte de crise économique, si les contributions des régions membres sont appelées à se réduire ? La tendance à (euro)régionaliser les capitales européennes de la culture va-t-elle se confirmer, et comment vont s'articuler les dynamiques eurorégionales avec la montée en puissance

⁴⁵ Guy Saez, "L'action publique culturelle et la transition du système politique," in *L'action publique et la question territoriale*, ed. Anne-Cécile Douillet et Alain Faure (Grenoble: Presses universitaires de Grenoble, 2005), 246-248.

⁴⁶ En 1907, soit un siècle avant l'année culturelle conjointe Luxplus-Sibiu, des linguistes de l'Université de Bucarest sont venus à Luxembourg pour étudier les similitudes entre le saxon et le luxembourgeois.

⁴⁷ Häkkl, 65.

⁴⁸ Markus Perkmann and Ngai-Ling Sum, "Globalization, Regionalization and Cross-border Regions. Scales, Discourses and Governance," in *Globalization, Regionalization and Cross-border Regions*, ed. Markus Perkmann and Ngai-Ling Sum (Basingstoke: Palgrave Macmillan, 2002), 19.

des réseaux de villes et les dynamiques de métropolisation, qui font figure de nouveau défi urbain de l'Europe ?⁴⁹.

En tout état de cause, les acteurs culturels semblent pouvoir trouver dans les eurorégions un « nouveau territoire » à investir. Ce qui laisse supposer une approche renouvelée – ou devrait-on dire à renouveler ? – des relations entre cultures et entre territoires, approche dont les eurorégions sont, à bien des égards, parmi les représentations les plus emblématiques, tout au moins à une échelle intermédiaire, entre local et global, entre territoires et nationalités sub-étatiques, États-Nations et Union européenne. Si « [l]’enjeu d’une collaboration transfrontalière se situe peut-être davantage dans un avenir commun que dans un passé commun »⁵⁰, la part d’innovation et de créativité, d’imaginaire et de réflexivité critique d’un tel « avenir commun » ne saurait être accomplie sans la mobilisation des artistes et des acteurs culturels. Le milieu culturel et artistique, cosmopolite par essence, aux logiques d’action traditionnellement internationalisées, voire mondialisées, n’est-il pas en cela un des plus aptes à dépasser l’échelle transfrontalière, pour mieux la réinvestir.

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⁴⁹ “Stratégies territoriales – Régions et métropoles, quelles règles du jeu ?” (Dossier), *Pouvoirs locaux. Les cahiers de la décentralisation* 96, I (2013): 33-91.

⁵⁰ Autissier, 76.

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Cross-Border Governance in the Carpathian Euroregion: Institutional Dimension of Decision-Making

Margaryta CHABANNA¹

Abstract. *Establishing Euroregions as cross-border institutions in neighbouring regions of different states is an effective form of trans-border multitude activity and requires appropriate coordination of joint efforts. While the level of integration differs from one cross-border region to another, the organisational sets and the creation of Euroregional institutions stay the key aspect of forthcoming political, economic, cultural common policy for all of them. The case of Carpathian Euroregion which face the need to become a “bridge structure” and to intensify cross-border dialogue, shows that institutional development has to promote the elimination of barriers between bordering areas, to foster cross-border cooperation and, with this aim, to establish opportunities for political actors of different authority levels to affect decision-making*

Keywords: *Euroregion, cross-border cooperation, cross-border governance, decision-making, European Union, Council of Europe, Carpathian Euroregion*

Euroregion: definition and formal institutionalisation

The term “Euroregion” refers to a transnational cooperation structure of a few bordering territories located in different countries of Europe. Wider definition offers to consider Euroregion as “a form of trans-border cooperation between territory societies or local authorities of bordering regions of two or more states, which have a common border and where cooperation is targeted on common efforts’ coordination as well as implementation of agreed upon actions in different spheres of life according to national legislation and norms of international rights for the solving of common problems considering rights of people who inhabit this territory on both sides of the border”². Thus Euroregion is a type of cross-border region as a territory unit constituted by local or regional authorities of neighbouring states. In other words we can speak about micro cross-border regions³. Thus they do not create “a new type of government at transfrontier level” and do not have political power. These transfrontier structures are “arrangements

¹ Associate Professor of Political Science Department, National University of Kyiv-Mohyla Academy, Ukraine.

² Oriano Otočan, “Euroregion as a Mechanism for Strengthening Transfrontier and Interregional Co-operation: Opportunities and Challenges” (report for Council of Europe: European Commission for Democracy through Law (Venice Commission), Strasbourg (March 9, 2010): 4, accessed July 28, 2013, [http://www.venice.coe.int/webforms/documents/?pdf=CDL-UDT\(2010\)008-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-UDT(2010)008-e)).

³ Euroregions can be determined as “formalized cross-border regional spaces” (Odile Heddebaut, “The EUROREGION from 1991 to 2020: An Ephemeral Stamp?,” in *Cross-Border Governance in the European Union*, edited by Olivier Kramsch and Barbara Hooper (London and New York: Routledge, Taylor & Francis Group, 2004), 70). Some authors maintain political significance of establishing a Euroregion as the intention to cooperate (Iván Illés, “European Territorial Cooperation within the Carpathian Area,” in *Visions and Strategies in the Carpathian Area (VASICA)* (Discussion Papers) (Pécs: Centre for Regional Studies, 2008), 102).

for co-operation between units of local or regional government across the border in order to promote common interests and enhance the living standards of the border populations”⁴.

The Association of European Border Regions offers the following criteria for the identification of Euroregions: 1) an association of local and regional authorities on either side of the national border, sometimes with a parliamentary assembly, 2) a transfrontier association with a permanent secretariat and a technical and administrative team with own resources, 3) of private law nature, based on non-profit-making associations or foundations on either side of the border in accordance with the respective national law in force, 4) of public law nature, based on inter-state agreements, dealing among other things, with the participation of territorial authorities⁵. Moreover the main characteristics of Euroregions are geographical,⁶ political,⁷ administrative,⁸ functional⁹.

Due to one of the developed approaches, Euroregions should provide “a clear strategic vision for its territory”, which includes 1) legal personality, preferably with the European Groupings of Territorial Cooperation type of structure, 2) the sharing of social infrastructures, 3) a strong participation of the local community concerning the issues of cross-border cooperation, 4) reinforced urban and enterprises networks¹⁰.

The level of integration of Euroregions varies significantly from case to case. Some of them are quite consolidated and integrated, while others exist with no considerable substance¹¹. As for their size, some Euroregions involve local and regional authorities from only two different states, while others are large, such as the Carpathian Euroregion, which involves regions of Hungary, Poland, Romania, Slovakia and Ukraine¹².

After 2007 in enlarged EU about 30 % of population lives in border regions¹³. Establishment of Euroregions caused by an intention to overcome border-related disadvantages, such “barriers” as some consequences of historical heritage, as well to convert national peripheral status of border regions; to transform the border “from a line of separation into a place for communication”¹⁴, through cross-border cooperation in cultural, social, economic spheres¹⁵, with the aim of development of good neighbouring relations, protection of the environment, education, cultural development and economic growth.

⁴ Council of Europe. “What is Euroregion?,” accessed July 23, 2013, http://www.coe.int/t/dgap/localdemocracy/Areas_of_Work/Transfrontier_Cooperation/Euroregions/What_is_en.asp.

⁵ Ibid.

⁶ The main aspect in this context is particular geographical position. Otočan, 4.

⁷ In this context the main aspect is legislative authority of sovereign states, which have common border. Otočan, 4.

⁸ The main aspect is common border. Otočan, 5.

⁹ Euroregion is a form of trans-border cooperation. Otočan, 5.

¹⁰ Eduardo Medeiros, “(Re)defining the Euroregion Concept,” *European Planning Studies* 19, 1 (2011): 155-156.

¹¹ Andreas Kiefer, “Multilevel Cooperation on Overcoming Trans-frontier Obstacles” (speech by Secretary General Kiefer on Tirana conference of Congress of Local and Regional Authorities, Strasbourg, Council of Europe, October 30-31, 2012), accessed July 31, 2013, <https://wcd.coe.int/ViewDoc.jsp?id=2000387>.

¹² And is, in terms of geographical size, even larger than Hungary and Slovakia. Kiefer.

¹³ Thomas Weith and Evelyn Gustedt, “Introduction to Theme Issue Cross-Border Governance,” *Planning Practice & Research* 27, 3, Special Issue: *Cross-Border Governance* (2012): 293.

¹⁴ Otočan, 4.

¹⁵ It also led to decreasing differences between neighbouring regions, as well it had “positive impacts on different spheres of lives of inhabitants in border areas of the countries at the cultural, social, economic and infrastructure levels, preparation and implementation of specific project

A legal framework for the establishment of cross-border regions is provided by “The Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities” that was launched by the Council of Europe, and being ratified by 37 countries. This so called Madrid agreement, “defined a framework for public-law forms of cooperation in Europe, locality-driven cooperation initiatives have been largely constrained by the persistence of distinct national formal-judicial frameworks”¹⁶. At the same time Euroregions as cross-border entities are not considered as “administrative-regional formations”¹⁷ with a judicial status. State legislations of Euroregion’s members perform the function of legislative regulation, while the governing Euroregion’s institutions coordinate its activity. These structures do not replace state or local authorities of members and do not perform their functions. As well appropriate institutions do not perform external political functions because Euroregions are not over-state formations. Among governing structures we can pay attention to the activity of a council, its president, working commissions, common secretariat or management unit, national agencies.

The term “cross-border cooperation” means a bilateral or multilateral cooperation between neighbouring local and regional entities situated in bordering states¹⁸. “It is also encouraged at national level by intergovernmental commissions and is promoted at the local level by educational, cultural, economic, other non-governmental institutions. This cooperation in Euroregions is held within the competence of territory societies or authorities defined by internal legislation. As usual, the participating authorities are local authorities, as well regional or district authorities involved as formal institutions in the process of cooperation. Such structures as regional development agencies, local development agencies, NGOs, central government institutions, chambers of commerce can become official members of Euroregion.

Institutional dimension of cross-border governance in Europe

Three interconnected dimensions of cross-border in Europe can be determined: political-economic, institutional and symbolic-cognitive ones. In the framework of political-economic dimension it can be examined the constitution of paradigms for policy

proposal stimulating the area”. Otočan, 5. Existing local disparities between border regions affect some difficulties for people. K. Terlouw states that “in some cases unintended outcomes of European and national state activities additionally hinder cross-border activities.” Weith and Gustedt, 294. But sometimes people living close to the border can profit from these differences. “The fluid and fragmented groups of these border surfers are difficult to incorporate in the governance of territorial Euroregions.” Kees Terlouw, “Border Surfers and Euroregions: Unplanned Cross-Border Behaviour and Planned Territorial Structures of Cross-Border Governance,” *Planning Practice & Research* 27, 3 (2012): 351. So that the inhabitants of some regions use differences for their own opportunities, planners should also focus on these opportunities, not only on problems in border regions”. Therefore cross-border co-operation as a type of cross-border activities depends on people’s capacities to communicate, the social capital in regions and social trust for the neighbours. But a not less important condition for effective cooperation is “knowledge about the constitutional, administrative and planning systems of neighboring countries.” Weith and Gustedt, 294. And as Tanaka states, “the CE’s most successful achievements can be observed in the decrease of mistrust between nations.” Hiroshi Tanaka, “Carpathian Euroregion and Cross-Border Governance,” *The Journal of Comparative Economic Studies* 2 (2006): 66.

¹⁶ Weith and Gustedt, 293.

¹⁷ Otočan, 5.

¹⁸ Interregional cooperation is the collaboration between non-adjacent local and regional authorities. Kiefer.

action and legitimisation. Cross-border governance is considered as outcome of processes of strategic selectivity. Institutional dimension allows us to examine organisational settings and institutional frameworks in co-evolution. In this case cross-border governance is considered as a combination of institutional design and “institution building”. Symbolic-cognitive dimension describes governance and processes of territorial identity-formation. So, cross-border governance is considered as inventing communities and projecting spaces¹⁹.

Certainly, multitude cross-border activities and cooperation in different areas require various options of institutional regulations including state border regulations. Thus, regulation and coordination of cross-border governance in Euroregions are realised by institutional network which provide decision making in fields of cultural and economic cooperation, environment protection, common education etc.

The EU approach to cross-border governance is based on the performing formal co-operation initiatives by local governments involved in the creation of formal institutional structures. So, historically cross-border governance in Europe has developed in three institutional and organisational domains: local co-operation initiatives, intergovernmental commissions, EU-sponsored cross-border initiatives and co-operation programmes²⁰.

In the 1970s the Council of Europe focused on the role, objectives, and functions of regional policy in European cross-border territories. Due to the decision adopted by European Communities in 1975 the European Regional Development Fund was established. Then the Cohesion Fund was created²¹. Later in 1980 The Council of Europe established the trans-frontier cooperation agreement, and the European Commission recommended improved methods for cross-border coordination in the regional development plan within the European Regional Development Fund. The Commission proposed to initiate cooperation with the Association of European Border Regions and to foster cross-border regional development in Europe.

Initially, functions of the institutions in Euroregions, established at the beginning of 1990s have performed under European Special Funds. The support of cross-border cooperation, establishing common administrative structures in different areas are realised by European initiatives INTERREG, PHARE, TACIS, CARDS as Community programmes for support of such issues as: environmental protection, economy, urban development, culture, education, tourism as well assisting candidate countries in strengthening their administration and fostering economic development.

From the beginning, in 1989 INTERREG promoted by the European Commission as part of the implementation of the Structural Funds, was planed as EU programme aimed at interregional cooperation encouragement, decreasing the role of national frontiers, promotion of cultural, social, economic development of the EU. It was financed under the European Regional Development Fund, created for fostering cooperation between the EU member states on different levels. INTERREG was started on as INTERREG I for the programming period of 1989–93, and continued as INTERREG II

¹⁹ See this classification in Enrico Gualini, “Cross-border Governance: Inventing Regions in a Trans-national Multi-level Polity,” *DISP* 152 (2003): 43-45, accessed July 31, 2013, http://www-polisci.tamu.edu/upload_images/31/Guiliani-CrossBorderGovernance.pdf.

²⁰ It’s worth to emphasise the role of the Council of Europe, the Association of European Border Regions. Gualini, 46, 50.

²¹ And the Maastricht Treaty established “cohesion” as a purpose of the EU along with the decision to establish the Committee of Regions. European Union. “Working for the Regions,” Luxembourg: Office for Official Publications of the European Communities, 2004.

for the period of 1994–1999, INTERREG III for the period of 2000–2006 and INTERREG IV for the period of 2007–2013. The current programme is directed to realising 52 programmes. And its multi-level and multi-dimensional approach to the cross-border governance initiatives aims at “a path to an institutionalisation respectful of differences”²². In 2004 when candidate states became member-states, they got an access to the Structural Funds. In 2007 after EU enlargement, new programmes and the European Neighbourhood and Partnership Instrument were introduced. As it was said, “new instruments enabled non-member states to participate in these programmes on equal conditions. Regulations became more harmonised. Besides cross-border programmes, neighbourhood programmes play a more important role in European cooperation”²³. Moreover, support from the European Regional Development Fund to these programmes between 2004–2006 and 2007–2013 has increased six-ten times²⁴. The European Regional Development Fund, the European Special Funds, the Cohesion Fund, the European Investment Bank and the other existing Community financial instruments contribute for achieving the number of goals. Among them is “strengthening cross-border cooperation through joint local and regional initiatives, strengthening transnational cooperation by means of actions conducive to integrated territorial development linked to the Community priorities, and strengthening interregional cooperation and exchange of experience at the appropriate territorial level”²⁵. In accordance with EU policies, its financial support is targeted on promotion of “cooperative ventures across borders to help the growth and integration of these peripheral areas in an EU context”.

Being created for “facilitating vertical as well as horizontal intergovernmental coordination at different levels”, the governance institutions of INTERREG “introduce a strong vertical line of relationships, involving almost all levels of territorial government (from national to subnational and local) and embedded in the principles ruling the implementation of regional development programmes supported by the Structural Funds – in particular, the principles of partnership and complementation, which introduce a horizontal, civil society, and private sector-oriented dimension to subsidiarity”²⁶.

Researchers emphasize that cross-border areas in Europe are faced with the following so-called “dilemmas of multi-governance”²⁷:

- Euroregions are used as a convenient administrative policy for local elites to tactfully tap into funding sources from Brussels,
- ties among economic actors have not developed ‘automatically’ in the borderlands; rather, by contrast, extensive economic relays at the national and global levels have surpassed those of the cross-border areas,
- public awareness of cross-border initiatives is decreasing among inhabitants of the Euroregion,
- it remains difficult to establish an effective system of trans-boundary institutions that is capable of democratically absorbing voices from the below²⁸.

²² Gualini, 47, 51.

²³ Illés, 103–104.

²⁴ See data in Illés, 103–104.

²⁵ Council of the EU. “Council Regulation (EC) No 1083/2006 of 11 July 2006 Laying Down General Provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund,” *Official Journal of the European Union* L 210/25 (31.07.2006): 37.

²⁶ Gualini, 47, 51.

²⁷ Olivier Kramsch and Barbara Hooper, “Introduction,” in *Cross-Border Governance in the European Union*, ed. Olivier Kramsch and Barbara Hooper (London and New York: Routledge, 2004), 3.

Seeing that institutional and administrative obstacles restrict to the process of cross-border cooperation, the European Commission proposed the European Groupings of Territorial Cooperation²⁹ with the purpose of carrying out actions of territorial cooperation³⁰. The European Groupings of Territorial Cooperation is a legal instrument of Community level cooperation, created under EU council Regulation 1082/2006. A new Regulation provides legislative framework for cross-border, transnational, inter-regional, territorial cooperation. Therefore, the implementation of an European Groupings of Territorial Cooperation can reduce the institutional and administrative barrier effect along the European borders³¹, promote implementation of cross-border common activities predominantly in the spheres of sustainable development, environmental protection and transport. EGTC is limited by the respective powers of its members under their national law. The institutions of an EGTC are assembly consisted of representatives of members regions, director, who performs representative functions. The assembly of an EGTC approves an annual budget, but it cannot make decisions and perform regulatory functions in justice and foreign policy. An EGTC incorporates members from two or more member states' local or regional authorities. Its composition and functions have to be approved by member states.

Due to the Regulation (EC) No 1082/2006 on the EGTC "The diversity of the institutional and legal systems of Member States of the Council of Europe "makes it impossible to carry out referrals specifically aimed at certain rules or institutions of each national legal system by means of a single European convention-based instrument. It is for this reason that, parallel to the development of rules at European level, within the Council of Europe, a number of States have established"³² bilateral or multilateral agreements. Every state can involve local and regional authorities in coming to an agreement on procedures for cooperation in any area, procedures for implementing cooperation initiatives. Furthermore, a lot of cross-border initiatives have resulted from what were initially inter-state agreements³³. Such situation is peculiar to Carpathian Euroregion as a cross-border structure by states who have traditional bilateral and multilateral relations.

At the same time, it is worth to emphasize that the role of the Council of Europe, the Association of European Border Regions and instruments for territorial cooperation in the Council of Europe has a different meaning. The Council of Europe promotes "cooperation between neighbouring local and regional authorities by offering a legal instrument for this purpose"³⁴ while the European Union offers financial instruments.

Since the aim of the Council of Europe is "to achieve greater unity between its members and to promote cooperation between them"³⁵, the European Outline Convention

²⁸ Ibid.

²⁹ European Parliament. "Regulation (EC) No 1082/2006 of the European Parliament and of the Council of 5 July 2006 on a European Grouping of Territorial Cooperation (EGTC)," *Official Journal of the European Union* L 210 (31.7.2006): 19.

³⁰ European Union, "Cohesion policy 2007-13. Commentaries and Official Texts. Guide," (Brussels: The European Communities, January 2007).

³¹ Medeiros, 141-58.

³² Committee of the Regions, *The European Grouping of Territorial Cooperation - EGTC*, CdR 117/2007 (study) (Brussels: European Union, Committee of the Regions, 2007): 37.

³³ Ibid., 41.

³⁴ Kiefer.

³⁵ Council of Europe, "European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities," (Madrid, 21.05.1980), accessed May 21 2013, <http://conventions.coe.int/Treaty/en/Treaties/Html/106.htm>.

on Trans-frontier Cooperation between Territorial Communities or Authorities is adopted “to facilitate and foster trans-frontier cooperation between territorial communities or authorities within its jurisdiction and territorial communities or authorities within the jurisdiction of other contracting parties”³⁶, to provide local, regional and national actors with a general legal framework for trans-frontier cooperation as well to define principles, common standards, model and outline agreements which are intended for guidance, the forms of legal aspect of trans-frontier cooperation.

But it has not produced a common legal basis applicable for all 47 member states by the Council of Europe. The majority of member states ratified the Convention with the purpose of increasing the efficiency of cooperation. Since there is no international or supranational authority that performs control and enforce functions³⁷. Thus, the main actors of cross-border governance institutionalised as the authorities with appropriate responsibilities need well- qualified human resources and definite norms of regulation that can be implemented in accordance with national legislation of member states.

Cross-border initiatives in the Carpathian Euroregion and their institutionalisation

Carpathian Euroregion as a cross-border institution plays an important role in cooperation of neighbouring regions of Hungary, Poland, Romania, Slovakia and Ukraine. This Euroregion was established in 1993 as a political initiative supported by Ministries of International Affairs of the Republic of Poland, Hungary and Ukraine. This was the first Euroregion that hold regions of post-socialist countries where the indicators of economic and social development as well traditions were initially different. Carpathian Euroregion is composed of 19 border autonomous administrative units at the same level (region, province, county) It includes bordering territories of five countries of Central and Eastern Europe: Northern Romania (county Satu Mare, Maramureş, Harghita, Sălaj, Botoşani), Western Ukraine (Lviv, Transcarpathian, Ivano-Frankivsk and Černivecká area), South-Eastern Poland (Podkarpackie wojewódstwo), Northeastern Hungary (Borsod-Abaúj-Zemplén, Szabolcs-Szatmar-Bereg, Pest, Hajdú-Bihar and Jász-Nagykun-Szolnok, and cities with county rights: Eger, Debrecen, Miskolc and Nyíregyháza), and Eastern Slovakia (Košice and Prešov region). It was designed to bring together the people who live in the region of the Carpathian Mountains and to initiate their cooperation in the fields of economy, trade, tourism, science, education and culture. The total area of Euroregion is approximately 154.000 kilometers square and its population is approximately 16 million people. The aim of the Carpathian region’s activity, provided in accordance with the principles of the European Convention on Cross-border Cooperation between Territorial Communities and Authorities of the European Council, is to facilitate contacts and to establish cooperation between institutions, local and regional authorities, as well as citizens. In a previous period the most of trans-border relations in this region were bilateral.

At this moment the territory of the Carpathian Euroregion can be considered as the Eastern boarder of European Union and has to play significant role in bringing stability. Moreover, the activity of the Carpathian Euroregion allows the development of cross-boarder cooperation among EU and Ukraine. The most of its members (Hungary,

³⁶ Ibid.

³⁷ Kiefer.

Poland, Romania and Slovakia) are Member states of EU; Ukraine is European Neighbourhood Policy partner³⁸.

Cross-border cooperation between Carpathian countries has two forms: bottom-up initiatives with the EU support, as the Euroregions and Working Communities; and top-down initiatives of the European Commission, as the cross-border and Trans-national Structural Funds programmes. Decision-making in the Carpathian Euroregion is provided by a number of institutions. And as the structure of the Carpathian Euroregion is directed to promotion of inter-governmental cooperation, it led to the need for a coordination of cooperation among citizens through the non-government organisations.

In 1993 the Interregional Association of the Carpathian Euroregion was set up as a consultative and coordinative structure directed to the development of cross-border cooperation on its members. This aim was provided by the relevant Project of the European Convention on cooperation among the geographical communities and authorities of the Council of Europe. Being “a framework” for enabling cooperation between member regions and performing advisory and coordinating functions, Association does not represent over-state or over-national institution.

The aims of the Association are the following: coordinate the activity of its members in economic, scientific, ecological, cultural and educational cooperation, develop the projects on border cooperation among its members, facilitate contacts among experts in the region-members, support good neighbouring among member regions, support regional development, define the potential areas for a multilateral border cooperation³⁹. Establishing the Association for cooperation between regional and other authorities makes possible common use of energy resources, common policy making in the sphere of environmental protection, increase of foreign capital, implementation of regional development programmes, implementation of local initiatives, infrastructural development, development of regional economic structure, health protection, cultural development, development of tourism, strengthening of the European and Atlantic cooperation⁴⁰.

After the creation of Carpathian Euroregion, in 1994 there has been created the Carpathian Foundation (initially known as the Fund for the Development of the Carpathian Euroregion). “The purpose of the Carpathian Foundation is to build good neighbourly relation, social stability and promoting economic progress in the border territories of Ukraine, Hungary, Romania, Poland and Slovakia. For this purpose

³⁸ Among the key conditions for Cross-border activity are 1) geographical, because “geographic environment and the cultural and natural heritage is determined by the fact that the axis of this area is one of the longest and highest mountain ranges in Europe”, 2) economic because “all areas in this region are peripheral to the centers of development on the country level. Thus the area is similar within in terms of economic, environmental and cultural, and all included regions share common resources and demonstrate considerable interdependence”, and 3) political, because „most of the length of the border of the Carpathians is the border between the EU and the second largest in population the EU's neighbours in Europe: Ukraine. Its participation as an active actor is one of the crucial conditions in the process of development of the region.” Dawid Lasek, „The Strategy of Regional Development of the Carpathians,” (Presentation) (Poland, Association Carpathian Euroregion), accessed July 31, 2013, http://www.unep.at/workshop_budoia/Lasek.pdf.

³⁹ Svitlana Mytryayeva, “Carpathian Euroregion as an Instrument of Ukraine’s Eurointegration Strategy,” *Regionality and/or Locality. Pécs: Centre for Regional Studies, Discussion Papers, Special* (2007): 127.

⁴⁰ Ibid.

Carpathian Foundation provides financial and technical support projects that result in improved quality of life in cities and rural communities of the Carpathian region”⁴¹. The Foundation was established by the East-West Institute with generous support from the Charles Stewart Mott Foundation. Its founding was based on a courageous vision to create a vibrant, inter-regional foundation in the Carpathian Mountains to support citizen initiatives through local governments and non-government organisations. Carpathian Foundation is a member of the International Carpathian Foundation Network. This cross-border Network of regional foundations focuses primarily on inter-regional and transfrontier activities, economic and community development in the bordering regions of Hungary, Poland, Romania, Slovakia and Ukraine. It encourages the development of public, private, NGO partnerships, including cross-border and inter-ethnic approaches to help prevent conflicts and to promote regional development. It implements development programmes and provides financial and technical assistance to projects which will result in tangible benefits to the communities on both sides of national borders. The motion to develop this type of Foundation in Central-Eastern Europe emerged from the belief that supporting democracy, economic development, cross-border and inter-ethnic cooperation at the local and regional levels is a cornerstone of a stable and democratic Europe. The values of the Carpathian Foundation Network are based on the requirements of working in a multi-national, multi-ethnic environment. The principles under which the Foundation operates are keys to its effectiveness and responsiveness to local needs: respect for ethnic and religious diversity of the Region; fostering of a spirit of tolerance and openness to other values; multi-ethnicity and multiculturalism; social and environmental sensitivity; and the harmonisation of local development with globalisation.

The goals of the Carpathian Foundation Network are:

- 1) To strengthen local democracy and the development of civil societies by promoting local action with local responsibility and accountability;
- 2) To enhance the capacity of non-profit and local government organisations to address community and regional needs;
- 3) To promote cross-border and inter-ethnic cooperation, sharing of information and the replication of successful practices;
- 4) To encourage citizen participation in local and regional development;
- 5) To promote cooperation between non-governmental organisations, local governments, and businesses⁴².

Organisational structure of the Carpathian Euroregion consists of the Council with Presidium and Chairman as a supreme entity of Carpathian Euroregion, Secretary General, National Offices or Agencies and Working Commissions.

The Council of the Carpathian Euroregion meets twice a year. It discusses common projects, Commissions’ activities and makes decisions on important topics of appointment, organisation, budget. The Chairman who performs managerial and representative functions is elected every two years. The Council of the Carpathian Euroregion is composed of 10 members of every member country, one of whom is sent by the central government, and two seats have to belong to the representatives of local governments that constitute each National agency. Increasing this number from 3 to 10 for private and public organisations, local governments, firms, education institutions etc., is important because there are different numbers of local governments (as usually more than

⁴¹ “Carpathian Foundation,” accessed August 29, 2013, <http://www.carpathianfoundation.org.ua/eng/>.

⁴² “The Mission of Carpathian Foundation,” accessed August 29, 2013, http://www.carpathianfoundation.org.ua/eng/about_us/mission.

two) that participate in the Carpathian Euroregion and not all of them can send representatives to the Council. Such situation caused some difficulties, provoking conflicts in National agencies. One more difficulty is connected with limited participation of NGOs which has not yet been formally institutionalised in the Carpathian Euroregion. Even now while the administrative authorities are involved in decision-making, the private regional actors have restricted opportunities to affect cross-border governance.

In every member country, there is a national secretary who ensures relations with the International Secretariat. The Secretary General (Executive Director) as well is elected every two years, has an authority to present bill drafts to the Council, and conducts daily cooperation activities. The location of the secretariat changes every two years. There are also five subject-matter oriented Working commissions, coordinated by one member state: Commission for Regional Development, coordinated by Hungary, Commission for Tourism and Environment, coordinated by Poland, Commission for Trade Development, coordinated by Romania, Commission for Social Infrastructure, coordinated by Ukraine, Commission for Prevention of Natural Disasters, coordinated by Slovakia. All of them are led by the President of Commission and incorporate experts of the five member states. Also there is Audit and Financial Commission subordinated to Executive director.

The Carpathian Euroregion has a network of National offices, each of which has a responsibility to maintain constant contacts with the Council, dealing with all the cooperation initiatives and taking charge of one Working Commission's works⁴³. NGOs and local political actors, private organisations and companies, who could promote local initiatives, effectively participate in realising small-scale projects, affect realisation of local cooperation are underrepresented in National agencies. There can be noted such obstacle as the lack of "institutionalised human capacities" to support and develop the activity of Euroregion, because the rotation of leaders' position is rather frequent. National agencies also lack specialists and experts. So, International secretariat office "should be established as a more permanent organ or institution"⁴⁴. Decision-making, regulation, and coordination of cross-border initiatives depend on national legal norms of the member states. Regarding the legal status, Romania, Poland, Slovakia are associations, Ukraine is a foundation, in Hungary the regional office is a unit of public administration. National offices of Romania, Poland, Slovakia and Ukraine are capable of applying for national aid programmes and public funds. The national agency of Poland is eligible "to participate in EU pre-accession funds management functions, including preparing operational programmes, monitoring committees and steering committees as well as managing the EU micro-projects fund"⁴⁵.

According to recent initiatives, it is worth to say about The Strategy of Regional Development of the Carpathians, the programme "Carpathian Horizon 2020". The concept of the programme was presented in Brussels with the Commissioner of Regional Development. In 2006 - 2009 there were the evolution and promotion of initiatives/institutional adaptation/creation of collaborative structures, in 2010 - 2011 – institutionalisation of the initiative/establishment of the Programme Council and the Secretariat of the Strategy, in 2011 – promotion of the initiative/conferences activities/statements of support for the initiative, in 28 march 2012 – the first Meeting in the

⁴³ Slawomir Rebisz, *The Needs and Possibilities for Common-Border Cooperation within the Carpathian Euroregion* (Poland, Rzeszów: Carpathian Foundation, 2003).

⁴⁴ Tanaka, 70.

⁴⁵ Ibid.

Ministry of Regional Development on Carpathian Horizon 2020 was held⁴⁶. As it was highlighted in “Carpathian Horizon 2020”, Carpathian Euroregion 1) is “innovative / competitive region with a high economic potential”. So, it needs support for entrepreneurship, intensification and increase of the efficient use of human resources, business, innovation; 2) has “high social and human capital” conditioning the development of education and human resources, intensification of NGOs’ activity, prevention against negative demographic trends, development of culture; 3) is sustainable region that needs the development of cities, transport networks, energy and telecommunication, environment and natural resources, rural development and strengthening of sustainable agriculture, tourism; 4) is the region of strong institutional links⁴⁷.

“Carpathian Horizon 2020” is a strategic document that includes “a clarification of the strategic choices, the division into four pillars according to priority issues”. “Carpathian Horizon 2020” Action Plan details the activities in different pillars, projects, actions and coordination institutions. “The Operational Programme for the Carpathians 2014-2020” is intended to be an element of funding of the Development Strategy of the Carpathians “Carpathian Horizon 2020”. Therefore the strategy will be subordinate in terms of objectives and planned effects. The programme will be divided into priorities and actions, it will describe the management, control, monitoring of indicator achievement of the objectives, budget allocations etc. and “The Complement of the Operational Programme” will contain details of: the list of beneficiaries, indicative list of types of projects under the respective actions, the system of project selection, funding including eligible costs, reporting system etc.⁴⁸

The most successful cooperation between members of the Carpathian Euroregion is in the areas of

- economics, networking opportunities for business, promotion of cross-border, international trade, fairs and exhibitions, increasing intra-regional investment (particularly to the Ukraine),
- increasing the number of border checkpoints,
- the maintenance and development of road systems and truck business,
- the promotion of tourism, particularly eco-tourism (the Carpathian Biosphere Reserve),
- improvement of water environments,
- the development of educational and cultural exchange, cooperation networks among universities (Association of the Carpathian Region Universities and Center for Support of Public Administration Reform at the University of Uzhgorod)⁴⁹.

In this context researchers note the certain achievements of the Euroregions. Among them are relatively high level of formal organisation, relations between the governing institutions and autonomous regions, information on cooperation opportunities, creation institutions for border cooperation development⁵⁰. Despite these achievements the Carpathian Euroregion experiences some difficulties connected with the level of representation, participation and recognition relevant governing structures. The difficulties

⁴⁶ Lasek.

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ *Carpathian Euroregion: 1993–1998. Five Years of Dialogue and Co-operation*, ed. Piotr Helinski (Krosno: The Secretariat of the Carpathian Euroregion, 1998); *Strategic Development Programme for the Carpathian Euroregion Interregional Association*, ed. István Süli-Zakar (Nyiregyhaza: Rona-regio Kft., 2004), 21-25; Tanaka, 66-67.

⁵⁰ See Mytryayeva, 125.

are caused by: differences in the context of the CE, the size of the participating areas, structural institutional problems, financial matters, ambiguity of the division of labour between the district/local government and the central government, historical inheritances and other preconditions⁵¹. As a result, it is recognised that the Carpathian Euroregion faces 1) a crisis of self-recognition, which refers to a lack of knowledge, information and consciousness, 2) a crisis of representation, because the low-level local self-governing bodies, non-profit organisations, private enterprises are not able to send their representatives to both the Council and the national organisation of the Carpathian Euroregion, 3) crisis, related to participation, because local residents are “completely uninterested in the CE’s issues”⁵². Researchers also note some structural difficulties, related with the lower level of decentralisation in member states of the Carpathian Euroregion in comparison to West European countries, including “incompatible administrative and legal structures in local governments, different multi-tier structures of local governments, different local autonomies and capacities, different financial and human resources and ambiguous relationships (boundary of responsibilities and commitments) between the central and local governments”⁵³. As a result the realisation of the bottom-up initiatives at local level is complicated.

Moreover the Carpathian Euroregion has a narrow external funding and financial resources. The most of local development projects are implemented by using external financial resources, EU funds and programmes, and the Carpathian Foundation. Additionally, a number of other Euroregions have been formed in other border areas of East European countries. In terms of receiving financial support, other Euroregions formed in other border areas of East European countries have come to compete with the Carpathian Euroregion. Many local development associations in the Carpathian Euroregion focused on indirect activities, such as planning; and development strategies in fields more practical than human developments, such as infrastructure, employment, tourism and agriculture⁵⁴.

Generally the funding sources, formed by Community development financial institutions, are composed of state, regional or local budgets, central government institutions, the funds of European organisations, foreign multilateral or bilateral organisations, private sponsors and domestic civic organisations. There are different types of Community development financial institutions: credit unions, regional development agencies, local development agencies, business support organisations, rural support development organisations, social support organisations, microfinance bank/banking credit lines and investment funds, etc. All of them are represented in Ukraine. In Slovakia financial mechanisms “were still in the process of transforming while the private sector comprised civic associations, various foundations, non-investment funds and non-profit organisations that provide public benefit services. They are supported by seven foreign foundations with offices in Slovakia, fourteen international foundations, seven international institutions that provide grants and five other foundations. Support programmes for small-medium enterprises is provided by regional development agencies, regional advisory and information centres or business innovation centres, guarantee funds and the National Agency for Development of Small and Medium Enterprises”⁵⁵.

⁵¹ See Tanaka, 67.

⁵² Ibid.

⁵³ Ibid., 68.

⁵⁴ Ibid., ” 70-74.

⁵⁵ Ibid., 74.

Functioning of regional development agencies and local development agencies are succeeded in Hungary and Poland. In Hungary, at least 69 local development organisations operate in the Carpathian region. Hungary's associations were formed under PHARE by the local governments, businesses structures, civic institutions. Local initiatives and financial resources in Hungary, Poland, Romania, Slovakia have similar peculiarities. There are four types of financial institutions in Romania⁵⁶: Private Donors and Community Habitat Finance, whose major financial partner is the Romanian-American Enterprise Fund; Programmes for cross-border cooperation; the National Guarantee Fund for Small and Medium Enterprises; and the Romanian Special Development Fund contributed by International Bank of Reconstruction and Development. The central government of Poland provides grants for local development projects based on the so-called "regional contacts"⁵⁷. As a result, these grants are not directed to small-medium enterprises, NGOs.

Thus, the low level of participation of civil society institutions in decision-making excluding NGOs, private agents, companies from participation in cross-border initiatives is significant disadvantage of governance in the Carpathian Euroregion. Limited funding, lack of domestic financial sources and sometime nontransparent use of finances could be considered as another obstacle for effective cooperation.

Conclusion

The Carpathian Euroregion is the only Euroregion in Europe, consists of the bordering territories of post-socialist countries with population who has significantly different ethnic, religious and cultural features. This peculiarity determines the complexity of creating mutual interests. But at the same time, the establishing Euroregion allowed to avoid misunderstandings and proved an intention to cooperate. From its beginnings, the Carpathian Euroregion seeks to coordinate joint cross-border activities in neighbouring regions of science, environmental protection, education and tourism, economic and cultural cooperation.

After EU enlargement in 2004 and 2007, resulted in the implementation of new institutional forms of governance, the role of the Carpathian Euroregion was raised. It became a contact area of the Eastern border of European Union with Ukraine as its Eastern neighbour. Cooperation between member states become an important issue for European community, and this amendment has broaden institutional, financial and other opportunities for all countries. In this context emphasis should be given to neighbourhood programmes.

The realisation of some initiatives as well the institutional organisation of implementing programmes in cross-border region is rather successful. Some barriers are overcome, some challenges are minimised, and some obstacles of cooperation were eliminated. But, as it was mentioned, it is necessary to shift from declarative cooperation in economic, political spheres to the realisation of transboundary projects that requires the engagement of new resources and the improvement of governing potential. This task has to be performed by all contributors: not only Euroregional institutions but also local authorities in accordance with national and European regulations.

Certainly, successful implementation of programmes, achievement of announced intentions as well functioning Euroregional institutions, take time and depend on establishing favourable legal environment for fostering mutual cooperation. As a result,

⁵⁶ Ibid.

⁵⁷ Ibid.

good perspectives of cooperation in the fields of economy, culture, science, tourism and environmental protection mean the need to develop institutional roots for fostering multilateral relations.

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L'intégration économique des pays d'Europe centrale et orientale

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Abstract. *Danube area covers 14 countries, 9 from European Union and 5 others. After the fall down of the Austrian-Hungarian Empire, the area was not integrated, in particular during the communism and the cold war. The economic gap between the different states in the west and the south-east is very wide. The main pole is in Germany and Austria. Trade integration has been done along this west-east canal and not very much between the new member states of the Union. Nevertheless, we may mention the CEFTA under its two successive approaches. Till 2008, a rapid economic growth was seen in the area (example of Slovakia). Foreign direct investments came to this area. From 2008/09, the economic crisis blew up in the region (in Romania, Bulgaria, Slovenia, Slovakia, Hungary, Croatia). The question of further integration is open, having in mind the big diversity of the region. Is the Danube a possible integration factor? There are also, in the region, many minorities (amongst them the Roms). The European Union tried to integrate the area, through different programmes as IPA or through horizontal policies as energy and transport policies. But the most interesting is the European Strategy for the Danube with four different priorities. Some positive results are already done, but the global economic integration is not done yet, because of the wide gap existing between the different states of the area.*

Key words: *Intégration économique, Danube, CEFTA, Stratégie pour la région du Danube, Europe centrale et orientale.*

Introduction

Cette région peut et même devrait constituer une zone d'intégration naturelle autour du Danube et de ses affluents notamment la Sava et la Tisa. Elle est néanmoins assez disparate et historiquement n'a que très rarement constitué un havre de coopération depuis la fin de l'empire austro hongrois qui était le ciment de la région² et l'époque postérieure à la mise en œuvre effective de la Commission européenne du Danube, découlant du traité de Paris de 1856³. Elle est formée de pays souvent rivaux et concurrents qui ont appartenu à des blocs antagonistes. Après la période communiste et jusqu'en 2004, la plupart d'entre eux regardaient ailleurs plutôt qu'en direction de leurs voisins immédiats. Leurs liens commerciaux étaient demeurés extrêmement ténus.

Telle qu'actuellement définie dans le cadre de la Stratégie européenne pour la région du Danube⁴, elle comprend quatorze pays dont huit Etats membres de l'Union

¹ Professeur associé, Sorbonne Nouvelle 3, Paris.

² André Blanc et Pierre Carrière, "Le bassin du Danube," in Encyclopaedia Universalis (Paris, 1996).

³ La Commission européenne du Danube, issue du traité de Paris de 1856, avait été créée à la suite de l'internationalisation de la circulation fluviale, réclamée par les grandes puissances de l'époque. Elle a de facto fonctionné jusqu'à la deuxième guerre mondiale et régulé un trafic qui portait essentiellement sur du bois, des minéraux et surtout des céréales.

⁴ Commission européenne. "Communication de la Commission au Parlement Européen, au Conseil, au Comité Economique et social européen et au Comité des Régions. Stratégie de l'Union européenne pour la région du Danube." Brussels, le 8.12.2010, COM(2010) 715 final.

européenne, plus la Croatie. La région danubienne est composée de deux Etats qui étaient membres de l'UE avant 2004 : l'Allemagne et l'Autriche, quatre Etats qui ont adhéré en 2004 : la république Tchèque, la Slovaquie, la Hongrie, la Slovénie, deux Etats qui ont adhéré en 2007 : la Roumanie et la Bulgarie, la Croatie qui a adhéré le 1^{er} juillet 2013, trois Etats candidats ou potentiellement candidats : la Serbie, le Monténégro et la Bosnie et Herzégovine, enfin deux Etats dont les perspectives d'adhésion sont beaucoup plus lointaines et qui participent au Partenariat oriental avec l'UE : l'Ukraine et la Moldavie.

Pendant la période 1945/1989-91, la région était une zone d'affrontement entre l'occident et le monde communiste et le Danube ne servait presque à rien. L'Allemagne alors divisée était dans l'OTAN pour sa partie occidentale, l'Autriche d'économie libérale était neutre. La Tchécoslovaquie, la Hongrie, la Roumanie, la Bulgarie faisaient partie du Comecon et du pacte de Varsovie. La Yougoslavie qui comprenait notamment à l'époque la Slovénie, la Croatie, la Serbie, la Bosnie et Herzégovine et le Monténégro, d'économie socialiste, était politiquement et militairement neutre, l'Ukraine et la Moldavie faisaient partie de l'Union soviétique⁵.

Economiquement, ces Etats se situaient à des niveaux extrêmement disparates. En termes de PIB par tête en parités de pouvoir d'achat, les écarts vont aujourd'hui de un à dix entre la Moldavie d'une part, l'Autriche et l'Allemagne de l'autre. Pour l'Allemagne, il s'agit d'une moyenne nationale, la région danubienne (en particulier la Bavière) étant sans doute plus riche que le reste du pays. La Serbie, le Monténégro, la Bosnie et Herzégovine et l'Ukraine se positionnant à des niveaux sensiblement plus élevés que celui de la Moldavie, mais néanmoins encore extrêmement faibles. L'écart entre la Roumanie et la Bulgarie d'une part, l'Autriche et l'Allemagne de l'autre est encore de un à deux et demi. La Croatie est à la moitié du niveau de l'Autriche et de l'Allemagne. La Slovénie, la république Tchèque, la Slovaquie et la Hongrie se situent avec quelques nuances nationales approximativement aux deux tiers des économies leaders.

Les taux de chômage⁶ divergent aussi très fortement d'un pays à l'autre. L'opposition ouest/sud-est est toutefois sensiblement moins marquée sur cet agrégat que sur le précédent. Alors que la Bosnie et Herzégovine connaît un taux de chômage supérieur à 30% de la population active (encore beaucoup plus élevé pour les jeunes qui n'ont que très peu d'espoir de pouvoir trouver un travail). La Serbie et le Monténégro sont aux alentours de 20% de la population active. La Slovaquie frôle les 15%. La Hongrie et l'Ukraine sont autour de 10%. La Bulgarie, la république Tchèque, l'Allemagne, la Slovénie s'échelonnent entre 5 et 10%. Seules l'Autriche et la Moldavie connaissent un taux extrêmement faible inférieur à 5%(mais que valent les statistiques dans ce dernier cas de figure ?).

En fait, à des degrés divers, toutes ces économies regardent vers l'ouest, c'est-à-dire vers l'Union européenne et notamment vers l'Allemagne qui demeure la locomotive économique de l'ensemble de la zone. Cette caractéristique était encore plus vraie pendant la période qui s'échelonne de la chute du communisme en 1989/91 jusqu'à l'adhésion des premiers candidats à l'Union européenne, le 1^{er} mai 2004. A cette époque, le conseil politique leur était régulièrement donné de commencer par s'intégrer entre eux avant de sauter le pas

⁵ Une nouvelle convention a fait suite à la Commission européenne de 1856, à partir de 1948. Son siège était à Budapest. Des accords commerciaux ont notamment été signés avec l'Union soviétique, l'Allemagne et l'Autriche. Le trafic a décollé quelque peu à nouveau et s'est diversifié (hydrocarbures, minerais de fer). Une sidérurgie fluviale s'est développée. Le commerce par le Danube représentait alors un pourcentage appréciable du commerce extérieur relativement faible des pays membres du Comecon.

⁶ Document des services de la Commission européenne, DG de la politique régionale, Décembre 2010.

pour rejoindre l'Union européenne, processus qui semblait être naturel. Néanmoins ils ne le considéraient pas de cet œil et l'appréhendaient comme une sorte de « second best » à l'adhésion à l'UE et le voyaient comme un « containment » dans une espèce de deuxième division, comme l'analyse des flux commerciaux existants pouvait le démontrer.

Historiquement, la plus grande partie de la région avait économiquement été intégrée avec l'Union soviétique au sein du Comecon, à travers les mécanismes d'un pacte colonial inversé : à la différence du Royaume Uni avec son empire au dix-neuvième siècle, le centre, c'est-à-dire l'Union soviétique échangeait avec sa périphérie des matières premières qu'elle leur vendait contre des produits médiocrement transformés. Chacune des démocraties populaires s'étant spécialisée dans une production déterminée. Mais déjà à cette époque, les flux étaient extrêmement faibles entre la Tchécoslovaquie, la Hongrie et les autres démocraties populaires, l'essentiel du commerce étant dirigé vers l'Union soviétique.

Une fois le rideau de fer tombé, tous ces pays n'ont eu qu'une seule idée : renouer les courants qui existaient avec l'occident et notamment l'Allemagne et l'Autriche avant la deuxième guerre mondiale. C'est ce qui arriva, puisqu'en 2004, soit seulement une quinzaine d'années après la chute du communisme et grâce aux accords commerciaux qui avaient été passés, les pays d'Europe centrale et orientale réalisaient alors l'essentiel de leur commerce extérieur avec l'Union européenne et en particulier avec l'Allemagne⁷. Certains parmi eux, (notamment la république Tchèque et la Hongrie) atteignant plus de 70% de leurs échanges extérieurs avec l'Union européenne, ce qui représentait un taux d'intégration supérieur à celui d'anciens Etats membres. Le Royaume Uni ne réalisait à cette époque qu'un peu plus de 50% de ses échanges avec ses partenaires de l'Union.

Cette intégration n'était déjà pas le fait d'une zone d'économies sous développées avec un partenaire développé, mais l'intégration s'effectuait sur une base relativement égalitaire : les pays de l'ouest vendant des produits plutôt haut de gamme et ceux de l'est des produits de qualité moindre, mais néanmoins nécessaires à l'économie de leurs partenaires. En d'autres termes ils vendaient des Skodas et achetaient des Mercedes, mais leurs partenaires allemands avaient néanmoins besoin de Skodas qui n'étaient plus de vieilles automobiles n'incorporant aucun progrès technique.

Par contre les flux commerciaux verticaux entre pays candidats à l'Union européenne restaient extrêmement faibles. A la remarquable exception de la Slovaquie et dans une certaine mesure de la république Tchèque, les échanges commerciaux avec les autres pays en négociations ayant adhéré en 2004 et 2007 ne représentaient jamais plus de 10% de leurs échanges avec l'étranger, ils se situaient en général plutôt entre 5 et 8% de ceux-ci. L'exception slovaque et dans une moindre mesure tchèque était provoquée par l'origine commune des deux pays et leur forte imbrication dans la Tchécoslovaquie. Ces pourcentages montaient à un peu plus de 20% dans le cas de la Slovaquie et entre 10 et 12% dans celui de la république Tchèque.

Cet état de fait trouvait son origine dans l'énorme besoin que ces économies avaient de produits que seule l'Europe occidentale pouvait leur procurer. Ils n'avaient donc aucun intérêt à développer leurs échanges avec leurs voisins immédiats. Il était aussi néanmoins provoqué par la volonté que ceux-ci avaient de s'arrimer à l'Union européenne au détriment de tout autre lien avec des voisins proches.

Une voie d'intégration particulièrement rapide s'était par contre développée, dès cette époque avec l'économie allemande. Alors que l'Union à 15 (les anciens Etats

⁷ Document des services de la Commission européenne, DG Elargissement, "Le commerce extérieur des pays en négociations," 2002/2004.

membres) représentait selon les cas de la moitié aux trois quarts des échanges extérieurs (dans le cas de la Hongrie) des pays en négociations, en 2004, l'Allemagne à elle seule n'en constituait jamais moins de 15% (sauf dans l'exemple de la Bulgarie) et souvent plutôt de l'ordre de 25 à 30% et même près de 40% dans le cas de la république Tchèque. L'intégration économique et commerciale de ces pays avec l'économie allemande était déjà réalisée et plusieurs d'entre eux apparaissaient déjà comme des excroissances de la puissance allemande.

Des tentatives d'intégration ont néanmoins déjà eu lieu dès cette époque, mais elles n'ont que très rarement abouti à des résultats concrets. La coopération issue du groupe de Visegrad qui réunissait la Pologne, la république Tchèque, la Slovaquie et la Hongrie devait plus être considérée comme un club où se retrouvaient des Etats qui se situaient historiquement dans une phase comparable, à la sortie du communisme. Visegrad avait d'ailleurs été choisie car cette référence faisait allusion à une très ancienne coopération existant dans la région.

Le club de Visegrad a toutefois engendré, par les accords de Varsovie de décembre 1992, un rapprochement un peu plus formalisé avec la création du CEFTA (Central European Free Trade Association)⁸ qui réunissait, à partir du 1^{er} mars 1993 ces mêmes Etats dans une association de libre échange visant au démantèlement progressif des barrières tarifaires sur les produits industriels avant 2001, à une libéralisation partielle des échanges de produits agricoles et à la fin des barrières non tarifaires. Les Etats participants faisaient tous référence à la démocratie, aux droits de l'homme, devaient être en voie de reconstruction économique et mettre l'accent sur la volonté d'établir une certaine forme de coopération régionale. A partir de 1995, tout nouvel adhérent qui voulait rejoindre le club devait satisfaire à ces principes. C'est ainsi que la Slovaquie rejoint le CEFTA en juillet 1995. Tout nouvel adhérent devait, par ailleurs, être membre de l'OMC ou en voie d'adhésion à l'organisation, avoir passé des accords de libre-échange avec l'Union européenne et, bien entendu être accepté par les membres fondateurs. Comme nous l'avons vu ci-dessus, au-delà des principes, les résultats de l'intégration commerciale dans le CEFTA ne furent pas très probants en volumes, malgré quelques taux d'accroissement significatifs (mais en partant de niveaux initiaux particulièrement faibles).

Avec l'évolution historique de la région, le CEFTA a connu une mutation géographique progressive tout à fait intéressante sous l'influence de deux facteurs : d'une part il était logique que les membres fondateurs, une fois leur adhésion à l'Union européenne réalisée, quittent cette zone de libre-échange (comme, par exemple, les membres de l'AELE l'avaient fait auparavant) et de l'autre, après la fin des guerres qui ont ravagé l'ex-Yougoslavie, les Etats issus du démembrement de cette dernière ont souhaité rejoindre cette structure, afin de préserver un minimum d'intégration économique et commerciale.

C'est ainsi que la Roumanie en 1997, la Bulgarie en 1999, la Croatie en 2003, l'ancienne république yougoslave de Macédoine en 2006 ont rejoint le CEFTA. D'autre part, le 1^{er} mai 2004, au moment de leur adhésion à l'Union européenne, la Pologne, la république Tchèque, la Hongrie, la Slovaquie et la Slovaquie l'ont quitté de même que la Roumanie et la Bulgarie le 1^{er} janvier 2007. En 2004 il ne restait ainsi à l'intérieur de la structure que la Roumanie, la Bulgarie et la Croatie et en 2007 l'ancienne république yougoslave de Macédoine et la Croatie.

⁸ Alexandre Sokic, "Elargissements de l'UE et CEFTA, recomposition d'une zone de libre-échange dans les Balkans," *Bulletin de l'Observatoire des politiques économiques en Europe* 17 (Université de Strasbourg, hiver 2007): 3.

C'est alors, en décembre 2006, que furent signés les accords de Bucarest qui procédèrent à la refondation du CEFTA : aux deux membres issus de l'ancienne structure s'ajoutèrent les autres Etats en provenance de l'ancienne Yougoslavie, c'est-à-dire la Serbie, le Monténégro, la Bosnie et Herzégovine, le Kosovo administré par les Nations unies, ainsi que l'Albanie et la Moldavie. Le CEFTA avait accompli sa mue pour devenir une structure regroupant les Etats issus de l'ex-Yougoslavie (sauf la Slovénie), plus l'Albanie et la Moldavie. Le 1^{er} juillet 2013, la Croatie est automatiquement sortie du CEFTA. Cette nouvelle version du CEFTA regroupait toutefois des économies dont plusieurs étaient issues des guerres des années 1990 et dont la situation n'était pas particulièrement brillante.

Ainsi, les niveaux de PIB par tête étaient très bas en Albanie, Moldavie, Bosnie et Herzégovine et Kosovo (souvent à peine de l'ordre ou guère plus de 10% de la moyenne communautaire en parités de pouvoir d'achat) et où les taux de chômage atteignaient des niveaux extrêmement élevés (de l'ordre de 30 à 40% de la population active au Kosovo et en Bosnie et Herzégovine, encore plus chez les jeunes). Ces Etats n'avaient, par ailleurs, qu'une volonté très moyenne de coopération, souvent après des guerres qui les avaient opposés entre eux.

La période 2000/2007 et surtout 2004/2007 a toutefois été relativement favorable pour les Etats qui venaient de rejoindre l'Union européenne ou qui étaient en voie de le faire, avec des taux de croissance très sensiblement supérieurs à ceux rencontrés chez les anciens membres de l'Union européenne. Ils semblaient en voie de rattraper à terme, la moyenne de ceux-ci.

Sur un plan commercial, on a même constaté une amorce de processus que l'on avait à peine entrevu pendant la période précédente. Non seulement les flux commerciaux avec les anciens Etats membres de l'Union européenne étaient en croissance, mais les nouveaux Etats membres commençaient à échanger entre eux. Il y avait début d'établissement d'un nouveau pôle de croissance en Europe centrale et orientale. Les nouveaux Etats membres ne se contentaient plus d'apparaître comme des économies complémentaires de celles de l'ouest, à la recherche de produits qu'elles ne pouvaient pas confectionner elles-mêmes.

Un des plus beaux exemples de cette mutation était constitué par la Slovaquie : ce pays provenant de l'éclatement de l'ancienne Tchécoslovaquie cumulait en plus le handicap d'hériter d'un appareil productif issu du système communiste très orienté vers l'industrie lourde et notamment l'industrie de défense, caractéristiques qui n'étaient pas faites pour favoriser une reconversion de l'appareil productif vers un système d'économie libérale et le décollage économique.

La Slovaquie bénéficiait toutefois de deux avantages particulièrement remarquables : elle était géographiquement située au centre du nouveau système économique en voie de constitution à égale distance des pays du nord (Pologne, Etats baltes) et du sud (péninsule balkanique), elle pouvait devenir le cœur de ce marché en voie de réalisation. Par ailleurs, elle disposait d'une main d'œuvre ouvrière particulièrement bien formée, dont le savoir-faire remontait à la période précédant la deuxième guerre mondiale et que le communisme n'avait pas tout à fait annihilé.

A la suite de la partition de la Tchécoslovaquie, les experts n'avaient pourtant pas beau coup confiance dans les capacités de ce petit pays. C'est pourtant celui-ci qui fut le premier, parmi les Etats qui avaient une taille significative, à être capable de rejoindre la zone euro et à être à même de résister aux pressions compétitives et aux forces du marché. La Slovaquie a su attirer des investissements directs étrangers de manière appréciable, grâce à une législation attractive, en mettant l'accent sur les facteurs évoqués ci-dessus.

C'est ainsi que l'industrie automobile slovaque a connu un renouveau en bénéficiant des connaissances établies de Skoda, mais en attirant aussi de nombreux investissements directs étrangers, notamment de Peugeot, pour conquérir le marché émergent d'Europe centrale et orientale.

Pendant toute cette période, on a d'ailleurs assisté à une progression des investissements directs étrangers (IDE) dans l'ensemble de la zone⁹. Après la chute du communisme, il y eut un décollage de ceux-ci, mais à cette époque les IDE étaient attirés par les politiques de privatisations qui étaient conduites dans tous les pays. Les anciennes usines de la période communiste n'avaient généralement pas une très grande valeur marchande, mais les IDE se focalisèrent sur les quelques joyaux de ces industries qui avaient une valeur reconnue. L'inconvénient d'une telle politique est qu'elle atteint très rapidement une limite physique, une fois que tout ce qui avait un certain intérêt a été privatisé.

Le premier pays à se trouver dans cette situation fût la Hongrie, à la fin des années 1990, mais très rapidement, tous les autres suivirent. Et pourtant les flux d'investissements directs étrangers ne faiblirent pas à cette date : à cette première vague succéda sans interruption un nouveau courant d'IDE qui était essentiellement constitué par des « greenfields » c'est-à-dire des investissements ex-nihilo qui arrivaient attirés par les avantages comparatifs du pays en question : évidemment un coût du travail relativement bas, mais surtout une main d'œuvre assez bien formée qui avait l'habitude de travailler en milieu ouvrier et qui avait des compétences reconnues. Les flux ont été continus dans l'ensemble de la zone, depuis le début des années 1990, au moment de la chute du communisme, jusqu'en 2008/2009, période où on a constaté une contraction sensible.

Ces investissements avaient aussi une autre caractéristique. Alors que sur le plan commercial, comme nous l'avons évoqué ci-dessus, l'intégration se pratiquait, bien entendu, avec l'ensemble de l'Union européenne, mais surtout et avant tout avec l'économie de la puissance commerciale dominante de la région : l'Allemagne, les flux d'IDE étaient sensiblement plus diversifiés et étaient aussi le fait de firmes provenant de pays géographiquement plus éloignés : par exemple, la France, les Pays bas, les Etats unis ou même la Corée du sud¹⁰. L'intensité des flux financiers compensant dans une certaine mesure l'éloignement géographique. C'est ainsi que certaines années les IDE d'origine française ont été supérieurs, en Pologne aux IDE allemands. Les firmes allemandes étaient toutefois très loin d'être absentes de ce processus.

Cette période faste connut une fin en 2008/2009 avec l'arrivée, dans un premier temps de la crise financière et bancaire, puis de la crise monétaire de la zone euro qui ont gagné l'Europe centrale et orientale. Certains pays ont été touchés de manière assez violente, par exemple la Roumanie, la Bulgarie, la Slovénie, la Slovaquie, la Hongrie, la Croatie. La Hongrie et la Roumanie connaissant des difficultés de financement extérieur particulièrement graves. Il faut toutefois noter que jusqu'à une période extrêmement récente, la Pologne est pratiquement le seul pays européen (avec dans une certaine mesure l'Albanie) à ne pas avoir connu la récession, ce qui montre la robustesse de cette économie en transition. Pendant cette période, les flux d'investissements directs étrangers vers l'ensemble de la zone ont sensiblement fléchi.

L'économie hongroise, qui est au centre de la région représente un cas

⁹ Banque européenne pour la reconstruction et le développement, *Rapport annuel 2009* (London, November 2009).

¹⁰ Nations Unies, *Rapport sur l'investissement dans le monde. Vue d'ensemble. Investir dans une économie à faible intensité de carbone* (Conférence des Nations Unies pour le Commerce et le Développement, Genève, 9 juillet 2010).

particulièrement intéressant, dans la mesure où ce pays, dans les années 1990 faisait figure de bon élève de la zone (les privatisations avaient commencé dès avant la fin du régime communiste) mais la première décennie du vingt et unième siècle n'a pas été, tant s'en faut, aussi brillante, avec l'accumulation de déficits des finances publiques particulièrement graves et une situation politique intérieure qui devenait inquiétante.

A la périphérie de la zone, les Etats balkaniques ont aussi subi les contrecoups de la crise : la Slovénie a une situation financière assez délicate et la Croatie connaît une très forte augmentation du taux de chômage. Les fragiles économies des Balkans occidentaux (notamment la Bosnie et Herzégovine et le Kosovo, mais aussi la Serbie) n'ont pas pu récolter les bénéfices d'une stabilisation longtemps attendue, mais pas encore pérenne. De manière un peu plus éloignée, l'Ukraine et la Moldavie qui avaient réussi à retrouver les chemins de la croissance pendant la première décennie du vingt et unième siècle, après une dernière décennie du vingtième totalement catastrophique, ont été très fortement touchées par la crise économique, en 2009, perdant à la suite de la rupture énergétique de l'hiver, presque tous les bienfaits accumulés pendant la période précédente.

Devant l'extrême hétérogénéité des économies de la région on peut se poser la question de la faisabilité d'une intégration réussie. Historiquement, au moins deux groupes majeurs sont de facto apparus : les pays issus du groupe de Visegrad qui ont rejoint l'Union européenne en 2004 et les Etats balkaniques, principalement originaires de l'ancienne Yougoslavie et qui sont maintenant dans un processus plus lent, légèrement décalés par rapport aux premiers. Tous se positionnent néanmoins par rapport à l'économie ouest européenne et principalement par rapport à la puissance dominante allemande. Ces trois entités (Allemagne comprise) se situent toutefois géographiquement dans la zone danubienne et doivent devenir les piliers d'une future coopération interne à celle-ci.

Comme nous l'avons constaté ci-dessus, le Danube n'a pratiquement pas constitué un vecteur d'intégration de la région malgré son énorme potentiel de pénétration. Cette caractéristique est sans doute due très largement aux bouleversements qu'a connus la région avec les affrontements de la seconde guerre mondiale, la cassure du rideau de fer, puis les répliques de la transition difficile, notamment dans la zone balkanique. Mais c'est aussi et sans doute provoqué par les énormes écarts de développement existant entre d'une part la sous-région germano-autrichienne et, à l'autre bout, les retards accumulés dans la zone balkanique, la zone centrale étant attirée par la première, mais ayant aussi nombre des caractéristiques de la seconde. C'est ainsi que, malgré des caractéristiques de navigabilité comparables, le Danube constitue encore à l'heure actuelle un vecteur d'intégration économique beaucoup moins performant que le Rhin, dont le bassin réunit depuis la Suisse, notamment des régions comme la Ruhr, pour finir dans le Randstadt néerlandais. Le trafic fluvial y est inférieur à 20% de celui que connaît le Rhin.

Si l'intégration effective se réalise un jour, elle se fera d'ouest en est, avec un moteur le bloc germano-autrichien qui devra irriguer ses voisins depuis l'Europe centrale jusqu'au delta et aux débouchés vers la mer Noire. Une certaine dépendance vis-à-vis de l'économie allemande peut être considérée négativement, mais elle constitue toutefois probablement le principal atout de développement de la région.

Dans la période postérieure à l'adhésion des premiers arrivants à l'UE, en 2004, au-delà d'un certain décollage des flux commerciaux internes, on a constaté une amorce d'investissements croisés entre les pays de la région, par exemple des firmes hongroises ont commencé à essaimer dans les pays voisins. Comme nous l'avons constaté ci-dessus, la Slovaquie de par sa position géographique et malgré les contraintes imposées par sa participation à la zone euro, a pu connaître un certain rôle moteur en faveur de la région, alors que la Hongrie, embarrassée par ses difficultés internes semblait marquer le pas,

malgré sa situation géographique aussi très favorable. Un autre facteur a eu et devrait avoir encore plus d'influence sur ce processus dans un proche avenir, il est constitué par l'existence de minorités nombreuses qui avaient une certaine autonomie à l'époque de l'empire austro-hongrois, mais qui depuis sa fin ont souvent eu des difficultés à s'exprimer au sein d'ensembles nationaux fréquemment antagonistes. Ce facteur devrait être un élément d'intégration très favorable, il ne l'a malheureusement pas toujours été dans un passé récent.

Des minorités hongroises existent en Slovaquie, en Roumanie, en Serbie, des minorités germaniques étaient présentes en Roumanie, une minorité turque demeure en Bulgarie, la Moldavie est de facto partagée en deux, de nombreuses populations d'origine russe sont présentes en Ukraine du sud-ouest, une minorité albanaise demeure dans l'extrême sud de la Serbie, la Bosnie et Herzégovine est un ensemble composite réunissant serbes, croates et musulmans, des italiens sont présents sur la côte dalmate en Croatie etc... Cette énumération peut être sans fin, tant ce mode de coexistence représentait la sève de l'empire austro-hongrois, il devrait être le ferment de toute nouvelle forme de coopération et d'intégration. Ce n'est malheureusement pas toujours le cas, comme les récentes guerres dans les Balkans l'ont encore démontré.

Parmi les minorités, au moins une, les Roms, représente un cas à part, car elle ne possède pas de foyer national et est répandue dans l'ensemble de la région, notamment en Roumanie, Bulgarie, Hongrie, république Tchèque, Slovaquie, Serbie et maintenant dans toute l'Union européenne. L'existence plus ou moins importante d'une telle minorité a soulevé des difficultés pour nombre de gouvernements de la région et a été l'objet de plusieurs programmes d'intégration de l'Union européenne.

L'UE a aussi lancé des programmes transfrontaliers, notamment avec INTERREG et la coopération territoriale européenne, sur le modèle de ceux qu'elle avait construit dans la zone de la mer Baltique¹¹ ou autour de l'arc alpin, ou encore de manière plus ponctuelle avec les GECT (Groupements européens de coopération territoriale) à la frontière entre la Hongrie et la Slovaquie.

Avec les Etats des Balkans occidentaux candidats ou potentiellement candidats, l'Union européenne a élaboré le programme IPA (instrument de préadhésion)¹², dont les cinq facilités s'appliquent aux uns et/ou aux autres : aide aux institutions et à la transition, coopération transfrontalière, développement régional, ressources humaines, développement rural. Alors que les deux premières concernent l'ensemble de la zone, les trois dernières sont réservées aux pays officiellement candidats. IPA avait après 2006 un budget sensiblement supérieur à un milliard d'euros annuel.

Aux marges de la zone, l'Union européenne a poursuivi une politique de voisinage, notamment avec les pays dont la perspective d'une éventuelle adhésion, comme l'Ukraine et la Moldavie est beaucoup plus éloignée. Cette politique a été établie dans le cadre du Partenariat oriental que l'UE a élaboré, à l'initiative de la Pologne et de la Suède avec six Etats de la région.

La deuxième initiative, la coopération transfrontalière est particulièrement intéressante : douze programmes ont été lancés dans ce cadre, dont cinq nous concernent directement (Bulgarie/Serbie, Hongrie/Croatie, Roumanie/Serbie, Hongrie/Serbie, Slovénie/Croatie). Ils ont pris la succession d'INTERREG. Ce sont souvent des programmes

¹¹ DATAR, *La cohésion territoriale en Europe* (Paris: La documentation française/Collection Territoires en mouvement, 2010).

¹² DATAR, *Les fonds structurels européens 2007/2013* (Paris: La documentation française/Collection Territoires en mouvement, 2010).

ruraux à l'échelon local qui font coopérer des administrations locales, mais l'impact national est loin d'être négligeable, les pays étant généralement de petite taille, il y a de nombreuses zones frontalières. Par exemple, certains projets ont eu pour objet la gestion des crues, l'insertion des Roms, le rejet des eaux usées dans le Danube, le traitement des décharges de déchets domestiques. A titre d'exemple de grands projets financés, on peut citer le périphérique de Sibiu, pour un coût total de cent millions d'euros, dont soixante-sept millions de financements européens et le pont de Vidin-Calafat entre la Roumanie et la Bulgarie, de deux cent trente-quatre millions d'euros, dont soixante-dix millions de financements européens (cf ci-dessous, la politique des transports).

Deux politiques horizontales de l'Union européenne concernent l'ensemble de la région, ce sont la politique des transports et la politique de l'énergie. Il faut toutefois en nuancer l'impact : Alors que la politique des transports aurait dû être, avec la politique agricole commune, une des premières grandes politiques de l'Union européenne, elle a récemment connu certains succès, grâce notamment aux grands réseaux transeuropéens (par exemple la réalisation du deuxième pont sur le Danube, entre la Roumanie et la Bulgarie), la politique commune de l'énergie est nettement en deçà de ce niveau de réalisations. En fait, elle n'existe pas vraiment encore, alors que le besoin s'en fait de plus en plus sentir : les déboires de Nabucco face, d'une part, au North Stream et de l'autre au South Stream en constituent une première illustration, les difficultés qu'a connu toute la région, notamment la Bulgarie, à la suite de la crise énergétique ukrainienne de l'hiver 2009 en sont une autre. Tout au plus, nous pouvons mettre à son crédit l'interconnexion électrique décidée dans la zone balkanique.

Mais l'initiative européenne la plus intéressante concernant la région est constituée par la Stratégie pour le Danube, lancée en 2009/2010 sur le modèle de la Stratégie pour la Baltique. Devant la complémentarité naturelle existant dans la zone, l'Union européenne a souhaité faciliter les paramètres permettant un accroissement de l'intégration. Comme nous l'avons mentionné ci-dessus, cette stratégie englobe quatorze pays dont neuf de l'Union européenne (y compris la Croatie), trois candidats ou potentiellement candidats et deux membres du Partenariat oriental. Elle concerne plus de 100 millions de riverains.

La stratégie a été articulée à partir de quatre priorités: l'interconnexion, l'environnement, le développement économique, la sécurité. Dans le cadre de la première, il s'agissait d'accroître les flux de transport en draguant le fleuve (notamment dans les zones ayant connu les dernières guerres dans les Balkans), de développer l'interconnexion énergétique et le tourisme, de faciliter le franchissement du fleuve par de nouveaux ponts. Pour ce qui concerne la deuxième il fallait développer la biodiversité, notamment dans les zones humides, lutter contre les inondations, dont la période récente a montré la dangerosité), réintroduire certaines espèces (esturgeons), aider les réserves naturelles et les parcs (par exemple dans le delta), améliorer la qualité des eaux. Au titre du développement économique, il fallait faciliter l'insertion des Roms dans la région, favoriser les politiques de formation (notamment en octroyant des bourses du centre de formation situé en Bavière). Le quatrième axe : la sécurité recouvrait, bien entendu, la sécurité des bateaux sur le fleuve en améliorant les contrôles frontaliers, mais aussi la lutte contre la corruption très présente dans nombre de pays riverains, ainsi que l'amélioration institutionnelle.

Trois ans après ce lancement, un premier bilan¹³ peut être effectué car certains

¹³ Document des services de la Commission européenne, DG de la politique régionale, "EU Strategy for the Danube Region : Two years flowing," (April 2013).

résultats non négligeables ont été atteints¹⁴. Au titre de la première priorité, on a introduit des navires innovants (moins polluants), des grands travaux ont été lancés, non seulement sur le Danube, mais aussi sur la Sava et la Tisa et on a facilité l'entretien des voies navigables. L'interconnexion gazière a été lancée entre la Bulgarie et la Serbie pour permettre d'aller de la Baltique à l'Adriatique, la mer Egée et la mer Noire, afin de développer un marché régional du gaz. Le pont de Vidin Calafat a été construit pour relier la Bulgarie et la Roumanie (il constitue seulement le deuxième pont existant sur six cents kms de frontière commune).

Dans le cadre de la deuxième priorité, les actions sur la biodiversité ont permis d'améliorer la qualité de l'eau, de faciliter la réintroduction de l'esturgeon dans la région en lui permettant de franchir les barrages existants. Un programme de gestion des crues a été lancé en établissant des bases de données et des cartes des zones inondables¹⁵.

Au titre de la troisième priorité, les crédits du septième programme cadre ont permis de développer l'infrastructure électronique. Un fonds pour la recherche et l'innovation a été établi sur le modèle de celui existant dans la Baltique. Un forum pour les entreprises a été créé en faveur de trois cents PME, cinq centres de transfert de technologie ont été établis.

Dans le cadre du quatrième axe, une coopération entre les autorités policières de la région, avec le soutien d'Europol, permet de recueillir des données, d'analyser les dangers et de lutter contre la corruption et le crime organisé.

Au total, onze sous éléments ont été mis sur pied dans onze groupes de travail, bénéficiant de points de contact nationaux. La société civile a été impliquée (notamment dans le cadre de la quatrième priorité). Le forum de Bucarest devrait permettre de faire le point sur l'ensemble de ces opérations, à l'automne 2013. De nombreuses actions ont ainsi été lancées. Il n'est donc pas possible de dire qu'il y a inaction, mais est-ce que ces réponses seront suffisantes, tant l'ampleur des tâches apparaît importante, à cause des disparités existant entre un ouest très développé et un sud-est qui a encore beaucoup de mal à retrouver le chemin d'une croissance harmonieuse ?

L'intégration économique de la région danubienne n'existe pas encore, à la différence de ce que l'on peut voir dans le bassin rhénan, avec la Suisse, l'Alsace Lorraine, l'Allemagne et le Benelux. Il faut surtout constater que si le chenal d'intégration existe : le fleuve et ses affluents, le potentiel n'est pas tout à fait le même, le Danube ne traversant pas autant de zones anciennement industrialisées que son frère jumeau. Il est toutefois possible d'atteindre des objectifs nettement supérieurs, en réalisant ce potentiel et en exploitant des facteurs d'intégration qui n'ont pratiquement jamais été mis en valeur

¹⁴ Commission européenne, "Rapport de la Commission au Parlement Européen, au Conseil, au Comité Economique et Social Européen et au Comité des Régions concernant la stratégie de l'Union européenne pour la région du Danube," Bruxelles, le 8.4.2013, COM(2013), 181 final, accessed June 23, 2013, http://ec.europa.eu/regional_policy/cooperate/danube/pdf/danube_implementation_report_fr.pdf.

¹⁵ La régularisation du fleuve qui avait été mise en œuvre par la Commission européenne du Danube devait compter avec l'existence de nombreux barrages et centrales hydroélectriques, notamment en Allemagne, Autriche, Slovaquie (à côté de Bratislava), Hongrie (à Nagymaros) et surtout aux Portes de fer entre la Roumanie et la Serbie. L'irrigation des plaines a aussi été poursuivie, notamment sur la Tisa, en Vojvodine et en Valachie. Des zones franches ont été établies. Il a aussi été nécessaire de développer des liaisons avec les bassins fluviaux voisins, notamment le canal Louis entre le Danube et le Main (qui demeurait une voie nationale allemande) et le canal entre le Danube et l'Elbe. Enfin l'aménagement du delta a été effectué à Sulina et un canal dérivatif a été construit à hauteur de Constanța.

depuis la fin de l'empire austro-hongrois. L'Union européenne, en s'appuyant sur une commune volonté des Etats membres de la région, peut y arriver.

Il faut toutefois être conscient que ces résultats ne pourront être obtenus seulement par de mini-coopérations, néanmoins nécessaires entre quelques Etats d'Europe centrale ou entre quelques Etats d'Europe balkanique, il faudra mobiliser l'ensemble de l'énorme potentiel que constitue la partie occidentale du bassin, c'est-à-dire l'économie germano autrichienne, en particulier en Bavière. Les différences de niveau de développement avec l'Europe du sud est sont encore beaucoup trop importantes pour échapper à ce dilemme. A court et moyen terme les différences de statuts entre Etats membres de l'Union européenne, candidats ou potentiellement candidats et Etats participant au Partenariat oriental avec l'UE constituent un obstacle supplémentaire qui vient s'ajouter aux disparités économiques existantes, mais à plus long terme, il n'est pas interdit d'être assez raisonnablement optimiste.

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Regional Decentralisation in Romania and Its Impact on Cross-Border Cooperation

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Abstract: *At a European level, the role of cross-border cooperation, considered to be an essential component of regional development policy, was emphasised by the legislation promoted in order to achieve the objectives set for the 2007-2013 period. The following paper analyses the way in which Romania has made possible the decentralisation reforms needed in order to take part in the cross-border cooperation programmes and, respectively, interregional cooperation. The first part of the paper is aimed at dealing with general aspects of the issue at hand, materialised in analysing the main measures adopted at the European level (especially the Framework-convention, the partnership and neighbourhood instrument, as well as the instrument for pre-accession assistance) for their implementation by the national, regional and local authorities. The objectives of cross-border cooperation are afterwards presented, followed by the cross-border cooperation programmes approved to be performed at the Eastern and Southern borders of the EU. The second part of the paper not only critically addresses the Romanian process of regional decentralisation and the provisions of legislation aimed at promoting cross-border cooperation, but it also presents the cross-border cooperation programmes of the Euroregions from which Romania is also part of. The conclusions drawn from the critical analysis of the current situation reveal the need to promote a set of genuine reforms regarding regional decentralisation, including their political representation within the Romanian Senate.*

Keywords: *cross-border cooperation, decentralisation, European neighbourhood partnership instrument, euroregion, regional policy*

Introduction

The EU assigns a very important role to the development of cross-border cooperation both within the Union as well as at the external borders, by involving the EU's non-member states located in its vicinity². The European Union is, in terms of its political entity, multilevel governance, while the competences of participating actors are established, depending on their specific field of activity, in accordance to art. 4-6 TFEU. The regional development policy, including its component referring to cross-border cooperation, represents the expression of implementing the principles of multi-level

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² Corey M. Johnson, "Cross-Border Regions and Territorial Restructuring in Central Europe. Room for More transboundary Space," *European Urban and Regional Studies* 2 (2009): 177-181; Markus Perkmann, „Building Governance Institutions across European Borders,” *Regional Studies* 7 (1999): 657-59; Markus Perkmann, “Cross-border Regions in Europe: Significance and Drivers of Regional Cross-border Co-operation,” *European Urban and Regional Studies* 2 (2003): 154-57; Henk van Houtum, “Borders of Comfort: Spatial Economic Bordering Process in the European Union,” in *New Borders for Changing Europe. Cross-border Cooperation and Governance*, ed. Dowd O’Liam et al. (London: Routledge, 2013), 38-42.

governance, from the perspective of participating actors: European institutions, member states, subnational authorities, interest groups and civil society³.

The regional policy includes both the development programmes conducted within member states as well as the programmes adopted for cross-border, interregional and transnational cooperation. As part of the regional development policy, cross-border cooperation is based on the principles which govern the regional policy: first of all programming and partnership, but also co-financing. As an important component of regional policy and, at the same time, one of the priorities of the European Neighbourhood Policy, cross-border cooperation aims at strengthening cooperation between the border regions of EU member states as well as between member states, on the one hand, and between non-member states located at the EU's external borders, on the other and it also focuses on precise and concrete objectives⁴.

Apart from stimulating the economic and social development of the regions located along the borders, cross-border cooperation also focuses on specific objectives such as environmental protection, healthcare, eliminating cross-border crime as well as promoting direct linkages between institutions and citizens within the cross-border area. EU has promoted cross-border cooperation by encouraging the creation of euroregions and by launching community initiatives, especially the INTERREG programmes, despite the fact that, sometimes, the results were not always optimal or as expected⁵.

In order for the development and implementation of cross-border cooperation to take place, the regions and other local authorities must possess adequate competences, attributed through the Constitution and other organic laws in accordance with the Framework Convention, to which Romania also acceded in 2003, as well as with the provisions of the European Charter of Local Self-Government. In order to promote the regional development policy, in Romania, development regions were created, while local authorities were assigned certain competences allowing them to carry out the cross-border cooperation programmes. In comparison to those of regions from states such as Germany, Spain, Austria France etc., the competences of local authorities in Romania and other neighbouring states illustrate an important aspect when discussing the possibility of improving the relations of cross-border cooperation, of strengthening the direct linkage

³ Enrico Gualini, "Cross-border Governance: Inventing Regions in a Trans-national Multi-level Polity," *disP - The Planning Review* 152 (2003), 44-49; Gary Marks and Liesbet Hooghe, "Contrasting Visions of Multi-level Governance," in *Multi-level Governance*, ed. Ian Bache and Matthew Flinders (Oxford: Oxford University Press, 2004), 21-28; Ingeborg Tömmel, "Transformation of Governance: The European Commission's Strategy for Creating a 'Europe of the Regions,'" *Regional and Federal Studies* 2 (1998): 54.

⁴ Julia Bomanand Eiki Berg, "Identity and Institutions Shaping Cross-border Co-operation at the Margins of the European Union," *Regional & Federal Studies* 2 (2007): 197-204; Jakub Husák, "Regional policy of the European Communities and Cross-border Cooperation within the South Bohemia Region," *Agricultural Economics-Czech* 6 (2010): 293-297.

⁵ Nikolaus Hammer, "Cross-border Cooperation under Asymmetry: The Case of an Interregional Trade Union Council," *European Journal of Industrial Relations* 4 (2010): 352-58; Jean-Baptiste Harguindéguy, "Cross-border Policy in Europe: Implementing INTERREG III-A, France-Spain," *Regional & Federal Studies* 3 (2007): 320-24; Robert Knippschild, "Cross-border Spatial Planning: Understanding, Designing and Managing Cooperation Processes in the German-Polish-Czech Borderland," *European Planning Studies*, 4 (2011): 631-34; Anna Margherita Russo, "Globalization and Cross-Border Cooperation in EU Law: A Transnational Research Agenda," *Perspectives on Federalism* 3 (2012): 16-20.

between institutions and citizens within euroregions, as well as the increase of responsibilities attributed to local/regional authorities in the given area.

In what the methodology is concerned, the paper includes both quantitative as well as qualitative analysis, on the basis of which documents belonging to the community and national legislation, referring to the competences of subnational authorities including the analysis of projects and programmes completed or ongoing, have been examined. The use of comparative analysis, including specific important elements belonging to the case study, is aimed at highlighting the various obstacles which limit the efficiency of actions or the implication of certain actors at a local level.

In the following sections we will address the role and objectives of cross-border cooperation in promoting the European values, by implementing the community legislation concerning regional development, the use of structural instruments, including the neighbourhood policy. In regards to these issues, the competences of territorial-administrative units in Romania in what cross-border cooperation is concerned will be analysed both as found in the legislation concerning decentralisation, as well as from the perspective of the Framework-convention and the European Charter of Local Self-Government. Within this context, we shall present a couple of the obstacles which stand in the way of developing cross-border cooperation with certain states and/or regions.

Following the criteria used by the Association of European Border Regions (AEBR), we will focus, in order to classify the euroregions, on the euroregion types funded at the Romanian borderlines, closely related to the programmes carried out after 2007, including their impact on the neighbouring regions from each side of the state borders. A brief critical analysis of the cross-border cooperation's results will also allow the outlining of predictions and reforms for the 2014-2020 cross-border cooperation.

1. The strategy for developing a balanced and harmonious European space

In order to surpass the economic and social difficulties of underdeveloped regions and peripheral areas, EU promoted the regional policy, stimulating, at the same time, the involvement of regional authorities in the process of planning and implementing regional development programmes. However, the regions' degree of involvement in this process is not uniform, the participation of regions being determined in accordance with the specific regulations of each particular state. From all the European Union's common policies, the regional development policy best expresses the spirit of solidarity between different areas of the European space, the most disadvantaged regions being encouraged to economically and socially progress by financing their multi annual development programmes. The regional policy aims at reaching economic and social cohesion, this goal being formulated in art.130A of the Single European Act. The regional policy represents the area within which the multi-level governance is best expressed⁶.

In the present paper we will refer only to the way in which European institutions promote cross-border and interregional cooperation, with special emphasis on the European Commission's interest in establishing the best possible solutions for stimulating the border regions' development, both between member states as well as between member and non-member states of the EU.

⁶ Ian Bache, "Multi-level Governance and European Regional Policy," in *Multi-level Governance*, ed. Ian Bache and Matthew Flinders (Oxford: Oxford University Press), 165.

1.1. *Framework Convention on cross-border cooperation between local and regional authorities*

The European states' concern with promoting cross-border cooperation constitutes an ambition that already lasts for several decades, and we shall refer here especially to the European Framework Convention on cross-border cooperation between local and regional authorities, signed in Madrid on the 21st of May 1980,⁷ due to the fact that it represents the legal framework on which cross-border cooperation is based. The Framework Convention (supplemented by an Additional Protocol, in 1995), was then ratified by the signatory member states as well as by other states which joined later. Norway was the first country that ratified the Framework-convention (August 1980, its entry into force taking place in December 1981). Among the first states to ratify the Convention include: Denmark and Sweden (April 1981), Germany (September 1981), and Holland (October 1981), Switzerland (March 1982), Austria (October 1982) etc. Romania ratified the Framework-convention in July and put it into effect in October 2003.

While art.1 of the Framework-convention outlines the commitment of signatory states to promote cross-border cooperation between territorial authorities/communities, on the basis of the agreements/arrangements agreed upon and in compliance with the constitutional provisions of each signatory party, art. 2(1) defines cross-border cooperation as follows: "For the purpose of this Convention, transfrontier co-operation shall mean any concerted action designed to reinforce and foster neighbourly relations between territorial communities or authorities within the jurisdiction of two or more Contracting Parties and the conclusion of any agreement and arrangement necessary for this purpose. Transfrontier co-operation shall take place in the framework of territorial communities' or authorities' powers as defined in domestic law. The scope and nature of such powers shall not be altered by this Convention".

Art. 2(2) established who were the actors of cross-border cooperation, mentioning that the terms territorial communities/authorities should be understood as "authorities or bodies exercising local and regional functions and regarded as such under the domestic law of each state". In order to facilitate the signing of agreements, art. 3 mentions the possibility of using the models and schemes of agreements or of the statutes and contracts from the annex to the Convention. Art. 4 expressly stated the necessity of agreements' signatory parties to possess competences in accordance with the internal law regarding international relations.

Also, since 1990, the Association of European Border Regions (AEBR) together with the European Commission have worked closely together within the project *Linkage, Assistance and Cooperation for European Border Regions* (LACE), and have developed a Guide on necessary procedures when closing cross-border cooperation agreements, aimed at spreading information regarding the *best practices* on how to stimulate the formation of networks for cross-border cooperation⁸.

The paper is divided into three parts as follows: the first part contains useful information for those engaged in cross-border cooperation activities (especially regarding legal instruments which regulate cross-border cooperation, as well as technical requirements), while the following section is aimed at presenting information regarding the stages of cooperation and their adequate structures including both those for programme and

⁷ Council of Europe, *The European Framework Convention on Transfrontier Cooperation between Territorial Communities or Authorities* (Madrid, 1980).

⁸ AEBR & European Commission, *Practical Guide to Cross-border Cooperation* (Gronau, 2000), 6.

project level. The last part is directed towards accounting for the *best practices* from different areas (economic development, transport, tourism, environment etc.).

1.2. *The European Union's vision on cross-border cooperation*

From the multitude of European institutions' legislative documents on cross-border cooperation, we shall address some of the most important ones concerning the 2007-2013 period, with focus on the regulations regarding the *European Grouping of Territorial Cooperation* (EGTC), the *European Neighbourhood Partnership Instrument* (ENPI), the *Instrument for Pre-Accession Assistance* (IPA), the use of Structural Funds as well as the Green Paper on Territorial Cohesion. It is important to note the fact that, in accordance with the legal provisions belonging to the internal law of the concerned states, EGTC can be formed by: member states, regional communities, associations formed from these communities as well as "other public law bodies, in the sense of art. 1 of Directive 2004.18/EC, regarding public acquisitions"⁹.

This situation is extremely beneficial for stimulating cross-border cooperation due to the fact that it allows the establishing of agreements between a member state and the regional/local communities from other states, when there are no regional communities in the concerned state and local authorities do not possess the necessary competences to establish cooperation agreements with regions belonging to other states. In such a context, EGTC is destined to implement cross-border cooperation programmes and/or projects co-financed by the EU through Structural Funds, as shown by community legislation¹⁰ or to establish cross-border cooperation agreements at any of its members' initiatives – member states, regional communities, local communities etc. – even if the those projects are not financed from European funds¹¹. A EGTC group, formed in accordance with articles 4, 8 and 9 from Regulation (EC) 1082/2006 should be led by an assembly composed of its members' representatives, who possess the competences of adopting the budget as well as a director to represent EGTC and act on its behalf (see article 10).

The European Neighbourhood Partnership Instrument created in accordance with Regulation (EC) 1638/2006 is destined to promote prosperity and neighbourliness for the member states of the EU and partner countries. This instrument provides community assistance for partner countries in order to achieve cross-border cooperation programmes. In accordance with the provisions of Regulation (EC) 1638/2006, community assistance targets, among other things, the following cooperation domains: a) promoting dialogue and political reform, b) stimulating the involvement of partner countries on the internal market (including growth of economic exchange), c) strengthening institutions and national bodies commissioned with developing and implementing policies subject to association and partnership agreements, d) promoting the of rule of law and good governance principles, especially by increasing the efficiency of public administration, including the fight against corruption etc. The Regulation (EC) 1638/2006 discusses the

⁹ EP and Council. "Council Regulation (EC) No 1081/2006 of the European Parliament and of the Council of 5 July 2006 on the European Social Fund and Repealing Regulation (EC) No 1784/1999," *Official Journal of the European Union* L210 (2006): 12.

¹⁰ Council, "Council Regulation (EC) No 1083/2006 of 11 July 2006 Laying Down General Provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and Repealing Regulation (EC) No 1260/1999," *Official Journal of the European Union* L 210 (2006): 25.

¹¹ European Parliament and the Council of European Union, "Regulation (EC) No 1082/2006 of the European Parliament and of the Council of 5 July 2006 on a European grouping of territorial cooperation (EGTC)," *Official Journal of the European Union* L210 (2006): 19.

possibility of using community assistance, in the sense that, in principle, it has to contribute to the development and implementation of national, regional or local strategies and provisions; furthermore, this assistance must be perceived as the expression of partnership between the European Commission and its beneficiaries.

The Instrument for Pre-Accession Assistance was launched in 2006 with the adoption of Regulation (EC) 1085/2006, and was aimed at establishing an instrument meant to promote the objectives regarding EU's ascending candidate countries¹². The first three articles presents IPA's general objectives, its field of application and the components of EU's assistance (assistance for transition and institution consolidation; cross-border cooperation; regional development; human resources development; rural development). Assistance is provided, according to art. 6 "on the basis of multi-annual indicative planning documents established by country in close consultation with the national authorities, so as to support national strategies and ensure the engagement and involvement of the country concerned".

In its turn, the Green Paper on Territorial Cohesion is concerned with promoting cross-border cooperation especially for the "border regions of new member states as well as for the regions located on each side of the Iron Curtain which only recently started to work together". Within this document, a special attention is directed towards mountain, island and border regions as well as towards the eighteen rarely populated and predominantly rural regions located at the borderlines.

2. Cross-border cooperation and the programmes approved for the 2007-2013 period

As mentioned already, the cross-border cooperation is an important component of regional policy, and purposes consist in strengthening cooperation between the border regions of EU member states as well as between member states and non-member states located at the EU's external borders. Apart from stimulating the economic and social development of the regions located along the borders, CBC also focuses on specific objectives such as environmental protection, healthcare, eliminating cross-border crime, as well as promoting direct linkages between institutions and citizens within the cross-border area.

2.1. The objectives of cross-border cooperation

The regions located at the borderlines between EU member states as well as those situated at the EU borderlines with non-member states are thus granted the attention of European institutions, in the sense that policies regarding cross-border cooperation, with general and specific objectives, were promoted. In such a context, the cross-border cooperation programmes are aimed at reducing the negative effects of administrative and legal borderlines between states by promoting community projects regarding the concerned areas.

In accordance with the provisions of the European Neighbourhood Partnership Instrument¹³, the main objectives of cross-border cooperation cover the following:

1) promoting economic and social development in the regions located on each side of the borderlines;

¹² Council, "Council Regulation (EC) No 1085/2006 of 17 July 2006 Establishing an Instrument for Pre-Accession Assistance (IPA)," *Official Journal of the European Union* L210 (2006): 84-85.

¹³ European Parliament and the Council of European Union, "Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 Laying Down General Provisions Establishing a European Neighbourhood and Partnership Instrument," *Official Journal of the European Union* L310 (2006): 1.

2) addressing common challenges in domains such as environmental protection, public healthcare, education and training, research, energy etc.;

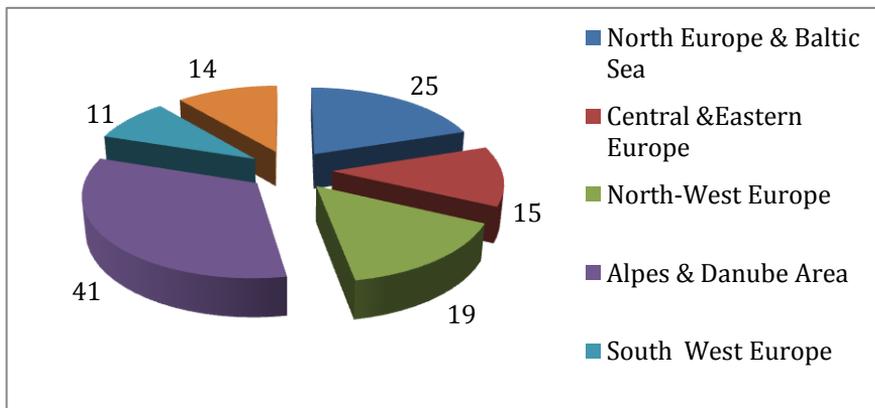
3) the prevention and fight against organised crime. At the European level, a decision of the EU Council has been promoted for the fight against terrorism and cross-border crime¹⁴;

4) ensuring efficient and secure borders;

5) promoting local cross-border cooperation, “people-to-people” actions.

Therefore the aim of implementing cross-border cooperation programmes and projects is to encourage the development of SMEs, improvement of cross-border tourism and commerce, as well as access facilitation to transport and communication networks, including improving joint management of natural resources. The cross-border cooperation’s objectives, priorities and financing are established by documents of multi-annual programming and national strategies which are, later on, structured according to common annual programmes.

Figure 1. Association of European Border Regions Membership Euroregions in 2011.



Source: “Association for European Border Region,” accessed September 23, 2013, www.aebr.eu.

In order to stimulate cross-border cooperation, at the level of the EU, it was considered useful to promote the Euroregion, and reality confirmed the efficiency of such an initiative¹⁵. The targeted areas for cooperation within the euroregions were earlier mentioned, but they mostly cover agriculture and SMEs, environmental protection and transport. The differences in territorial organisation between the member states, as well as between member and non-member states involved in the neighbourhood policy, are also reflected in the euroregions’ characteristics. Thus, while some euroregions have their own Parliamentary Assemblies, others possess a Permanent Secretariat as well as a body of

¹⁴ Council, “Council Regulation (EC) No 1085/2006...”

¹⁵ Katri-Liis Lepik, “Euroregions as Mechanisms for Strengthening Cross-border Cooperation in the Baltic Sea Region,” *Trames* 3 (2009): 267-273; Eduardo Medeiros, “(Re)defining the Euroregion Concept,” *European Planning Studies* 1 (2011): 143-144; Petri Virtanen, “Euroregions in Changing Europe: Euroregion Karelia and Euroregion Pomerania as Examples,” in: *Cross-border Governance in the European Union*, ed. Olivier Kramsch and Barbara Hooper (London: Routledge, 2004), 126-130; Jennifer A Yoder, “Bridging the European Union and Eastern Europe: Cross-border Cooperation and the Euroregions,” *Regional & Federal Studies* 3 (2003): 93-96.

experts. Other euroregions are based either on international treaties or on private law concerning associations and foundations¹⁶.

Out of the 125 euroregions (Fig. 1), members of the Association of European Border Regions (AEBR), that celebrated their 40th anniversary in 2011, most of them are located in the Alps region and Danube basin, followed by the Northern European Zone, the Baltic Sea and, respectively, the North-Western European area. Most euroregions were created starting with the 1980s and throughout the 1990s, especially after the adoption of SEA and introduction of reforms on structural instruments (1988, 1993).

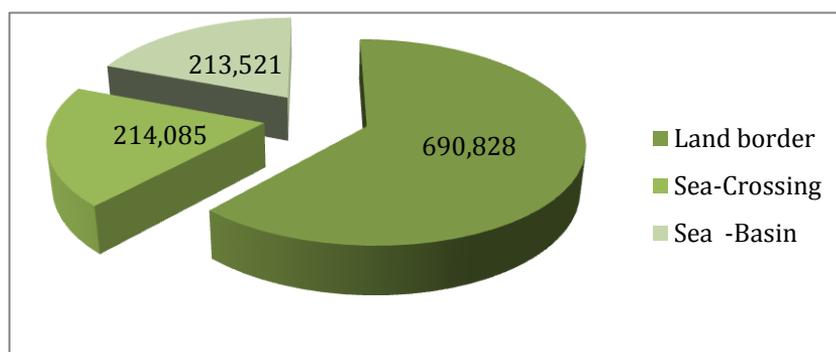
Romania has regulated the participation of development regions at promoting cross-border cooperation by Law 315/2004, amended and updated during the endorsement of the Emergency Ordinance no. 111/2004 which established the basic objectives of cross-border cooperation (as defined by Article 3.1, newly introduced). Furthermore, besides the previously presented objectives of cross-border cooperation, Law 215/2004 mentions the following:

- promoting neighbourliness, social stability and economic progress in border regions, by financing projects with visible benefits for the areas and communities located in these regions;
- advocating for responsibility decentralisation, by promoting local initiatives achieved within local strategies.

2.2. The cross-border cooperation programmes approved for 2007-2013

For the 2007-2013 period, fifteen cross-border cooperation programmes have been approved (fig. 2 and fig. 3), out of which nine land border programmes, three CBC sea crossing programmes, while the last there are sea basin programmes. All nine land border programmes target Eastern and South-Eastern borders of the EU, while the Sea Crossing programmes cover the Spain/Morocco, Italy/Tunisia and Atlantic borders. The Sea Basin programmes regard the Baltic Sea, the Black Sea and the Mediterranean Sea.

Figure 2. Total value of ENPI-CBC Programmes, 2007-2013, [thousands.euros]

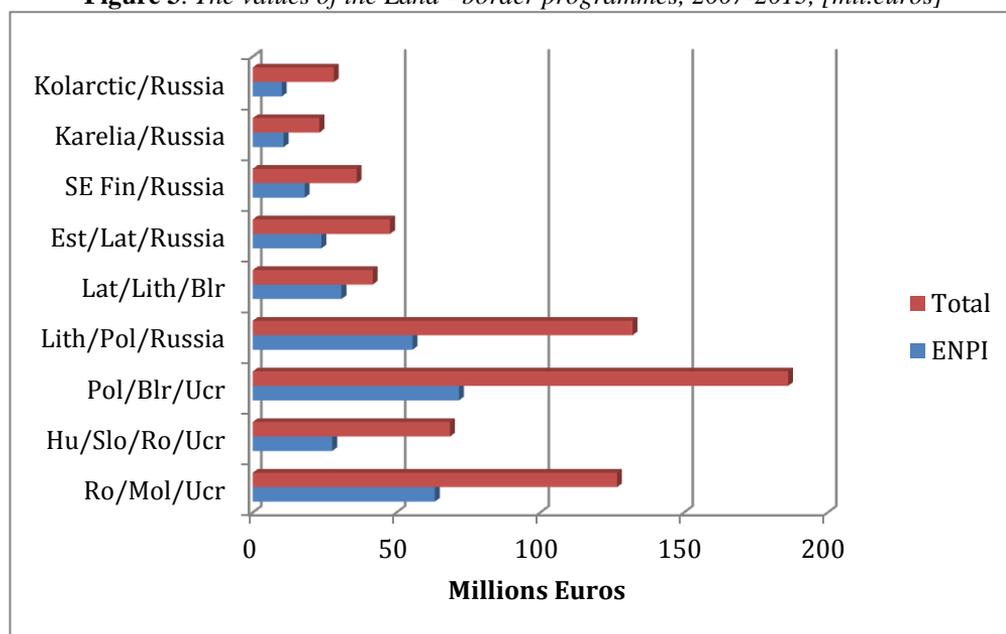


Source: ENPI-CBC programmes, Strategy Paper 2007-2013.

¹⁶ Odile Heddebaut, "The Euroregion from 1991 to 2020: An Ephemeral Stamp?," in *Cross-border Governance in the European Union*, ed. Olivier Kramsch and Barbara Hooper (London: Routledge, 2004), 71-75; Joanna M. M. Kepka and Alexander B. Murphy, "Euroregions in Comparative Perspective," in: *Boundaries and Place: European Borderland in Geographical Context*, Ed. David H. Kaplan and Jouni Häkli (Lanham: Rowman & Littlefield Publishers, Inc, 2002), 52-54; M. T. Sinclair and S. J. Page, "The Euroregion: A New Framework for Tourism and Regional Development," *Regional Studies* 5 (1993), 476-478.

The total value of the three types of programmes is 1,118. 434 million euros, of which 527.16 euro million euros from ENPI funds. It is to be mentioned that the “Baltic Sea” programme is funded exclusively from ENPI funds, while the others are funded from ERDF and ENPI. As part of the regional policy, the CBC programmes respect the principles of multi -annual programming, partnership and co-financing. Also all ENPI - CBC programmes are characterised by the fact that there is only one budget for each programme, even if the regions involved in the programme are two or more. We note that there is also a common legal framework for the implementation of these programmes, including a balanced partnership between the participating countries. According to Commission Regulation¹⁷, the nine programmes related to land border cooperation (see Fig. 3) may be performed on the basis of joint programmes developed by the partners involved, to pursue the local, regional or national objectives. The Commission recommends civil society involvement in the programmes, thus reflecting the application of the principles of government.

Figure 3. *The values of the Land - border programmes, 2007-2013, [mil.euros]*



Source: ENPI Cross-Border Cooperation, Strategy Paper 2007-2013.

Only three of the nine programmes receive budgeting of over 100 million euros, one of which is for cooperation between Romania, Moldova and Ukraine, and the other two concerns the participation of Poland and Lithuania, as EU Member States, to collaborate with Russia, Belarus and Ukraine.

¹⁷ Commission of the European Communities, “Commission Regulation (EC) No 951/2007 of 9 August 2007 Laying Down Implementing Rules for Cross-border Cooperation Programmes Financed under Regulation (EC) No 1638/2006 of the European Parliament and of the Council Laying Down General Provisions Establishing a European Neighbourhood and Partnership Instrument,” *Official Journal of the European Union* L210 (2007): 10.

3. Regional Decentralisation in Romania and cross-border cooperation

The philosophy to promote the regional development policy encouraged subnational authority participation in the development and implementation of programmes and projects for their economic and social development. In Western Europe and, in particular, in the EU-15 regions regional policy actors became visible, especially during the 80s in the context of reforms in terms of structural funds. Regarding the issue of EU membership, Romania considered useful to develop regional structures, able to implement regional policy in all its components, but the chosen solution may not be suitable in the long term.

3.1. The principles of organisation and government operation in Romania

Romania is a unitary centralised national state and, according to Article 1 of the current Constitution, it is not only unitary but also indivisible. A unitary state is characterised by a single central government authority (parliament, government, a judicial authority). It is especially important how subnational actors cooperate with the central authority. The country being organised into counties, communes and towns it is important to identify principles underlying the relations between central and local authorities. So, in terms of governance, in Romania there is a central government state with two levels: central and local level (counties and municipalities). Under the Constitution of 2003, the central government is formed due to the formation of a parliamentary majority (103, paragraph 3), while at a local level, county councilors, local councils and mayors are directly elected. This principle of democratic constitution corresponds to the principle of local administration eligibility. The Constitution also enshrined the role, tasks and the governments' relation with Parliament and other social organisations interested in cooperating with the performance of daily activities in order to exercise the powers conferred by law. The Romanian government is the central public authority, with an executive power and is responsible with domestic and foreign policies. The central authority has exclusive competences, which we must state, are very important and cannot be achieved only by the government through specialised ministries or government agencies, the most relevant being foreign policy, defence, monetary policy, etc. Shared competence, as defined by Law 286/2006, are the powers exercised by the central government with local governments or other authorities, under a clear division of responsibilities of each party, in terms of decision making and financial support.

As a government representative in the territory, prefect meets political-administrative tasks. The first post-communist regulation, law 69/1991, stated, in Article 108, the prefect role: regular notification of the government, through annual reports on the general economic, social, cultural and administrative role of the county and he is also involved in making the government programme. From this point of view, the prefect plays a part government-citizen communication because, on one hand, he must make known the political lines of the government and represent the state government on several occasions (formal events, ceremonies, etc.), while on another hand, he must inform the government about the requirements of the local community¹⁸. Subsequent regulations have changed the position of the prefect, adding that his work is based on the following principles: a) legality, impartiality and objectivity, b) transparency and free

¹⁸ Emil Bălan, *Prefectul și prefectura în sistemul administrației publice* [The prefect and the prefecture of the public administration system] (București: Editura Fundației România de Măine, 1997), 50.

access to information of public interest, c) efficiency d) accountability; e) professionalisation f) citizen orientation.

In European countries local autonomy is addressed in conjunction with the relations between central and local authorities and the national law, which was adopted at central level. The European Convention of local self-autonomy was ratified by Romania in 1997 by Law 199/17 November 1997. Because in Romania, the region does not exist as a judicial entity the lawmakers ratified the Convention, stating that the regional authority (referred to in Article 4, paragraphs 4 and 5) must be understood, according to the Romanian legislation as the county authority for local government. Romania as a unitary state regulated local autonomy as single general juridical regime, because under the principle of equality of all citizens before the law, it provides the legal rights to all local communities.

Cooperation between communities, cities, municipalities, counties can be fostered through agreements between local councils or county without the establishment of associations. The aim of this cooperation is to foster regional development and financial support of joint programmes is based on contributions from participants' cooperative budgets. The law does not specify whether the county may be associated with a community, a municipalities and a county, or between a municipality and a town, but in practice, administrative units of different rank, associated, in order to complete projects of common interest. For territorial-administrative units in surrounding areas of the border, the possibility of cross-border cooperation was regulated if the Foreign Ministry gives its permission and local / county councils approve the project development (Article 15 of Law 215/2001 updated).

If a territorial-administrative unit has the initiative to cooperate or associate with other municipalities abroad or to join an international association of municipalities (such as, European Association Historic Towns & Regions, International Association of Educating Cities, European Forest Municipalities and Local Communities), Foreign Office (which must approve the association projects) and Ministry of Internal Affairs (must be informed in advance).

3.2. The promoted legislation for regional development programmes

In cooperation with the European Commission, the Green Paper for Regional development policy in Romania was drafted, in 1997, and in the next year developing regions were established in the promotion of Law 151/1998. Regionalisation performed in Romania, according to the law 151/1998, repealed by Act 315/2004, is to extend the powers of local authorities, this solution, chosen by the government being the most convenient: no need to change the Constitution, does not require regional elections establishment of management bodies and, in addition, expenditure on the organisation and operation of regional structures were reduced.

It is quite clear that the state did not want to introduce a genuine intermediate level and from an administrative point of view, it respected the Constitution, which consecrates Romanian organisation on two levels: central and local. We further refer to the competences regional structures possess, regarding participation in cross-border cooperation programmes. The Law 315/2004 states in Article 8 that "Regional development agencies that are composed of counties located along the common border, may associate forming regional offices in order to manage the administrative, financial and technical aspects of cross-border cooperation programs" (paragraph 1.1). Five regional offices for cross-border cooperation were established as a result of partnership agreements between Regional development agencies, located in Calarasi, Iasi, Oradea,

Suceava and Timișoara (Table 1). With the establishing by GD 2005/2004, these nongovernmental bodies, nonprofit, but juridical organisms and these offices operate as joint technical secretariats and control unit for cross-border cooperation programmes.

Proof that there is a clear dependence on the national institution responsible for regional development issues for is apparent from reading the following paragraph: „the duties and objectives of each regional office for cross-border cooperation will be established by the organisation and operation status that will be approved by the competent national institution which deals with regional development” (paragraph 1.2 being introduced by Government Emergency Ordinance 111/2004). In the Law 315/2004, another provision - art. 7 (8) - which we consider insufficiently argued: participation as guests, without voting rights, of other persons, such as „prefects of the counties, representatives of municipal councils, town and municipal institutions and organisations working in regional development, civil society representatives and relevant socio-economic partners.”

Table 1. *Cross-border cooperation regional offices for developing regions*

	BRCT Călărași	BRCT Iași	BRCT Oradea	BRCT Suceava	BRCT Timisoara
Development regions associated	South-East, South-Muntenia South-West Oltenia	North-East, South-East	North-West West	North-East North-West West	West, South-Oltenia
Cross-border cooperation at the border:	Romania-Bulgaria	Romania - Moldova Republic	Romania - Hungary	Romania-Ukraine	Romania - Serbia
Eligible Romanian area, consisting of the following counties:	Constanța, Călărași, Dolj, Giurgiu, Olt, Mehedinți Teleorman	Botoșani, Iași, Vaslui, Galați	Timiș, Arad, Bihor, Satu-Mare	Botoșani, Suceava, Maramureș, Satu-Mare	Timis, Caraș-Severin, Mehedinți

Source: „BCRT Timișoara” [Regional Bureau for Cross-border Cooperation Timișoara], accessed August 26, 2013, www.brct-timisoara.ro/; „Biroul Regional pentru Cooperare Transfrontalieră Suceava pentru granița România-Ucraina” [Regional Bureau for Cross-border Cooperation Suceava for Romania-Ukraine border], accessed August 26, 2013, <http://www.brct suceava.ro/>; „Biroul Regional pentru Cooperare Transfrontalieră România-Bulgaria” [Regional Bureau for Romania-Bulgaria Cross-border Cooperation], accessed August 26, 2013, www.calarasiebc.ro/; „Biroul Regional pentru Cooperare Transfrontalieră Oradea pentru Granița România-Ungaria” [Regional Bureau for Cross-Border Cooperation for Romania-Hungary border], accessed August 26, 2013, www.bre coradea.ro/; „Biroul Regional pentru Cooperare Transfrontalieră Iași” [Regional Bureau for Cross-border Cooperation Iași], accessed August 26, 2013, www.brctiasi.ro/.

Apparently, this provision is democratic, involving multiple stakeholders in the decision making process, but there is no institutional framework specifically on the composition of this group, besides prefects. To highlight the differences between the developing regions in Romania and the regions of France, Spain, Germany (Länder) and Poland in Table no. 2 some of the defining characteristics of regional authority are¹⁹.

¹⁹ Eliseo Aja, “Spain: Nation, Nationalities, and Regions,” in: *Subnational Democracy in the European Union: Challenges and Opportunities*, Ed. John Loughlin (Oxford: Oxford University Press, 2001), 229-231; Elisabeth Baier et al., “Regional Autonomy with Regard to Innovation

Table 2. Comparative characteristics of regions from the EU states.

	Germany	Spain	France	Poland	Romania
Political representation	16 lander with local parliaments directly elected The Bundesrat represents the 16 lander	The autonomous communities of Spain are governed by a legislative assembly elected directly The Senat is composed of the representatives of the autonomous communities	The regions have regional councils directly elected The Senat is composed of representatives of the regions, departments and communes	The 16 regions are governed by regional councils directly elected. The Senate is composed of representatives of the regions and communes	The development regions do not have directly elected bodies The Regional Development Council does not have legal personality
Competences	The competences of the German Lander (legislative and executive) are established by the Federal constitution (art. 30) and Land constitution	A Council of the Government with legislative and executive competences	Competences transferred from the central level through the decentralisation legislation	The regional assemblies (Sejmik) dispose of competences in the field of development strategies and budget and shared competences	Competences (limited) with regard to the management of regional development projects, according to law 315/2004
Regulation of competences of the regional authorities	The German Constitution has consecrated the federal character of the state, the German Lander are recognised as an intermediary level (art.28 and art.30).	Art.137, 143, 148, 150 from the Constitution, regarding the territorial organisation of the state and autonomous communities	Law 213/1982 and art. 72 of the French Constitution (revised in 2003)	Art. 164 from the Constitution and the 1999 reform on territorial organisation	The Constitution acknowledges the counties, communes and cities as administrative territorial units
Financial autonomy	Own budget of revenues and expenses	Own budget of revenues and expenses	Own budget of revenues and expenses	Own budget which can be supplemented by the central level	The budget is established and approved at national level

Source: The Constitutions of the mentioned countries (Germany, Spain, France, Poland and Romania)

Policy: a Differentiated Illustration of the European Status Quo,” *Working Papers Firms and Regions* 3 (2013): 3-5; Ion Plumb and Irina Popescu, “Studiu privind comunitățile autonome din Spania” [Study on autonomous communities of Spain], *Administrație și Management* 3 (2004): 19-20; Jennifer A Yoder, “Bridging the European Union and Eastern Europe: Cross-border Cooperation and the Euroregions,” *Regional & Federal Studies* 3 (2003): 96-97.

Regions were, in this context, the subject of complex analysis in literature, both in terms of their relations with the central government, and in terms of foreign relations that these regions had the power to conclude and to assume obligations²⁰.

To implement programmes and projects for cross-border cooperation it was necessary to promote a new legislation and, here we will refer to GD 457/2008, which regulated institutional framework for the management and coordination of structural instruments, GD 1631/2009 on the organisation and functioning of the Ministry of Regional Development and Tourism and Law 105/2011 which regulates the management and use of external grants and public co-financing, for the “European Territorial Cooperation”.

Thus GD 457/2008, by Article 7, the Ministry of Economy and Finance (MEF) has designated as authority for coordination of structural instruments and by Article 19 MEF attributed the role of “financial and certification authority for programmes financed from structural instruments, namely the Instrument for Teaching Assistance (IPA)” and established its responsibilities to achieve the objectives of these programmes.

The Ministry of Public Works and Housing (MPWH) was appointed according to the provisions of Article 16, the managing authority for cross-border cooperation programmes between Romania-Bulgaria and Romania-Serbia. Meanwhile, MPWH was designated as joint managing authority for the common operational programme for cooperation in the Black Sea Basin and the joint operational programme between Romania-Ukraine-Moldova, plus the national authority for cross-border cooperation programmes between Romania-Hungary and Slovakia-Hungary-Romania-Ukraine.

For strategic planning and coordination of structural instruments implementation The National Committee for Structural Instruments Coordination (CNC) was founded, in whose composition were a part the coordinating ministers from the Coordination Authority of Structural Instruments (CASI) and the Certifying and Paying Authority. CNC had the core competencies to establish the strategy, allocation and reallocation of funds, review and approval of the national multiannual evaluation plan. In accordance with Article 22, the Regional Development Agencies and the Ministry for Small and Medium Enterprises, Commerce, Tourism and Liberal Professions, were designated as intermediate bodies for the Regional Operations Programme. In this context, it is evident that the only purpose for the bodies established in the territory was to implement the programmes and to pursue their progress, including regular reports to the central authorities. To manage cross-border cooperation programmes, the Article 26-30 established the joint Technical Secretariat, at the Regional Bureaus for cross-border cooperation (Table 3).

Table 3. *Joint Technical Secretariats established by Government Decision 457/2008.*

	BRCT Călărași	BRCT Timișoara	BRCT Oradea	CJ Satu-Mare	BRCT Suceava
Body type	Joint Technical Secretariat	Joint Technical Secretariat	Information Point	Office of Romania for Joint Technical Secretariat	Joint Technical Secretariat
Cooperation programme aimed	Romania- Bulgaria	Romania- Serbia	Romania- Hungary	Hungary-Slovakia- Romania-Ukraine	Romania- Ukraine- Moldova

²⁰ Joachim Blatter et al. “The Foreign Relations of European Regions: Competences and Strategies,” *West European Politics* 3 (2008): 468-472; Liesbet Hooghe et al. *The Rise of Regional Authority. A comparative study of 42 democracies, (1950-2006)* (New York: Routledge, 2010).

In 2009, GD 1631/2009 was promoted, with this the Ministry of Regional Development and Tourism gained, among others, a number of cross-border cooperation responsibilities: providing financial and technical management for cross-border cooperation programmes and projects, “funded by the ERDF, the European Neighbourhood and Partnership Instrument- cross-border cooperation component known as following ENPI-CBC and the Instrument for Teaching Assistance - cross-border cooperation component, further referred to as IPA – CBC” (Article 12).

Finally, Law 105/2011 “sets the overall financial management of the grant allocated to Romania by the European Union for the ‘European Territorial Cooperation’ and advance payments and national public contribution for this assistance” (Article 1). The law established the ERDF funded programmes, and those funded by the ERDF + ENPI and from IPA...

3.3. Euroregions involving Romania and cross-border cooperation

All euroregions involving Romania were established after 1990. The first region was the Carpathian Euroregion founded in 1993 on the initiative of Hungary and Poland, currently being involved in 19 administrative units: 5 from Hungary, 7 from Romania (counties Bihor, Botoşani, Harghita, Maramureş, Sălaj, Satu Mare and Suceava), 2 of Slovakia, one in Poland and four in Ukraine.

The Danube-Kris-Mureş-Tisa (DKMT) euroregion was created in 1997 and involved the participation of four Romanian counties (Arad, Caraş-Severin, Hunedoara, and Timiş), 4 in Hungary, and one from Serbia (Vojvodina). In 1998 the Lower Danube Euroregion (Lower Danube) was created, with the administrative centre in Galaţi. A year later the Association for Cross-border Cooperation was created, attended by six administrative units from 3 countries: three from Romania (Galaţi, Brăila and Tulcea), 2 from Moldova (Cantemir and Cahul) and a region in Ukraine (Odessa).

It was found that it is not recommended for the euroregions to be too large in size, because they may not be able to achieve the objectives, both because of the competences they may exercise and because of their relatively low resources and administrative units. This explains why four euroregions were created at the border between Romania and Bulgaria (involving seven counties: Mehedinţi, Dolj, Olt, Teleorman, Giurgiu, Călăraşi and Constanţa) and nine administrative units in Bulgaria. A similar example can be mentioned in the case of Bihor – Hajdú-Bihar, established in 2007, with the administrative centre in Oradea, that included one single administrative unit from each country (Bihor County of Romania and from Hungary, Hajdú-Bihar). Euroregions involving Romania, according to the AEBR classification, fit, the criterion of competence, in the II category (cross-border joint permanent secretariat and administrative and technical teams (see Tables 1 and 3) and by structural criteria in the category of euroregions consisting of mixed structures located on different hierarchical levels (possibly with different operating statuses), while after the legal criteria, these are joint public institutions (regional, district, county councils).

An important aspect of transnational cooperation between Serbia, Moldova and Ukraine is the fact that these countries are in the EU's external borders and issues involving the Schengen Agreement arise: combating drug trafficking and cross-border crime, combating illegal migration, etc. Of the 3150 km Romanian borders, 1860 km are with these three states, one of the longest EU external borders, Romania will manage and control after entering the Schengen. However, there are obstacles to the development of cross-border cooperation. The existence of a sort of fortress frontier over a long period of time, affect the development possibility, especially if national / regional / local authorities

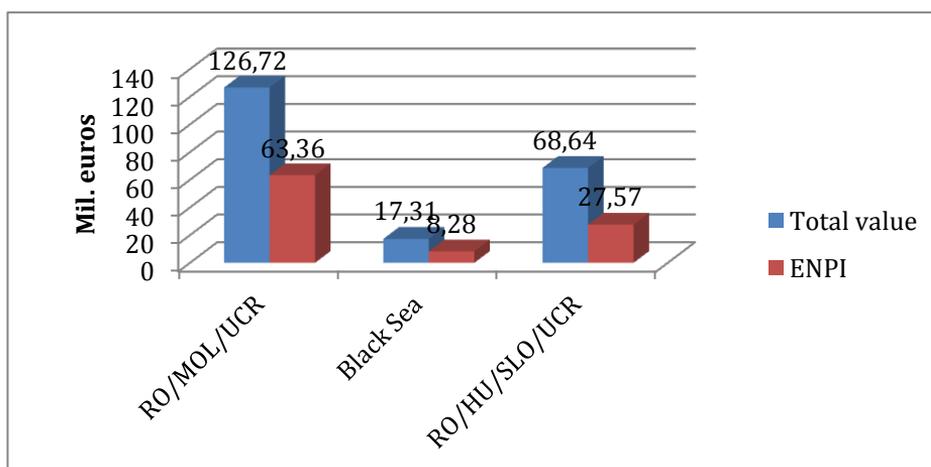
from one of the neighbours does not agree with extensive cooperation. Increasing cultural and linguistic distance from the northern border of Romania with Ukraine is such an obstacle, also taking into account the mentalities regarding the Romanian minority from Northern Bucovina.

Obstacles and economic disparities between regional border between Romania and Moldova, manifested in concrete objectives pursued by each party, including the resources available to support projects. Also, institutional barriers, deriving from different territorial organisation of neighbouring states appear as partners situated on different territorial levels of government (counties in Romania, districts in Moldova and regions in Ukraine) that have different financial resources and competences.

In the risk category we should mention, for example, repeated attempts to manipulate public opinion (Moldavian and international), of the former president of Moldova, Vladimir Voronin, on Romania's intentions related to the Republic of Moldova, as well as the existence of tensions between Romania and Ukraine. We refer to disputes regarding the Bâstroe channel, delimitation of territorial waters in the Black Sea, including the terms for Snake Island and returning, the policy pursued by the government of Ukraine regarding the Romanian minority in Bukovina. There is, in addition, the category of Transboundary environmental risks, the accident from 2000, caused by the Romanian-Australian company "Gold" being the most recent example. As a result of the dam breaking, therivers in the area were contaminated with cyanide. Not only Romania but also Hungary and Serbia were affected as a result of water pollution, Tisa, Criş, Someş and subsequently the Danube.

Between 2007 and 2013 Romania was part of three programmes financed through ERDF and ENPI (Fig. 4). We observe the consistency of the budget for cross-border cooperation between Romania, Ukraine and Moldova, as compared to the other two programmes. Thus, this programme is equally financed by ERDF and ENPI. The smallest share of the budget was allocated to the Black Sea programme (part of the Sea Basin programmes), financially supported by the two afore mentioned programmes. It is also notable that the share of the budget allocation of the two programmes in the framework of Land Border Programme is of 28%, in accordance to the issues being tackled, as well as to the current involvement in tri- and multilateral cooperations.

Figure 4. ENPI-CBC Programmes, 2007-2013, with the participation of Romania



Source: ENPI-CBC Programmes, Strategy Paper 2007-2013.

In the last section of this paper we highlight the discrepancy between the roles undertaken by the central public and subnational authorities with regard to the regional policy, especially in crossborder cooperation. While the Ministry for Regional Development is the main actor in the governance processes of the regional policy, with competences in planning and developing crossborder cooperation, including financial and technical management for the CBC programmes, the authorities involved in the crossborder cooperation programmes (Agency for Regional Development, Regional Bureau for Cross-Border Cooperation, County Council and Local Council) are limited to implementing these programmes, thus becoming second hand actors.

Conclusions

The purpose of the regional policy is to achieve economic and social cohesion, to reduce the regional disparities and to contribute to a balanced development of all the regions. The regional disparities have increased since EU-15 after the enlargement waves in 2004 and 2007. Almost all the regions in the newer member states are facing economic disparities. A set of key principles was adopted as a basis for the regional policy for a more efficient use of the Structural Funds (concentration, partnership, programming, additionality and subsidiarity). From a governance perspective, the regional development policy implies a transfer of decision-making processes to the regional and local level by implementing the principles of subsidiarity and partnership between the actors involved in the regional development area.

The European Commission's concern with diminishing regional disparities has materialised in promoting programmes and measures adopted by the Council of the European Union and by the European Parliament for the less developed regions of EU-27, and in stimulating the crossborder cooperations between the regions of the European Union, of the neighbouring countries and of the candidate states.

The two instruments, ENPI and IPA, have reflected the European strategy for the harmonious development of the regions in the European area. In the spirit of good relations between the regions situated on both sides of the borders, it became relevant and necessary for the partners involved in the cooperation programmes to be empowered with the necessary competences, the ability to take decisions and to promote a decentralisation and regionalisation process.

The decentralisation of the decision making process involves the transfer of competences from the central public to the local authorities, to promote a culture of partnership and association, to involve the private actors at decision-making and to adopt principles of the new public management. The current territorial organisation and distribution of competences between central and local actors in Romania, including the involvement of the economic and social factors at decision-making, represent hot issues, which have not yet achieved an agreement of the political, economic and academic environment or civil society. The opinions are clearly diverse and not always supported with strong arguments. There is no clear distinction in approaches of different members of the political class on this topic, except for the issue of transferring competences to the local level.

The current development regions have proven to be ineffective and the presidential institution, as well as the Government, has expressed their view on future reforms for redesigning the territorial administrative structure of the state, often invoking the low absorption rate of Structural Funds between 2007 and 2013. It is quite clear that the development regions lack direct elected bodies that could assume responsibilities and represent a real intermediary level between the centre and the periphery.

Implementing this model of territorial reorganisation would require the revision of the constitution, especially of article 3 and also the preservation of the region as an administrative-territorial tier. There is a need for new articles in Chapter V, following article 119, to enforce the existence and competences of regional authorities, as well the new responsibilities of the prefect. After all, this will not create any major difficulties, since a Constitution revision plan is already on the agenda, and this would create the opportunity to also solve the issue of local and regional representation in the Romanian Parliament, by changing the provisions regulating the membership of the Senate.

The regional council should be built based on regional elections, through a universal, direct and secret vote, and not through indirect elections (nominations among the current presidents of the county council, county councilors, mayors and local councilors) favoured by the Government due to higher costs determined by organising regional elections. However, if the Senate represented the subnational communities, senators would be elected through indirect elections, instead of the current inefficient practice. The issue of representing the interests of the territorial communities in the Romanian Parliament and the Committee of the Regions is essential. The Senate should represent the interests of the communes, cities, counties and regions, and senators should be indirectly elected from the local and county councilors, as well as from mayors and presidents of County Councils. This model is also implemented in other European states, such as France, Ireland, The Netherlands and Slovenia.

In this context, the elaboration and undertaking of programmes and projects of crossborder cooperation would contribute to enhancing the involvement of local and regional authorities, as well as to strengthening their accountability towards citizens, and it would allow a more efficient capitalisation of the local economic, social and cultural potential for the benefit of the citizens within the broader areas.

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III. The New Ways of Mapping Borders in Addition to the Geopolitical Perspective

István SÜLI-ZAKAR, Tibor TÓKÉS, and Gábor LENKEY (Debrecen) ◀▶ *The Operation and Development of CBC–Institutions along the Hungarian-Romanian Border in the Light of the Research Results of Institute for Euroregional Studies (IERS) Debrecen-Oradea*

Raül HERNÁNDEZ I SAGRERA (Barcelona) ◀▶ *EU-Neighbourhood Cross-border Cooperation: Fostering Border Management as a Condition for Increased Mobility*

Pavlo MOLOCHKO (Chernivtsi) ◀▶ *Current Trends of Cross-Border Cooperation of Ukraine and Romania*

The Operation and Development of CBC–Institutions along the Hungarian-Romanian Border in the Light of the Research Results of Institute for Euroregional Studies (IERS) Debrecen-Oradea

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Abstract: *Focusing mainly on the Hungarian-Romanian border as an example, this paper attempts to prove how the nature of borders have changed from hard, close and exclusive to soft, open, inclusive frontier. The article introduces the Hungarian and Romanian authors' scientific contributions, with a special emphasis on the members of the Institute for Euroregional Studies (Debrecen-Oradea) "Jean Monnet" European Centre of Excellence (IERS), and the jointly developed projects. These contributions have created a certain level of expertise and experience in the development of cross-border cooperation and borders evolutions that could be transferred as good practice for the benefit of other situations with similar conditions such as the EU's eastern frontier along the Slovak-Hungarian-Ukrainian-Romanian-Moldavian borders or in the West-Balkan region.*

Keywords: *cross-border cooperation, border evolution, the EU's eastern frontier, Hungarian-Romanian border, IERS*

Introduction: Historical Background

In the decades of the Ceaușescu-regime, the Hungarian-Romanian borderline was the most closed borderline in the Europe of the age. For example in 1984, Professor Süli-Zakar came home from Romania with his family and they needed 11 and a half hour to cross the border. After the fall of the Ceaușescu-regime, the State University of Oradea was founded. Five university professors were invited from Debrecen to the conference which was organised for the first anniversary of the foundation of the university. Professor Süli-Zakar was one of the five professors, and he made a presentation about the role of the Hungarian-Romanian border, which was a great obstacle in the social-economic development. The colleagues in Oradea took interest in his presentation and on a discussion after the conference they decided to continue their professional cooperation. After that we organised conferences in Debrecen and in Oradea annually, where we invited each other mutually. Besides that we started joint researches, published joint volumes of studies and we became co-supervisors for our Phd-students. The scientific cooperation of the professors of the 2 universities reached a higher level in 2006, when Professor Ioan Horga and Professor István Süli-Zakar founded the IERS too.

They founded the IERS on the 19th of January 2006 in the middle of great interest of the media, the people and the politics. The joint research institute of the 2 universities was aided by the European Commission with the financial help of the "Jean Monnet" Foundation. This research centre has been present in both countries, and it was the first in

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³ PhD student, University of Debrecen, Hungary.

Central Eastern Europe – and it is still unique today - since there are both Hungarian and Romanian scientists in its research group. Since 2006, 2 co-directors (Professor Ioan Horga and Professor István Süli-Zakar) have managed the institute. They have organised 2 conferences in Debrecen and annually in Oradea. They have published a considerable number of volumes of studies, specialist books in the last years in Hungarian, in Romanian and mainly in English language. They also harmonised their teaching works at their universities. For example, Professor Süli-Zakar taught “European Union studies” for the master students in Oradea for many semesters. They have organised joint Phd-courses, so Professor Süli-Zakar became the supervisor for three PhD-students from Oradea (two of them have already defended their thesis successfully).

We look on the *Eurolimes* Journal as the most successful “child” of the Institute. Professor Horga and Professor Süli-Zakar are the editors-in-chiefs. Considerable international journal observers index the *Eurolimes* (Copernicus, CNCSIS, etc.). 14 thematic volumes have been out since 2006. They asked internationally renowned scientists to edit and proofread it. Their host, Professor Carlos Eduardo Pacheco Amaral is also a member of the highly respected Advisory Committee. We think our researches – mainly the work of the IERS – played a considerable role in developing the Hungarian-Romanian border to a mediatory and permeable border by today. After all, the scientific basis of the Hungarian-Romanian CBC-organisations stood in the focus of our researches. Today we need less than 11 seconds to cross the Hungarian-Romanian borderline, and we work on the realisation of Romania becoming the member of the Schengen System, so people can travel without being forced to stop between the 2 countries in the future. Ever since the foundation of the IERS, the main theme of our researches has been the Carpathian Euroregion. Its role – mainly in the nineties – was considerable in the geopolitical stabilisation of the region. Professor István Süli-Zakar took part in its foundation in Debrecen in 1993; he have been a council member since the beginning, and he have been the president of the working committee of the regional development since 1995. We have made fruitful work connection with the Danube-Kris-Mureş-Tisa Euroregion which has been working along the southern part of the Hungarian-Romanian border. We played a considerable role mainly in its foundation. Our participation is bigger in the work of the Bihar-Bihar place-community because of the geographical nearness. Frontier villages and towns founded this CBC organisation. Lots of the cultivated twin-city connections earlier, and we developed these connections to the place community. We have organised 2-2 fairs and meetings annually to get to know each other’s businesses and products and goods. Today the educational-cultural-economic cooperation is also close between the inhabitants of the places situated on the two sides of the border. The foundation of the euroregional cooperation helped the connections between the 2 countries to step to a higher level. Nowadays the Hajdú-Bihar-Bihar Euroregion – which was founded in 2002 – is the closest and most effective CBC organisation in the Hungarian-Romanian border region. Earlier the INTERREG programme of the European Union, today the Structural Funds help the CBC activities of the counties situated on the Hungarian-Romanian border. In the Hungarian-Romanian border region Hajdú-Bihar and Bihar counties are the most active and most effective. The Institute and the 2 universities take part in a considerable number of HU-RO programmes.

In the last few years, our largest-scale joint venture was the scientific foundation of the Debrecen-Oradea Eurometropolis. The aim of the DebOra project of the IERS has been the foundation of the first eurometropolis in Central Eastern Europe because we found that the cooperation of the cities is the most versatile and the most dynamic in Western Europe. We initiated creating more workgroups, and we did scientific work to

found this. PhD-theses were made in our institute, for example in the topics of tourism, migration, development of human resources, environment and health. We think that one joint HU-RO project was especially successful, in which not only scientists but also PhD-students took part. The title of this project is: “Joint Complementary Development of Hungarian-Romanian Doctoral Study Programs.” In the framework of this project we organised university lectures for the MSc and PhD-students. In addition to that, they participated at a joint fieldwork, where they made interviews with the people who had bought building plots or houses in the settlements on the Hungarian side of the border, and now lots of them commute to Oradea from the Hungarian settlements. In the past 23 years, the Hungarian-Romanian borderline changed significantly. It developed from a closer and separating borderline into a permeable and connecting borderline. The scientific researches (among these the IERS) have played a considerable role in this positive improvement.

Cross-border Cooperation

Constancy, stability or bandwidth of the borders clearly characterises the relationship of culture of people, communities, nations, moreover, the relationship and synchronisation of stereotypes, ways of thinking and behavior. The question of diversity of political and ethnic, national, linguistic and cultural barriers arise in the case of such borders, such as the borders of Hungary today, which arose in the twentieth century and thus the borders and border areas do not have significant historical traditions⁴.

The nature of borders in greatly influences the fate of the settlements and the quality of life of border areas. Quality of life of the population in the borderland may improve if the empowerment of cooperation between the countries, regions and settlements on both sides of the border (e.g. city counterparts, Euroregions, eurometropolis, exchange of labor, environmental protection, joint development of territories and settlements, small trade and etc.). Where increased permeability of borders, there is stronger unifying character of the state border and local development to a large extent can be built on the platform of the new territorial cooperation. Despite the fact of domination of dividing, separatist borderlines, there remains a typical peripheral nature of the border regions. Simultaneously, in the case of an integrative kind of border implies the likelihood of these border regions, which are capable of cross-border cooperation, which, unlike the borders of dividing nature could serve as a new example of creating a number of special opportunities for the benefit of sharing, mutual development. Successful cross-border cooperation in fact contributes to the fact that borderlands became the area of knowledge and development. Concerning the Hungarian-Romanian border, in the first place we see a positive change of nature; on the other hand bitter experience shows that the Hungarian-Ukrainian border has become one of the most disjunctive borders of Europe⁵.

Border territories within states in the geographical sense are on the periphery and this often puts them in an unfavourable complex position. However, such a specific geographic location can sometimes be an advantage; in this case can compensate other flaws.

⁴ István Süli-Zakar, “Az államhatár társadalmi-gazdasági fejlődést akadályozó hatásának vizsgálata ÉK-Magyarország határ menti területein” [Investigating the role of the border in impeding socio-economic development along the borderlands of Northeastern Hungary], *Földrajzi Közlemények* [Geographical Bulletin], CXVI (XL), 1-2 (1992).

⁵ István Süli-Zakar, “The Role the Euroregions and Eurometropolises in the Etherelization of the Borders in the Eastern Periphery of the European Union,” in *Eurolimes 7, Europe and the Neighbourhood*, ed. Dorin Ioan Dolghi et al. (Oradea: Oradea University Press, Spring 2009).

Considering the future of the border area highlighting regional characteristics includes the special value because it is matter that between the border and central parts of the states happen fatal, possibly irreversible process of polarisation, or such, sustainable development based on conversation of individual values that balances and reconciles the situation of tension originating from territorial disproportionality and recently is becoming more tangible.

Research of cross-border cooperation can also serve as the basis of finding, indentifying those positive elements that are endogenous sources in the form of suspension will increase the “gap”. Such positive effects may be part of enhancing the transfer nature, appear of transfer cities that store, transmit information and innovation. Along with the Benelux the territories in Central and Eastern Europe are the most fragmented state borders. The negative impact of these circumstances is very widely felt, creating a barrier of social and economic development in our region especially plays a significant role the disjunctive nature of the borders of the backwardness of these territories⁶.

After finishing the Second World War one of the most characteristic features of Western Europe was the emergence and development of euro regionalism. Last decades of years the regionalism was an efficient method of solving a number of centenary acute (political, ethnic, regional) issues. At 90-years euro regionalism reaches the Central and Eastern Europe; let’s hope that old problems of the territory similarly find their successful solution. Among the most important features of the euro regionalism is reducing the level of disjunction of political borders, and strengthening the cross-border ties, to promote social and economic development⁷.

Development of these areas, unlike the natural situation find themselves cut off from established links across the national borders, much stopped, and this, as an adequate response, reflected aggregate economic performance and low infrastructure provision. This situation is complicated by acute events of the first half of the twentieth century. Moreover, the idea of cross-border cooperation became important in Western Europe only in the late 1950s, after the first steps of European integration. Since then, appeared the first organised forms of cross-border cooperation⁸. Carpathian Euroregion was the first in the post-communist world (Fig. 1.).

Based on the author’s research the main features of European regions and eurometropolises can be defined by the following criteria⁹:

- most resulted forms of cross-border cooperation in Europe;
- facilitate deduction of uneven level of development of border areas;
- strengthen trust and cooperation between people;
- are a base of good neighbourhood and integration;
- contribute to overcoming the negative geopolitical consequences of the past;
- are important components of integration of Central European states into the European Union.

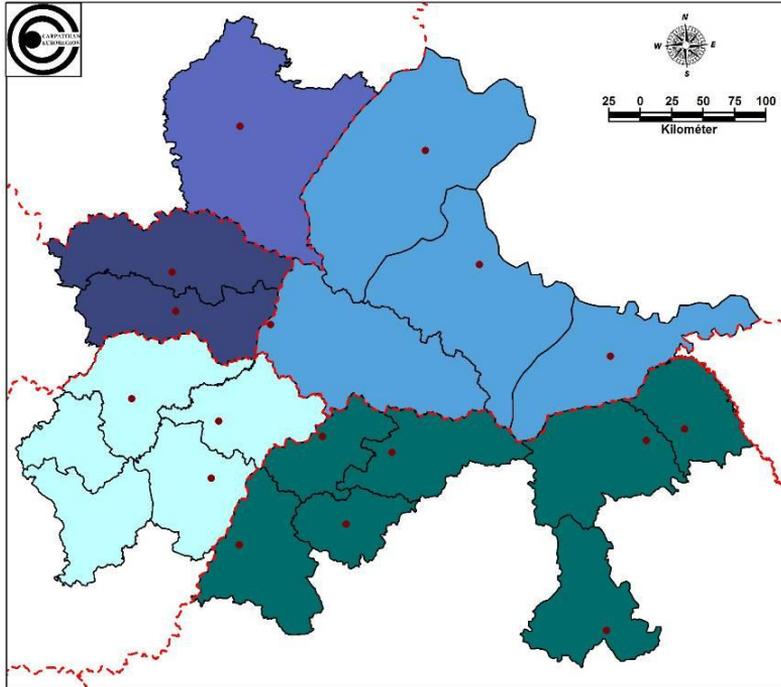
⁶ István Süli-Zakar, “A Study of State Borders as Factors Blocking Socio-Economic Progress in North-Eastern Hungary,” *Geographical Review*, International Edition, CXVI (XL) (1992).

⁷ István Süli-Zakar, *A Kárpátok Eurorégió Interregionális Szövetség tíz éve* [Ten years of the Charpatian Euroregion] (Debrecen: Debreceni Egyetem Kossuth Egyetemi Kiadója, 2003).

⁸ István Süli-Zakar, “The Role of the Carpathian Euroregion in the Cross-border Cooperations Operating Along the Borders of Hungary,” *Würzburger Geographische Manuskripte 63* (Würzburg 2003).

⁹ *Challenges and Perspectives in the Regional and Euroregional Issues in the New Europe*, ed. Ioan Horga and István Süli-Zakar (Oradea: Oradea University Press, 2006).

Figure 1. The geographical location of the Carpathian Euroregion (© István Süli-Zakar)



Question on establishing the European regions and eurometropolises in Western Europe appeared after the Second World War to prevent international conflicts, to replace international confrontation came to mutual cooperation¹⁰. To policymakers in the postwar period (Jean Monnet, Robert Schuman) it became clear that as close as possible to convey to the minds of citizens the importance of cooperation, good initiatives and mutual respect. However, it became clear that the efforts of national governments to build international relations should take into account the initiatives coming from the bottom of the vertical¹¹.

In geographical terms Euroregion borders can be defined by common interest rather than administrative units. It is important to emphasize that the Euroregion is not the notion of a new level of local or regional authorities, and it operates on the basis of the existing balance of different skills as the common organisation of existing public and private institutions on both sides of the border¹².

According to the provisions of Western Europe or interstate Euroregion can be an effective tool for resolving civil and interstate conflicts. We believe in bad faith, that in future unacceptable to tie Hungary or Romania exclusively to European integration. The required is awareness of the importance of the Euroregional initiatives as transnational

¹⁰ István Süli-Zakar, "System Problems of the Transborder Cooperation in the Carpathian Euroregion," in *Transborder Cooperation on the New Eastern EU Border*, ed. Yaroslav Zhalilo and Svitlana Mytryayeva (Uzhgorod: Polygraphcenter "Lira," 2009).

¹¹ *A határok és a határon átnyúló (CBC) kapcsolatok szerepe a kibővült Európai Unió keleti perifériáján* [The Role of Borders and CBC cooperations in the Eastern periphery of the enlarged EU], ed. István Süli-Zakar (Debrecen: Debreceni Egyetem Kossuth Egyetemi Kiadója, 2007).

¹² *Regional Development in the Romanian-Hungarian Cross-border Space – from National to European Perspective*, ed. István Süli-Zakar and Ioan Horga (Debrecen: DE Kossuth Egyetemi Kiadója, 2006).

regions and Euroregions that create cross-border, integrated economic and cultural ties that bind country like economic interest and in the eastern part of Central Europe can be a beginner social and economic development. We therefore consider it important to strengthen and expand cooperation within Visegrad Four. (In this regard, experience shows the supreme interest of the Government of Romania.)

Hungary – based on geographical location – often played/plays the role of mediator between East and West, North and South. This function is in the effects of globalisation and the increasingly intensive integration can become extremely suitable, due to which – of course, if the state will live opportunities – are likely to achieve significant success. Therefore, the development of the strategy concerning the border area can't be imagine without some priorities in a complex that will serve to strengthen transfer capacity of states and localities – Transfer cities – which are carriers of mediation. Consolidation of such functions, “a kind of bridge” is expected from the activities of the presidency of the Hungary and Poland in EU in 2011.

Among Hungary's neighbours are a number of young public entities that are set up to demonstrate success in the international arena for their consideration and recognition as full members. One of these tools is favourable foreign system, a large part of which is sometimes unpleasant ethnic or environmental cooperation. Schengen borders of Hungary length of 2200 km and more than 50 points suffered significant changes after 2007. As a result of the expansion process in the context of accession to the Schengen Agreement Hungary is surrounded by four internal and three external border strips. But the transformation of borders in the ‘domestic’ does not mean that their functions (separation, combination, filter, and frontier) automatically undergo sudden changes.

With hopes of the Hungarian-Romanian border area as a unique transfer zone will include specific features delay capital. It was repeatedly observed in Europe that borders zone of Common market of the European Union have always been areas of constant investment.

Based on the experience carried out in the border areas of empirical research¹³ we can determine by the overall objective of the development of innovation-oriented, cross-border, aimed at joint development of economic cooperation programmes. On this occasion was the birth of European regions in Western Europe. The system of European regions is increasingly spread from Western Europe to the east, so that the comparative advantages across national borders could be better used surrounding territories. Among the main goals of the border area is the tendency of such favourable economic, innovation and public area through the accumulation of various institutions that expand the spaces of a successful economy, and with it will increase the level of success of regional development of border regions of neighbouring states¹⁴.

Countries of Central and Eastern Europe need to be properly prepare for the changes taking place in cross-border cooperation. Increased institutional autonomy and stabilisation of the financial position of the regions (provinces) is extremely important both to the opportunities in the positive changes and to reduce negative impact¹⁵.

¹³ Constantin Țoca, “Projet of the Debrecen-Oradea Cross-border Agglomeration,” in *The European Parliament, Intercultural Dialogue and European Neighbourhood Policy*, ed. Ioan Horga et al. (Oradea: Oradea University Press, 2009); Mihály Tömöri, “Spatial Diffusion of Metro Cash & Carry Focusing on Hungary and Romania,” in *Cross-Border Partnership. With Special Regard to the Hungarian-Romanian-Ukrainian Tripartite Border*, ed. Ioan Horga and István Süli-Zakar (Oradea: Oradea University Press; Debrecen: Debrecen University Press, 2010).

¹⁴ *Regional Development*.

¹⁵ Klára Czimre, “Cross-border Co-operations with the Participation of Hajdú-Bihar County,” in *Regional Development in the Romanian-Hungarian Cross-Border Space – From National to*

To achieve the above purpose other than direct funding processes should play an important role of semantic and technical training for participation in EU programmes. It is important that those border areas that are temporarily staying in highly technical obstacles not rocked the mutual cooperation. If the results of economic Euroregional cooperation are behind expectations, even while still extremely important to support and enhance direct cross-border links in those regions.

For Hungary and Romania in view of the optimal economic and security policy of the European Union is that the so-called external border strip was as short as possible. According to these aspects need to make efforts to ensure that as many neighbouring countries could join the organisation, and in such cases where in the short term there is no such possibility, there remains the priority of balancing, mitigating the derived weakness of non-participation. So part of our borders soon will join the EU's internal borders, that will be "volatile" in nature. Expected benefits due to the support of business relationships, are diffusion of innovation and the free flow of capital, goods, services and human resources – "four freedoms". Thus the level of dividing nature of borders that have become foreign should be reduce: the border area can be converted from buffer zones in the contact zone due to them – finding the optimal role of "gate of the European Union" - Hungary and Romania will be able to achieve considerable success¹⁶.

In border areas the launch of favourable economic, social and political processes is possible only if they created by the real contact areas, the population on both sides of the border are active in cooperation and actively support each other. Contact zones, which are under the influence of real relationships, create a real foundation for dynamic economic and cultural ties, and the scope of such links is addressing the institutional inter-regional and regional relations¹⁷.

To the Hungarian-Romanian-Ukrainian border region has become a region of knowledge and we raise the level of communication much higher, strengthen our network of research institutions across the number of border (State University of Oradea, Hungarian Christian University Partium, Beregovo Hungarian Institute by II. Rákóczi Ferenc, Uzhgorod State Univerity, University of Transylvanian Partium in Chiksereda, etc.). Due to the project there are implemented a number of scientific conferences in Debrecen and Oradea and published a number of scientific collections in Hungarian, Romanian and English languages. Aiming to sustainable development with partners University Oradea established a joint research institution, the name *Institute for Euroregional Studies, Jean Monnet European Centre of Excellence*. Also started publishing an international English-language magazine EUROLIMES, which has published 14 issues. There started the process of research on creating cross-border europolis Debrecen – Oradea¹⁸. We believe in the relationship of major cities on both sides of the border is not only competition but also the motivation for mutual cooperation. Experience has shown above during the decades after 1920-1989/90h's leadership since 1990 both cities have sought to make joint ventures, cooperation. Researchers from IERS are trying to support the positive intention by the results of research (Project DEBORA) (Fig. 2).

European Perspective, ed. István Süli-Zakar and Ioan Horga (Debrecen: Debreceni Egyetem Kossuth Egyetemi Kiadója, 2006).

¹⁶ *Cross-Border Partnership with Special Regard to the Hungarian-Romanian-Ukrainian Tripartite Border*, edited by Ioan Horga and István Süli-Zakar (Oradea: Oradea University Press, 2010).

¹⁷ Süli-Zakar, "The Role the Euroregions".

¹⁸ *Regional Development*.

The decline of communism radically changed the role of borders in Eastern and Central Europe. Europe, which was divided almost half a century, since 1990 gradually reunited, and profound consequences of this appear on the changing nature, role and functions of borders. By the 1990s the borders of Central and Eastern Europe, mainly performing military, defence function with domination of separation and strict border surveillance. Unlike the aforementioned European Union has defined a goal based on the German-French model, so that the borders were of such fundamental features as unity, common economic and cultural interests²¹. Of course the process of European integration is a long term and in this respect between the former socialist states are significant differences. Considering the above mentioned countries in Eastern and Central Europe can be divided into four groups:

- countries that joined in the first stage (2004) of enlargement (10 countries, including Hungary)
- countries that joined in the second stage (2007) of enlargement (Romania and Bulgaria)
- country, pending the entry, but due to their adverse political circumstances currently cannot enter (the former Yugoslav republics except Slovenia)
- former Soviet Union (except the Baltic states) who are currently partnered with the EU.

In the case of Romanian borders also observed significant functional changes in the communist period compared with the period after the 1990s was, and especially over the years, as after 2000²².

Among the many functions of borders we consider most important are: border security and control, fiscal, legal and military function. The value of the four basic functions of borders usually changes over time in relation to the geopolitical and geostrategic position of states. The next we analyse these functions through the prism of the Hungarian-Romanian border.

Controls and border security function in the case of Hungarian-Romanian border at the time of communism was very important for hard to control and restrict the free flow of people. The year 2004 brought significant changes along the Hungarian-Romanian border, since the entry of Hungary into the EU this frontier into a foreign. Following in 2007, when Romania became a member of the European Union, this external border pushed to the northern and eastern frontier of Romania. That is, within a few years the role of borders has changed significantly. Today, after Romania's accession to the EU, it acts as a filter controlling border traffic in the direction from Eastern Europe into the European Union.

Question permeability and mobility in the Hungarian-Romanian border in interrottamente develop. The right of free movement of people is an important general, elementary character. From this perspective, we see that now there is a significant difference between Western Europe and the former socialist bloc.

Natural and geographic data of the Hungarian-Romanian border is largely similar, as are low-lying strip of border crosses the territory, despite more significant crossing the river only a few paragraph. From the ethnographic perspective is evident that on both

²¹ Alexandru Ilieș et al., "The Euroregional Transfrontier Cooperation Romanian-Hungarian at the EU external Frontier," *Revista Română de Geografie Politică* [Romanian review of political geography] X, 2 (Oradea, 2008).

²² Alexandru Ilieș, "La phase de pré-adhésion à l'Union Européenne: différences de coopération transfrontalière a la frontière roumaine avec la Hongrie et l'Ukraine," *Mosella* XXVII, 3-4 (Metz, 2002).

sides of the border populated by the same ethnic Hungarians living in Romania and the Romanians living in Hungary²³.

Fundamentally there are three stages of historical development of Hungarian-Romanian border:

- interwar period,
- period of communism
- post-communist period.

After the reforms functions and system on conditions of borders often dynamically changed, so in the last period can be highlight a number of subperiods²⁴.

In the interwar period, crossing conditions were favourable to a large extent and provide a high level of freedom, like the Schengen area today. When crossing the border were controlled only identification documents. Between the two world wars, border traffic was significant that is the merit of those who attended school every day and went to work. Many among the farmers had lands in the neighbouring country and the daily care of the land did not inflict any obstacle.

At period of communism is typical military fortifications and defensive functions of borders, despite the fact that both countries belonged to the same political-power system. Romanian-Hungarian border went into a closed, some crossing points were eliminated and thus cross-border movement focused on five points. Passenger traffic dropped significantly, much of it manifested in the form of illegal migration. As part of migration on the one hand Romanians moved to the Yugoslavia and Hungary, and on the other hand much of Germans immigrated to Germany²⁵.

In a political sense, post-communist period was the most active period since 1990. The period between 1990 and 1992 brought unprecedented freedom relative to the border crossing; residents of post-socialist countries were able to freely move within the EU. After reforms in return for military and defence functions entered the economic role of borders. Since this period was largely variable and dynamic, we underline three separate stages in the course of a thorough analysis.

In Hungary and Romania between 1990 and 1994 marks the beginning of post-communist era. During this period, again escapes on the surface the desire of freedom of the inhabitants of post-socialist countries, resulting in actively open new border crossings, and indicators of the dynamics cross-border movement grew rapidly²⁶.

In the period between 1994 and 2002 appeared Schengen borders, this meant a new border between Eastern and Western Europe. As a result, for residents of Eastern and Central European border crossing was again difficult. Schengen countries were forced to enter the visa system for Romania. The process of EU enlargement and the introduction of the Schengen area are largely increased and deepened the differences between potential member countries, where previously they were not significantly more visible. After 1994 western borders were

²³ Alexandru Ilieş, *Euroregional Cross-border Cooperation Premises at the Eastern External Border of EU. Romania – Borders and Borderlands* (Gdansk-Pelplin, Poland: Geography Institute of University of Gdansk – Bernardinum, 2010).

²⁴ Alexandru Ilieş et al., "European Political Borders Typology According to the Natural Background Particularities," *Revista Română de Geografie Politică* [Romanian review of political geography] IX, 2 (Oradea, 2007).

²⁵ Süli-Zakar, "A Study of State Borders..."

²⁶ István Süli-Zakar, "A Euroregional Contact Region – Where Three Borders Meet," in *Regional Development in the Romanian-Hungarian Cross-border Space – From National to European Perspective*, ed. István Süli-Zakar and Ioan Horga (Debrecen: DE Kossuth Egyetemi Kiadója, 2006); *Regional Development*.

closed or open irregularly for different countries. In the enlargement process became clear that Hungary will join the EU and the Schengen area in the first stage, unlike Romania, which joined only in the second phase. After some time appeared the first institutional forms of cross-border cooperation: the Carpathian Euroregion and the Euroregion Danube-Cris-Mureş-Tisa. Visa policy, which was introduced as a result of increasing of illegal migration, is negatively impressed the inhabitants of the border in Romania²⁷.

After the 2002 again comes era of major changes as due to convergence of European and Euro-Atlantic integration of Romania concerning visa regime to Schengen countries was canceled. At the Hungarian-Romanian border the number of crossing points markedly increased and the abolition of visa in cross border travel conditions have improved significantly²⁸.

Fiscal functions of borders are actually instruments and elements of economic policy of individual states. In the case of European Union fiscal functions are performed by external borders. That is what happened in Romania after 2007, where on the Union's internal borders are disappearing customs, fiscal functions while continuing their effect on the EU's external borders, as well as on the external border of Romania²⁹.

The military function was characterised by decades of socialist times, when large forces were settled near the borders. After Romania's accession to NATO has reduced the military, defence functions of borders, since these problems have moved to the competence of NATO. The defence function on the Hungarian-Romanian and Romanian-Bulgarian border virtually ceased to operate, despite remains important in Ukrainian, Moldavian, Serbian and Black Sea border zone.

Legal functions define competence of borders of individual states. European integration of Hungary and Romania gradually reduced the competence of national governments, with special focus on foreign policy³⁰.

Contribution to the transformation of the Hungarian-Romanian border to its transformation into a knowledge broker, development and competitiveness

The emergence of "volatile" borders meant converting the present geopolitical systems of new states. Borders are no longer lines of demarcation that separate one country from another, but rather their role is weakened dividing and begin to acquire more diffuse, often serve as the arena of cooperation mutually penetrating social communities. There are several interesting examples where the border takes over the role of

²⁷ Barbu Ştefănescu, "Rural Cultural Border," in *Eurolimes 9, Cultural Frontiers of Europe*, ed. Alina Stoica et al. (Oradea: Oradea University Press, Spring 2010).

²⁸ Alexandru Ilieş et al., "Geographical Management of a Borderless Area at the Internal/External Border of NATO and EU. Romanian Case (I)," *Revista Română de Geografie Politică* [Romanian review of political geography] XI, 2 (2009).

²⁹ Diana Cîrmaşiu, "Consideration Regarding to the Intensification of the Romanian-Hungarian Cooperation in the Domain of Fiscal Administration," in *Cross-Border Partnership. With Special Regard to the Hungarian-Romanian-Ukrainian Tripartite Border*, ed. Ioan Horga and István Süli-Zakar (Oradea: Oradea University Press; Debrecen: University of Debrecen Press, 2010).

³⁰ István Süli-Zakar et al., "Egy határon átívelő euroregionális kutatóintézet (Institute for Euroregional Studies „Jean Monnet” European Centre of Excellence – IERS) hozzájárulása a magyar-román határ minőségi átalakulásához" [The contribution of a cross-border euroregional research institute (Institute for Euroregional Studies „Jean Monnet” European Centre of Excellence – IERS) to the qualitative transformation of the Hungarian-Romanian border], in *"The Destiny of our villages" and "the stages of urbanization" in honour of the 80-year-old academist György Enyedi* (Debrecen: Debreceni Egyetem Kossuth Egyetemi Kiadója, 2011).

international mediation in return of the former distribution of identity. Among the examples of changes in cross-border cooperation can be mentioned the South-Tyrol, Cyprus, Northern Ireland and the Hungarian-Romanian border region³¹.

Hungarian-Romanian border region for 20 years after the fall of communism and 90 years after the Trianon peace treaty has evolved from a rigid, closed and exclusive to soft, open border. After the events of 1989-90s for two decades we have witnessed the transformation not only in the geographical sense as a result of over-rapid development of border traffic and cross-border cooperation, but also that the separatist mentality of national-ethnic basis has turned into a mentality of cooperation. In reality, it comes not only the expression of cultural coexistence, but also about re-invention of an example of coexistence that has existed in the region until the establishment of national frontiers³².

Commonly understood is that the cooperation between universities played a major role in forming a balanced, cross-border, international deep-European mentality. One of these examples, there is a great success, working closely the University of Debrecen and the University of Oradea “Universitas transilimes”, which enter in life as numerous exchange programmes for students, teachers, projects, conferences, workshops, summer schools and so on. In the case of the two main partner universities located just 60 km away, this cooperation gives both schools a true European status.

Among the best practices of cooperation, the project Euroregional Research Institute of Debrecen-Oradea – European Center for Differences “Jean Monnet” (www.iser.rdsor.ro). In 2005, a joint project with support of an action plan Jean Monnet IRES (Euroregional Research Institute of Debrecen-Oradea) managed to bring prominent international experts on the borders, implement development and transnational cooperation between universities, moreover, could engage experts from neighbouring regions (from Moldova, Serbia and Ukraine) to work together.

Activity of IRES shows two trends:

1. Promoting the transformation of the Hungarian-Romania border in the area of knowledge transfer, development and competitiveness.
2. Promoting a positive updating of the borders that have arisen as a result of recent EU expansions.

It should be noted that on the semi-annual meeting of the Institute, where in order listed the positive results of cooperation and that the results of research have brought several members of the IERS publications. Such scientific publications and articles dealing with issue not only Hungarian-Romanian border, but also the problems of neighbouring border regions³³. Semi-annual magazine *EUROLIMES*, supported by IERS

³¹ Gerard Delanty, “Peripheries and Borders in a Post-Western Europe,” in *Eurolimes 4, Europe from Exclusive Borders to Inclusive Frontiers*, ed. Gerard Delanty et al. (Oradea: Oradea University Press, Autumn 2007).

³² Robert T. Griffiths and Chris G. Quispel, “When Borders Move: An Agenda for Historical Research,” in *Eurolimes 1, Europe and Its Borders: Theoretical and Historical Perspective*, ed. Ioan Horga and Sorin Şipoş (Oradea: Oradea University Press, Spring 2006).

³³ Publications: *Borders and Cross-border Co-operations in the Central European Transformation Countries*, ed. István Süli-Zakar (Debrecen: Debreceni Egyetem Kossuth Egyetemi Kiadója, 2003); *Határok és határmentiség az átalakuló Közép-Európában* [Borders and border regions in the transforming Central Europe], ed. István Süli-Zakar (Debrecen: Debreceni Egyetem Kossuth Egyetemi Kiadó, 2003); *Hattáron átnyúló kapcsolatok, humán erőforrások* [Cross-border cooperation, human resources], ed. István Süli-Zakar (Debrecen: Debreceni Egyetem Kossuth Egyetemi Kiadó, 2004); *Cross-border Co-operations – Schengen Challenges*, ed. István Süli-Zakar (Debrecen, Debreceni Egyetem Kossuth Egyetemi Kiadó, 2004); Klára Czimre,

(Institute for Euroregional Studies) also explores new frontiers contents value. In the special issue of *EUROLIMES* along with staff IERS other universities and research institutes also have the opportunity to publish their research³⁴.

Regarding regional and Euroregional development within the border regions, the emphasis is primarily focused on border towns, as poles of development. Cities are centres of regional economic areas, but their potential depends on their distance from regional centres³⁵. Particular attention is drawn to those options of Debrecen and Oradea due to which there is a real possibility for euro polises³⁶. At present, the possibility of creating joint agglomeration of Debrecen and Oradea is moderate, as evidenced, by a few of the potential settlements that are among the major cities³⁷. Also noteworthy role in local development of Oradea have some Hungarian communities. Between 2006 and 2007 IERS developed a joint strategy for development of Debrecen and Oradea, which was approved and embodied in the form of measures for administrations of the two cities³⁸.

“Euroregionális fejlődés az EU csatlakozás küszöbén” [Euroregional development at the edge of the EU accession], *Studia Geographica* 15, ed. István Süli-Zakar (Debrecen: Debreceni Egyetem Földrajzi Tanszékek kiadványa, 2005); *Challenges and Perspectives. Regional and Euroregional Issues in the New Europe*, ed. Ioan Horga and István Süli-Zakar (Oradea-Debrecen: Institute for Euroregional Studies, 2006); *Regional Development in the Romanian-Hungarian Cross-border Space – from National to European Perspective*, István Süli-Zakar and Ioan Horga (Debrecen: DE Kossuth Egyetemi Kiadója, 2007); *A határok és a határon átnyúló (CBC) kapcsolatok szerepe a kibővült Európai Unió keleti periferiáján* [The role of borders and CBC cooperations in the Eastern periphery of the enlarged EU], ed. István Süli-Zakar (Debrecen: Debreceni Egyetem Kossuth Egyetemi Kiadója, 2007); *Neighbours and Partners: on the Two Sides of the Border*, ed. István Süli-Zakar (Debrecen: Debreceni Egyetem Kossuth Egyetemi Kiadója, 2008); Attila Ambrus, “A Hajdú-Bihar – Bihar Euro régió népességi és egészségföldrajzi mutatóinak egyes aspektusai” [Some social and health geographic aspects of the Hajdú-Bihar – Bihar Euroregion], in *Studia Geographica* 22, ed. István Süli-Zakar (Debrecen: Debreceni Egyetem Kossuth Egyetemi Kiadója, 2009); *Intercultural Dialogue and European Neighbourhood policy*, Ioan Horga et al. (Oradea: University of Oradea Press, 2006); Attila Ambrus, “The Quality of the Environmental Elements in Bihor-Hajdú-Bihar Euro Region and their Influence on Population Health,” (Oradea: University of Oradea Press, 2010); *Cross-Border Partnership with Special Regard to the Hungarian-Romanian-Ukrainian Tripartite Border*, ed. Ioan Horga and István Süli-Zakar (Oradea-Debrecen: University of Oradea Press, 2010); *European Union between the Constraint of the Borders and Global Competition*, ed. Ioan Horga and Adrian-Claudiu Popoviciu (Oradea: University of Oradea Press, 2011).

³⁴ Ioan Horga, “Why Eurolimes?,” in *Eurolimes 1, Europe and Its Borders: Theoretical and Historical Perspective*, ed. Ioan Horga and Sorin Şipoş (Oradea: Oradea University Press, Spring 2006).

³⁵ János Péntes and Ernő Molnár, “Analysis of the Economical Potential in Bihor and Hajdú-Bihar,” in *Eurolimes 4, Europe from Exclusive Borders to Inclusive Frontiers*, ed. Gerard Delanty et al. (Oradea: Oradea University Press, Autumn 2007).

³⁶ István Süli-Zakar, “The Role the Euroregions...”

³⁷ Constantin Ţoca, “Projet of the Debrecen-Oradea...”

³⁸ Constantin Ţoca, and Ioan Horga, “Sociological Research. Thinking the Future Together the Debrecen-Oradea Cross-border Agglomeration,” in *Neighbours and Partners: On the Two Sides of the Border*, ed. István Süli-Zakar (Debrecen: Debreceni Egyetem Kossuth Egyetemi Kiadó, 2008); István Süli-Zakar, “Debrecen-Nagyvárad Eurometropolisz közös fejlesztését megalapozó kutatások. A településföldrajz aktuális kérdései” [Basic research on the common development of the Debrecen-Oradea Eurometropolis. Current issues of settlement geography], in *Topical Issues in the Urban Geography*, ed. Tamás Csapó and Zsuzsa Kocsis (Szombathely: Savaria University Press, 2010).

Along with the two cities (the cities of Debrecen and Oradea) and two regions (districts) (Bihar and Hajdú-Bihar) – which are treated as drivers of Hungarian-Romanian border – IERS members conducted research in other areas, such as in areas of Satu Mare Country (Romania) – Szabolcs-Szatmár-Bereg region (Hungary)³⁹ or Temeshvar-Szeged⁴⁰.

One of the priorities of the IERS was a question of economic development of the Hungarian-Ukrainian border region. Team of IERS took a foothold in the presence of research active regions (counties) at Hungarian-Romanian border⁴¹, studies of regional development and cooperation in various points of the Hungarian-Romanian border region. It was researched the conditions of socio-economic and natural resources to identify opportunities for development of villages⁴². In the sphere of political decisions⁴³ the results of scientific research have shown significant impact in relation to the local economy in the period after EU accession⁴⁴, as and conducting comparative analysis of socio-economic and infrastructural indicators of small areas of the territory of the Hungarian-Romanian border.

Before and even after 1989, the fields of Hungarian-Romanian border region qualify as adverse terms of investment, since the territory belonged to the periphery⁴⁵. But, approaching the entrance of Hungary and Romania to the EU, and later after their introduction, development opportunities have changed significantly. However, at present the country does not recognise the importance of common areas, but with the way the borders are gradually changed and become more glorious through the strengthening of relations between the two countries peripheral border area a chance to develop, not only in the overall development of the two countries, but and cooperation in the sequence of neighbouring territories. This change in paradigm Neighbourhood Policy is clear in infrastructure of border areas, especially in this economic development strategy, which is

³⁹ József Benedek, “The System of Settlements from the Perspective of Cooperation beyond the Frontier from the Region Satu-Mare (Romania) – Szabolcs – Szatmar – Bereg (Hungary),” in *Regional Development in the Romanian-Hungarian Cross-border Space – From National to European Perspective*, ed. István Süli-Zakar and Ioan Horga (Debrecen: DE Kossuth Egyetemi Kiadója, 2007).

⁴⁰ László Gulyás and Erzsébet Sisák, “Survey of Urban Competition between Szeged and Timișoara,” in *Eurolimes 8, Europe and its Economic Frontiers*, ed. Luminița Șoproni et al. (Oradea: Oradea University Press, 2009).

⁴¹ Péntzes and Molnár.

⁴² Marcu Stașac, “Socio-economic and Natural Indicators of Rural Settlements Development in Crișurilor Plain (Câmpia Crișurilor),” in *Regional Development in the Romanian-Hungarian Cross-border Space – From National to European Perspective*, ed. István Süli-Zakar and Ioan Horga (Debrecen: DE Kossuth Egyetemi Kiadója, 2006).

⁴³ Jolán Abonyiné Palotás, “A Comparative Analysis of Social-economic Infrastructure Indices in the Micro-regions of the Hungarian-Romanian Border Counties,” in *Neighbours and Partners: On the Two Sides of the Border*, ed. István Süli-Zakar (Debrecen: Debreceni Egyetem Kossuth Egyetemi Kiadó, 2008).

⁴⁴ Luminița Șoproni and Ioan Horga, “The Romanian-Hungarian Border, Link or Delimitation for the Post-adhesion Process of Romania and Hungary,” in *Eurolimes 8, Europe and its Economic Frontiers*, edited by Luminița Șoproni et al. (Oradea: Oradea University Press, 2009); Gábor Kozma, “Characteristic Features of the Economic Management of Local Authorities in the Western and the Eastern Border Areas of Hungary,” in *Neighbours and Partners: On the Two Sides of the Border*, ed. István Süli-Zakar (Debrecen: Debreceni Egyetem Kossuth Egyetemi Kiadó, 2008).

⁴⁵ Czimre, “Cross-border Co-operations...”

based on increasing competitiveness⁴⁶, where the complementary elements of infrastructure networks play a fundamental role⁴⁷.

Attracting Euroregional Research Institute to the process of economic development of the Hungarian-Romanian border area by implementing a number of action plans. First, there was partnership working between unions from regions (counties) Bihor and Hajdú-Bihar, which led to publishing a monthly business newsletter to inform and create opportunities for joint economic projects. On the other hand IRES connected to the research activities of the labor market in order to collect and produce professionals with the information and communication education on demand T-System / Deutsche Telekom (Debrecen). Thirdly IRES connected to the research related to development and training of human resources⁴⁸.

One of the most significant areas of competitive economy is tourism⁴⁹. From this point of view due to tourism achieved significant results in the event cities Békéscsaba, Gyula, Debrecen, Hajdúszoboszló (Hungary) and Moneasha, Tintsa, Bayle Felix, Oradea, Sekelhid (Romania), where the most significant sources of thermal waters in Eastern and Central Europe. Dynamically growing development of recreational and health tourism becomes serve as a true engine of the regional economy. Tourists in the border regions of Romania, with the same frequency of visiting the other side of the border as tourists from Hungary, who gladly rest in tourist lands of the western part of Romania, especially in mountainous areas.

It is clear that no consideration passed IERS and phenomena such as joint raids Romanian and Hungarian guards order to transport channels, leading to a Hungarian or Romanian Tourist Destinations, or events to cities such colorful events as gastronomic festivals and festivals of folk crafts in both sides of the border. Such events create opportunities for scientific research, expert assessment and provide important information

⁴⁶ Bosnyák, Ildikó. "Analysis of the Competitiveness in Regions of the Hungarian-Romanian Border," in *Regional Development in the Romanian-Hungarian Cross-border Space – From National to European Perspective*, ed. István Süli-Zakar and Ioan Horga (Debrecen: Debreceni Egyetem Kossuth Egyetemi Kiadója, 2006).

⁴⁷ Lajos Veres, "Transport Networks and Regional Accessibility," in *Regional Development in the Romanian-Hungarian Cross-border Space – from National to European Perspective*, ed. István Süli-Zakar and Ioan Horga (Debrecen: Debreceni Egyetem Kossuth Egyetemi Kiadója, 2006).

⁴⁸ Constantin Țoca, "Sociological Research: University of Oradea's Students Knowledge Regarding the Bihor – Hajdú Bihar and Carpathian Euroregions," in *Regional Development in the Romanian-Hungarian Cross-border Space – from National to European Perspective*, ed. István Süli-Zakar and Ioan Horga (Debrecen: Debreceni Egyetem Kossuth Egyetemi Kiadója, 2006); Károly Teperics, "Schengen Challenging the Educational System for the Hungarians Living Abroad," in *Challenges and Perspectives in the Regional and Euroregional Issues in the New Europe*, ed. Ioan Horga and István Süli-Zakar (Oradea: Editura Universității din Oradea, 2006); Teperics, Károly. "Educational Co-operations along the Hungarian-Romanian-Ukrainian Border," in *Euroimes 4, Europe from Exclusive Borders to Inclusive Frontiers*, ed. Gerard Delanty et al. (Oradea: Oradea University Press, Autumn 2007); Zsuzsanna Gödör, "Changing Dimensions of Labour and Employment in Hungary and Romania," in *Neighbours and Partners: On the Two Sides of the Border*, ed. István Süli-Zakar (Debrecen: Debreceni Egyetem Kossuth Egyetemi Kiadó, 2008).

⁴⁹ Antal Aubert and János Csapó, "Tourism Cooperation Opportunities in the Danube-Drava-Sava Euroregion," *Neighbours and Partners: On the Two Sides of the Border*, ed. István Süli-Zakar (Debrecen: Debreceni Egyetem Kossuth Egyetemi Kiadó, 2008).

of the wheels that make decisions⁵⁰. However, purchasing development of tourism in the Hungarian-Romanian border region is not solely the result of cross-border cooperation, but also serves as an interesting topic of research⁵¹.

Research of cooperation in the health sector within the IERS has become one of the topics covered by doctoral thesis⁵².

Of course, these manifestations of cross-border cooperation is the result of the work in administration, economic life, civic organisations, schools and universities in order to convert the full intensity of the border – until 1989 the Hungarian-Romanian border was one of the most closed and strictly controlled borders – in such that social and economic sense is dynamic and interface. These transformations have attracted the attention of researchers away from this territory; this region was considered suitable for the example processes of change European borders⁵³.

Regional marketing occupies an important place among the projects of IERS, which aims to highlight cross-border investment opportunities in the Hungarian-Romanian border. Based on the foundations of a common development strategy for Debrecen and Oradea, it was planned competitive CBC pole on Central European territory⁵⁴. Members of the Institute published several scientific papers about how to implement a successful

⁵⁰ Tamás Várhelyi and Anetta Müller, “Spa Tourism and Regional Development: It Can Be More Successful with Cross-border Cooperation,” in *Neighbours and Partners: On the Two Sides of the Border*, ed. István Süli-Zakar (Debrecen: Debreceni Egyetem Kossuth Egyetemi Kiadó, 2008); László Csordás, “Spatial Spread and the Development of Tourism. Motivations of the Foreign Visitors in the Border Regions of the Northeast Great Hungarian Plain,” in *Neighbours and Partners: On the Two Sides of the Border*, ed. István Süli-Zakar (Debrecen: Debreceni Egyetem Kossuth Egyetemi Kiadó, 2008); Lóránt Dávid et al. “Tourism Planning in the Hajdú-Bihar – Bihar Euroregion,” in *Neighbours and Partners: On the Two Sides of the Border*, ed. István Süli-Zakar (Debrecen: Debreceni Egyetem Kossuth Egyetemi Kiadó, 2008).

⁵¹ Mihály Tömöri, “The Role of Shopping Tourism in Debrecen,” *Regional Development in the Romanian-Hungarian Cross-border Space – from National to European Perspective*, ed. István Süli-Zakar and Ioan Horga (Debrecen: DE Kossuth Egyetemi Kiadója, 2006); Mihály Tömöri, “Adalékok a hazai és a debreceni bevásárlóturizmus vizsgálatához” [Additional features of the investigation of shopping tourism in Hungary and Debrecen], *Acta Iuventutis Geographica*, ed. István Süli-Zakar (Debrecen: DE Kossuth Egyetemi Kiadó, 2009); Mihály Tömöri, “Spatial Diffusion of Metro Cash & Carry.”

⁵² Attila Ambrus L., “Some Aspects on the Sanitary Service and Institutions in the Bihar – Hajdú-Bihar Euroregion,” in *Neighbours and Partners: On the Two Sides of the Border*, ed. István Süli-Zakar (Debrecen: Debreceni Egyetem Kossuth Egyetemi Kiadó, 2008).

⁵³ Gerard Delanty, “Peripheries and Borders...”; Enrique Banus, “Images of Openness – Images of Closeness,” in *Eurolimes 4, Europe from Exclusive Borders to Inclusive Frontiers*, ed. Gerard Delanty et al. (Oradea: Oradea University Press, Autumn 2007); Noémie Hinfray, “Potentialités et obstacles de la politique eurorégionale au sein des nouveaux Etats membres. Réflexion à partir du cas de l’eurorégion Bihar (Roumanie) – Hajdú-Bihar (Hongrie),” in *Eurolimes 2, From Smaller to Greater Europe: Border Identity Testimonies*, ed. Mircea Brie and Kozma Gábor (Oradea: Oradea University Press, Autumn 2006); Maurice Buangi Khonde, “La place de la formation des techniciens de la coopération transfrontalière pour l’Euro région Bihar-Hajdu-Bihar en Hongrie et en Roumanie,” in *The European Parliament, Intercultural Dialogue and European Neighbourhood Policy*, ed. Ioan Horga et al. (Oradea: Oradea University Press, 2009).

⁵⁴ Ildikó Györffy, “Influence of the Transport Infrastructure on the Territorial Cohesion,” in *Neighbours and Partners: On the Two Sides of the Border*, ed. István Süli-Zakar (Debrecen: Debreceni Egyetem Kossuth Egyetemi Kiadó, 2008).

regional marketing in the border areas⁵⁵, about ways to sync with CBC advantages of the border⁵⁶, and the use of specific geographic name (Transylvania) in the marketing strategy of the Hungarian-Romanian border region⁵⁷.

Creating conditions for the territory of the dynamic socio-economic development in the Hungarian-Romanian border region, the same course is based on diversity of culture⁵⁸. There are two basic concepts of multi-culture, one of them is based on civil rights and multiculturalism, and the second is more plural in ethnic sense, and usually directly connected with regional and ethnic autonomy. At present it is difficult to predict the prospects of the concept of pluralism, which is pressed into the framework of national borders. So the third thesis is: Central and Eastern Europe have a long way to become possible to combine the notion of citizenship and pluralism⁵⁹. At the same time believe that Europe should go further and leave the distributed concept of diversity. Ethnic diversity is in direct relation to the terms of borders because most of the problems arise from the facts that are many ethnic minorities' relations with the dominant social group in a neighbouring country. As you are when it comes to borders, different social memories that are opposite to each other, the right religion and the use of minority languages, political representation had considerable success achieved by discussion of controversial issues and to establish peaceful relations⁶⁰.

Through this approach, the Institute IERS organised debate in the following topics:

How do you see the attitude of the Hungarian and Romanian national minorities to one another, living on both sides of the border⁶¹? The practice of intercultural dialogue present in multi-ethnic borderland settlements⁶². Impact of Euro-Atlantic integration of

⁵⁵ Mónika Komádi, "The Potential Roles of Place Marketing in Border Regions," in *Eurolimes 2, Eurolimes 2, From Smaller to Greater Europe: Border Identity Testimonies*, ed. Mircea Brie and Kozma Gábor (Oradea: Oradea University Press, 2006).

⁵⁶ Gábor Kozma, "The Use of Cross-border Cooperation and Border Location in Place Marketing," in *Eurolimes 2, From Smaller to Greater Europe: Border Identity Testimonies*, ed. Mircea Brie and Kozma Gábor (Oradea: Oradea University Press, 2006); Luminița Șoproni, "Cross-border Identity in Building a Regional Brand: the Northern Transylvania Region," in *Eurolimes 2, From Smaller to Greater Europe: Border Identity Testimonies*, ed. Mircea Brie and Kozma Gábor (Oradea: Oradea University Press, 2006).

⁵⁷ Luminița Șoproni and Adrian Claudiu Popoviciu, "North-West Region – North Transylvania, Looking for a Brand with a Cross-border Dimension," in *Regional Development in the Romanian-Hungarian Cross-border Space – from National to European Perspective*, ed. István Süli-Zakar and Ioan Horga (Debrecen: Debreceni Egyetem Kossuth Egyetemi Kiadója, 2006).

⁵⁸ Klára Czimre, "Cross-border Co-operation in Europe: Scientific Research," in *Eurolimes 4, Europe from Exclusive Borders to Inclusive Frontiers*, ed. Gerard Delanty et al. (Oradea: Oradea University Press, Autumn 2007).

⁵⁹ Antonio Faur, "New Aspects Concerning the Situation of the Romanian-Hungarian Border (1944-1945)," in *Eurolimes 2, From Smaller to Greater Europe: Border Identity Testimonies*, ed. Mircea Brie and Kozma Gábor (Oradea: Oradea University Press, Autumn 2006).

⁶⁰ Gerard Delanty, "Peripheries and Borders...".

⁶¹ Anders Blomqvist, "One city – Two Images – Two Communities: The Case of the Romanian Hungarian City of Satu Mare/Szamárnémeti," in *Eurolimes 2, From Smaller to Greater Europe: Border Identity Testimonies*, ed. Mircea Brie and Kozma Gábor (Oradea: Oradea University Press, 2006); Patrik Tátrai, "Interethnic Neighbourhood in Romanian Border Towns," in *Neighbours and Partners: On the Two Sides of the Border*, ed. István Süli-Zakar (Debrecen: Debreceni Egyetem Kossuth Egyetemi Kiadó, 2008).

⁶² Martin Hofmann, "New Spatial Theories and Their Influence on Intercultural Dialogue Observing Relational Space in Oradea," in *Eurolimes 6, Intercultural Dialogue and European*

Hungary and Romania on the cultural paradigm shift in the border regions⁶³. Place of cultural and educational ties in the development of cross-border multi-cultural⁶⁴. The role of the border traffic and creation of a new frontier culture⁶⁵.

As even today, there are difficulties in the development of European cross-border cooperation that stem from old habits and national and administrative practices, Institute IERS undertook the training of (both countries) European, national and local legislative analysis and research on Hungarian-Romanian border to its acceleration. Effect of adopted in Hungary and Romania financial laws to cross-border cooperation and trends in the legal balance to facilitate cross-border cooperation are precisely the themes that have been published under the auspices of the IERS. With reference to one of the projects under Phare (CBC/2006) is within the IERS bill designed to promote cross-border cooperation activities that can serve as a useful document for those entrepreneurs who take part in the Hungarian-Romanian cross-border projects and cross-border activities⁶⁶.

Research projects and development projects that are implemented by the Institute IERS in Hungarian-Romanian border and explored proven ability to convert the closed border to open. The results of the processes of the last twenty years, the Hungarian-Romanian border has become a mutually unified border area, on the basis of effective cooperation, which contributed to the positive effects of socio-economic and political rapprochement Hungary and Romania.

Studies on the formation of new borders in connection with the recent enlargement of the EU

Enlargement of the European Union towards Eastern Europe has opened new dimensions of European borders, namely the ability to integrate Europe into a single place. This possibility was vital that the integration of eastern European territories held by consensus and consistency⁶⁷. According Balibara Etiye the Europe is also a border⁶⁸.

Space, ed. Cristina-Maria Dogot et. al. (Oradea: Oradea University Press, Autumn 2008); Martin Hofmann, "Intercultural Dialogue and the Urban Space – Observing Relational Space of Oradea," in *The European Parliament, Intercultural Dialogue and European Neighbourhood Policy*, ed. Ioan Horga et al. (Oradea: Oradea University Press, 2009).

⁶³ Ion Zainea, "Normalization of the Romanian-Hungarian Relations and Euro-Atlantic Integration," in *Regional Development in the Romanian-Hungarian Cross-border Space – from National to European Perspective*, ed. István Süli-Zakar and Ioan Horga (Debrecen: Debreceni Egyetem Kossuth Egyetemi Kiadója, 2006).

⁶⁴ Constantin Țoca and Alina Stoica, "Romanian-Hungarian Cross-border Cultural and Educational Relations," in *Cross-Border Partnership. With Special Regard to the Hungarian-Romanian-Ukrainian Tripartite Border*, ed. Ioan Horga and István Süli-Zakar (Debrecen-Oradea: University of Debrecen Press, 2010).

⁶⁵ Vasile Ciocan, "The European Perspective of the „Local Border Traffic” at the Romanian-Hungarian Border," in *Regional Development in the Romanian-Hungarian Cross-border Space – from National to European Perspective*, ed. István Süli-Zakar and Ioan Horga (Debrecen: Debreceni Egyetem Kossuth Egyetemi Kiadója, 2006); Szabolcs Mátyás, "Analysis and Main Criminal Statistic Indexes of the Criminal Situation of Hajdú-Bihar County and Debrecen," in *Cross-Border Partnership. With Special Regard to the Hungarian-Romanian-Ukrainian Tripartite Border* (Oradea: Oradea University Press; Debrecen: Debrecen University Press, 2010).

⁶⁶ Cîrmaciu.

⁶⁷ Frank R. Pfetsch, "Borders: Cause of Conflict or Catalyst for Peace?," in *Eurolimes 4, Europe from Exclusive Borders to Inclusive Frontiers*, ed. Gerard Delanty et al. (Oradea: Oradea University Press, Autumn 2007)

Jacques Rupnik spoke not only about the borders of Europe, and on the new “internal” borders⁶⁹. Thomas Christiansen writes about the flexible boundaries⁷⁰. Olli Rehn believes that the concept of a new border is more useful, more influential than the concept of boundary in terms of European integration capacity⁷¹.

Based on the results of more than ten scientific cooperation Institute IERS launched the issue *EUROLIMES*, articles which represent a new paradigm of EU borders since its expansion (2004-2007)⁷².

The purpose of the magazine is to demonstrate through significant transformation of borders, such as converted national perspectives in the social goals, and how exclusive external EU borders are converted into flexible, inclusive, adaptive boundaries. The balance of closed and open borders,⁷³ strengthening border – they are ahead, intercultural dialogue and influence of the media,⁷⁴ the role of media in the change of value borders,⁷⁵ Ethnic Relations,⁷⁶ religious relations,⁷⁷ cross-border social relations were themes that have been published in special issue of *EUROLIMES*.

For seven years *EUROLIMES* went into a real scientific forum, facilitating the transformation of eastern and southeastern borders of the EU in the “bridges” the cradle of development. Posted concrete results concerning the Hungarian-Romanian-Slovak-Ukrainian and Romanian-Moldovan-Ukrainian cooperation, as in the edition we tried to find scientific and reasoned answers to questions such as mechanisms for cross-border cooperation and European Neighbourhood Policy, transportation and infrastructure, the

⁶⁸ Etienne Balibar, “Europe as Borderland,” *The Alexander Humboldt Lecture in Human Geography* (Nijmegen University, 2004).

⁶⁹ Jacques Rupnik, “L'Europe Centrale et les Balkans à la recherche de d'un substitut d'empire,” in *Entre Kant et Kosovo* (études offertes à Pierre Hassner), ed. Anne-Marie le Gloanec and Aleksander Smolar (Paris: Presses de Sciences, 2003); Jacques Rupnik, “‘La nouvelle frontière’ de l'Europe: quels confins pour une Europe élargie?,” in *Visions d'Europe*, ed. Bronisław Geremek and Robert Picht (Paris: Odile Jacob, 2007).

⁷⁰ Thomas Christiansen et al. “Fuzzy Politics around Fuzzy Borders: The European Union’s ‘Near Abroad’,” *Cooperation Conflict* 35, 4 (2000).

⁷¹ Olli Rehn, *Europe's Next Frontiers* (Nomos Publishing House, 2006).

⁷² Cristina-Maria Dogot, “How Permeable or Impermeable Could Be the Borders?,” in *Eurolimes* 13, *Permeability and Impermeability of Socio-Economic Frontiers within European Union*, ed. Violaine Delteil et al. (Oradea: Oradea University Press, Spring 2012).

⁷³ Gerard Delanty, “Borders in a Changing Europe: Dynamics of Openness and Closure,” in *Eurolimes* 1, *Europe and Its Borders: Theoretical and Historical Perspective*, ed. Ioan Horga and Sorin Şipoş (Oradea: Oradea University Press, Spring 2006).

⁷⁴ Renaud de la Brosse, “Dialogue interculturel, diversité culturelle et régulation des médias,” in *Eurolimes* 3, *Media, Intercultural Europe and the New Frontiers of Europe*, edited by Fabienne Maron et al. (Oradea: Oradea University Press, Spring 2007).

⁷⁵ Ioan Horga, “Un nouveau paradigme de l'identité européenne: le droit d'autonomie personnelle,” in *Europa em Mutação. Cidadania. Identidades. Diversidade Cultural* [Changing Europe: Citizenship. Identities. Cultural diversity], ed. Maria Manuela Tavares Ribeiro (Coimbra: Quarteto, 2003); Ioan Horga, “The Role of Media in Changing the Meaning of Borders,” in *Eurolimes* 3, *Media, Intercultural Europe and the New Frontiers of Europe*, edited by Fabienne Maron et al. (Oradea: Oradea University Press, Spring 2007).

⁷⁶ Luminița Şoproni, “Cross-border Identity...”.

⁷⁷ Enrique Banus, “Cultural Relevance of the Border,” in *Eurolimes* 2, *From Smaller to Greater Europe: Border Identitary Testimonies*, ed. Mircea Brie and Kozma Gábor (Oradea: Oradea University Press, 2006).

role of national minorities in the processes of cross-border cooperation, the role of education in the development of intercultural dialogue along the eastern border of the EU.

These studies were conducted by analysing the changes of real life, and journal articles covering topics mostly about changes in the meaning of borders between new Member States. These changes proved by the fact that researchers are more pragmatic and passionate about a particular prospect than the prospect of a general nature⁷⁸.

Europe – adaptive border is the vector direction, which is supported *EUROLIMES* in the debate⁷⁹. European borders represent not only geographic space and people who live on both sides of the border, and much more, including migrants, refugees and transnational communities⁸⁰.

Studied how changed the concept of boundaries in contemporary trends in European society, with special attention to the recent EU enlargement. The changing nature of borders, establishment of “post-Western” Europe associated with the name G. Delanty⁸¹. Overrated concept of definition is the periphery that is perceived by the modernisation of border territory. Within such a peripheral connection between the internal and external is a complex and ambivalent. Although often seen in the exclusive form that it can be regarded as an arena of international negotiations⁸². Under the heading “Rethinking European Borders”⁸³ *EUROLIMES* supported a number of debates with regard to the enlargement processes.

Entrance of the Central and Eastern Europe into the European space is one of the following topics, which has been rightly *EUROLIMES*⁸⁴. Statistical considerations show that only a few countries satisfy the Maastricht convergence criteria, which casts doubt on the feasibility of using such criteria in the cases of countries that are in the process of transformation⁸⁵. The authors of significant advantages PECO countries after their accession to the European space expected to be more substantial than their economic

⁷⁸ Annamaria Oláh, “Hungary – Romania – Trilateral Border Area and Its Potential,” in *Cross-Border Partnership. With Special Regard to the Hungarian-Romanian-Ukrainian Tripartite Border*, ed. Ioan Horga and István Süli-Zakar (Oradea: Oradea University Press; Debrecen: Debrecen University Press, 2010); Csaba Kovács M., “Types of Migration in Romania During the Period of Economic Transition,” in *Regional Development in the Romanian-Hungarian Cross-border Space – from National to European Perspective*, ed. István Süli-Zakar and Ioan Horga (Debrecen: DE Kossuth Egyetemi Kiadója, 2006).

⁷⁹ István Süli-Zakar, “A Euroregional Contact Region...”

⁸⁰ K. Nicolaïdis, “Les fins de l'Europe,” in *Visions d'Europe*, ed. Bronisław Geremek and Robert Picht (Paris: Odile Jacob, 2007).

⁸¹ Delanty, “Borders in a Changing Europe...”; Delanty, “Peripheries and Borders...”

⁸² Robert Bideleux, “The Limits of Europe,” in *Eurolimes 1, Europe and Its Borders: Theoretical and Historical Perspective*, ed. Ioan Horga and Sorin Şipoş (Oradea: Oradea University Press, Spring 2006).

⁸³ Fabienne Maron, “Les nouvelles frontières de l'Europe: repenser les concepts,” in *Eurolimes 4, Europe from Exclusive Borders to Inclusive Frontiers*, ed. Gerard Delanty et al. (Oradea: Oradea University Press, Autumn 2007).

⁸⁴ Jarosław Kundera, “L'Europe élargie sans frontière monétaire,” in *Eurolimes 4, Europe from Exclusive Borders to Inclusive Frontiers*, ed. Gerard Delanty et al. (Oradea: Oradea University Press, Autumn 2007).

⁸⁵ Gergely Tagai et al., “Methods of the Analysis of Integration Effect on Border Areas – the Case of Hungary,” in *Eurolimes 6, Intercultural Dialogue and European Space*, ed. Cristina-Maria Dogot et al. (Oradea: Oradea University Press, Autumn 2008).

costs. One of the issues of the journal devoted to the global economic crisis on European economic borders⁸⁶.

Trafficking and migration in Eastern and Southeastern Europe also plays an important role, because it deals with IERS and the matter during their studies⁸⁷. Thus, human trafficking has affected Central Borders⁸⁸. Therefore, for individual countries enter into a duty to strengthen border security, health, to combat and prevent trafficking. Arranging and maintaining direct channels of communication should strengthen ties between the border authorities. This in particular means close cooperation between border authorities and actors of civil structures, for example: Police, prosecutors, NGOs and others⁸⁹.

One of these research topics IERS, its image and identity borders of new Europe. Notable is the controversial image of the border: from a relatively finishing processes and boundaries in a globalised context⁹⁰ in Eastern and Central Europe from the devaluation of the concept of sovereignty to the intentions of Western powers overlapping borders to immigrants and to the labor force countries that intend to introduction⁹¹. In the enlarged Europe change condemnation borders is a process of transformation⁹² and approval of changes becomes an important scientific work.

Fabienn Maron believes that the impact of 2004 and 2007 enlargement with increasing mobility, and previous re-migration, trade relations, education, globalisation, increased cultural, religious and linguistic relationships within and outside Europe⁹³. In such a multicultural European society and in the arena of continuous expansion, the role of dialogue between cultures and the media becomes very important in terms of preservation of cultural identity of Union as well as the respect of common values and preserving cohesion⁹⁴. Media creates an opportunity for dialogue for Europe in order to establish

⁸⁶ *Eurolimes 8, Europe and its Economic Frontiers*, edited by Luminița Șoproni, Angelo Santagostino and Ernő Molnar (Oradea: Oradea University Press, 2009).

⁸⁷ Vasile Ciocan, "The Role of Migration in Development: Realizing the Potential of Human Mobility," in *Challenges and Perspectives in the Regional and Euroregional Issues in the New Europe*, ed. Ioan Horga and István Süli-Zakar (Oradea: Oradea University Press, 2006); Mátyás.

⁸⁸ Sharif Gemie, "Re-defining Refugees: Nations, Borders and Globalisation," in *Eurolimes 9, The Cultural Frontiers of Europe*, ed. Alina Stoica et al. (Oradea: Oradea University Press, 2010).

⁸⁹ Péter Balogh, "The Integration of Romania and Its Neighbours into the EU: A Threat to European Security," in *Eurolimes 2, From Smaller to Greater Europe: Border Identity Testimonies*, edited by Mircea Brie and Kozma Gábor (Oradea: Oradea University Press, 2006).

⁹⁰ Dacian Duna, "Approaching the Northern and Southern Neighbours of the European Union," in *Eurolimes 7, Europe and the Neighbourhood*, ed. Dorin Ioan Dolghi et al. (Oradea-Debreceen: Oradea University Press, Spring 2009).

⁹¹ Rupnik, "'La nouvelle frontière' de l'Europe...."

⁹² *Europa em Mutação. Cidadania. Identidades. Diversidade Cultural* [Changing Europe: Citizenship. Identities. Cultural diversity], edited by Maria Manuela Tavares-Ribeiro. Coimbra: Quarteto, 2003.

⁹³ Maron; Zuzana Ištvanfojá, "Narrative Fiction as Means of Crossing Borders," in *Eurolimes 7, Europe and the Neighbourhood*, ed. Dorin Ioan Dolghi et al. (Oradea-Debreceen: Oradea University Press, Spring 2009).

⁹⁴ Margaryta Chabanna, "The Promotion of Intercultural Dialogue in the Charpatian Euroregion States (Involvement of Civil Society in the Implementation of a Cultural Policy)," in *Eurolimes 6, Intercultural Dialogue and European Space*, ed. Cristina-Maria Dogot et al. (Oradea: Oradea University Press, Autumn 2008); Grigore Silași and Alexandra Dogaru, "The Romanian Banat „Best Practice” of Intercultural Awareness," in *The European Parliament, Intercultural Dialogue and European Neighbourhood Policy*, ed. Ioan Horga et al. (Oradea: University of Oradea Press, 2009).

relations with neighbouring states⁹⁵. In this position, border shall transfer money in a positive sense, as there is the possibility of mediation, mutual values, ideas and projects⁹⁶.

The essence of intercultural dialogue is laid in that spot the difference and color space of our existence⁹⁷. Such differences of opinions, attitudes or values exist, both within cultures and among different cultures. Intercultural dialogue responds to these differences in a way that tries to understand the other, thereby initiating interaction, which aims to exchange views and values⁹⁸. This gives us the impetus to determine their own cultural barriers and to go beyond their limits. The barriers can be political, economic, cultural nature, but we can talk about the language barrier⁹⁹. As any barriers and language barriers are dynamic and largely depend on changes in political boundaries¹⁰⁰.

Borders in political realities can become cultural¹⁰¹ borders, as elements of the definition of “otherness” are affecting minorities¹⁰². Physical frontiers in the mental sense are often manifested in the form of cultural barriers. These mental barriers are trying in an absolute way to separate their culture from the “other” culture¹⁰³.

Institute IRES involved in the debate on the new eastern borders of the EU on the Lisbon Treaty on subsidiarity new approaches¹⁰⁴, not only from a theoretical point of view, but also case studies with particular attention at a crucial part of the eastern periphery of the EU, namely the Romanian-Hungarian-Ukrainian border strip¹⁰⁵, or the

⁹⁵ Horga, “The Role of Media...”; de la Brosse.

⁹⁶ Rudolf Rezsöházy, “The Cultural Frontiers of Europe: Our Common Values,” in *Eurolimes 4, Europe from Exclusive Borders to Inclusive Frontiers*, ed. Gerard Delanty et al. (Oradea: Oradea University Press, Autumn 2007).

⁹⁷ Teresa Pinheiro, “Emigration, Immigration and Interculturality: the Meaning of the European Year of Intercultural Dialogue in Portugal,” in *Eurolimes, Intercultural Dialogue and European Space*, edited by Cristina-Maria Dogot et al. (Oradea: Oradea University Press, Autumn 2008).

⁹⁸ Andrei Marga, “Democracy as Form of Life,” in *Eurolimes 8, Europe and its Economic Frontiers*, ed. Luminița Șoproni et al. (Oradea: Oradea University Press, 2009).

⁹⁹ Ioan Horga and Mircea Brie, “Europe: A Cultural Border, or a Geo-cultural Archipelago,” in *Eurolimes 9, Cultural Frontiers of Europe*, edited by Alina Stoica et al. (Oradea: Oradea University Press, Spring 2010).

¹⁰⁰ Vincent Climent-Ferrando and Esther Gimeno Ugalde, “EU Enlargements and its Linguistic Borders: A Historical Review,” in *Eurolimes 1, Europe and Its Borders: Theoretical and Historical Perspective*, edited by Ioan Horga and Sorin Șipoș (Oradea: Oradea University Press, Spring 2006).

¹⁰¹ *Eurolimes 9, Cultural Frontiers of Europe*, edited by Alina Stoica et al. (Oradea: Oradea University Press, Spring 2010).

¹⁰² Peter Antes, “Religious Borders in Decomposition,” in *Eurolimes 5, Religious Frontiers of Europe*, ed. Sorin Șipoș et al. (Oradea: Oradea University Press, Spring 2008); Banus, “Images of Openness...”; George Contogeorgis, “Religion and Politics in the Nation State and the European Union,” in *Eurolimes 5, Religious Frontiers of Europe*, edited by Sorin Șipoș et al. (Oradea: Oradea University Press, Spring 2008).

¹⁰³ Banus, “Cultural Relevance of the Border.”

¹⁰⁴ Ioan Horga, “The Multilevel Governance (MLG) and the Respect of the Subsidiarity Principle,” in *Cross-Border Cooperation Partnership. With Special Regard to the Hungarian-Romanian-Ukrainian Tripartite Border*, ed. Ioan Horga and István Süli-Zakar (Oradea: Oradea University Press; Debrecen: Debrecen University Press, 2010).

¹⁰⁵ Svitlana Mytryayeva, “Transborder Cooperation on the New Eastern Borders of EU,” in *Neighbours and Partners: On the Two Sides of the Border*, ed. István Süli-Zakar, (Debrecen: Debreceni Egyetem Kossuth Egyetemi Kiadó, 2008); József Tarpai, “Cross-border Cooperation at the Ukrainian-Romanian-Hungarian Borderland, with Special Focus on Tourism,” in *Cross-Border Cooperation Partnership. With Special Regard to the Hungarian-Romanian-Ukrainian*

Romanian-Moldovan-Ukrainian border¹⁰⁶. Also we pay special attention to economic, social and cultural aspects of cross-border cooperation: investment through a special legal environment of economic activity between Ukraine and the EU¹⁰⁷. Studied the possibility for establishment of a railway transportation “Intercity” between Ukraine and Hungary; investigated possible integrated rural development, rehabilitation of the environment and ecotourism in the Hungarian-Romanian-Ukrainian border region triple¹⁰⁸. Developed tourist programmes and projects of territorial development of the Hungarian, Romanian, Ukrainian border region¹⁰⁹ investigated the educational opportunities of the Hungarian-Romanian-Ukrainian border¹¹⁰.

Conclusions

The research results of authors who published articles among EUROLIMES and scientific collections, publications of the Institute IRES, indicate that the prospects for the future of Europe cannot be predicted without measuring the concept of identity and borders, as European society is fundamentally open¹¹¹. The European crisis of our day once again makes the problem for borders on the surface. Stages of expansion rewrite the concept of internal separatism¹¹² and put into question a mental barrier, as observed study of the geographical horizon of European integration. In the process, European borders are determined by geography, the order of values and political will¹¹³. For example Copenhagen criteria defining European borders so that the link to the fundamental values

Tripartite Border, ed. Ioan Horga and István Süli-Zakar (Oradea: Oradea University Press; Debrecen: Debrecen University Press, 2010).

¹⁰⁶ Nicolae Dandiş, “Cross-border Cooperation - a Strategic Dimension of European Neighbourhood at the Eastern Frontier of the EU,” in *Eurolimes 7, Europe and the Neighbourhood*, ed. Dorin Ioan Dolghi et al. (Oradea: Oradea University Press, Spring 2009); Octavian Țicu, “Moldova between the Near Abroad Policy of the Russian Federation and the Neighbourhood Policy of the European Union,” in *Eurolimes 6, Intercultural Dialogue and European Space*, ed. Cristina-Maria Dogot et al. (Oradea: Oradea University Press, Autumn 2008).

¹⁰⁷ Olha Yehorova, “Investment Attractiveness of Special Legal Regimes of Economic Activity in Border Regions between Ukraine and the EU,” in *Eurolimes 8, Europe and its Economic Frontiers*, edited by Luminița Șoproni et al. (Oradea: Oradea University Press, 2009).

¹⁰⁸ Zoltán Raffay, “Complex Rural Development, Habitat Rehabilitation and Ecotourism in the Hungarian–Romanian–Ukrainian Triple Border Region,” in *Cross-Border Partnership. With Special Regard to the Hungarian-Romanian-Ukrainian Tripartite Border*, ed. Ioan Horga and István Süli-Zakar (Oradea: University of Oradea Press; Debrecen: University of Debrecen Press, 2010).

¹⁰⁹ Zsolt Radics, “Tourist-territorial Development Program in the Hungarian-Ukrainian Border,” in *Neighbours and Partners: On the Two Sides of the Border*, ed. István Süli-Zakar (Debrecen: Debreceni Egyetem Kossuth Egyetemi Kiadó, 2008); Alexandru Ilieș and Daniela Drugaș, “Carpathian Euroregion and the European Union External Frontier. Aspects of Political Geography,” in *Regional Development in the Romanian-Hungarian Cross-border Space – from national to European Perspective*, ed. István Süli-Zakar and Ioan Horga (Debrecen: DE Kossuth Egyetemi Kiadója, 2006); Amalia Sturza, “Cross-border Cooperation and Neighbourhood Programs between Romania and Ukraine,” in *Eurolimes 2, From Smaller to Greater Europe: Border Identitary Testimonies*, edited by Mircea Brie and Kozma Gábor (Oradea: Oradea University Press, Autumn 2006).

¹¹⁰ Károly Teperics, “Educational Co-operations...”

¹¹¹ *Cross-Border Cooperation Partnership. With Special Regard to the Hungarian-Romanian-Ukrainian Tripartite Border*, ed. Ioan Horga and István Süli-Zakar (Oradea: Oradea University Press; Debrecen: Debrecen University Press, 2010).

¹¹² *Europa em Mutação*.

¹¹³ *Cross-Border Cooperation Partnership*.

that have already taken the previous accession countries¹¹⁴. It should be noted that these values are not forced Europe to “shut its gates” after each expansion, as modern transformation and interdependent markets exclude this possibility.

Actual negotiations and agreements indicate that Europe does not want to appear “coherent” state-defined by borders. Fact of the existence of a crisis situation so as doubt, constitutes an element of the European process. Solution of such problems lays in deepening reform the EU’s internal processes through adaptive policies in defining European citizenship, addition of historical consciousness in the balance of competitive policy development and public policy and the role of immigration in European society¹¹⁵. On the other hand have to find a solution by building a common consciousness and perception of color, in a dynamic code of ethics, which define the border treat dialogue rather than conflict¹¹⁶. Researchers from the first CEE cross-border (seven years) Research Institute of Debrecen-Oradea (IRES) “Jean Monnet” continue its work on such beliefs in the future¹¹⁷.

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¹¹⁴ Nicolae Păun and Georgiana Ciceo, “The Limits of Europeanness. Can Europeanness Stand Alone as the Only Guiding Criterion for Deciding Turkey’s EU Membership?,” in *Eurolimes 9, Cultural Frontiers of Europe*, ed. Alina Stoica et al. (Oradea: Oradea University Press, Spring 2010); Irina Pop, “The Assessment of the European Neighbourhood Policy in the South Caucasus: What the European Union Can Do?,” in *Eurolimes 7, Europe and the Neighbourhood*, ed. Dorin Ioan Dolghi et al. (Oradea: Oradea University Press, Spring 2009).

¹¹⁵ István Süli-Zakar et al. “Input of the Euroregional Research...”

¹¹⁶ Ioan Horga and Mircea Brie, “La coopération interuniversitaire aux frontières extérieures de l’Union Européenne et la contribution à la politique européenne de voisinage,” in *The European Parliament, Intercultural Dialogue and European Neighbourhood Policy*, ed. Ioan Horga et al. (Oradea: Oradea University Press, 2009).

¹¹⁷ *Cross-Border Cooperation Partnership. With Special Regard to the Hungarian-Romanian-Ukrainian Tripartite Border*, ed. Ioan Horga and István Süli-Zakar (Oradea: Oradea University Press; Debrecen: Debrecen University Press, 2010).

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EU-Neighbourhood Cross-border Cooperation: Fostering Border Management as a Condition for Increased Mobility

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Abstract: *Despite the absence of a common border service at the EU level, the EU has developed a border policy towards the Eastern Neighbourhood, including Russia, and has set out an agenda for cooperation in the field with the Southern Mediterranean countries. This article analyses empirically the EU cross-border cooperation with the Neighbourhood and it assesses it within the wider JLS policies such as the visa liberalisation process and Mobility Partnerships. In addition, it aims at contributing to scholarly work in this field as much more attention has been given to date to other migration-related policy areas such as readmission. The most substantial outcomes of EU cross-border cooperation are in border management with the signature of FRONTEX Working Arrangements and, in the specific case of Ukraine and Moldova, the border management activity of the EUBAM Mission. The article shows that border management has consisted mainly in the modernisation and provision of equipment at the borders, as well as capacity-building. In addition, it has sketched the bilateral agreements signed between EU Member States and the Neighbourhood on local border traffic, as well as the state of play of border demarcation agreements. Finally, it shows how cooperation on border management is conditional to progress in the context of the Schengen visa liberalisation process or the Mobility Partnerships.*

Keywords: *European Union, cross-border cooperation, Neighbourhood, FRONTEX, EUBAM*

Introduction

The migration area has been defined in March 2013 at the latest Joint Communication on the European Neighbourhood Policy (ENP) as a ‘common challenge’ that the EU and its Neighbourhood face.² The same Joint Communication refers to the ‘mobility of people’ as one of the new features of the ENP.³ Among the components of the migration cooperation between the EU and both its Eastern and Southern Neighbourhoods,⁴ cross-border cooperation has been key and led to substantial outcomes.⁵

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² European Commission and High Representative of the European Union for Foreign and Security Policy, “European Neighbourhood Policy: Working towards a Stronger Partnership,” JOIN (2013) 4 final, Brussels, (20 March 2013): 3.

³ *Ibid.*, 2.

⁴ The term Neighbourhood refers in this article to all the countries of the European Neighbourhood Policy (ENP), both the Eastern Partnership countries (Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine) and the Southern Mediterranean countries (Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, the Occupied Palestinian Territories, Syria and Tunisia). Although the Russian Federation is not part of the ENP, it is included in the term Neighbourhood throughout the article since it shares part of the EU common border.

⁵ Nicolae Dandiş claims cross-border cooperation has been used strategically by the EU. See Nicolae Dandiş, “Cross-border Cooperation – a Strategic Dimension of European Neighbourhood

Worth noting is that cross-border cooperation has an impact on the lives of the citizens on both sides of the EU common border and materialises in a series of policy areas: border management, the Local Border Traffic (LBT) regime and border demarcation. Yet, academic work on the formulation of cross-border cooperation has been scarce, unlike scholarly attention to other migration-related policies of the Union such as the signature of readmission agreements.⁶ Worth recalling is that the EU cross-border cooperation lacks a clear regulation in the EU Treaties if compared with the readmission policy, the latter being implemented with the signature of legally-binding agreements with third countries.

However, the lack of integration of the border policies from Member States at the EU level has not prevented the Union from cooperating with third countries in the field of border management, by means of instruments such as the Working Arrangements (WA) adopted between the European Agency for Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) and the Border Services of third countries and, in the case of Ukraine and Moldova, the work of the European Union Border Assistance Mission to the Republic of Moldova and to Ukraine (EUBAM). Other cross-border cooperation instruments have been LBT agreements and bilateral border demarcation agreements.

Against this background, this article aims at analysing the current EU cross-border cooperation with the EU Neighbourhood and at providing an empirical account of how EU cross-border cooperation has been articulated and implemented into policies in the countries of the EU Eastern and Southern Neighbourhoods, comparing the state of play of developments in the area in each of the Neighbourhoods.⁷ The EU cross-border cooperation is assessed as a policy area within the wider EU cooperation on Justice, Liberty and Security (JLS) with third countries. In other words, the article seeks to identify the role that cross-border cooperation plays in the overall EU JLS cooperation, focusing on the link between the EU border management cooperation and other EU policy areas like the Schengen visa liberalisation process and EU Mobility Partnerships.

Methodologically, the article relies mostly on the analysis of primary sources of progress in the ENP as well as field work conducted at FRONTEX and EUBAM headquarters and the Border Services of Ukraine and Moldova. The article shows that EU cross-border cooperation with third countries, in particular the establishment of an ‘effective border management’, has been a precondition for within the Schengen visa liberalisation dialogue and for the launch of Mobility Partnerships.⁸ In this sense, border

Policy at the Eastern Frontier of the EU,” *Eurolimes* 7, *Europe and the Neighbourhood*, ed. Dorin Ioan Dolghi et al. (Oradea: University of Oradea Press, Spring 2009).

⁶ The EU readmission policy towards third countries was set as a priority in the EU migration cooperation with the Neighbourhood in the first Action Plan in the Area of Freedom, Security and Justice approved at the Tampere European Council in 1999. On the EU readmission policy, see Nicole Coleman, *European Readmission Policy: Third Country Interests and Refugee Rights* (Leiden: Martinus Nijhoff Publishers, 2009).

⁷ EU cross-border cooperation has also been relevant in the the JLS external dimension to the Western Balkans, where Schengen visas were lifted in each candidate and potential candidate country except for Kosovo. See Arnaud Jouanne and Kastriot Gjoni, “Le rôle de l’Union Européenne sur la gestion des frontières dans les Balkans occidentaux,” *Eurolimes* 14, *Enlargements, Borders and the Changes of EU Political Priorities*, ed. Ariane Landuyt et al. (Oradea: Oradea University Press, Autumn 2012), 53.

⁸ Mobility Partnerships are non-legally binding instruments that gather EU Member States and third country initiatives under the coordination of the Commission, and whose content brings together a wide range of migration-related issues in an attempt to step up EU labour migration cooperation

management is an integral part of an EU migration policy focused rather on security than on mobility. It also shows that cooperation has been particularly relevant in the countries neighbouring the EU to the East: the Russian Federation⁹ and the Eastern Partnership countries, but that in the aftermath of the Arab Spring, cross-border cooperation has been included in the migration agenda towards the Southern Mediterranean countries.

The article is structured into four sections. The next section focuses on the analysis of the EU cross-border cooperation instruments with third countries. Both the developments at the EU internal level in the field as well as the policy instruments at the external level, namely the FRONTEX WA, EUBAM, LBT agreements and bilateral border demarcation agreements are dealt with. Section 3 assesses empirically the EU cross-border cooperation in the Neighbourhood. Finally, section 4 summarises the conclusions of the article.

EU cross-border cooperation instruments with third countries

An analysis of the internal dimension of the EU borders policy reveals that it is not integrated at the EU level as other JLS related policies. Indeed, the border services of the EU Member States have not been transferred to a supranational “EU border guard service”. Consequently, “member states continue to be competent in controlling their external borders”.¹⁰ As EU Member States hold executive powers, the FRONTEX founding Regulation clearly states that “[t]he responsibility for the control and surveillance of the external borders lies with the member states”.¹¹ Actually, the Agency is only in charge of coordinating operational cooperation along the EU external border.¹² In addition, there is no will in EU Member States to transfer sovereignty on border management, despite the need to cooperate, according to a FRONTEX official.¹³ As a matter of fact, the status of border in EU Member States differ substantially, as Carrera highlights, having most of them the status of police officers, while in other Member States they have military rank (Finland, Latvia, Lithuania, the Netherlands and Poland).¹⁴

with third countries. See Sergio Carrera and Raúl Hernández i Sagrera, “Mobility Partnerships: Insecurity Partnerships for the Policy Coherence and the Human Rights of Migrant Workers in the EU,” in *Multilayered Migration Governance: The Promise of Partnership*, ed. Rachel Kunz et al. (London: Routledge, 2011).

⁹ Hereafter referred to as Russia.

¹⁰ Sarah Wolff, “EU Integrated Border Management Beyond Lisbon: Contrasting Policies and Practice,” in *Shaping the Normative Contours of the European Union: a Migration-Border Framework*, ed. Ricard Zapata-Barrero (Barcelona: CIDOB, 2010), 26.

¹¹ Council of the European Union, “Regulation 2007/2004 of 26 October 2004 Establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union,” *OJ L* 349/1 (25 November 2004): art 1.2.

¹² On the creation of FRONTEX, see Helène Jorry, “Construction of a European Institutional Model for the Managing Operational Cooperation at the EU’s External Borders: Is the FRONTEX Agency a Decisive Step Forward?,” *CHALLENGE Research Papers* 6 (March 2007), and Sarah Léonard, “The Creation of FRONTEX and the Politics of Institutionalisation in the European Union External Borders Policy,” *Journal of Contemporary European Research* 5, 3 (2009): 371-388.

¹³ Interview with a FRONTEX official, Brussels, May 2010.

¹⁴ Sergio Carrera, “Towards a Common European Border Service?,” *CEPS Working Document* 331 (Brussels: Centre for European Policy Studies, 2010): 9.

With the Schengen area encompassing 26 States without internal border checks,¹⁵ the European Commission strives to integrate progressively the EU border guard services. The Treaty on the Functioning of the European Union establishes that the EU should develop a policy aimed at “[t]he gradual introduction of an integrated management system for external borders”.¹⁶ In this sense, Commissioner for Home Affairs Cecilia Malmström “identified the creation of a European border guard as one of the most important policy actions to be debated before the end of her mandate.”¹⁷ Close to the end of the current legislative period (2009-2014), FRONTEX enhanced its scope of action with the amendment of its founding Regulation in 2011, which is far from having the attributions of an EU common border guard service. The main tasks attributed to the mandate of FRONTEX when it started its activity in 2005 are the elaboration of risk assessments of irregular migration routes into the EU, capacity-building for border guards and the launch of joint return operations. These are set up only in circumstances whereby EU Member States require further technical and operational assistance at the common EU border, in application of the principle of burden-sharing.¹⁸

In February 2010, the European Commission presented a proposal aimed at reforming FRONTEX, which led to the amended Regulation 1168/2011 which entered into force in November 2011.¹⁹ The new Regulation includes a series of reforms. On the one hand, a leading role of the Agency together with member states is the deployment of joint return operations, able to control the operational plan in case of need and to decide where EU member states’ experts should be deployed. Also, the Regulation foresees rendering compulsory the equipment contribution from member states and the possibility for FRONTEX to have its own equipment. On the other hand, the Regulation envisages the possibility for FRONTEX to fund technical-assistance projects with third countries. The FRONTEX amended Regulation foresees the obligation to introduce a fundamental rights approach, including the Charter for Fundamental Rights and international refugee law in the contents of capacity-building trainings and seminars.²⁰

The cornerstone of the EU borders *acquis* is the so-called Schengen Borders’ Code.²¹ Paradoxically, the Code entered into force after the creation of FRONTEX in

¹⁵ The Schengen area is composed by the EU 27 EU Member States except for Bulgaria, Cyprus, Ireland, Romania and the United Kingdom and four non-EU Member States (Iceland, Liechtenstein, Norway and Switzerland). On the Schengen *acquis* as an example of differentiated integration at EU level, see Georgiana Ciceo, “The Multispeed Integration and the Future Inner Borders of the EU. What are the Challenges for Those Remaining Outside the Hard Core?,” in *Eurolimes 14, Enlargements, Borders and the Changes of EU Political Priorities*, edited by Ariane Landuyt et al. (Oradea: Oradea University Press, Autumn 2012).

¹⁶ *Treaty of Lisbon. Consolidated versions of Treaty on the Functioning of the European Union*, OJ, C 326 (26 October 2012): art. 77, 1.c.

¹⁷ Carrera, “Towards a Common European Border Service?,” 1.

¹⁸ The FRONTEX Joint operations have been mainly deployed in the Southern Mediterranean. In Eastern Europe, FRONTEX has deployed, among others, a joint operation along the EU-Ukrainian border named JUPITER, in which Russia, Ukraine and Moldova were involved.

¹⁹ European Parliament and Council of the European Union, “Regulation (EU) no 1168/2011 of 26 October 2011 Amending Council Regulation (EC) 2007/2004 Establishing a European Agency for the Management of Operation Cooperation at the External Borders of the Member States of the European Union,” OJ, L204/1 (22 November 2011).

²⁰ *Ibid.*, art. 5.

²¹ European Parliament and Council of the European Union, “Regulation 562/2006 of 15 March 2006 Establishing a Community Code on the Rules Governing the Movement of Persons across Borders (Schengen Borders Code),” OJ, L 105 (13 April 2006).

2005, evidence of the lack of executive powers of the Agency and that the border guard service of the Member States are actually in charge if the implementation of the EU borders acquis. The Border's Code stipulates that border management is a policy area that "should help to combat illegal immigration and trafficking in human beings and to prevent any threat to the Member States' internal security, public policy, public health and international relations".²² In that regard, Carrera points out that 'the current EU policy on irregular migration legitimise(s) the practice and promotion of a paradigm of control and surveillance, whose implementation (...) opens a series of concerns regarding the principle of legality, transparency and accountability as well as the compliance with human rights and European Community Law on borders'.²³ Moreover, the technologisation of the EU borders policy has not been absent of criticism. Carrera contended that '[t]echnology, (...) is now presented as the 'ultra-solution' to any imagined threat to the EU's internal security'.²⁴

In an attempt to step up the harmonisation of the EU borders policy, the European Commission presented a Communication on Integrated Border Management (IBM) in 2002.²⁵ The Commission, aware of the reticence of Member States to transfer sovereignty on borders, opted for setting up standards on border management to be gradually adopted by the EU Member States.²⁶ According to the Commission, IBM allows for "practitioners of the checks at the external borders to come together around the same table to co-ordinate their operational action in the framework of an integrated strategy"²⁷. In line with the Commission Communication on IBM, the Council Conclusions in 2006 defined IBM as a concept embedding border control (according to the Schengen Borders' Code), detection of cross-border crime and cooperation between different agencies.²⁸ In the same vein, the Stockholm Programme, which sets out the agenda for action in the Justice and Home Affairs domain for the period 2009-2014, defines IBM as an "effective policy to combat illegal immigration"²⁹ and calls for the further development of IBM, by means of the reinforcement of FRONTEX.³⁰

As mentioned in the introduction, the EU cross-border cooperation instruments with third countries analysed in this article are the following: the FRONTEX WA and EUBAM (Ukraine and Moldova), LBT agreements and bilateral border demarcation agreements. Regarding the FRONTEX WA, they are the main policy instruments deployed in the EU borders policy towards the Neighbourhood. Other EU agencies in the Area of Freedom, Security and Justice such as EUROPOL and EUROJUST also negotiate

²² Ibid., recital 6.

²³ Sergio Carrera, "The EU Border Management Strategy: FRONTEX and the Challenges of Irregular Immigration in the Canary Islands," *CEPS Working Document 261* (Brussels: Centre for European Policy Studies, 2007), 8.

²⁴ Carrera, "Towards a Common European Border Service?," 7.

²⁵ European Commission, "Communication: Towards Integrated Management of the External Borders of the Member States of the European Union," COM (2002) 233 final, 7 May 2002.

²⁶ On the IBM concept, see Peter Hobbing, "Integrated Border Management at the EU Level," in *Security versus Freedom? A Challenge for Europe's Future*, ed. Sergio Carrera and Thierry Balzacq (Farnham: Ashgate Publishing, 2006).

²⁷ European Commission, "Communication: Towards Integrated Management," 5.

²⁸ Council of the European Union, "Council Conclusions on Integrated Border Management," (2768th Justice and Home Affairs Council Meeting), (4-5 December 2006): 2.

²⁹ Council of the European Union, "The Stockholm Programme: An Open and Secure Europe Serving the Citizen," 17024/09 (2 December 2009): 108.

³⁰ Ibid., 91.

operational arrangements with the Neighbourhood. The FRONTEX Regulation stipulates in a vague fashion in article 14 the external relations of the Agency via the signature of the Arrangements.³¹ The term operational cooperation gives room for manoeuvre in the border management cooperation with third countries. Worth mentioning is that EU Member States can develop in parallel to FRONTEX their own border management bilateral activities with the Neighbourhood. As Wolff contends, “[t]he multiplication of bilateral agreements between the EU, its member states and third countries to control immigration and co-operate on border management has opened a Pandora box full of legal and political uncertainties.”³² For instance, the Polish and Ukrainian border guard services have been cooperating bilaterally.

Regarding the legal nature of the Arrangements, unlike other JLS instruments such as the EU Readmission and Visa Facilitation Agreements, they are non-legally binding and therefore the parties can adjust their content. Both the FRONTEX officials and members of the Neighbourhood border guard services approve of the non legally-binding character of the Arrangements. For instance, a FRONTEX official stated that it allows for a case-by-case approach which mutually benefits both parties.³³ Yet, As Bigo and Guild point out, “none of the Arrangements specifies the legal basis on which they were negotiated or agree”.³⁴ This soft law character challenges the legal certainty and enforcement of the commitments set out in the Working Arrangements. Actually, the EU could sign international agreements on border management in light of article 79.3 of the Treaty on the Functioning of the European Union. Furthermore, the mandatory consent of the European Parliament to the EU international agreements would increase legitimacy.

In the case of Ukraine and Moldova, the EU border management cooperation has also been channelled through the work of the EUBAM Mission, a technical and advisory body with no executive powers. Launched in December 2005, its mandate has subsequently been extended every two years in 2007, 2009 and 2011 and will continue until 30 November 2015. The United Nations Development Programme is the Mission’s implementing partner and its headquarters are in the Ukrainian city of Odesa.³⁵ The foundations of EUBAM are set in a Memorandum of Understanding signed between the European Commission and the Governments of Ukraine and Moldova. The Memorandum states that the Mission “will promote coordinated action and assist the Governments of the Republic of Moldova and of Ukraine in areas involving border, customs and fiscal matters”.³⁶

EUBAM has the aim to “improve cooperation between the border guard and customs services and with other law enforcement agencies, and to facilitate cross-border

³¹ European Parliament and Council of the European Union, “Regulation (EU) no 1168/2011,” art. 14.

³² Wolff, 29.

³³ Interview with a FRONTEX official, Warsaw, November 2010.

³⁴ Didier Bigo and Elspeth Guild, “The Transformation of European Border Controls,” in *Extraterritorial Immigration Control: Legal Challenges*, ed. Bernard Ryan and Valsamis Mitsilegas (Leiden: Martinus Nijhoff, 2010), 273.

³⁵ The headquarters also serve as the EUBAM liaison office for Ukraine. The liaison office for Moldova is in Chişinău. EUBAM has a network of six field offices along the Moldovan-Ukrainian border.

³⁶ European Commission, Government of the Republic of Moldova and Government of Ukraine, “Memorandum of Understanding between the European Commission, the Government of the Republic of Moldova and the Government of Ukraine on the European Commission Border Assistance Mission to the Republic of Moldova and to Ukraine,” accessed April 26, 2013, 1, http://www.eubam.org/files/memorandum_of_understanding_en.pdf.

and international cooperation”.³⁷ In addition, EUBAM assists the Ukrainian and Moldovan governments in the process of demarcation of their common border. A Joint Ukrainian-Moldovan Commission on Border Demarcation is operational with a view to demarcate the Moldovan-Ukrainian border, including the section through Transnistria. EUBAM acts as an observer at the Joint Commission. Two thirds of the common border between Ukraine and Moldova has been demarcated so far and the railway passenger service between Chişinău and Odesa via Transnistria was resumed in 2010 and freight railway traffic in 2012.³⁸

EU Member States bordering Eastern Europe have been signing LBT Agreements. The EU Regulation pins down the possibilities to cross the border to facilitate human contacts. According to the Regulation, “Local border traffic” means “the regular crossing of an external land border for border residents in order to stay in a border area, for example for social, cultural or substantiated economic reasons, or for family reasons, for a period not exceeding the time limit laid down in this Regulation”.³⁹ The Regulation foresees the issuance of cross-border special permits for residents from both sides of the EU common border, issued at the Consulates of the respective countries. The main purpose of the LBT regime is to enable people to people contact, economic, social and cultural exchanges between both sides of the EU common border in a radius of 30-50 kilometres.

EU cross-border cooperation with the Neighbourhood

The provisions set out in the European Neighbourhood Policy (ENP) Action Plans and in the case of Russia, at the Road Map for the Common Space on Freedom, Security and Justice, reveal that the measures to be implemented in the EU border policy with third countries are the exchange of data regarding irregular migration flows, as well as socialisation measures in the form of capacity-building programmes. Measures on capacity-building include the development since 2007 of the so-called Common Core Curriculum for border guards. It aims at setting standards on the skills and knowledge of border guards, with the goal to create a “European culture of border guards of the Member States”.⁴⁰ Moreover, common core curriculum for border guards has already been included in some of the Arrangements signed with countries in the Eastern Neighbourhood.

Besides bilateral cooperation in the framework of the ENP and the Common Spaces in the case of Russia, within the Eastern Partnership, the first attempt to provide a multilateral framework for the countries in the Eastern Neighbourhood,⁴¹ the EU and its

³⁷ European Union Border Assistance Mission to Moldova and Ukraine (EUBAM), “Press Pack 2013,” accessed May 20, 2013, 1, http://www.eubam.org/files/PP_2013_ENGL.pdf.

³⁸ *Ibid.*, 5.

³⁹ European Parliament and Council of the European Union, “Regulation 1931/2006 Laying Down the Rules on Local Border Traffic at the External Land Borders of the EU Member States and Amending the Provisions of the Schengen Convention,” *OJ*, L 405/1, Brussels (30 December 2006), art. 3.3.

⁴⁰ Council of the European Union, “Council Conclusions on 29 Measures for Reinforcing the Protection of the External Borders and Combating Illegal Immigration,” 6435/3/10, (25-26 February 2010): 2.

⁴¹ The Eastern Partnership was launched in 2009 at a Summit in Prague. The last EaP Summit took place in Warsaw in 2011 and the next one will be in Vilnius in November 2013. See the Declaration of the Eastern Partnership summit in Warsaw at Council of the European Union, “Joint Declaration of the Eastern Partnership Summit (Warsaw, 29-30 September 2011),” 14983/11 (Presse 341), 30 September 2011. Russia refused to take part in this multilateral framework in order not to be associated as a neighbour to the EU on equal footing with the

partners have launched a flagship initiative on IBM in October 2009 with a € 44 million budget. This flagship initiative “is increasingly geared towards supporting partners in fulfilling the conditions for visa facilitation and liberalisation,”⁴² in order to share experiences and track the development of the IBM promotion activity.⁴³ EUBAM has contributed to the work of the Flagship Initiative.

The FRONTEX WAs have enabled the exchange of data regarding irregular migration flows. FRONTEX has signed the Arrangements with Russia and all the Eastern Partnership countries except Azerbaijan, which is currently being negotiated. Worth noting is an Arrangement was signed with Belarus, the only eastern European country which has no contractual relations with the EU. In the Southern Neighbourhood, FRONTEX has the mandate to negotiate Arrangement with Libya, Morocco, Egypt and Tunisia. The following paragraphs present succinctly the main features of the Arrangements signed so far.

The FRONTEX Arrangement with the Russian Border Guard Service of the Federal Security Service was signed in February 2006.⁴⁴ It was the first Working Arrangement signed by FRONTEX and according to an official of the Agency “the most developed” of all.⁴⁵ Among its activities, it has framed an EU-Russia joint operation along the border between the EU and the Russian exclave of Kaliningrad in 2009. The Working Arrangement with Ukraine became operational in 2007. Unlike the Arrangement with Russia, it foresees the “[d]evelopment of activities in the field of training”.⁴⁶ A FRONTEX official conveyed that Poland played a vital role in setting the scene of the concrete content of the operational cooperation with the State Border Guard Service of Ukraine.⁴⁷ The State Border Guard Service of Ukraine approved in January 2011 an Action Plan implementing the Working Arrangement signed with FRONTEX.

countries of the ENP. See an analysis of the EU migration policy to three of the EaP countries at Helga Zichner and Bettina Bruns, “Within a 'Ring of Secure Third Countries': Regional and Local Effects of the Extraterritorial Engagement of the European Union in Belarus, Ukraine and Republic of Moldova,” in *Eurolimes 11, Leaders of the Borders, Borders of the Leaders*, ed. Cristina-Maria Dogot et al. (Oradea: Oradea University Press, Spring 2011).

⁴² European Commission and High Representative of the European Union for Foreign and Security Policy, *Joint Communication: A New Response to a Changing Neighbourhood*, COM (2011) 303 final, (25 May 2011): 14.

⁴³ European Commission, “Communication on Cooperation in the Area on Justice and Home Affairs in the Eastern Partnership,” COM 564 final, (28 September 2011): 20.

⁴⁴ European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) and Border Guard Service of the Federal Security Service of the Russian Federation, “Terms of Reference on the Establishment of Operational Co-operation between the European Agency for the Management of Operational Co-operation at the External Borders of the European Union (FRONTEX) and the Border Guard Service of the Federal Security Service of the Russian Federation,” 14 September 2006.

⁴⁵ Interview with a FRONTEX official, Warsaw, November 2010.

⁴⁶ European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) and State Border Guard Service of Ukraine, “Working Arrangement on the Establishment of Operational Cooperation between the European Agency for the Management of Operational Co-operation at the External Borders of the European Union and the Administration of the State Border Guard Service of Ukraine,” 11 June 2007.

⁴⁷ Interview with a FRONTEX official, Warsaw, November 2010.

The Arrangements with the Moldovan Border Guard Service and the Border Police of Georgia were signed in 2008, also envisaging activities in the field of training.⁴⁸ The one with Moldova has led to an enhanced cooperation on border management. Indeed, Moldova has been a laboratory for the launch of new EU initiatives such as the aforementioned common core curriculum and others such as Mobility Partnerships or the Common Visa Application centre. However, it must be underlined that the Working Arrangement with Georgia has led to scarce results. First, it has to be taken into consideration that Georgia does not share borders with the EU, so that cooperation in border management is not so relevant for the Union.⁴⁹ Second, the permanent changes in the Ministry of the Interior in Georgia have slowed down the process of deployment of the Working Arrangement, as a FRONTEX official stated.⁵⁰ Worth noting is that the Agency has not carried out risk analysis in Georgia, most likely because it has no common border with the EU. Finally, a word should be said on the European Union Special Representative Border Support Team in Georgia.⁵¹ The Team assists the Georgian Border Police with officials from six EU Member States. The border zones with South Ossetia and Abkhazia are not covered by the activity of the Border Support Team. Finally, FRONTEX signed also an Arrangement with the corresponding border guard service of Armenia in 2012.

Concerning the EUBAM activity in Ukraine and Moldova, it has consisted in the training of border guards as the activity of the FRONTEX arrangements. EUBAM set up a capacity building unit, aimed at coordinating the whole training to the partner services. Nevertheless, unlike training organised by FRONTEX, EUBAM targets both border guards and customs guards. Moreover, EUBAM offered seminars on the Schengen acquis to the officials involved in the visa liberalisation process, so that the legislation could be amended accordingly. According to EUBAM, over 7,000 representatives had taken part in the capacity-building trainings offered by the Mission.⁵²

Worth noting is that although the EUBAM geographical scope was originally limited to the Moldovan-Ukrainian border, it has been actually extended to the whole Ukrainian and Moldovan territory. As a result, it could be argued that EUBAM has extended its territorial scope well beyond the remits of the common Moldovan-Ukrainian border. As a Ukraine representative put it: “The recommendations of EUBAM are very

⁴⁸ European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) and the Border Guard Service of the Republic of Moldova, “Working Arrangement on the Establishment of Operational Cooperation between the European Agency for the Management of Operational Co-operation at the External Borders of the European Union and the Border Guard Service of the Republic of Moldova,” 12 August 2008. European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) and the Ministry of Internal Affairs of Georgia, “Working Arrangement on the Establishment of Operational Cooperation between the European Agency for the Management of Operational Co-operation at the External Borders of the European Union and the Ministry of Internal Affairs of Georgia,” 4 December 2008.

⁴⁹ Nonetheless, the European Neighbourhood and Partnership Instrument funded a project enhancing border management between Georgia and Armenia. See European Commission, „Communication on Cooperation in the Area on Justice and Home Affairs in the Eastern Partnership,” COM 564 final (28 September 2011): 10.

⁵⁰ Interview with a FRONTEX official, Brussels, May 2010.

⁵¹ Council of the European Union, “Council Decision 2010/109/CFSP of 22 February 2010 Extending the Mandate of the European Union Special Representative for the South Caucasus,” *OJ*, L 46/16, 23 February 2010.

⁵² European Union Border Assistance Mission to Moldova and Ukraine (EUBAM), 3.

useful and not limited to the Moldovan-Ukrainian border, but to all over Ukraine”.⁵³ There could be a risk of overlap of their activity even if an analytical support unit coordinates their common tasks. The EU-Moldova Progress Report stressed that EUBAM support contributed to the establishment of the Moldovan Border Guard Service as a law-enforcement agency according to EU standards.⁵⁴

To sum up, the EU border management cooperation with the countries in the Neighbourhood has consisted mainly in the modernisation and provision of equipment as well as capacity-building training for border guards and the adoption of IBM strategies.⁵⁵ It has developed operational and technical cooperation in the border management field. It has also led to major institutional changes in countries like Ukraine and Moldova. Consequently, the Border Guard Services of Ukraine and Moldova have undergone a deep transformation into autonomous bodies to be integrated within the Ministry of the Interior, which is in turn undergoing a deep transformation. Both services have substituted their staff from military to professional staff, while keeping the military status of personnel.⁵⁶

As regards local border traffic, agreements in light of the LBT Regulation have been concluded with three EU neighbouring countries: Russia, Ukraine and Moldova. Regarding the agreements concluded with Russia, in May 2012, the Norway-Russia LBT agreement entered into force. Worth noting is that the LBT Regulation could be applied in the agreement because Norway, despite not being an EU Member State, is a member of the Schengen area. The Russia-Poland agreement came into force in July 2012 regarding cross-border traffic with the Kaliningrad oblast (region).⁵⁷ It enables cross-border cooperation between the Kaliningrad oblast and the Polish Województwo (voivodeships or provinces) of Warmia-Masuria and Pomerania. This agreement constitutes an exception to the 2006 EU Regulation by extending the radius to up to 60-100 kilometres for both sides of the border. The reason underlying this exception is that ‘to prevent an artificial division of the Kaliningrad oblast, whereby some inhabitants would enjoy facilitations for local border traffic while the majority (including the inhabitants of the city of Kaliningrad)

⁵³ Interview with the Deputy Chief of the Department of International Cooperation, State Border Guard Service of Ukraine, Kyiv, May 2011.

⁵⁴ European Commission and High Representative of the European Union for Foreign and Security Policy, “Implementation of the European Neighbourhood Policy in Republic of Moldova Progress Report in 2012 and Recommendations for Action,” SWD (2013) 80 final, Brussels (20 March 2013): 15.

⁵⁵ Government of the Republic of Moldova, “Decision on Approval of the Action Plan on Implementing the National Strategy for Integrated Border Management for the Period of Years 2011-2013,” accessed May 22, 2013, http://www.eubam.org/en/knowledge/bmp/ibm_concept, and Government of Ukraine, “Order No. 2-p on Approval of Action Plan of Implementation of Concept of Integrated Border Management,” 5 January 2011.

⁵⁶ Raúl Hernández i Sagraera, “Exporting EU Integrated Border Management beyond EU Borders: Modernisation and Institutional Transformation in Exchange for More Mobility,” *Cambridge Review of International Affairs*, accessed May 22, 2013, DOI:10.1080/09557571.2012.734784, 2013.

⁵⁷ Mobility from and to Kaliningrad has been an issue in EU-Russia relations for the past decade. See Council of the European Union, “Copy of a letter. EU-Russia Cooperation on Kaliningrad. Related Questions of Transit of People and Visa Requirements,” 9805/02, Brussels, 11 June 2002. Brussels and Moscow agreed on the issuance of Facilitated Transit Documents for Kaliningrad residents to circulate from the *oblast* into mainland Russia via Lithuania without visas. See Council of the European Union, “Regulation (EC) 693/2003 of 14 April 2003 Establishing a Specific Facilitated Transit Document (FTD), a Facilitated Rail Transit Document (FRTD) and Amending the Common Consular Instructions and the Common Manual,” *OJ*, L 99, Brussels, 17 April 2003.

would not'.⁵⁸ Discussions on establishing a LBT regime were part of the agenda of the EU-Russia Permanent Partnership Council held in Kaliningrad in May 2009. Lithuania and Russia have been negotiating a LBT agreement but negotiations are at a standby since 2009. The agreements signed between Belarus and Poland, Latvia and Lithuania are pending ratification.

Concerning the agreements in force with Ukraine, they came into operation in January 2008 with Hungary, in September 2008 with Slovakia and in July 2009 with Poland. All EU Member States neighbouring Ukraine except for Romania. A Romania-Moldova LBT agreement came into force in October 2010 and the Commission noted in its second report on the implementation and functioning of the LBT, issued on 9 February 2011, that this is the only agreement which fully complies with the EU LBT Regulation.⁵⁹

EU cross-border cooperation has also been enhanced by promoting the negotiations on bilateral border demarcation agreements between EU Member States and Neighbourhood countries. For instance, Lithuania and Russia ratified a border demarcation agreement in 2003 and Latvia and Russia in 2007. The negotiations between Estonia and Russia on a demarcation agreement restarted in October 2012. As for the demarcation of the border between Romania and Moldova, Romania has been against signing the agreement because it would imply the implicit recognition of the borders set by the Prut-Nistru Rivers that meant the transfer of the territory of Bessarabia to the former Soviet Union. The signature of the treaty on border demarcation was not a prerequisite for the negotiations on the LBT agreement to move forward.

To conclude, what is the link between the EU cross-border cooperation other EU policies within JLS fostering mobility? First, the border management policy is a precondition for progress in the Schengen visa liberalisation processes and the launch of EU Mobility Partnerships. In other words, border management has been a requirement in the set of benchmarks in the road towards a visa-free regime with the EU. Indeed, the 2nd block on Migration Management in the Visa liberalisation Action Plans with Ukraine and Moldova asks for the adoption of an IBM strategy, "containing a timeframe and specific objectives for the further development of legislation, organisation, infrastructure, equipment, as well as sufficient financial and human resources in the area of border management".⁶⁰ Likewise, the Joint Declarations on EU Mobility Partnerships with Moldova, Georgia and Armenia include provisions aimed at strengthening and providing assistance in the field of border management.⁶¹ This is striking if considered that EU Mobility Partnerships were in principle conceived to foster mobility through the launch of circular migration schemes. Mobility Partnerships have been set up so far with the

⁵⁸ European Parliament and Council of the European Union, "Regulation 1342/2011 Amending Regulation (EC) 1931/2006 as Regards the Inclusion of the Kaliningrad Area and Certain Polish Administrative Districts in the Eligible Border Area," (Brussels, 13 December 2011): 41.

⁵⁹ European Commission, "Second Report on the Implementation and Functioning of the Local Border Traffic Regime Set Up by Regulation No 1931/2006," COM (2011), 47 final, 9 February 2011.

⁶⁰ European Union – Republic of Moldova Visa Dialogue, "Action Plan on Visa Liberalisation," (16 December 2010): 5, accessed May 20, 2013, <http://www.eumission.mfa.md/img/docs/action-plan-visa-liberalisation.pdf>, and European Union – Ukraine Visa Dialogue, "Action Plan on Visa Liberalisation," 17883/10, (14 December 2010): 5.

⁶¹ Council of the European Union, "Joint Declaration on a Mobility Partnership between the European Union and Moldova," 9460/08 Add1, (21 May 2008); Council of the European Union, "Joint Declaration on a Mobility Partnership between the European Union and Georgia," 16396/09, (20 November 2009): 5, and Council of the European Union, "Joint Declaration on a Declaration between the European Union and Armenia," 14963/11 Add1 (6 October 2011): 6.

following ENP countries: Moldova (2008), Georgia (2009) and Armenia (2011). Discussions on a Mobility Partnership with Azerbaijan were launched and negotiations are ongoing with Tunisia and Morocco, with the aim to finalise the negotiations in the first half of 2013. Moreover, a Dialogue on Migration, Mobility and Security started with Jordan in December 2012, which foresees mobility in exchange of the implementation of measures in border management.⁶²

Conclusions

According to the 2012 ENP Communication, migration and the mobility of people are a “challenge” and a “feature” of the ENP respectively. This article has analysed empirically the EU cross-border cooperation with the Neighbourhood and it has assessed it within the wider JLS policies such as the visa liberalisation process and Mobility Partnerships. The most substantial outcomes of EU cross-border cooperation are in border management, the signature of local border traffic agreements and border demarcation agreements. This article has aimed at contributing to scholarly work in this field as much more attention has been given to date to other migration-related policy areas such as readmission.

In the absence of a common border service at the EU level, the EU has promoted border management in the Neighbourhood by means of the FRONTEX WAs, soft-law policy tools signed between the Agency and the respective border services of the neighbouring countries. The article has analysed the origins of FRONTEX and the main changes in light of the FRONTEX amendment regulation from November 2011, including the introduction of a fundamental rights approach in the activity of the Agency. FRONTEX has so far signed WAs with all the countries in the Eastern Neighbourhood except for Azerbaijan, which have consisted mainly in the modernisation and provision of equipment as well as capacity-building activities for border guards. With the Southern Mediterranean, FRONTEX has the mandate to negotiate Arrangements with Libya, Morocco, Egypt and Tunisia. In the specific case of Ukraine and Moldova, the article has also looked at EUBAM’s border management activity, contending that they consist mainly in capacity-building activities, targeted to border and customs officers.

Regarding local border traffic, the article has sketched the bilateral agreements signed between EU Member States and Russia, Ukraine and Moldova and Belarus, dealing in particular with the exception made in the agreement between Russia and Poland on local border traffic between Kaliningrad and the neighbouring Polish provinces. A brief reference to state of play of border demarcation agreements has also been made in the article.

Finally, concerning the link between cross-border cooperation and other JLS policies, it has been shown how cooperation on border management is conditional to progress in the context of the Schengen visa liberalisation process or the Mobility Partnerships. Hence, it is part of a set of benchmarks to be implemented before the abolition of the visa regime. The EU has proved so far to have no leverage to develop cross-border cooperation with the Southern Mediterranean Neighbourhood, most likely because of lack of incentives in mobility-related policy areas. In the aftermath of the Arab Spring, the EU has set out an enhanced JLS agenda to the Southern Mediterranean partners, including prospects for mobility with visa facilitation and Mobility Partnerships.

⁶² European Commission and High Representative of the European Union for Foreign and Security Policy, “Implementation of the European Neighbourhood Policy in 2012 Regional Report: A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean,” SWD (2013) 86 final, Brussels, (20 March 2013): 14-15.

Further empirical research will shed light in how this agenda is implemented in the whole of the Neighbourhood, and if there will be a progressive expansion of policies from the Eastern Neighbourhood to the Southern Mediterranean Neighbourhood.

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Current Trends of Cross-Border Cooperation of Ukraine and Romania

Pavlo MOLOCHKO¹

Abstract: *Cross-border cooperation is one of the most promising trends of international integration. It presupposes planning, development and implementation of mutual projects between administrations, civil society groups and commercial institutions belonging to the border areas of neighbouring countries. The author analyses the main trends in cross-border cooperation between Ukraine and Romania, and identifies the main problems of this cooperation. During the analysis the author concludes that the potential for the cross-border cooperation between Ukraine and Romania nowadays is not used to the fullest. If we can trace a rather positive dynamics in the branch of the development of projects compared to the previous years, the practical effect of such cooperation on the development of the economic sector and on the interpersonal communication remains rather low. This is reflected not only in the existing problems in the development of the cross-border cooperation, but also in the low public awareness of the population of this kind of cooperation.*

Keywords: *cross-border cooperation, Ukraine, Romania, Upper Prut, euroregions, Neighbourhood Policy, cross-border identity.*

Introduction

CBC (cross-border cooperation) is one of the most promising trends of international integration. It presupposes planning, development and implementation of mutual projects between administrations, civil society groups and commercial institutions belonging to the border areas of neighbouring countries. Areas of CBC cover the development of border infrastructure, tourism and recreation, ecology and environmental protection, fight against organised crime, cultural exchange and furthermore. A new step aimed at cross-border cooperation of Ukraine has been made with the spread of ENP (European Neighbourhood Policy) on its territory, which opens whole new vistas for economic integration as it offers a wide range of interaction mechanisms.

Peculiar features of cross-border cooperation between Ukraine and Romania naturally are among the urgent areas of research of scientists of both countries. However, it is necessary to identify the main centres that focus on it. Certainly the Department of Political Science and Public Administration of Yuriy Fedkovich Chernivtsi National University, which acted as the organizer of many international conferences and published a variety of collections of scientific papers dedicated to the development of cross-border cooperation, is among the centres of Ukrainian political science that always expresses interest in this issue. Among such we should draw attention to four international conferences “Ukraine-Romania-Moldova”, as well as a number of international conferences under the auspices of Bukovina Centre of Political Science, among which the following conferences should be mentioned: “Regions of Eastern Europe: Expectations as

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to Integration and Confrontational Dangers” (2000), “Euroregions of Ukraine as a New Means of Forming a Democratic Multi-ethnic Society” (2003).

Among the scientific centres of Romania a leading role in the study of problems of cross-border cooperation belongs to the University of Oradea and especially the Institute for Euroregional Studies. The issue of borders and cross-border cooperation is one of the main problems studied by the institute, as evidenced by numerous publications on it. An important role in dissemination of theoretical and practical developments of the issue under study plays a magazine “Eurolimes”, which according to I. Horga “aims at bringing to the foreground the action of different stakeholders in social construction of the European boundaries”².

Theoretical Aspects of Cross-Border Cooperation

The end of the Cold War gave a considerable impetus to the deepening of the global integration and strengthening of supranational institutions. The processes of globalisation and regionalisation happen in parallel and are politically conditioned. In the earlier stages this process could be observed mainly in the federal states. In the late 1990s decentralisation also became a reality for unitary states. This is reflected in the increasing role of local authorities that are transferred more powers to both in domestic affairs and in international activities. Authoritative powers are formed at the new levels and gradually are becoming a very important factor. However, the traditional level, the state one, isn't vanishing.

The question arises: is regionalism a ‘by-product’ of globalisation, related with the objective heterogeneity of economic space both in the international dimension and also in the context of states or is it an independent phenomenon? One may foresee that there is no unanimous answer to the question of the interplay of processes of globalisation and regionalisation. Firstly, both globalisation and regionalisation have economic and political dimensions. Unification of economic space is not only the content of globalisation, but also isn't contrary to modern regionalisation. “Firstly, while the old localism was ‘subordinate’, the new one is the result of free will and a conscious choice; the old one was ‘natural and necessary’, the new one – voluntary and international. Secondly, the old localism sought to minimize the contacts with the external environment, to keep its borders firmly closed, while the new one well tends to establish relationships with the rest of the world”³.

Thus, after the period of the Cold War the prerequisites of the formation of a qualitatively new type of community appeared – the cross-border region, which could simultaneously include both states (as actors) and the individual grounds of states, which emphasizes the heterogeneity of the cross-border region in terms of its components.

Current regions include two areas of cooperation: inter-state and inter-regional, whereas regional integration is best achieved at the subregional level. This occurs if these subregions indeed are actors of international economic cooperation (i.e. have the ability, regardless of their states, to establish cross-border contacts). It is natural that as such a region is based on a certain range of competitive advantages. The role of states in this process is to create conditions, encourage the establishment of such links, and provide greater autonomy to the micro regions in the international sphere.

We should draw attention to another important aspect of the nature of cross-border region: such a region is not a territory that was naturally formed and initially formalised

² Ioan Horga, “Eurolimes, Where to?,” in *Eurolimes 10, The Geopolitics of European Frontiers*, ed. Dorin I. Dolghi et al. (Oradea: Oradea University Press, Autumn 2010), 7.

³ Mlinar Zdravko, “Local Response to Global Change,” *The Annals of the American Academy of Political and Social Science: Local Governance Around the World* 540 (1995): 148.

(domestic regions possess such a quality). Usually ‘naturalness’ of a cross-border region is realised either through similar geographical or cultural parameters that ‘naturally’ separate the region from the neighbouring areas, or a cross-border region initially appears as a political project or an idea, but in a while, it is ‘arranged’ by economic relations⁴. In other words, the cross-border region may be artificial at an early stage. However, later it acquires those traits that were predicted, begins to develop according to the statutory scheme. Consequently, being formed artificially as a political project a cross-border region gradually acquires real characteristics.

The aim of cross-border cooperation is to prevent the emergence of new dividing margins between the EU and its neighbours and to offer the partner countries opportunities to participate in various EU activities, through greater political, security, economic and cultural cooperation.

The main objectives of CBC are:

- Expansion of domestic market,
- Increase of trade relations and openness of markets,
- Regulation of legal migration and movement of people,
- New sources of funding / investment,
- Mutual settling of existing problems (environmental, natural, etc.),
- Cultural cooperation,
- Conflict prevention and their solution.

In order for the countries to become EU members, the regional development should be oriented towards the proper development of economic relationships, minimising the differences between the regions from the point of view of unemployment and existent infrastructure⁵. We should also emphasize the task connected with the problem of evenness of economic development, and as a result improvement of standards of living of the residents of bordering areas, which would allow if not to solve, then at least to tackle one of the new problems of the EU - fleeing from poverty, which nowadays has a negative impact not only on the economy of countries belonging to the EU (due to increasing expenses being spent on social programmes), but it also affects the security of borders, and thus the whole system of European security.

The history of formation of the Cross-Border Cooperation of Ukraine and Romania

Cross-border cooperation started under the technical assistance programme in 1996. It was targeted at supporting cross-border cooperation between Ukraine (and other TACIS countries – Belarus, Russia and Moldova) and the candidate countries at that point of time from central and Eastern Europe. The total funding for that cross-border cooperation in the framework of TACIS in the period between 1996-2003 amounted to 257 million euro.

TACIS CBC complemented a similar programme in the framework of PHARE, aimed at increasing cooperation between the neighbouring countries and providing support for the border regions of the countries that joined the EU in 2004, and between the

⁴ Ihor Melnychuk, “Suchasnyi regionalizm: teoretyko-metodologichni aspekty” [Contemporary regionalism: theoretical and methodological aspects], in *Politychnyi regionalizm i politychna regionalistyka: empyrychni ta teoretychni aspekty* [Political regionalism: empirical and theoretical aspects], *Politologichni ta sociologichni studii* [Politological and Sociological Studies] 9 (Chernivtsi: Bukrek, 2010): 56.

⁵ Mircea Brie, “European Instruments of Cross-border Cooperation. Case study: The Romanian-Ukrainian Border,” in *Identités, citoyennetés et démocratie, 20 ans après*, ed. Fabienne Maron and Grzegorz Pozarlik (Bruxelles: Editions Bruylant, 2010), 279.

countries that had already been members of the EU. During 1996 – 2003, the assistance of CBC Ukraine programmes was provided according to three priorities border infrastructure, environmental protection and the development of border regions. During that phase of the programme several projects were set up oriented towards monitoring of cross-border rivers and providing support for Lviv, Ivano-Frankivsk and Chernivtsi regions belonging to the Carpathian Euroregion.

In 2004 – 2006, Ukraine also participated in a mutual programme TACIS-INTERREG, a continuation of the EU initiative to promote interregional cooperation initiated in 1989 – CADSES (Central, Adriatic, Danubian and South-Eastern European Space). CADSES initiative was fully integrated with the Neighbourhood programme that presupposed the assistant amount of 75 million euro for the Eastern region between 2004 and 2006. Taking into consideration previous experience of cross-border cooperation in the framework of the TACIS, PHARE and INTERREG, a new policy and its further trends were incorporated in the new European Neighbourhood and Partnership Instrument (ENPI). One of the priority areas of cross-border cooperation (especially for Chernivtsi oblast) is collaboration with Romania, as among the EU Member States which border Ukraine, Romanian border is the largest, to be specific – 613.8 km. The Ukrainian-Romanian border is complex and has a part of a land border (273.8 km.), a part of a river one (343.9 km) and a part of a marine one (31.7 km).

Nowadays, Ukraine and Romania participate in two joint programmes of cross-border cooperation:

- Hungary - Slovakia - Ukraine – Romania,
- Romania – Ukraine – Moldova.

Taken into the consideration the interests of Chernivtsi region we should dwell in detail on the programme ‘Romania – Ukraine – Moldova’.

Since the adoption of the Action Plan ‘EU – Ukraine’ EC assistance was geared towards supporting the achievement of their key strategic objectives through the implementation of cross-border cooperation. With the introduction of the European Neighbourhood and Partnership Instrument (ENPI) strategically and politically driven nature of assistance from the EU was further strengthened through the increase in funding. Thus, within the cross-border programme ‘Ukraine – Romania’ 2004 – 2006, 35.5 million were allocated. Indicative allocations for Cross Border Cooperation Programme 2007 – 2013 are significantly higher than in 2004 – 2006, and are amounted to 126.718 million.

The current Programme was built on the basis of the four core objectives of ENPI CBC Strategy Paper:

1. Promoting economic and social development in regions on both sides of common borders.
2. Working together to address common challenges, in fields such as the environment, public health and the prevention of and the fight against organised crime.
3. Ensuring efficient and secure borders.
4. Promoting local cross border “people to people” actions.

The aim of the Programme is to improve the economic, social and environmental situation in the Programme area, in the context of safe and secure borders, through the enhanced contact of partners on both sides of the border.

“Ensuring efficient and secure borders” is a key objective of the ENPI Strategy Paper. Specific measures are needed to encourage trade and the free movement of people while maintaining border security.

Priority 1: Towards a more competitive border economy.

The aim of the Priority 1 is to improve the economic performance of the border area through the diversification and modernisation in a sustainable manner, of the border economy.

Priority 2: Environmental challenges and emergency preparedness.

The aim of the priority will be to develop long term solutions to the environmental problems faced by the border areas, particularly those associated with water and sewerage management systems as well as environmental emergencies, where a co-ordinated approach is essential.

Priority 3: People to People Co-operation.

The aim of this priority is to promote greater interaction between people and communities living in the border areas⁶.

One of the objectives of CBC in non-EU countries is to promote the ideas of integration. In view of this it would be interesting to study the correlation of the population of Ukraine as a whole and namely Chernivtsi region as to the questions of cooperation with the EU.

Should Ukraine join the EU?

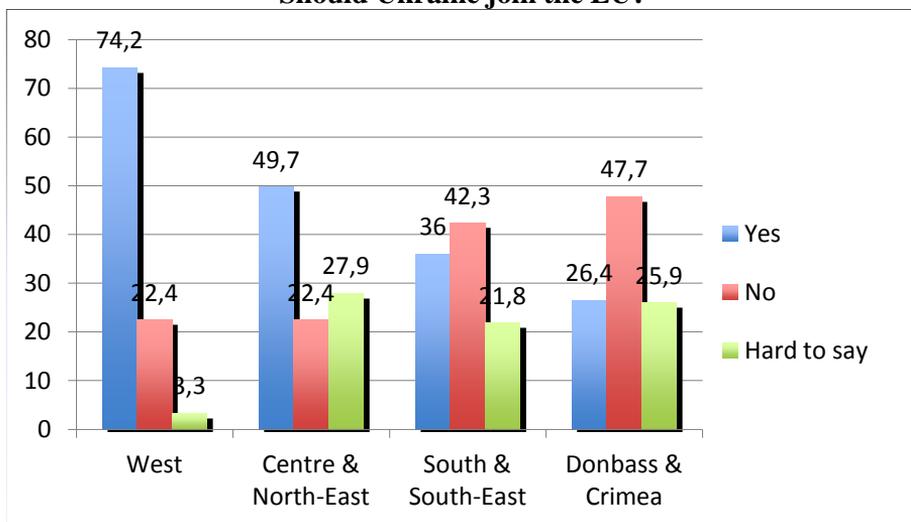
Yes	46,00%
No	32,90%
It is hard to say	21,10%

Source: “Ukrainians opt for EU membership, in particular the youth”, *Democratic Initiatives Foundations*, April 14, 2012, accessed May 28, 2013, <http://dif.org.ua/en/publications/press-relizy/dfefwgr.htm>.

According to the given pattern, in response to the question ‘Should Ukraine join the EU’, 46 % of respondents give a positive answer, 32.9 % – negative one and 21.1 % – are hesitant about the final answer. This results nationwide.

We should study this question in a regional context.

Should Ukraine join the EU?



Source: “Ukrainians opt for EU membership, in particular the youth”, *Democratic Initiatives Foundations*, April 14, 2012, accessed May 28, 2013, <http://dif.org.ua/en/publications/press-relizy/dfefwgr.htm>.

⁶ “Joint Operational Programme Romania-Ukraine-Republic of Moldova 2007-2013,” 2008, accessed April 13, 2013, http://www.ro-ua-md.net/images/stories/File/Joint_Operational_Programme.pdf.

As it is seen from the given graph the idea of Ukraine joining the EU is supported mainly in the West of the country; and the majority of the population seeing this issue critically is concentrated in the South and the East of the country.

Despite considerable support of European integration ideas in western Ukraine, in our opinion, it would be interesting to trace the orientation of the population of Chernivtsi region towards these issues. In view of the active participation of Chernivtsi oblast in cross-border cooperation those data become particularly important because they may act as a certain indicator of the effectiveness of the cross-border cooperation.

What do you say to...?

	More likely to be a positive answer			Hard to say			More likely to be a negative answer		
	2011	2012	2013	2011	2012	2013	2011	2012	2013
Ideas as to Ukraine joining the Customs Union of Belarus, Kazakhstan and Russia	48,27 %	34,43 %	39,23 %	24,73 %	40,86 %	16,21 %	26,99 %	24,72 %	44,55 %
Ukraine joining the EU	13,83 %	10,47 %	71,29 %	22,74 %	35,69 %	9,78 %	63,43 %	55,85 %	18,94 %
Ukraine joining NATO	32,45 %	22,82 %	34,70 %	32,18 %	51,20 %	20,57 %	35,37 %	25,98 %	44,73 %

Source: Results of the annual questionnaire conducted in 2011-2013 by the Department of Political Science and Public Administration of Yuriy Fedkovych Chernivtsi National University.

As it can be seen from the table above, answering the question ‘What do you say to...?’ despite the substantial support of ideas as to Ukraine joining the EU, there was a significant reduction of such support in 2012 compared to 2011, primarily due to the increase of a group of people who cannot give a unanimous answer. However, this trend of uncertainty extends to all the areas of integration.

In accordance with the adopted by Chernivtsi Regional State Administration Concept of cooperation of Chernivtsi region with partner regions, the main objective of the head of oblast is to transfer the main content of the foreign contacts from political and humanitarian into purely practical⁷. According to the data provided by the Department of Foreign Affairs and Foreign Economic Administration in 2012, Chernivtsi region conducted 36 cross-border and Euroregional cooperation projects, another 16 projects are under way⁸. The vast majority of these projects concern the development of the tourism

⁷ “Konceptciya rozvytku spivrobitnytstva Cherniveckoi oblasti z partners’kymy regionamy” [The concept of development cooperation of Chernivtsi Oblast with affiliate regions], *Chernivetska oblasna derjavna administraciya* [Chernivtsi Regional State Administration], May 31, 2012, accessed June 08, 2013, <http://oda.cv.ua/page/kontseptsiya-rozvitku-spivrobitnytstva-chernivetskoi-oblasti-z-partnerskimi-regionami>.

⁸ “Chernivetskii oblasti obicyaut’ 140 mln. gryven’ za transkordonne spivrobitnuctvo” [The Chernivtsi region promise to 140 Million per cross-border cooperation], *Vidido*, August 20, 2012, accessed May 30, 2013, http://vidido.ua/index.php/pogliad/article/chernivec_kii_oblasti_obicjajut_140 mln._griven_za_transkordonne_spivrobitn/.

industry, while other industries within the scope of cross-border cooperation remain not involved.

Principal issues of the development of the Cross-Border Cooperation of Ukraine and Romania at the contemporary stage

Nowadays, it is difficult to distinguish the reasons for such a trend in the light of cross-border cooperation, but we will try to single out among them:

- Lack of the developed infrastructure,
- Poor support from the state,
- Legal difficulties.

Taking into consideration that the issues of legal difficulties and maintaining of the state were repeatedly discussed both by the representatives of Ukraine and the representatives of Romania, we offer to focus on the problems of infrastructure on the availability of which depends the implementation of the main objectives of CBC.

The first issue that is to be emphasised is the borders as the frontiers. Amalia Sturza analysing the characteristic features of the borders in the countries of Eastern Europe noted that crossing borders became difficult, if not impossible; borders became almost impenetrable barriers between peoples⁹. Although one of the central themes of cross-border cooperation is “People to People Co-operation”, nowadays there exist obstacles in its implementation.

At the beginning of the creation of Euroregions, sides tried to improve conditions for the cooperation. By the decision of the Council of the Euroregion “Upper Prut” and with the support of regional self-governments from July 1, 2001 local fees and charges were cancelled when crossing the border for residents and legal entities registered within the territory of the Euroregion. Over the past few years, even before the formation of the Euroregion, though at the period of active negotiations on its creation, due to the effort of the authorities of Chernivtsi region, Botosani and Suceava counties in this part of the Ukrainian-Romanian border there were established eight points of facilitated transition for the residents of the border strip. Having received as a result of these measures significant moral support of the population, management bodies of the regions continued to work in this direction¹⁰.

According to the State Border Service of Ukraine dated from May 2012 Ukraine has 16 border crossings with Romania: 5 in Transcarpathia, 7 in Chernivtsi and 4 in Odessa oblasts (all of them are river borders)¹¹. However, because of the preparation of the accession to the Schengen area by the Romanian side only checkpoints that have international status are currently working. At the moment for the individual border crossing with Romania (by car or on foot) there are only three crossing points available: 2 in the Transcarpathian region and 1 in Chernivtsi.

Speaking of Chernivtsi region, taking into consideration its ethnic, cultural and economic components the figure mentioned above is absolutely not enough to say the least, and in the end it makes the implementation of cross-border tasks almost impossible.

⁹ Amalia Sturza, “Cross-Border Cooperation and Neighborhood Programs Between Romania and Ukraine,” in *Eurolimes 2, From Smaller to Greater Europe: Border Identitary Testimonies*, ed. Mircea Brie and Kozma Gábor (Oradea: Oradea University Press, Autumn 2006), 89.

¹⁰ Serhii Hakman, „Suchasni aspekty ukrayins’ko-rumuns’kyh vidnosyn” [The modern aspects of Ukrainian-Romanian relations], September, 16, 2011, accessed February 10, 2013, http://www.uames.org.ua/index.php?option=com_content&view=article&id=66:2011-10-24-16-21-36&catid=11:2010-06-01-10-24-12&Itemid=12.

¹¹ State Border Guard Service of Ukraine, “Punkty KPP na kordoni z Rymynieu” [Check-points with Romania], May 15, 2013, accessed June 05, 2013, http://dpsu.gov.ua/ua/static_page/50.htm.

The question of transferring the existing crossing points to the international level ones remains crucial. However, according to the programme ‘Setting and reconstruction of the state border’ no funds are provided for the period till 2015¹². Reports and announcements of Chernivtsi Regional State Administration always stress the importance of restoring the transit potential of Ukraine which will be supported by the opening of new crossing points, but unfortunately, the problem remains unsolved.

Some more active is the position of the representatives of Transcarpathian region. Thus, in particular, on December the 30th, 2011 Transcarpathian Oblast Council adopted the appeal to the Cabinet of Ministers of Ukraine with a request to open an international border crossing in the village Iablunivka of Hust region¹³. On June the 4th, 2013 the meeting of the authorities from Transcarpathian region of Maramures took place. They discussed the feasibility of equipping the checkpoint Bila Zerkva – Sziget. In the course of the meeting it was agreed to appeal to the Ministry of Foreign Affairs of both countries as to acquiring a positive decision at the state level. The project presupposes building of a bridge over the Tisza river (estimated project cost is 10.6 million euro)¹⁴. From the point of view of the participants of that meeting building of a new checkpoint will reduce the load of the main border crossing points, and will also give an opportunity to unite tourist tours of the Carpathian region of Poland, Slovakia, Ukraine and Romania, which are becoming increasingly popular every year.

The second issue that puts its oar in the development of cross-border infrastructure communications is transport links. For sustainable development of border regions of the EU in Romania and the bordering regions of Ukraine and Moldova we require an integrated strategy for cross-border connections and border infrastructure which will look up to Schengen realities. Its absence has already led to a significant decrease in transit through the traditional shortest flat interconnections between the EU through the territory of Ukraine. At the same time, the prospects for sustained innovation and investment socioeconomic development of key transport-dependent sectors and related activities in the border areas have worsened – beginning from traditional public relations, agriculture, forest-timber industry and trade to modern transport logistics, tourism and recreation businesses, cross-border clustering, recycling of secondary raw materials and furthermore.

During the annual questionnaire conducted in July 2013 by the Department of Political Science and Public Administration of Yuriy Fedkovych Chernivtsi National University with the goal of studying an actual evaluation of the cross-border cooperation between Ukraine and Romania population of Chernivtsi region was asked several questions which allowed to assess the level of knowledge about the basic tendencies of such work.

¹² “Pro zatverdjenjnya Derjavnoi cil’ovoi pravoohoronnoi program “Oblashtuvannya ta rekonstrykciya derjavnogo kordonu” na period do 2015 roku” [On approval of the state programme “Construction and reconstruction of the state border” in 2015], *Liga Zakon*, November 10, 2011, accessed June 12, 2013, http://search.ligazakon.ua/l_doc2.nsf/link1/KP070831.html.

¹³ “Zakarpattya: na kordoni z Rumunijeju z’yavitsya 3-j punkt propysku?” [Transcarpathia: on the border with Romania will be the 3rd checkpoint?], *Novyny Zakarpattya* [News of Transcarpathia], January 02, 2012, accessed May 12, 2013, <http://transkarpatia.net/transkarpathia/politic/4060-zakarpattya-na-kordon-z-rumunyeyu-zyavitsya-3-y-punkt-propusku.html?newsid=4060&seourl=zakarpattya-na-kordon-z-rumunyeyu-zyavitsya-3-y-punkt-propusku&seocat=politic>.

¹⁴ “Kerivnyky Zakarpattya ta povitu Maramuresh obgovorulu docilnist’ oblashtuvannya KPP “Bila Cerkva – Siget” [Heads of Transcarpathia and Maramureş discussed expediency of improvement CP “Bila Tserkva – Sighet”], *Zakarpattya on-line* [Transcarpathia on-line], June 04, 2013, accessed June 05, 2013, <http://zakarpattya.net.ua/News/110928-Kerivnyky-Zakarpattia-ta-povitu-Maramuresh-obhovoryly-dotsilnist-oblashtuvannia-KPP-Bila-TSerkva---Sihet-FOTO>.

The first question asked the respondents was whether they know anything about the Euroregion “Upper Prut”. According to the answers provided, only 13,36 % of the respondents answered this question positively.

Do you know anything about the Euroregion "Upper Prut"?

Yes	13.36%
No	86.64%

Source: Results of the annual questionnaire conducted in July 2013 by the Department of Political Science and Public Administration of Yuriy Fedkovych Chernivtsi National University.

Such a small percentage of people who know about the existence and activities of the formation in the framework of which the main cross-border cooperation between Ukraine and Romania is carried out, confirms the thesis that the main work is being realised in the form of discussions and projects, which, unfortunately, do not have significant practical implementation. In order to determine the practical impact of the Euroregion “Upper Prut” in Chernivtsi region, the respondents who answered ‘yes’ to the first question were also asked whether further cross-border cooperation within the European Region has any sense, as well as the question regarding the implementation of one of the most important tasks of cross-border cooperation, namely enhancing communication among people and cultural development.

Do you consider the further development of the cross-border cooperation in the framework of the Euroregion "Upper Prut" to be sensible?

Yes, cooperation should be enhanced	35.78
No, there is no sense in the further development of such cooperation	4.74
I am indifferent to this issue	17.67
It is hard to answer	41.81

Source: Results of the annual questionnaire conducted in July 2013 by the Department of Political Science and Public Administration of Yuriy Fedkovych Chernivtsi National University.

Answering the question of whether further development of the cross-border cooperation in the framework of the Euroregion “Upper Prut” has any sense 35,78% of the respondents who have at least any information about the Euroregion “Upper Prut” said yes. The number of the respondents who consider the further development of such cooperation to be pointless is quite small - 4,74%. Despite the positive support of further cooperation, it is also necessary to draw attention to a sufficiently large number of respondents who are indifferent or those who find it difficult to answer this question. The number of such respondents is 17,67 and 41,81%, respectively. Trying to interpret these data, we can once again claim that nowadays the main goals of the cross-border cooperation have not been achieved, but we can speak of the existence of positive potential, subject to consideration of the main drawbacks of the previous years.

Do you agree with the fact that the functioning of the Euroregion "Upper Prut" effects the enhancing of communication among people and the cultural development?

Yes, I agree	35.90
No, I disagree	9.40
It is hard to answer	54.70

Source: Results of the annual questionnaire conducted in July 2013 by the Department of Political Science and Public Administration of Yuriy Fedkovych Chernivtsi National University.

The answer to the question of the Euroregion “Upper Prut”’s influence on strengthening the communication between people and enhancing the culture shows similar results. Almost 36% of the respondents positively evaluate the functioning of the Euroregion, while just over 9% assess its activity negatively. Almost 55% of the respondents could not answer this question unanimously. This is another indication that people do not realize the potential and prospects of such entities. The main obstacles on the way to integration are stereotypes of perception and to some extent the mental differences. Therefore, to overcome differences we are to form the common elements of identity that will emerge not only at the elite level, but also at the community level. Euroregions are to play a crucial role in this, one of the objectives of which is to accelerate the creation of a common European identity.

Further strengthening of the role of Euroregions will solve the problem of identity in the border areas, which often prevents the development of regions and may even cause conflicts. The full cross-border cooperation can eliminate the feeling of separation by the boundaries that can become the foundation of formation of marginal identity at first and then qualitatively new types. From this point of view, another important issue was the introduction of local border traffic with neighbouring countries for the residents of Chernivtsi region.

Do you support the idea of introducing local border traffic with neighbouring countries for the residents of Chernivtsi region?

Yes	41.44
No	9.06
I do not know what ‘local border traffic’ is	35.98
It is hard to answer	13.52

Source: Results of the annual questionnaire conducted in July 2013 by the Department of Political Science and Public Administration of Yuriy Fedkovych Chernivtsi National University.

It is worth noting a rather large number of the respondents who positively perceive this idea, namely 41,44%, while those that are opposed to such an idea are only 9,06%. However, there is a fairly large number of respondents who did not know anything about the advantages and disadvantages of the implementation of local border traffic. On the one hand, such a large figure shows the lack of effectiveness of the work done during the previous years, yet retains great potential for further cross-border cooperation.

Ways of Formation of Cross-Border Identity

Russian researcher M. Muntian identifies three groups of factors of establishment and development of international (cross-border) regions¹⁵. The first group – preliminary factors – geographical, social-psychological, cultural etc. The second group – factors that form the basis, the core of a region – economic. The third group – factors that have in any configuration of a regional construction a subjectively-willed character – political. According to M. Muntian, the absence of the first group of factors significantly weakens the system of regional relations, whereas the absence of the second or the third ones leads to its collapse.

¹⁵ Mihail Muntian, “Internacionalizaciya, integraciya i regionalizaciya mira (postanovka problemy)” [Internationalisation, integration and regionalisation of the world (formulation of the problem)], in *Problemy globalnyh i regionalnyh processov* [The problems of global and regional processes] (Moscow, 1996), 125.

Analysing the current state of Ukrainian-Romanian cross-border cooperation, it should be mentioned that nowadays among the factors listed above by far the most developed are the factors of the first group. While the factors of the second and third groups need support. As it has been already noted, one of the obstacles to improving the cross-border cooperation between Romania and Ukraine is the lack of regional self-identification, the formation of which can help overcome the existing issues. Regional self-identification within the cross-border cooperation can also be called cross-border identity (CB-identity).

There are many aspects and ways of forming cross-border identity, among which we can underline overcoming of mental conflicts, harmonisation of interethnic relations and overcoming of the existing stereotypes¹⁶. When it comes to political preconditions for the formation of cross-border identity, we should agree with the opinion of I. Melnychuk that the ideal condition for regional self-identification (within cross-border regions – remark of the author) is the emergence of a leader, a lobbying group and legal representation in the existing authoritative bodies. In certain cases the creation of a new political representation is also possible¹⁷. The process of integration with the other or the same subjects simultaneously takes place on a new basis same as the formation of the new structures of ‘a non-state level’. Unification of entities into the regions is based on the principle of ‘mutual involvement’. Among the factors that determine the involvement of regional actors, I. Melnychuk singles out the following:

- economic benefits that can be obtained through a joint cooperation,
- the need in political union in order to achieve the set goals,
- identity, that can be expressed in the union on a national basis,
- common history or its key points,
- geographical factor on the basis of which the unification of territorial subjects into a region can take place¹⁸.

In our opinion, the institutionalisation of groups (in the local self-governmental bodies) representing the cross-border region will enhance the formation of cross-border identity, and thus the transformation of the cross-border cooperation from the virtual into the actually efficient practice which will be able to realise the main objectives of the cross-border cooperation. Of course, one could argue that only local authorities can play this role within existing agreements, concepts and programmes of the development of cross-border cooperation. However, from our point of view, namely the formation of separate interest groups can intensify this cooperation as a two-way process. Rising interest of such groups in the development of economic, social, cultural and other cooperation in future will cause the interpersonal contacts, which may be regarded as a basis for the formation of cross-border identity, to expand.

Conclusions

Thus, the potential for the cross-border cooperation between Ukraine and Romania nowadays is not used to the fullest. If we can trace a rather positive dynamics in the branch of the development of projects compared to the previous years, the practical

¹⁶ See more in Pavlo Molochko, “Peculiarities of Ethnonational Policy of Ukraine (Illustrated by the Example of the Chernivtsi Region),” in *Ethnicity, Confession and Intercultural Dialogue at the European Union Eastern Border*, Supplement of *Eurolimes*, ed. Mircea Brie et al. (Oradea: Editura Universităţii din Oradea, 2011).

¹⁷ Melnychuk, 61.

¹⁸ *Ibid.*, 62.

effect of such cooperation on the development of the economic sector and on the interpersonal communication remains rather low. This is reflected not only in the existing problems in the development of the cross-border cooperation, but also in the low public awareness of the population of this kind of cooperation. When taking up new joint programmes of the cross-border cooperation, we should take into account the problems existing and activate work on resolving them.

Given the increasing Ukraine's Eurointegrational aspirations, enhancing of the cross-border cooperation becomes even more important, as the harmonious development of border regions offers the prospect of increasing of similarities in identity, which in its turn will have an impact not only on strengthening of the relationships at the interpersonal level but also at the level of Ukrainian and Romanian state institutions.

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IV. The Spatial Dimension of Borders, Including Maritime Spaces

Paulina ASTROZA SUÁREZ (Concepción) ◀▶ *Bonne
gouvernance: un espace pour la diplomatie subétatique dans la
coopération transfrontalière?*

Pedro de FARIA E CASTRO (Azores) ◀▶ *Governance, Insularity
and EU External Dimension*

Alina Sorina OROS (Cluj-Napoca) ◀▶ *Governance of the External
Borders of the European Union*

Bonne gouvernance: un espace pour la diplomatie subétatique dans la coopération transfrontalière?¹

*Paulina ASTROZA SUÁREZ*²

Abstract: *Based on the literature of paradiplomacy or sub-state diplomacy, we have sought a link between the concepts of good governance, sub-state diplomacy and border. In a context of great changes, both at the international and internal level, and before the questioning of several concepts and preconceptions, the transformation of the nation state, leads us to explore dimensions that in the past have been neglected or considered “second rate”, but that every day become more relevant in human relations and state. The boundaries and dimensions that arise from them as well as the evolution of actors in the international arena, open a space of interest to specialists in international relations and for policy makers. The globalisation and integration processes -above the state- and internal claims -under it- will influence the intensification of the international activity of the sub-units in which cross-border cooperation is dynamic and multifaceted. Good governance, as a response to the challenges of managing public affairs in a world in transformation and subject to the uncertainty that it implies, is in the sub-dimension level. With more porous borders and multiple governance at this level, it is even more complex. Europe, with its construction process and its regional policy, as a scenario of changes, is an example of this - not always easy – relationship between good governance / sub state diplomacy / border.*

Key words: *Good governance, sub-state diplomacy, cross-border cooperation, border*

Introduction

Nous sommes actuellement confrontés à des changements dans les relations internationales qui ont influencé, dans une mesure plus ou moins forte, un certain nombre d'aspects de notre vie en société. La mondialisation est une des grandes causes qui ont façonné constamment notre comportement, individuel et en groupe, y compris les États. Ainsi, nous voyons comment la notion de frontière (auparavant la seule en mesure de déterminer la compétence des États-nations dans un territoire) a évolué au fil du temps et sa nature nous interpelle aujourd'hui sur un certain nombre de questions. Même la conception d'État-nation, de souveraineté et de territoire a subi des mutations, la vision n'est plus univoque et remet en question les idées traditionnelles qui existaient depuis des siècles. D'autre part, c'est un fait que l'État-nation n'est plus le seul acteur sur la scène internationale. Laissant de côté les analyses réalistes et étatocentriques des relations internationales, nous pouvons observer l'émergence de nouveaux acteurs qui, de plus en plus, prennent un rôle dans la vie internationale. Parmi ceux-ci, nous portons une attention particulière aux entités ou unités sub ou infra-étatiques, aussi appelées gouvernements non

¹ Projet “Initiatives and Constraints in the Mapping of Evolving European Borders” (ICMEEB), 200599-LLP-1-2011-1-RO-AJM-RE, Working Group 3, *Borders, Governance and Political Organization*.

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centraux (GNC). Un scénario plus complexe, à différents niveaux et avec des nouveaux acteurs, se dessine et les rapports entre les États changent eux aussi. Les liens avec les voisins subissent les impacts des mutations tant nationales qu'internationales et les GNC doivent faire face aux nouvelles données de leur contact avec l'extérieur.

Dans le même temps, par des causes internes et externes, un certain nombre de défis se sont présentés aux États en cette ère de la globalisation qui, dans un contexte de crise, doivent répondre aux besoins non satisfaits des citoyens de plus en plus actifs et exigeants. Compte tenu de la prise de conscience que bon nombre de réponses et de solutions ne peuvent être données ou prises individuellement, on a opté –depuis longtemps- pour la coopération internationale et, dans le cas de l'Europe, aussi pour l'intégration au niveau régional. Le changement climatique, les migrations, les trafics illicites, la sécurité alimentaire, entre autres sujets, ne peuvent plus être abordés et analysés seulement dans une perspective nationale. Les gouvernements ont besoin de se coordonner, de se concerter et d'agir ensemble dans des problématiques qui touchent quotidiennement leurs populations. Toutefois, malgré les efforts et les progrès évidents, une constatation s'impose: le mécontentement des citoyens par rapport à la classe politique, aux institutions et représentants, les poussent – y compris l'UE – à chercher de nouvelles formes de dialogue politique et à trouver les moyens de gérer les besoins et les biens publics en faveur du bien général.

Ainsi le concept de gouvernance cherche à donner des réponses aux nouvelles données dans un contexte en mutation, d'incertitude et de constante pression de la part de la société civile. On comprend la gouvernance comme « la façon suivant laquelle les sociétés adoptent et mettent en œuvre les décisions collectives concernant la régulation des problèmes sociaux ». ³ Dans ce sens, « le concept de 'gouvernance' reflète les changements importants qui sont en train de se produire dans la façon de 'gouverner' les sociétés contemporaines. En même temps, il fournit également une perspective analytique et normative utile pour évaluer les exigences fonctionnelles ou institutionnelles nécessaires pour organiser et gérer les processus sociaux au profit des intérêts généraux ». ⁴ Dans ce contexte, le niveau infra-étatique commence à jouer un rôle important. Les GNC, avec ou sans l'habilitation légale ou constitutionnelle, traversent les frontières pour atteindre des objectifs de type économique, politique ou social à travers l'action coordonnée avec des partenaires qui sont au-delà de leurs limites politiques. Parallèlement, d'autres acteurs que les États se voient ainsi motivés à intervenir. « Les entités politiques subétatiques se convertissent en acteurs importants avec la certitude des limites de la croissance et des difficultés des États à relever les défis de l'interdépendance et des exigences économique-sociales de plus en plus urgentes des citoyens ». ⁵

Dans le cas européen, ce concept de la gouvernance, dont la portée et les limites ont fait l'objet d'un débat et de discussion, a abouti à la formulation d'une nouvelle théorie –qui tente d'échapper aux approches provenant du supranationalisme ou du intergouvernementalisme de l'intégration- qui a été appelée "Gouvernance multi niveaux" (*Multilevel governance*, MLG) dans laquelle le rôle des entités infra-étatiques a acquis une

³ Francesc Morata, "Regiones y gobernanza multinivel en la Unión Europea" [Régions et gouvernance multiniveaux dans l'Union Européenne], in *Gobernanza multinivel en la Unión Europea* [Gouvernance multiniveaux dans l'Union Européenne], ed. Francesc Morata (Valencia: Tirant lo Blanch, 2004), 23. Trad. par l'auteur.

⁴ Ibid., 22.

⁵ Caterina García Segura, "La evolución del concepto de actor en la teoría de las relaciones internacionales" [L'évolution du concept d'acteur dans la théorie des relations internationales], *Papirs: Revista de Sociología* [Revue de Sociologie] 40 (1992): 22. Trad. par l'auteur.

place importante. Malgré son imprécision et ambiguïté –selon Francesc Morata- et même si elle a été fortement critiquée, « sa vertu principale est de rendre compte des transformations au fil des ans dans la gouvernance européenne et de son impact au sein des États membres ». ⁶ Donc, parmi les théories post-modernes des Relations Internationales, la MLG naît en principe dans le cadre de l'intégration européenne et du fonctionnement de l'UE mais ses concepts peuvent aider à la compréhension d'autres phénomènes liés à l'internationalisation des GNC et à sa conquête des espaces publics d'action, surtout dans les États fédéraux.

La MLG a trait à l'eupéanisation et à la transformation de l'État puisqu'elle « détermine une augmentation de l'interdépendance entre les différents niveaux de gouvernement (européen, national et subétatique), obligés à partager leurs ressources pour faire face aux changements imposés par le processus d'intégration. Cela tend à générer des formes de gouvernance coopératives qui modifient les principes d'étatité, de territorialité et de souveraineté ». ⁷ Ainsi, l'État ne monopolise plus la prise de décision au niveau européen ni l'agrégation des intérêts internes, ce qui donne naissance à une structure politique très différente dans laquelle les compétences en matière d'élaboration des décisions sont partagées par des acteurs situés à différents niveaux et ne sont pas monopolisées par les exécutifs étatiques. ⁸ En même temps, l'élaboration collective des décisions de la part des États suppose pour ces mêmes exécutifs étatiques une perte de contrôle individuel. De plus, les arènes politiques sont interconnectées. Les acteurs subétatiques agissent dans les deux arènes –nationale et supranationale-, en créant dans ce processus des associations transnationales. Le modèle de gouvernance multi niveaux refuse, donc, la séparation entre les politiques interne et internationale, présumée du modèle statocentrique. Dans ce contexte, les intérêts subétatiques se mobilisent directement dans l'arène européenne où ils utilisent l'UE comme un espace public pour faire pression sur les exécutifs étatiques à travers des actions particulières. ⁹

De cette façon, la gouvernance des intérêts publics dans des espaces à niveaux multiples en Europe a permis aux GNC d'avoir une place et de jouer un rôle que le réalisme politique ne considérerait pas. Évidemment, l'État central continue à détenir la place centrale dans la prise de décision mais il se voit contraint de partager l'espace public avec d'autres acteurs. Il ne s'agit donc pas de la fin de l'État mais d'un scénario de régulation plus complexe qui remet en question les concepts classiques de souveraineté, territoire, frontière, entre autres.

La façon dont ces changements systémiques ont influencé l'idée de la frontière, l'action des unités infra-étatiques en Europe dans la nouvelle gouvernance européenne et sa réalisation dans la coopération transfrontalière, fera l'objet de cet article. La dimension internationale de l'action des GNC sera, en conséquence, notre niveau d'analyse.

⁶ Morata, 20.

⁷ Tania Börzel, "Le reti di attori pubblici e private nella regolazione europea" [Les droits des acteurs publics et privés dans le droit européen], in *Stato e Mercato*, 54 (1998): 389-431, *apud* Morata, 37. Trad. par l'auteur.

⁸ Liesbet Hooghe et Gary Marks, "Gobernanza estatocéntrica y gobernanza multinivel" [Gouvernance statocentrique et gouvernance multiniveaux], in *Gobernanza multinivel en la Unión Europea* [Gouvernance multiniveaux dans l'Union Européenne], ed. Francesc Morata (Valencia: Tirant lo Blanch, 2004), 55. Trad. par l'auteur.

⁹ *Ibid.*, 56.

Monde en mutation, impacts et défis

Spécifiquement dans le contexte de l'Europe, « l'État-nation européen est immergé dans un processus de transformation à la suite de plusieurs phénomènes interdépendants: la mondialisation et ses nombreuses manifestations (le marché, la culture, l'environnement, le terrorisme, etc.) ; l'intégration européenne ; les demandes territoriales ; les pressions de la société civile organisée ; et, enfin, l'évolution du marché. Ces changements débouchent sur une restructuration fonctionnelle et territoriale qui affecte la nature de l'État, contestant ses fondements théoriques ».¹⁰ Comme le souligne Michael Keating, « les défis viennent d'en haut, des processus relatifs à la globalisation et à l'intégration européenne ; d'en bas, avec l'émergence des mouvements régionalistes, *localistas* et les minorités nationales ; et du côté, à travers la progression du marché et la société civile. En conséquence, l'État subit une restructuration fonctionnelle et territoriale et ses capacités de réglementation sociale sont sérieusement remises en question ».¹¹

Bien que certains auteurs aient soutenu que l'échange entre unités infra-étatiques n'est pas un phénomène nouveau caractérisant notre époque de façon particulière¹², il est certain que ces dernières décennies ont connu une intensification du phénomène, notamment en Europe. On peut observer que ce type de relations – entre organes non centraux et qui pour cette raison, ne répond pas à la conception classique de la diplomatie – a subi des changements au niveau tant quantitatif que qualitatif et, en même temps, a eu une influence au niveau des relations internationales. L'existence de ces échanges au-delà des frontières – en particulier avec les pays voisins – acquiert une signification particulière une fois né l'État-nation et, par conséquent, il y a des limites politiques et juridiques dans lesquelles ils exercent leurs pouvoirs. La relation de l'Etat avec le monde extérieur pendant longtemps a resté sous contrôle – et de la compétence – de l'Etat central. Cependant, au fil du temps et en raison des facteurs mentionnés dans le présent document, la dynamique change progressivement et la dimension subétatique représente un niveau de plus dans les liens entre les Etats.

Pendant très longtemps considérées comme des relations de second ordre, voire méprisées, avec le temps, la littérature a voulu aborder la problématique de ces relations subétatiques. Les études ont visé spécialement les États d'Amérique du Nord et de l'Europe, surtout les pays qui ont adopté des modèles d'organisation fédérale ou de décentralisation politique à des degrés de plus en plus nets. Pourtant, le phénomène apparaît maintenant même dans des États unitaires et sur d'autres continents et n'est pas encore suffisamment étudié par la doctrine. Les paradigmes de la paradiplomatie, du transnationalisme ou de l'interdépendance, du constructivisme ou du néo-fonctionnalisme ont tous essayé d'expliquer le phénomène à partir de différentes approches, en cherchant

¹⁰ Morata, 19.

¹¹ Michael Keating, "La política territorial y el nuevo regionalismo" [La politique territoriale et le nouveau régionalisme], in *Gobernanza multinivel en la Unión Europea* [Gouvernance multiniveaux dans l'Union Européenne], ed. Francesc Morata (Valencia: Tirant lo Blanch, 2004), 189-190. Trad. par l'auteur.

¹² Par exemple, Hedley Bull, *La sociedad anárquica. Un estudio sobre el orden en la política mundial*

– une menace illusoire," *Études internationales* 12, 4 (1981): 635, accessed February 3, 2012, <http://id.erudit.org/iderudit/701272ar>

'interne et de l'externe?," *Études internationales* 25, 3 (1994): 409, accessed December 18, 2011, <http://id.erudit.org/iderudit/703349ar>.

des explications sur les causes, sources et effets dans les relations internationales et la conception traditionnelle de la diplomatie et de l'État westphalien.

Dans le changement de la conception classique de la souveraineté étatique et de la notion même d'État-nation, peu à peu les unités infra-étatiques ont commencé à développer une vaste action internationale essayant de s'insérer dans le scénario global, traversant les frontières politiques et juridiques qui limitent leurs États. Cette activité, nommée par certains *paradiplomatie*¹³, a cherché selon les États et les contextes, à atteindre des objectifs visés et à donner satisfaction aux diverses nécessités. En général, elle est parvenue à briser l'idée classique que les relations avec l'extérieur étaient uniquement de la compétence exclusive des organes centraux d'un État comme unique représentant du « souverain ». Pourtant, une des complexités pour aborder ce thème dans l'académie réside dans l'hétérogénéité des unités infra-étatiques qui vont depuis les États fédérés, les régions, les gouvernements régionaux jusqu'aux municipalités et les organes locaux, avec différentes capacités, compétences et statuts à l'intérieur de leur pays.

Face à la critique de la doctrine sur le terme de « paradiplomatie » et aux questions qui dérivent de cette dénomination¹⁴, d'autres auteurs ont proposé des concepts¹⁵ différents pour nommer cette réalité croissante dans le monde. Certains préfèrent parler de diplomatie à voies multiples, d'autres encore de diplomatie à paliers multiples.¹⁶ Nous adopterons ici la dénomination du professeur Noé Cornago "Diplomatie subétatique" (*Sub-state diplomacy*)¹⁷ entendue comme "[...] sub-state governments' involvement in international relations, through the establishment of formal and informal contacts, either permanent or ad hoc, with foreign public or private entities, with the aim to promote socio-economic, cultural or political issues, as well as any other foreign dimension of their own constitutional competences."¹⁸

¹³ Voir Panayotis Soldatos, "An Explanatory Framework for the Study of Federated States as Foreign-Policy Actors," in *Federalism and International Relations. The Role of Subnational Units*, ed. Hans Michelmann and Panayotis Soldatos (Oxford: Clarendon Press, 1990), 34-53; Ivo Duchacek, "Perforated Sovereignities: Towards a Typology of New Actors in International Relations," in *Federalism and International Relations. The Role of Subnational Units*, ed. Hans Michelmann and Panayotis Soldatos (Oxford: Clarendon Press, 1990), 1-33.

¹⁴ Par exemple, Iñaki Aguirre Zabala, "¿Qué sentido tiene hablar de paradiplomacia? Una encuesta intertextual en torno a un neologismo polisémico" [Quel sens a-t-il parler de paradiplomatie ? Une enquête intertextuelle autour d'un néologisme polysémique], in *Paradiplomacia: las relaciones internacionales de las regiones* [Paradiplomatie: les relations internationales des régions], ed. Francisco Aldecoa and Michael Keating (Madrid: Marcial Pons, 2000), 203-233. Trad. par l'auteur.

¹⁵ D'autres auteurs préfèrent parler de micro-diplomatie, diplomatie des États fédérés, diplomatie à voies multiples, diplomatie à paliers multiples, activité post diplomatique, diplomatie multiniveaux, diplomatie catalytique.

¹⁶ Stéphane Paquin, *Paradiplomatie et relations internationales. Théorie des stratégies internationales des régions face à la mondialisation* (Bruxelles: P.I.E.-Peter Lang; Presses Interuniversitaires Européennes, 1997), 16.

¹⁷ Noé Cornago, "On the Normalization of Sub-State Diplomacy," *The Hague Journal of Diplomacy* 5 (2010): 11-36.

¹⁸ Noé Cornago, "Diplomacia, Paradiplomacia y redefinición de la seguridad mundial: Dimensiones de conflicto y cooperación" [Diplomatie, Paradiplomatie et redéfinition de la sécurité mondiale: Les dimensions de conflit et de coopération], in *Paradiplomacia: las relaciones internacionales de las regiones* [Paradiplomatie: les relations internationales des régions], ed. Francisco Aldecoa et Michael Keating (Madrid: Marcial Pons, 2000), 56. Trad. par l'auteur.

Cette nouvelle réalité, en constante évolution, a impliqué un défi pour les États-nations qui ne disposaient d'outils ni légaux ni politiques pour faire face aux ambitions des GNC de jouer un rôle sur la scène internationale. Certains pays ont adapté leurs législations au fur et mesure de la prise de conscience de son existence et des opportunités qu'elle supposait générer dans un contexte international intégré et globalisé. Quelques États ont règlementé l'action des GNC avec la finalité de les contrôler de manière plus effective. D'autres se sont dotés de normes ou de pratiques *de facto* pour profiter de cette force politique qui était présente aux niveaux infra-étatiques et de cette façon, compléter ou renforcer sa présence internationale. En fait, une sorte de processus de rationalisation et de normalisation s'est produit. Finalement, quelques-uns n'ont pas encore régulé juridiquement la situation, ce qui n'a pas été un obstacle pour son expansion dans la réalité soit sous la forme d'extraversion des unités infra-étatiques soit d'une activité diplomatique à proprement parler.

Indéniablement, dans les divers thèmes qui aujourd'hui sont présents dans l'agenda international, les entités subétatiques avaient une meilleure expertise et expérience bureaucratique pour gérer les problèmes d'intérêt public étant donné que, spécialement dans les États fédéraux, les matières dites de « *low policy* » (éducation, santé, environnement, tourisme, commerce, etc.) étaient de compétence subétatique, laissant aux États centraux les compétences exclusives qui dérivait de la « *high policy* » (représentation extérieure, sécurité, défense, etc.). Pourtant, cette division qui semblait si claire entre politique interne et politique externe, politique comparée et politique internationale, de jour en jour devient moins nette. Plusieurs facteurs expliquent ce changement qui s'est intensifié significativement avec la mondialisation et les processus d'intégration parmi lesquels l'Europe est le meilleur exemple.

Dans ce contexte d'une plus vaste ouverture internationale, spécialement du point de vue de l'économie, les GNC ont commencé à franchir les frontières pour se rallier à l'extérieur. De cette façon, avec les années, les unités subétatiques se sont transformées en nouveaux acteurs de la scène internationale¹⁹ même si le Droit International ne leur reconnaît pas la qualité de sujet disposant de personnalité juridique internationale. En effet, la Convention de Vienne des Nations Unies de 1969 sur le droit des traités, ne reconnaît pas les entités infra-étatiques comme sujets de Droit International. Cette définition juridique reflète en partie ce que soutenait le réalisme politique (paradigme dont le plus grand représentant au sein de l'école américaine est Hans Morgenthau). Pour les réalistes ou néo-réalistes, l'unité d'analyse est l'État en tant qu'unité rationnelle et unitaire.²⁰ « Le réalisme définit le concept d'acteur sur la base des attributs de type juridique qui ne reflètent pas la dynamique des relations internationales ». ²¹ Pour cette raison, il a été fortement critiqué. De l'opinion de Caterina García Segura, pour déterminer l'*actorité* internationale d'un sujet, le premier critère à prendre en considération serait celui d'utiliser une approche fonctionnelle, en opposition au critère juridique régnant. Pour elle, peu importe la reconnaissance juridique internationale d'une entité, mais sa capacité à mobiliser certaines ressources pour atteindre certains objectifs et sa capacité à influencer le comportement des autres acteurs dans le système international.²² Dans le même sens, pour Esther Barbé, l'acteur international « est cette unité du système

¹⁹ Voir García Segura, 13-31.

²⁰ Esther Barbé, *Relaciones Internacionales* [Relations internationales] (Madrid: Editorial Tecnos, 2004), 56. Trad. par l'auteur.

²¹ García Segura, 17.

²² Ibid., 29.

international (entité, groupe, individu) qui jouit de l'habilité pour mobiliser des ressources qui lui permettent d'atteindre ses objectifs, qui a la capacité pour exercer une influence sur les autres acteurs du système et qui jouit d'une certaine autonomie ».²³

Nous partageons cet avis tout en précisant qu'il faut faire une distinction entre *sujets* de droit international et *acteur* international. En suivant l'opinion de Pierre-Marie Dupuy, « on dit d'une entité qu'elle constitue un sujet de droit lorsqu'elle est dotée par les normes d'un ordre juridique déterminé d'un ensemble de droits et d'obligations, ainsi que des capacités nécessaires à leur exercice ».²⁴ Dans ce sens, aujourd'hui la doctrine reconnaît qu'en plus de l'État -principal sujet de droit international-, les organisations internationales intergouvernementales et l'individu (mais avec une portée plus restreinte) sont les seuls sujets disposant de personnalité juridique internationale. Une autre perspective est celle de *l'actorité* internationale. Cette fois-ci, l'approche se situe dans l'analyse d'un champ plus large se penchant plus vers le niveau politique et sociologique que juridique. Ainsi, le même juriste explique, « la diversification de ces acteurs est manifeste et il serait vain de nier que les États ont perdu de longue date le monopole de l'action dans le contexte empirique des relations économiques et mêmes politiques internationales ».²⁵

Si on observe la réalité, la portée de la norme juridique – et le critère juridique qui en découle pour analyser *l'actorité* internationale- reste limitée et la pratique internationale la dépasse. Souvent, la réalité est en avance par rapport à la norme qui doit, elle, s'y adapter. Les motivations qui ont mené les GNC à oser y croire et à chercher des nouveaux espaces dans le scénario international sont divers étant donné l'hétérogénéité de ces acteurs et les différents contextes internes dans lesquels ils se sont développés. À ce sujet, Brian Hocking signale: "... les gouvernements régionaux ne forment pas plus une catégorie homogène d'acteurs internationaux que, par exemple, les entreprises multinationales. Leurs caractéristiques particulières dépendent d'un ensemble complexe de facteurs comme l'emplacement géographique, le profil économique et les ressources".²⁶ De cette façon, *l'actorité* internationale des GNC va s'imposer peu à peu et la doctrine la reconnaîtra au fur et à mesure qu'elle se propagera sur les différents continents. Mais, soyons avertis que cette évolution ne se fera pas sans problèmes, y compris dans les pays où elle est largement reconnue. La méfiance du centre, la crainte d'une politique extérieure dysfonctionnelle et fragmentée, la perte de pouvoir et du contrôle de ce qui se passe dans les entités subétatiques, ont fait que dans la grande majorité de cas, ce phénomène s'accompagne de tensions entre le centre et la périphérie, le pouvoir central et les entités subétatiques.

Plusieurs auteurs ont expliqué les causes qui ont mené à l'intensification du phénomène. Renaud Dehousse affirme que le fait qu'il s'agisse d'un phénomène suffisamment généralisé amène à penser que des modifications structurelles du système international sont à la base de cette évolution. Pour lui, l'interdépendance et ses effets centrifuges ont un rôle important. Les révolutions technologiques, l'amélioration des moyens des transports, les communications pouvant se transmettre par le son et l'image ont donné naissance à une forme de communauté à échelle planétaire. Au-delà de l'asymétrie existante (toutes les interactions ne se sont pas produites de la même manière et avec la même intensité dans tous les États), c'est une évidence que l'interdépendance

²³ Barbé, 135.

²⁴ Pierre-Marie Dupuy, *Droit International Public* (Paris: Éditions Dalloz, 2010), 28.

²⁵ Ibid., 29.

²⁶ Hocking, 413.

entre les différents États s'est renforcée considérablement et que cela a provoqué des effets centrifuges au niveau international. Pour Dehousse, à tout niveau, la croissance des échanges internationaux multiplie à la fois les effets déstabilisateurs et les tentations centrifuges. Il estime en outre que le « contenu » des relations internationales s'est altéré profondément. Ainsi, aujourd'hui, les relations économiques sont l'axe principal des relations inter-étatiques²⁷, ce qui a eu un fort impact sur les relations au niveau infra-étatique notamment dans la coopération transfrontalière.

Panayotis Soldatos fait la distinction entre les causes internes et externes qui favorisent la diplomatie subétatique. Parmi les premières, il souligne, comme Dehousse, l'interdépendance globale; l'interdépendance micro-régionale; l'interdépendance macro-régionale; et la participation des acteurs externes. Parmi les causes domestiques, il sépare les causes internes au niveau des unités fédérales et reconnaît les suivantes : *objective segmentation* (domestiques déterminantes d'ordre géographique, culturel, linguistique, religieux, politique ou détenant d'autres caractéristiques qui distinguent certaines unités d'autres et du reste du monde); *perceptual segmentation*; *electoralism*; *regionalism/nationalism*; *Asymetry of federated units*; *Growth of federated units*; et "*metooism*". Au niveau fédéral, il fait ressortir comme causes internes les suivantes : *Federal errors/inefficiency*; *problems with nation-building process*; *institutional "gaps"*; *constitutional uncertainties*; et *foreing-policy domestication*. Ainsi, les raisons pour lesquelles les unités fédérées se sentent motivées à déplier des actions vers l'extérieur sont liées, en premier lieu, au désenchantement envers la politique extérieure du gouvernement fédéral, en termes de procédure ou de fond et/ou la conscience de l'incapacité du gouvernement central à être efficient à lui seul dans la promotion des relations internationales. Il fait aussi mention de la segmentation de la politique et des acteurs, ce qui amène, en conséquence, à la segmentation de la politique étrangère.²⁸

Dans le même sens, pour Michel Keating les raisons résident aussi bien dans les changements au niveau de l'État et du système international que dans les transformations politiques et économiques qui ont lieu à l'intérieur même des régions. Il affirme que la globalisation et l'apogée des régimes transnationaux, spécialement les zones de libre échange régionales, ont dilué la distinction entre les affaires domestiques et extérieures et, de la même manière, ont transformé la division des responsabilités entre l'État et les gouvernements infra-étatiques.²⁹

Parmi les différents facteurs qui influent de façon essentielle sur la volonté des unités infra-étatiques d'internationaliser leur action, on peut mentionner le facteur géographique. Pour Hocking, "L'une des principales variables dans ce contexte est le facteur géographique. Lorsque les frontières communes favorisent l'établissement de liens transfrontaliers et trans-gouvernementaux entre les autorités régionales et les États voisins, les intérêts des gouvernements régionaux pour la scène internationale risquent alors d'être particulièrement évidents"³⁰. De même, Dehousse dit : « La coopération transfrontalière a d'ailleurs tendance à se développer dans des domaines où l'appartenance à un espace

²⁷ Renaud Dehousse, *Fédéralisme et relations internationales. Une réflexion comparative* (Bruxelles: Bruylant, 1991), 88-91.

²⁸ Soldatos, 44-49.

²⁹ Michael Keating, "Regiones y asuntos internacionales: motivos, oportunidades y estrategias" [Régions et affaires internationales: des motifs, des opportunités et des stratégies], in *Paradiplomacia: las relaciones internacionales de las regiones*

], ed. Francisco Aldecoa and Michael Keating (Madrid, Barcelona:

Marcial Pons, Ediciones Jurídicas y Sociales, S.A., 2000), 11.

³⁰ Hocking, 415.

géographique commun rend nécessaire un effort de collaboration : transports, développements des communications, lutte contre la pollution et les incendies de forêt, etc. ». ³¹ « L'interdépendance croissante des zones frontalières représente en soi une incitation suffisante à la collaboration directe. A bien des égards, le caractère artificiel de la frontière apparaît d'autant plus évident que l'on en est proche ; le phénomène sera particulièrement accusé dans les zones où des liens linguistiques et culturels unissent les peuples que sépare la frontière ». ³² Ainsi, au-delà des raisons économiques, commerciales, culturelles ou politiques, le facteur géographique et les frontières en particulier, jouent un rôle important dans la projection internationale des GNC. Ils ont une influence dans les changements et se voient affectés par les mêmes changements qu'ils aident à produire.

Dehousse souligne que « cette évolution générale revêt naturellement une importance particulière pour les régions transfrontalières. L'homogénéité croissante du monde industriel a en effet modifié de façon profonde la nature des frontières ». ³³ Pour lui, « la rupture de compétence brutale que représentent les frontières peut être à la source de nombreux problèmes en regard de la mobilité des personnes et des biens que requiert une économie intégrée. A fortiori lorsque le découpage de la frontière est relativement artificiel ». ³⁴

La sécurité est aussi un sujet important qui pousse les GNC à se coordonner avec leurs voisins. Bien que la frontière puisse inciter la coopération économique, commerciale, touristique, etc. -pouvant être qualifiée de motivations « positives »-, en même temps la frontière peut, dans certains cas, se transformer en un passage de menaces notamment dans les domaines du terrorisme, de l'immigration illégale, du trafic d'armes et de drogue, surtout en période de guerres ou de situations politiques, économiques et sociales instables dans les pays. Il s'agit dans ce cas de « frontières-problèmes ». Pour gérer les situations et trouver des solutions aux menaces, l'action doit, pour devenir efficace, être menée en collaboration et coordination avec les voisins, ce qui n'est pas toujours possible étant donné les difficultés sur le terrain. Ce fut le cas, par exemple, de la Russie après la fin de l'Union Soviétique. ³⁵ En même temps, suivant cette notion plus large de la gouvernance, la diplomatie infra-étatique peut aider à pacifier des zones en conflits où les Etats centraux ne trouvent pas de solution ou n'ont pas l'intention de les résoudre. C'est le cas dans quelques pays d'Amérique du Sud. ³⁶ Dans ce sens, l'action internationale des entités infra-étatiques peut servir pour bien gouverner la zone faisant face à des problèmes ou menaces qui touchent en premier lieu leurs populations et mettent en danger leur propre sécurité.

D'autre part, « les micro-diplomaties deviennent une nécessité pour la défense des intérêts économiques des régions frontalières, faisant entrer la coopération transfrontalière

³¹ Dehousse, 93.

³² Ibid., 94.

³³ Ibid., 93.

³⁴ Ibid., 93.

³⁵ Anaïs Marin, *Saint-Petersbourg, ville-frontière d'Europe. Extraversion, paradiplomatie et influence de la "capitale du Nord" sur la politique étrangère de la Fédération russe (1990-2003)*, (Thèse de doctorat, Institut d'Études Politiques de Paris, 2006), accessed March 10, 2012, <http://spire.sciences-po.fr/hdl:/2441/53r60a8s3kup1vc9kd1841218/resources/marin-scpo-2006.pdf>.

³⁶ Noé Cornago, "Diplomacy Decentralized Substate Politics and the Making of Peaceful and Durable Diplomatic Couples in Latin America," in *Building Sustainable International Couples. Critical Components of a Strategy towards Peaceful and Constructive Cooperation*, ed. Brigitte Vassort-Rousset (Basingstoke, Palgrave, 2013). Texte en édition. L'auteur a autorisé son utilisation pour cet article.

dans le champ d'action des politiques publiques locales ». ³⁷ « En Europe, pourtant, les liens économiques entre régions frontalières constituent une des données de base qui ont entraîné le développement de ce type de liens. De là est née l'idée évoquée par le Premier ministre du Bade-Wurtemberg d'une «Europe des régions», à l'exemple des liens existant entre sa propre région et la région Rhône-Alpes, la Lombardie et la Catalogne, que l'on nomme les «quatre moteurs de l'Europe». ³⁸ Dans ce sens et à propos de la coopération transfrontalière en Europe en relation avec l'élargissement à l'Est, Nicolae Dandiş affirme que « beside the geographical aspect, a different role in formulating proposals with regard to neighbouring countries was performed by the economic factor, which invoked huge disparities on different indicators between 15 EU countries and 12 adhered in 2004 and 2007 ». ³⁹

En résumé, à la lecture des travaux des différents auteurs qui ont essayé d'éclaircir le panorama de la diplomatie subétatique – les causes de sa naissance et de son intensification au cours des dernières années ainsi que les motivations des entités subétatiques à agir dans le domaine international – il ressort qu'en général, ils coïncident en identifiant la globalisation, les processus d'intégration à l'extérieur des États et les processus de décentralisation, de régionalisation ou de dévolution à l'intérieur de ceux-ci, parmi les facteurs les plus importants. Pour Francisco Corigliano : « La complexité et l'ambiguïté de l'actuel processus de mondialisation peuvent être résumées en la coexistence de deux tendances dans des directions opposées. La première, centripète, est liée à l'émergence et à la consolidation des grands espaces qui abritent en eux-mêmes différents États. Un exemple de cette tendance centripète ou des forces favorables à l'intégration et à la création d'espaces supranationaux est, certainement, l'émergence et la consolidation progressive de l'Union européenne en un marché, non seulement en tant que réalité économique, mais également institutionnelle, politique et culturelle. En effet, cette première tendance semble se rapprocher de l'image de "village global" déjà citée en 1972 par Lester Brown dans son livre *World without Borders: The Interdependence of Nations*. C'est l'image d'un monde sans frontières et de plus en plus interdépendant en termes d'échanges économiques et sociaux, grâce aux progrès technologiques dans les communications ». ⁴⁰

Tous ces facteurs sont apparus de façon particulière en Europe faisant de ce continent un objet d'étude primordial dans la littérature spécialisée en diplomatie subétatique.

Les frontières face aux changements et le concept de gouvernance

La frontière peut être définie comme « la limite d'un territoire qui en détermine l'étendue » ⁴¹, « limite du territoire d'un État » ⁴² ou, encore, « la ligne d'arrêt des compétences étatiques ». ⁴³ «In international law. That portion of the territory of any

³⁷ Marin, 153.

³⁸ David Goodheart, "For Lander, Brussels Poses both Threat and Opportunity," *Financial Times*, 30 mai 1992, *apud* Hocking, 415.

³⁹ Nicolae Dandiş, "Cross-border Cooperation – a Strategic Dimension of European Neighborhood Policy at the Eastern Frontier of the EU," in *Eurolimes 7, Europe and the Neighbourhood*, ed. Dorin Ioan Dolghi et al. (Oradea: University of Oradea Press, Spring 2009), 35.

⁴⁰ Francisco Corigliano, "La globalización y la erosión de la soberanía del Estado nacional" [La mondialisation et l'érosion de la souveraineté de l'État national], *Revista Criterio*, 2264 (Août, 2001), accessed April 27, 2013, <http://www.revistacriterio.com.ar/politica-economia/la-globalizacion-y-la-erosion-de-la-soberania-del-estado-nacional>. Trad. par l'auteur.

⁴¹ *Dictionnaire Petit Robert* (Paris: Le Robert, 2005).

⁴² *Lexique des termes juridiques* (Paris: Éditions Dalloz, 2005), 306.

⁴³ Dupuy, 66.

country which lies close along the borderline of another country, and so “fronts” or faces it. The term means something more than the boundary line itself, and includes a tract or strip of country, of indefinite extent, contiguous to be line.”⁴⁴ Bien évidemment toutes ces définitions ont une portée clairement juridique. Comme le souligne le juriste français Pierre-Marie Dupuy: « Quels que soient les procédés techniques auxquels on recourt pour tracer la ligne frontière, qu’il s’agisse par exemple de la ligne du *thalweg* ou de la ligne des crêtes, on peut dire que les frontières reconnues par le droit ne sont pas naturelles, mais résultent de la conjonction de l’histoire et de la géographie. Ceci explique que chaque situation frontalière soit fortement individualisée. Il serait donc vain de tenter ici une classification des unes et des autres. Les frontières résultent la plupart du temps de compromis conventionnels négociés entre les États limitrophes sur la base de considérations essentiellement politiques ».⁴⁵

Selon Ivo Duchacek, « A dictionary definition of an international boundary usually suggests an image of a barrier that ‘fixes the limits of neighbouring sovereignties and national identities’ ». ⁴⁶ Mais, depuis des années et grâce à l’évolution et aux dynamiques des relations internationales, le sens unique de la frontière comme barrière ou mur, est en train de se transformer et de donner de nouvelles pistes pour la compréhension du phénomène en élargissant sa dimension. Le territoire peut être perçu comme « l’espace à l’intérieur duquel s’exercent les compétences propres à l’État souverain ». ⁴⁷ Ainsi, on comprend la frontière comme la limite qui marque le territoire dans lequel l’État exerce ses pouvoirs souverains et où commencent ceux de ses voisins. La détermination de cette limite est, généralement, établie sur la base de traités ou accords internationaux, d’arrêts ou *laudos* arbitraux ou est le produit de l’application de principes du Droit International comme *l’utti possidetis* dans le cas, par exemple, de l’Amérique latine. Elle peut être aussi le résultat des guerres.

Comme précisent les auteurs Christiansen y Jorgensen, « dans le cadre de l’État-nation, les fonctions exercées par les gouvernements sont inévitablement limitées à ses frontières et la gouvernance s’est ‘territorialisée’. Ainsi, le concept de ‘frontière’ -division absolue entre « intérieur » et « extérieur » - a défini le système de l’État moderne: le principe de la souveraineté territoriale, sur lequel les États basent leur légitimité et pouvoir, est impensable sans la présence d’une limite ».⁴⁸

En fait, il s’agit des abstractions juridiques par lesquelles l’homme a défini les marges à l’intérieur desquelles les États modernes développent leur pouvoir souverain. Cette détermination peut également être tant artificielle que problématique à l’heure de séparer, diviser et compartimenter les espaces de domination étatique, laissant des populations divisées par l’autorité étatique. La frontière peut parfois aussi être à l’origine de tensions. C’est notamment le cas en ce qui concerne l’environnement, qui ignore l’homogénéité de la frontière: « La frontière divise, tronçonne, distribue. L’environnement unifie, tout entier animé par l’interpénétration et les influences réciproques de ses éléments constitutifs ».⁴⁹

⁴⁴ *Stoughton v. Mott*, 15 Vt. 169.” “What is the Frontier?” accessed September 10, 2013, <http://thelawdictionary.org/frontier/>.

⁴⁵ Dupuy, 66.

⁴⁶ Duchacek, 22.

⁴⁷ Dupuy, 56.

⁴⁸ Thomas Christiansen and Knud Erik Jorgensen, “La gobernanza transregional en la nueva Europa” [La gouvernance transregional dans la nouvelle Europe], in *Gobernanza multinivel en la Unión Europea* [La gouvernance multiniveaux dans l’Union Européenne], ed. Francis Morata (Valencia: Colección Ciencia Política, Tirant Lo Blanch; 2004), 371.

⁴⁹ Pierre Marie Dupuy, “La frontière et l’environnement,” in *La frontière, Actes du colloque de Poitiers de la S.F.D.I.* (Paris: Pédone, 1980), 268, *apud* Dehousse, 94.

Est-ce que les frontières ont vécu les impacts des changements au niveau international? Plus poreuses, plus complexes, plus dynamiques, il est évident qu'elles aussi subissent les impacts des mutations internationales. Pour certains auteurs « l'image des frontières en processus d'affaiblissement à cause de l'intégration peut être contrastée parallèlement à l'expérience d'une fragmentation croissante ». ⁵⁰ Selon les auteurs Christiansen et Jorgensen, il ne s'agit pas d'un paradoxe d'intégration et de fragmentation simultanée mais de la nécessité d'appréhender l'Europe contemporaine comme une zone dans laquelle la nature des frontières expérimente un processus fondamental de changements. Pour eux, le concept même de « frontière » expérimente un processus de différenciation fonctionnelle : les espaces économiques, sociaux, légaux, politiques et identitaires sont en train de s'accroître de façon séparée. ⁵¹

Pour comprendre ce scénario, les auteurs analysent l'émergence de la gouvernance transnationale au-dessous de l'État –à travers la croissance de la coopération transfrontalière en Europe (sujet qui nous intéresse pour le travail présent) de même qu'au-dessus de l'État– à travers la construction d'une entité politique européenne. Ils soulignent que plusieurs fonctions qui étaient auparavant remplies par une frontière unique – en conséquence de l'État-nation- sont aujourd'hui disséminées par différentes frontières fonctionnelles sur plusieurs niveaux territoriaux. Pour Christiansen et Jorgensen, ce processus entraîne une multiplication des frontières en Europe. Ils affirment que « la qualité de celles-ci –tant au niveau régional qu'étatique et supra-étatique- a subi un changement fondamental. Les nouvelles frontières en Europe ne sont pas de simples lignes divisaires entre des juridictions, comme les anciennes frontières. Elles se sont transformées en espaces bidimensionnels et en conséquence, en l'objet, et parfois même le sujet, des processus de policy-making ». ⁵²

Selon ces auteurs, le processus a eu un impact, voulu ou non, sur la gouvernance territoriale en Europe, et au milieu des années '90, les politiques territoriales de l'Union européenne se sont transformées en l'objet substantiel de l'agenda d'investigation. La coopération transfrontalière a par conséquent, été un facteur qui a contribué à la transformation des relations en Europe et a influencé la notion de frontière. De faible impact en principe – surtout dans les années '60 et '70 – le forum de *policy-makers* locaux qui informe sur les questions sociales, constitue, selon Christiansen et Jorgensen, un succès. « Le n'est que par un contact permanent, toutes les parties impliquées ont montré de grandes différences entre elles dans la culture administrative, les relations centre-périphérie et les méthodes de taxation ». ⁵³ Cette expérience a donc aidé à comprendre que pour s'intégrer, la volonté n'est pas suffisante et qu'il faut également se battre contre les restrictions internes dans les Etats eux-mêmes. D'après ces auteurs, les projets de coopération en Europe de l'Ouest ont été des institutions nouvelles qui se sont fondées sur l'approche *bottom-up* du *policy-making*, agissant maintes fois contre la volonté centrale de l'État. Ainsi, la coopération transfrontalière s'est présentée comme un outil qui, malgré ses limites, avait un avenir. Quelques réussites (comme la frontière entre l'Allemagne, la Belgique et les Pays-Bas) ont contribué à sa consolidation. Dans les années '90, des associations régionales transfrontalières ont été établies. Les Eurorégions ont vu le jour. Le programme transfrontalier INTERREG a été créé par la Commission européenne en juillet 1990. Vu son succès et avec la finalité de revitaliser les économies des régions

⁵⁰ Christiansen et Jorgensen, 369.

⁵¹ Ibid., 369.

⁵² Ibid., 370.

⁵³ Ibid., 376.

membres de l'Union européenne et de promouvoir la coopération transfrontalière entre les régions situées aux frontières internes et externes de l'Union européenne⁵⁴, la Commission a lancé le programme INTERREG II pour les années 1994-1999. En 2000, l'INTERREG III a constitué une nouvelle génération de programmes soutenus par l'UE, en élargissant leur portée. Comme l'affirme la chercheuse finlandaise Anaïs Marin, « C'est en Europe que les coopérations micro-frontalières ont ouvert la voie aux formes institutionnellement les plus abouties de paradiplomatie transfrontalière ».⁵⁵ En effet, il existe en Europe plus d'une centaine d'Eurorégions. Dans ce sens, l'ARFE, l'Association des régions frontalières européennes, créée en 1971, attribue à la coopération transfrontalière 4 types de valeurs :

- Une valeur politique: contribution à l'intégration européenne et aux principes de l'UE: subsidiarité, cohésion, partenariat, co-financement du développement territorial;

- Une valeur institutionnelle: implication des acteurs publics, mise en place des intérêts et des ressources face aux objectifs communs;

- Une valeur socio-économique: mobilisation endogène par le biais de la participation des acteurs économiques et sociaux (entreprises, syndicats, groupes écologistes) aux politiques de développement et à l'amélioration de l'aménagement du territoire et des infrastructures de transport;

- Une valeur socio-culturelle: vue d'ensemble de la région transfrontalière, mise en réseau des experts universitaires, divulgation du patrimoine historique, connaissance des langues respectives.⁵⁶

De cette façon, l'évolution à l'intérieur de l'UE a permis des transformations majeures dans la conception de la frontière et la communication avec l'extérieur. « Les frontières ne sont plus ce qu'elles étaient: elles sont passés de lignes divisoires entre des espaces séparés pour devenir la *raison* à la coopération. Au lieu de symboliser l'exclusion, elles symbolisent aujourd'hui l'inclusion. Le débat habituel sur l'existence transfrontalière entre différence et égalité a décanté, au moins dans de nombreux domaines du *policy-making*, en faveur de l'égalité ».⁵⁷ « Les anciennes frontières ont changé et continuent à changer, mais aujourd'hui de nouvelles frontières sont également en cours de production, peut-être pas aussi importantes, mais de toutes façons de plus en plus importantes ».⁵⁸

D'autre part, Bertrand Badie estime que « le territoire a perdu son importance fonctionnelle et son pouvoir de modeler les identités, modifiant les connexions traditionnelles, entre fonctions territoriales, institutions de représentation et mobilisation politique, qui ne reposent plus sur des bases territoriales figées mais traduisent au contraire l'émergence de nouveaux espaces déterritorialisés pour l'action internationale ».⁵⁹ Ainsi, le concept de la déterritorialisation est de plus en plus utilisé dans la littérature pour exprimer l'idée que Badie a développée dans ses travaux.

Ainsi, parmi les classifications des types de paradiplomatie, la micro-diplomatie transfrontalière apparaît comme une des plus répandues dans le monde. Avec l'intensification des échanges transfrontaliers -commerciaux notamment-, et la mutation

⁵⁴ *Dictionnaire de la coopération transfrontalière et européenne. Région franco-genevoise et lémanique*, ed. Carlo Lamprecht (Genève: Département de l'économie de l'emploi et des affaires extérieures du Canton de Genève. Direction des affaires extérieures, 1999), 114.

⁵⁵ Marin, 154.

⁵⁶ Bernardo Estornés Lasa Fondea, "Cooperación transfronteriza y Euro-Regiones" [La coopération transfrontalière et les Euro-régions], accessed March 26, 2013, <http://www.euskomedia.org/aunamendi/152140>.

⁵⁷ Christiansen et Jorgensen, 379.

⁵⁸ *Ibid.*, 379.

⁵⁹ Bertrand Badie, *La fin des territoires. Essai sur le désordre international et sur l'utilité sociale du respect* (Paris: Fayard, 1995), *apud* Marin, 679.

des anciennes frontières qui deviennent plus molles, plus poreuses, les autorités locales et régionales doivent assumer des responsabilités même au niveau international. Evidemment, la situation sera variable selon le système constitutionnel, légal ou politique de l'État et les facteurs qui le poussent à s'internationaliser mais, en termes généraux, toutes se sont retrouvées face à de nouveaux défis et en quelque sorte, obligées à intensifier les liens avec les voisins.

De cette façon, la micro-diplomatie se présente comme « une stratégie qui s'impose aux régions qui veulent bénéficier de leur position géographique pour se développer grâce à l'ouverture sur le monde via l'interface du pays voisin (« régions-tremplins ») autant qu'à celles qui, par la fermeture de leur frontière par exemple, cherchent au contraire à limiter l'impact de certains effets-frontières négatifs (« régions-remparts »).⁶⁰

Conclusions

Les concepts de gouvernance, de diplomatie subétatique et de frontière ne peuvent être compris qu'en tenant compte du fait que nous vivons dans un monde en transformation où l'incertitude est une caractéristique de nos temps. Plusieurs idées, concepts et notions sont en train de se voir remis en question et les anciennes conceptions se modifient, se modulent ou s'adaptent à de nouvelles données. D'une part, la gouvernance naît comme un essai de réponse aux questionnements par rapport à la façon de gérer le pouvoir public face aux transformations de la société, parmi lesquelles les mutations des frontières et des rapports entre les États – ainsi qu'à l'intérieur de ceux-ci – sont des dimensions importantes. Il n'est pas vain de rappeler l'idée, tant discutée, que l'État – nation est en train de se transformer. Nous sommes d'accord avec cette position mais tout en reconnaissant qu'il n'est pas en train de disparaître mais de s'adapter aux modifications venant tant de l'extérieur que de l'intérieur. La mondialisation ou globalisation a eu, indéniablement, un impact sur la conformation de l'État, son rôle, ses rapports avec les autres, sa position dans le scénario international ou son contrôle de la vie en société. À l'intégration (au-dessus de l'État) et aux revendications de différents types (au-dessous de celui-ci) s'ajoutent des éléments qui rendent plus complexe la définition des compétences de chacun dans un contexte de plus en plus mouvant, incertain et dynamique.

L'État, même s'il reste le principal acteur international et sujet du droit international, se voit aujourd'hui contraint de partager un espace avec d'autres acteurs qui, de plus en plus, revendiquent un rôle à jouer sur la scène internationale. De l'intérieur, des raisons économiques, politiques, de sécurité ou de stratégie de développement ont motivé les entités subétatiques à faire le saut vers l'extérieur. Des frontières plus poreuses et molles ont facilité cette extraversion. Bien que les frontières juridiques et politiques demeurent, elles changent de portée. Dans plusieurs cas, elles ne sont plus considérées comme le mur ou le rempart d'un État fermé à l'intérieur de ses limites mais plutôt comme le passage et la voie de communication avec ses voisins plus immédiats ou plus lointains. Dans ce contexte, les GNC ont souvent saisi la chance offerte par la coopération transfrontalière pour atteindre des objectifs. La micro-diplomatie s'est vue, de cette façon, renforcée et intensifiée. Malgré la méfiance des niveaux centraux et la méprise des cercles diplomatiques et académiques, les rapports entre entités subétatiques traversant les frontières s'accroissent et créent un monde plus riche, plus multiple et plus complexe.

En Europe, on observe cette relation gouvernance-diplomatie subétatique et frontière d'une façon plus nette en raison de l'intégration, de sa politique régionale et des

⁶⁰ Marin, 154.

revendications internes plus fortes. Les multiples frontières qui se sont dessinées suite aux différentes étapes de la construction européenne ainsi que leurs dimensions diverses, ont créé des espaces qui se superposent partiellement et où les États-nations doivent s'adapter et réagir. La coopération transfrontalière a été une des dimensions dans laquelle l'activité des entités subétatiques européennes a été la plus active en collaborant avec la gouvernance à cette échelle. Même s'il existe une discussion doctrinaire quant à savoir s'il est possible de considérer du domaine de la diplomatie subétatique les relations entre les unités infra-étatiques appartenant à un espace intégré comme celui de l'UE, nous les considérons dans cette article comme faisant partie de ce qu'un secteur de la littérature nomme paradiplomatie. En ce sens, la paradiplomatie européenne a contribué non seulement à donner des outils pour la compréhension du phénomène mais également à rendre ce dernier plus dynamique.

Les pistes qui découlent de l'étude de la réalité européenne servent en même temps à la compréhension du phénomène sur d'autres continents. La coopération transfrontalière, les pratiques de bonne gouvernance à ce niveau et les mutations des frontières ne sont pas des particularités propres à cette seule partie du monde et peuvent dès lors aider à l'analyse ailleurs.

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Governance, Insularity and EU External Dimension

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Abstract: *The geopolitical dimension of the European Union finds in its member states' outermost regions a crucial pillar of its own affirmation in areas that assume a traditional importance for intercontinental relations, within a new regional framework that results from the process of political and economic globalisation. If, on one hand, outermost regions find within their own political organisation models more and more innovative ways to participate in international relations, further benefitting their own political evolution, on the other hand, the states to whom those regions belong, and the European Union itself, may find in such external intervention local allies to further their international affirmation. In a world where integration movements are replacing the world political reorganisation that arose from the decolonisation processes in the 20th century, the relevance of the European Union's outermost regions arises from a combination of internal factors – such as the improvement of the said model of internal political organisation in a context of good governance – and external ones, namely the way how outermost regions find, in the political decision centres of their respective states and the European Union, the required understanding to adapt national and European policies to their regional specificities. Both factors must be joined by the perception of an increasingly greater capacity of the regions themselves, as political subnational units, to engage with other actors in the context of international relations at various levels and within the relevant legal frameworks.*

Key words: *Outermost regions; subnational entities; external relations; transregional and global paradiplomacy.*

Introduction

The historical turning point that was represented by World War II to international relations is, even today, a benchmark for modern diplomacy, coupled with the influence of external action in the governance of political spaces, be it at the national, regional or local levels. The political concert promoted by the victorious nations established a new world order that, firstly, sponsored the foundation of the first international organisation of a truly planetary nature – the U.N. – setting the framework for a long-lasting solution to the genetic deformation that had determined European geopolitics at least since the fall of the Roman Empire: war. This solution remains European integration. Europe opened, in May 1950, a new cycle of governance of states, based on completely new assumptions and founding the sharing of national sovereignty in matters of common interest, while protecting the genesis of the nation state. Federalism was, from the outset, emphasised by the founding fathers of European integration; but the model that was to last, by obtaining the consensus of participating states, was new and innovative, without parallel in human history.

European integration displays unique features as a governance model. Its evolution, translated by the amendments to its treaties (especially Maastricht and Lisbon) did not, however, subvert the original matrix that has remained intact since the formation of the European Coal and Steel Community. This new reality quickly brought about

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consequences. Not only to those living within the community, but also to those interacting with it. It was a contagion phenomenon. Like it or not, today's Europe is integrated in a common space of 500 million citizens who inhabit Central and Western Europe, from Eastern Poland to Iberia, including the islands that project it outside of the continental space. It is precisely this overseas, ultraperipheral dimension that we seek to analyse, within a Europe that aims at consolidating its integration process of social and economic development, from an internal perspective, and within a perspective of geopolitical affirmation in a world with a multipolar nature, where some regional powers (in other continents) exert a greater and greater influence over international relations and, therefore, over the future of the European continent itself.

The Azores are one of the eight outermost regions of the European Union, as per article 349 of the Treaty on the Functioning of the European Union². It is under this condition that the Azores participate in the European integration process, both in terms of their own economic and social development, but also as a determinant of Europe's projection in the world. The geostrategic dimension, the sea and own resources are the vectors that define such projection.

In this context, we seek to analyse the political and institutional framework that underlies the contribution of outermost regions to the development of the European integration process, placing special emphasis on the Autonomous Region of the Azores.

Political and administrative autonomy and the accession to the European Communities

The 1976 Constitution of the Portuguese Republic, which confirmed the institution of a democratic regime brought by the 1974 Revolution, sanctioned the political and administrative autonomy of the island regions of the Azores and Madeira³. This implied the adoption by the Portuguese state for each the regions of a specific political and administrative statute⁴, which would complement and specify the

² This article defines nine regions as being outermost regions: Guadeloupe, French Guyana, Martinica, Reunion, Saint-Barthelemy, Saint-Martin, the Azores, Madeira and the Canary islands. France has, however, requested the European Council (in June 2010) the change of the status of Saint-Barthelemy under article 355, no. 6 of the TFEU, from outermost region to an overseas country and territory (OCT). The European Council took a decision on October 29, 2010, ruling that starting on January 1 2012, Saint-Barthelemy would cease to be an outermost region and becoming an OCT. European Council, "European Council Decision of 29 October 2010 Amending the Status with Regards to the European Union of the Island of Saint Barthelemy," 2010/718/EU, *Official Journal of the European Union* L 354/4 (9.12.2010): 4, accessed May 4, 2013, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:325:0004:0005:EN:PDF>.

³ "The state is unitary and the way in which it is organized and functions shall respect the autonomous island system of self-government and the principles of subsidiarity, the autonomy of local authorities and the democratic decentralisation of the Public Administration. 2. The Azores and Madeira archipelagos are autonomous regions with their own political and administrative statutes and self-government institutions." Presidência da República, "Decreto de Aprovação da Constituição de 10 de Abril" [Decree of Approval of the Constitution April 10], *Diário da República*: no. 86/76, Série I-A, Article 6 – 1, accessed May 4, 2013, <http://www.dre.pt/pdf1s/1976/04/08600/07380775.pdf>.

⁴ Presidência do Conselho de Ministros et Ministério da Administração Interna [Presidency of the Council of Ministers and of Minister for Internal Administration], "Decreto-Lei 318-B/76: Aprova o Estatuto Provisório da Região Autónoma dos Açores" [Decree-Law no. 318-B/76: Approval of the Provisory statute of the Autonomous Region of the Azores], *Diário da República*

constitutional rules on this matter⁵. Since its preliminary version, of April 30 1976, the Azores Statute gave the Regional Government the competence of “*participating in the negotiations of international agreements and treaties that may directly concern the region*” (article 33, line j). This opened a new cycle for Portuguese external relations, where the State would now share the construction of foreign policy with public subnational units – in this case of a regional nature – in an approximation to what is today understood as the principle of subsidiarity.

Portugal’s accession request to the European Communities, in May 1977, was joined by the Azores’ self-government entities that actively participated in the negotiation process, actively influencing its results and the ensuing of the Accession Treaty to the European Communities⁶. Besides an array of measures relating to the Communities’ common policies that had a direct impact on the social and economic life of the Azores, the signatory parts approved a joint declaration concerning the social and economic development of the autonomous regions of the Azores and Madeira⁷, in which they recognised the existence of specific disadvantages for these regions. These disadvantages were due to the geographical situation of these archipelagos, far from the European mainland, as well as to their own particular orography, insufficient infrastructure and economic underdevelopment. As a consequence, the signatory parts recommended the Communities’ institutions to pay special attention to the implementation of objectives that aimed at the constant improvement of living conditions for the member states’ peoples, as well as at the harmonious development of their own economies, reducing inequality across regions and promoting those that were less developed.

This was a declaration with a mostly political reach, with no direct correspondence in the action of the Communities’ institutions. Its concrete implementation required the adoption of political coordination measures, not only between the insular regional governments and the central government, but also between the political representatives of those different insular regions that claimed the same disadvantages within the process of European integration.

The POSEI

This period – the late 80s – was characterised by a movement towards a deepening of the integration process within the European Communities. This began with the adoption of the internal market programme, and found its most striking moment in the signing of the Maastricht Treaty, that founded the European Union. It is also relevant to mention the inclusion, in the Single European Act, of the concept of social and economic cohesion, accounting for the regional asymmetries in terms of development that were revealed by the Communities’ enlargements, mainly towards the so-called Southern countries.

[Journal of Republic], I Série, 102, suplemento 2, April 30, 1976, accessed May 4, 2013, <http://dre.pt/pdf1sdip/1976/04/10202/00030009.PDF>.

⁵ Presidência da República, “Decreto de Aprovação da Constituição de 10 de Abril,” articles 227 to 236.

⁶ “Documents Concerning the Accession of the Kingdom of Spain and the Portuguese Republic to the European Communities,” *Official Journal of European Communities* L 302 (November 15, 1985), accessed May 6, 2013, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1985:302:FULL:EN:PDF>.

⁷ “Joint Declaration Concerning the Economic and Social Development of the Autonomous Regions of the Azores and Madeira,” *Official Journal of European Communities* L 302 (November 15, 1985): 479, accessed May 6, 2013, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1985:302:FULL:EN:PDF>.

The European regions experienced a marked increase in inter-regional cooperation during this period. This was a natural outcome of the common need to increase coordination in the actions undertaken by regional authorities, who faced more and more centralised decision processes in the European institutions, as the central governments of the member states attempted to establish a monopoly over the expression of European will.

It is also during this period – between the Single European Act in 1986 and the Maastricht Treaty in 1992 – that the main international political events that would shape the development of the Communities take place. German reunification, the fall of the Soviet Union, political changes in Central and Eastern Europe, as well as the growing international instability that emanated from the Middle East – all these factors forced the European Communities to change their foreign relations paradigm. This added a security and defence component to the traditional trade-oriented union.

Within this framework, the seven regions that were initially included in the concept of ultra-periphery – French Guyana, Guadeloupe, Martinica, Reunion, the Canaries, the Azores and Madeira – initiated a coordinated action through their participation in the Conference of Peripheral Maritime Regions of Europe (CPMR). Sponsored by the governments of the involved member-states – France, Spain and Portugal – the European Council, while meeting in Rhodes in December 1988, expressly told the Commission to present useful proposals that could mitigate the social and economic problems of certain European insular regions. This was, indeed, the highest-level reaction to the concerns expressed by the leaders of these seven outermost regions⁸.

At issue was not only the social and economic development evaluated as per the criteria employed by the Community's regional policy (the primary metric being GDP per capita), but also the mitigation of the negative consequences brought by European integration to the economies of these outermost regions. This mitigation was undertaken through the adaptation – or modeling – of the Community's policies to the reality faced by each region, without ever denying the political goal of integration. The possibility of adoption of derogatory dispositions was not excluded either, so as to maintain specific tax and customs regimes that could be necessary to the development of the regions. As said by Pierre Lagourge, President of Reunion, in a speech at the European Parliament in November 1989, “*social and economic cohesion – the equality of opportunities – is the EEC's primary objective with respect to the DOM. Consequently, the harmonisation of laws, namely tax law, can only be used as a means to achieve that objective, and not as an objective by itself.*”⁹. This was the perspective that was missing, and allowed the integration of regions that suffered from permanent disadvantages, that could not be solely countered by financial support (or equivalent) policies.

⁸ “Islands – The European Council recognizes the particular socio-economic problems of certain island regions in the community. It therefore requests the Commission to examine these problems and submit, if appropriate, any proposals which it deems useful, within the financial possibilities offered by the Community's existing policies as they have been decided.” European Parliament, “Conclusions of the Presidency, European Council Rhodes, 2 and 3 of December 1988,” accessed May 6, 2013, http://www.europarl.europa.eu/summits/rhodes/rh1_en.pdf.

⁹ Pierre Lagourge, cited by Patrick Guillaumin in “La dimension ultrapériphérique de l'Union Européenne,” in Jean-Didier Hache, *Quel Statut pour les îles d'Europe* (Paris: L'Harmattan, 2000), 115.

These programmes were adopted first for the DOM through the POSEIDOM in 1989,¹⁰ and then for the Azores and Madeira through the POSEIMA,¹¹ and the Canaries through the POSEICAN,¹² both in 1991.

The application and execution of the POSEI programmes was, in the meantime, reinforced by the inclusion of no. 2 of the article 299 in the Treaty of the European Community¹³, in Amsterdam on 1997. This article gave a solid juridical foundation to the measures that were adopted by these programmes. In the Treaty on the Functioning of the European Union (Lisbon Treaty), except for some technical changes so as to adapt these measures to the new dispositions of the treaty, the text concerning the outermost regions remained basically unchanged. The only substantial difference concerns the inclusion of two French regions to the original seven (see first page of the present paper). It was also renumbered, and became article 349 of the TFEU.

Essentially, the relation of outermost regions with the European Union has been the outcome of a matching process between common interests. This relation has been determined by changes of the social and economic conditions that took place in these regions in the last twenty years, as well as by the significant transformation that the European integration process has been subject to since then. The frequent meetings between presidents of the outermost regions have confirmed, on one side, the disposition towards political coordination as a vector of bargaining power against the European institutions, and on the other, the European Union's perception of the advantages that can be extracted from the development of these regions. These advantages concern not only the geostrategic value of these regions for the rest of the Union, but also their natural resources, primarily associated with the economic exploration of the sea and agricultural productions with very peculiar characteristics.

The geostrategic dimension of the outermost regions – the case of the Azores

One of the defining characteristics of the importance of insular regions to the European Union is their geostrategic projection, accounting for the greater and greater interaction between regional spaces and the main geoeconomic blocks.

¹⁰ “Council Decision of 22 December 1989 establishing a program of options specific to the remote and insular nature of the French overseas departments (Poseidom),” 89/687/EEC, *Official Journal of European Communities* L 399 (30.12.1989): 39, accessed May 9, 2013, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1989:399:0039:0045:EN:PDF>.

¹¹ “Council Decision of June 26 1991 Setting Up a Program of Options Specific to the Remote and Insular Nature of Madeira and the Azores (Poseima),” 91/315/EEC, *Official Journal of European Communities* L 171 (29.6.1991): 10, accessed May 9, 2013, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1991:171:0010:0016:EN:PDF>.

¹² “Council Decision of June 26 1991 Setting Up a Program of Options Specific to the Remote and Insular Nature of the Canary Islands (Poseican),” (91/314/EEC), *Official Journal of European Communities* L 171 (29.6.1991): 5, accessed May 9, 2013, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1991:171:0005:0009:EN:PDF>.

¹³ Treaty of Amsterdam that alters the Treaty of the European Union, the treaties that institute the European Communities, and some acts relative to those same treaties. “Treaty of Amsterdam Amending the Treaty on European Union, the Treaties Establishing the European Communities and Certain Related Acts,” 97/C 340/01, *Official Journal of European Communities* C 340 (10.11.1997), accessed May 9, 2013, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:1997:340:FULL:EN:PDF>.

The European Union can no longer be classified as just being a common market. It now has a wide political dimension that also translates in an increasingly effective common foreign and security policy, supplemented by a common policy for security and defence.

The Treaty of Lisbon reflects the importance that European states sought to attribute to this new dimension. Included since the beginning in the Maastricht Treaty, the common foreign and security policy is a natural evolution of the European Union's integration in international relations. The political and military conflicts that took place in the last twenty years, including those in the European continent itself, made unavoidable the deepening of the coordination between member states national foreign policies. The Treaty of the European Union, as modified in Lisbon, is, effectively, an approximation to the integration of those national foreign policies¹⁴.

In this sense, the Union's borders gain a relevance that must be accounted for as a function of the Union's foreign strategy, but certainly dependent on the evolution of international relations. The outermost regions endow the Union with a privileged geographical position, not only through the proximity that French Guyana, Guadeloupe, Martinica and Saint-Martin have with respect to the American continent, but also the Canary Islands and Reunion's proximity to Africa, and the Atlantic centrality of the Azores and Madeira.

Historically, the Azores' geographical position is the region's main contribution to Portuguese foreign policy. It was so in the age of discoveries and colonial expansion, it was so throughout the 20th century's two world wars, and it has been so, since the beginning of the Cold War, for the projection of North-American foreign policy: Portugal's most important ally. It has been so not only in the conflict that pitted the US against the Soviet Union, but also within the context of more recent military interventions in the Middle East, in the name of the reestablishment of the consensus on the international order which had been challenged by some states.

There is, indeed, an Atlantic dimension in the European Union's relations, not only with the United States – the politically most important partner – but also with other American and African countries. Citing Walter Lippmann, in the 40s, *“The Atlantic Ocean is not the frontier between Europe and the Americas. It is the inland sea of a community of nations allied with one another by geography, history, and vital*

¹⁴ The difference in the text of the treaties (Maastricht and Lisbon), in the inclusion of external policy in their objectives, is revealing of the evolution of the Union in matters of external and security policy: Maastricht Treaty - “Article B – The Union shall set itself the following objectives: [...] – to assert its identity on the international scene, in particular through the implementation of a common foreign and security policy including the eventual framing of a common defence policy, which might in time lead to a common defence.” “Consolidated Version of the Treaty on European Union,” 97/C 340/02, *Official Journal of European Communities* C 340 (29.7.1992), accessed May 9, 2013, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:1992:191:FULL:EN:PDF>. In its relations with the wider world, the Union shall uphold and promote its values and interests and contribute to the protection of its citizens. It shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter.” “Consolidated Versions of the Treaty on European Union and the Treaty on the Functioning of the European Union,” 2010 / C83 / 01, *Official Journal of the European Union* C 83 (30.3.2010), articles 3-5, accessed May 9, 2013, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:FULL:EN:PDF>.

necessity”¹⁵. The Atlantic is, therefore, in a more romantic geopolitical characterisation, the Western Lake¹⁶.

Since 1976, the Azores have sought to obtain direct benefits from this geostrategic value. In a double dimension – the region’s contribution to the reinforcement of Portuguese foreign policy, but also to reap benefits that may contribute to its own social and economic development – the Azores found in the Constitution of the Portuguese Republic and in their political and administrative statute the juridical framework necessary to the determination and implementation of Portuguese foreign policy whenever dealing with matters that relate to the region¹⁷.

Initially, this political and constitutional aspiration served the interests of the Azores in the negotiation towards the establishment of North-American and French military installations in the region.

As Portugal requested accession to the European Communities, in 1977, the participation in the negotiations of the region’s self-government entities, namely the Regional Government, was ensured by the political and administrative statute that, in matters of foreign affairs, was substantially improved in its second revision, in 1998¹⁸. It has been under line u) of no. 1 of article 227 of the Constitution of the Portuguese Republic that the Azores have been developing an extensive paradiplomatic activity,

¹⁵ Luís Andrade, *Os Açores, a Política Externa Portuguesa e o Atlântico* [The Azores, the Portuguese foreign policy and the Atlantic] (Lisbon: Ed. Letras Lavadas, 2013), 101.

¹⁶ Adriano Moreira, in the preface of Andrade, 12.

¹⁷ Article 227 of the Constitution of the Portuguese Republic sets out the powers of autonomous regions. Among them, those who define, directly or indirectly, the participation of the region in determining the Portuguese foreign policy whenever matters of interest to the region are at stake: “1. The autonomous regions are territorial legal persons and have the following powers, which shall be defined in their statutes: (...) s) To participate in the definition of policies concerning territorial waters, the exclusive economic zone and the adjacent seabeds; t) To participate in the negotiation of international treaties and agreements that directly concern them, and to share in the benefits derived therefrom; u) To establish cooperation with foreign regional entities and to participate in organisations whose purpose is to foster inter-regional dialogue and cooperation, in accordance with the guidelines defined by the entities that exercise sovereignty with competence in relation to foreign policy matters; v) On their own initiative, or when consulted by entities that exercise sovereignty, to pronounce on issues that are within the latter’s competences and concern the autonomous regions, as well as, in matters that concern their specific interests, on the definition of the Portuguese state’s positions within the ambit of the process of constructing the European Union; x) To participate, when matters that concern them are at stake, in the process of constructing the European Union by means of their representation in the respective regional institutions and in the delegations involved in European Union decision-making processes, as well as to transpose Union legal acts in accordance with Article 112.” “Constitution of the Portuguese Republic,” (Seventh Revision, 2005), accessed May 12, 2013, <http://www.en.parlamento.pt/Legislation/CRP/Constitution7th.pdf>. The political and administrative statute of the Azores, in its Part VI – “The region’s international relations” -, in articles 121 to 124, develops these constitutional principles. Law No. 2/2009 on *Political and Administrative Statute of the Azores* (12th January 2009): 172, accessed May 12, 2013, http://www.alra.pt/images/alra/doc_alra/estatuto_raa/estatuto_ing.pdf.

¹⁸ The first political and administrative statute in 1976 had a provisory nature. Only in 1980 was a definite statute approved, by Law no. 39/80 on the administrative statute of Azores. The first revision of the statute was approved by Law no. 9/87 of March 26, and the second revision was approved by Law No. 61/98 of August 27. The political and administrative statute that is currently in force, already mentioned, is the outcome of a third revision and was approved by Law no. 2/2009 of January 12.

establishing relations with foreign public entities, either directly or indirectly, and through participation in inter-regional cooperation organisations¹⁹.

The fact that the Republic of Cape Verde is an archipelago, with deep affinity for the Portuguese insular regions, has led to a political approximation between that country's national authorities and the Portuguese autonomous regions, namely the Azores, starting in 2007. This approximation was reflected by official visits of Cape Verde's Prime Minister to the Azores, being received by the President of the Regional Government, as well as the latter's visit to Cape Verde. From this cooperation, an agreement was developed, formalising the political relationship between two entities of different ranks²⁰. This does not fall under the classification of inter-regional cooperation, but is rather a direct relationship with a sovereign state. Article 124 of the political and administrative statute of the Azores does not seem to oppose actions of this sort, by defining that the region is responsible, within the context of its foreign relationships, for developing "privileged relations with bodies of Portuguese speaking countries, namely through the participation in cooperation projects and actions within the scope of the Community of Portuguese Speaking Countries;" and for establishing "relations of cooperation and collaboration with bodies of European States, in particular, member States of the European Union, namely at the level of providing and operating public services."

In a macrodiplomatic perspective, the Azores have twice in their history played a crucial role in Euro-American affairs. The first time was December 1971, in the midst of a global economic and financial crisis, when the Nixon administration sought to approach Beijing and Moscow. Terceira Island was the stage for a meeting between Presidents Georges Pompidou, of France, and Richard Nixon, of the United States, who, during two days, prepared a reform of the international monetary system. These changes would be formalised a few days later in Washington, in the Smithsonian Agreement that led to the first devaluation of the US Dollar since Bretton Woods. In this Azores summit, the Portuguese president of the council of ministers, Marcelo Caetano, did not serve as more than a host, even when accounting for the international situation in which Portugal was engulfed at the time due to the colonial war in Africa. The summit did, however, emphasize the strategic importance of the archipelago's geographical location: a post between Washington and the main European capital cities.

In 2003, in the crisis caused by the refusal of Saddam Hussein's Iraqi regime to comply with several resolutions issued by the UN Security Council since 1991, the Azores were once again hosts to a summit that formally established the military understanding between the United States and its European allies so as to initiate military action in order to oust the Iraqi regime. The Lajes summit, that took place on March 16 2003, hosted the President of the United States, George W. Bush, the British prime-minister Tony Blair, the president of the Spanish government José Maria Aznar and the Portuguese prime-minister José Manuel Durão Barroso. Once again, the central position between Europe and the United States, but also the fact that Portugal was not a main actor in the international decision-making process, dictated the advantage of the Azores' geographical location for

¹⁹ The Azores have membership on several inter-regional cooperation organisations, in particular in the Conference of Peripheral Maritime Regions and in the Assembly of European Regions.

²⁰ Presidência do Governo Regional dos Açores [Presidency of the Regional Government of Azores], "Memorando de Entendimento n.º 1/2007 de 5 de Junho 2007. Memorando de Entendimento entre o Governo da República da Cabo Verde e o Governo da Região Autónoma dos Açores" [Memorandum of understanding n.º 1/2007 de 5 June 2007. Memorandum of understanding between the Government of the Republic of Cape Verde and the Autonomous Region of Azores], accessed May 22, 2013, http://www.azores.gov.pt/JO/Operations/Download_DiplomaPDF/?pID=%7B9D645A23-1649-4ED6-B583-FBC78D11A49C%7D.

the organisation of the summit. After several locations for the summit having been proposed, the president of the Spanish government pointed to the Azores as a potential host. Once again, Portugal's position in the summit was not equal to that of the remaining participants. The Portuguese prime-minister himself admitted that this was a "three plus one" summit, accounting for the lower involvement of Portugal in the process, as well as the country's decision not to participate militarily in the Iraqi intervention²¹.

The organisation of this summit in the Azores did not gather internal consensus, not even between the central and regional governments – due to domestic cleavages between the political parties in power at the national and regional levels. Within the prevailing constitutional framework, however, the central government could choose to organize the summit in any part of Portuguese territory. There was, however, a politically hostile reaction of the regional government to the use of Azorean territory for the meeting. This was also strongly related to the fact – also political – that the central government did not include members of the regional government in the summit's official protocol²². Later, in 2008, the president of the regional government would confirm his discomfort with the organisation of the summit in Azorean territory, stating that such an event had damaged the region's reputation²³. This led to an open interpretation as to whether events with such an international impact, organised in the Azores, should be seen as matters that directly concern the region. It further led to deep alterations, in 2009, of the ruling in the political and administrative statute that allows the participation of the regional government in foreign affairs actions undertaken by the central government, but that may directly concern the Azores²⁴.

NATO's new strategic concept, approved in the Lisbon Summit that took place in November 2010, is another contribution to the Azores' geostrategic value. The organisation's need to adapt itself to the new challengers in the 21st century, arising from a new international system that is mainly influenced by the technological evolution of several military and economic sectors, called for the prosecution of three main objectives: collective defence, crisis management and cooperative security. The Portuguese government, aware of

²¹ On the Lajes Summit, c.f. Bernardo Pires de Lima, "Portugal, o Iraque e a Cimeira das Lajes" [Portugal, Iraq and Lajes' Summit], working paper no. 45, Instituto Português de Relações Internacionais da Universidade Nova de Lisboa, March 17 2010, accessed May 20, 2013, http://www.ipri.pt/publicacoes/working_paper/working_paper.php?idp=467.

²² "Since he did not invite the regional authorities to receive those who visited us, I hope that (Durão Barroso) was a good host", so said Carlos César when inquired by journalists on the fact that he was not seen in the summit. The regional leader reacted publicly with irony, without criticizing directly the prime-minister, but sources that are close to the president of the regional government do confirm that Carlos César did not like being kept away from the event. Carlos César also booked the VIP Room of the civil terminal of Lajes airport for the regional government, so as to deal with the possibility of a last-minute invitation, which did not happen. According to the source in Santana Palace (seat of the regional government), hope relating to a last minute invitation was linked with the fact that the prime minister had only warned the regional president about the summit on Friday, after lunch. Carlos César commented on the outcome of the summit by saying that "the Azores were merely the place where the meeting took place" and adding that he expected "more patience and hope" from the meeting. Article from the correspondent in Terceira Island, Armando Mendes, "César Melindrado," *Correio da Manhã*, March 18 2003, accessed May 22, 2013, <http://www.cmjornal.xl.pt/detalhe/noticias/nacional/atualidade/cesar-melindrado>.

²³ "Carlos César diz que Cimeira das Lajes prejudicou Açores" [Carlos César says that Summit of Lajes humpered Azores], *Diário Digital*, March 14 2008, accessed May 2, 2013, http://diariodigital.sapo.pt/news.asp?id_news=323301.

²⁴ Law No. 2/2009 on *Political and Administrative Statute of the Azores...*, Part IV, article 121, on *Participation of the Region in the Republic's foreign policy*.

the Azores' geostrategic importance towards the affirmation of Portuguese foreign policy within the international organisations in which the government participates, decided to include, in the Portuguese delegation, the president of the Azores' regional government. This action, perfectly aligned with both the Constitution and the political and administrative statute, reinforced the idea that the affirmation of national sovereignty can also be constructed in cooperation with subnational territorial units, namely regional units, in a practice that is similar to that adopted by states with a federal structure.

Conclusion

Outermost regions are an essential element for the external projection of the European Union. They are territories that represent the transcontinental extension of the member states of the Union since, in all their political, social and economic dimensions, they are Europe. All the outermost regions have statutes that endow them with a certain degree of autonomy – at different levels depending on the member states with which they are affiliated – but that allows them to have their own unique way of integration within the Union.

The Azores are an autonomous region of the Portuguese Republic that, ever since accession, opted for total integration, always assuming all the obligations imposed by the treaties and all the derived community *acquis*. This never prevented the Azores from affirming their particular situation arising from geographical isolation, insular condition, small area, difficult climate and topography, as well as economic dependence on a small number of goods and activities. This is, *in fact*, the ultra-peripheral condition.

But these constraints – which are permanent – are also joined by a positive dimension that reflects itself in the geopolitical projection of Europe in the world.

All these factors result in the need for regions, in this condition, to be passive actors of a macrodiplomatic movement that is more and more intense, between the great regional blocs. And the need for them to be active actors through a more and more frequent transregional and global paradiplomacy, so as to find partners in the development of their own regional policies, and to reinforce their bargaining positions against the spaces that overlay them: the member states and the Union.²⁵

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²⁵ On the different levels of external relations promoted by regional or federal entities, c.f. Ivo D. Duchacek, “Perforated Sovereignties: Towards a Typology of New Actors in International Relations,” in *Federalism and International Relations – The Role of Subnational Units* (Oxford: Oxford University Press, 1990).

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Governance of the External Borders of the European Union

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Abstract: *External borders of the European Union are a febrile topic of the recent years. Apart from the continental area, EU has inherited a huge potential, arising from the former colonies of the nowadays member states. Although they are remote and insular, some of them are very connected to EU, especially at the governance level. Still their political status have long before changed from that of colonies, but today there is no uniformity in what concerns this matter. The question is how did they evolve and which is the specificity of their own governance in relation to the member state and to EU? The answer can be achieved analysing each case, a pretty difficult task. Thus methodologically must blend the analysis of the official documents, of the legal texts and of the specialised literature in order to establish the competences attributed to each of the governance levels: local, national and European. The subject is imminently related to that of soft and hard border, even if the intention is not to establish a certain dichotomy. It is a trend among the remote territories to fight for a more autonomous position, consequence of their own specificities, being scattered in Atlantic, Indian and Pacific Oceans or even in ice covered lands.*

Key words: *Overseas Countries and Territories, Outermost Regions, Multi Level Governance, autonomy, external borders.*

Introduction

The issue of governance has long been discussed and it is still an up-to-date scientific theme. The engine of the perpetuation of the subject is considered to be the interconnectedness of the current global situation, which can be depicted as a world of the butterfly effect, as J. Rosenau wrote in 1995, in the introduction of the article Governance in the Twenty-first Century. Since multiple actors are implied into governance, this has a wide spectrum of dimensions and “when working in the field of governance, one operates in an area where one size does (never) not fit all.”² So global governance refers to a system of rules concerning all aspects of life, meaning that they can differ according to the environment in which the processes of governance are applied.

European governance -restricted to European Union- is characterised by a multilevel organisational system, which gives each actor the right to participate to EU’s life. In this view, regional and local authorities have a great importance by their representatives in the Council of the European Union, being part of the member state delegations. Thus they represent the specificities of the regions, having as a common goal the objectives of the EU. There are specialists³ that connect this MLG with the principle

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² Institute of Governance, “Defining Governance,” accessed August 14, 2013, <http://iog.ca/defining-governance/>.

³ Ioan Horga, „The Multilevel Governance (MLG) and the Respect of the Subsidiarity Principle,” (University of Oradea, Institute of Euroregional Studies, Oradea-Debreceen, 2010), *MPRA Paper* No. 44477, February 2013, accessed August, 24, 2013, http://mpra.ub.uni-muenchen.de/44477/1/MPRA_paper_44477.pdf; Ioan Horga and Dana Pantea, “Europe from Exclusive Borders to

of subsidiarity, a mechanism that allows states to keep their “national dignity” and European Union to control the compliance with its directives.

The paper focuses on a precise area, the external borders of European Union, namely “the less perceived” territories that are spread in the oceans or are situated on other continents, having the status of EU members. The aim of the paper is to analyse the governance of these external borders in order to obtain a clear image of the role played by Overseas Countries and Territories and Outermost Regions in their own management, the relation with EU and the implication in the governance of the territories; to realise a short inventory of the domains that fall into the duty of each entity.

In order to reach this aim, the methodological apparatus consists of an analysis of the official documents belonging to the states and to the regional governments implied, as well as of the information posted on the official sites of the countries involved. The Constitutions are the basic acts which prove the governance of a territory, as well as contracts, communications, working papers etc. The theoretical approach concentrates upon issues like Multi Level Governance, soft and hard borders and governance. EU’s mechanism of governing is also called by the Public Governance Exchange site an “open method of co-ordination”, being a soft instrument of governance. The efficiency of this “method” is explained in a simplified manner: “Policy convergence occurs largely because no member wants to be seen to be out of step with the rest of the community.”⁴ This is not compulsory to be accepted, but it is a mechanism that generates change, development and many opportunities for both developed continental member states and less developed scattered entities belonging to those countries, which could play the role of external borders.

Lately there has been made a great effort by these remote territories to develop, under the circumstances of the cooperation with EU, stating in an echoed voice that they represent the real external borders, by trying to find administrative solutions that fit their specific conditions.

What kind of external borders?

When tackling the subject of borders, it must be made the distinction between three terms that are almost synonymous: borders, boundaries and frontiers, being a “must have” in order to operate with the proper terms. According to Oxford Dictionary, border is “the line that separates two countries or areas”, boundary refers to a smaller scale, as it represents “a line that marks the edges of an area of land” and frontier is “a line that separates two countries or areas; the land near this line,” in other words it is much more

Inclusive Frontiers,” in *EuroTimes 4, Europe from Exclusive Borders to Inclusive Frontiers*, ed. Gerard Delanty et al. (Oradea: Oradea University Press, Autumn 2007), 6-11; Nicholas Levrat, “Une dynamique multidirectionnelle de la gouvernance multiniveaux,” 2009, accessed August 20, 2013, <http://www.cor.europa.eu/pages/EventTemplate.aspx?view=folder&id=53788fb1-937b-44ce-bd39-b20f3313bc83&sm=53788fb1-937b-44ce-bd39-b20f3313bc83>; Simona Piatinni, “The Committee of the Regions White Paper on Multilevel Governance: Some Reflections,” 2009, accessed September 2, 2013, <http://www.cor.europa.eu/pages/EventTemplate.aspx?view=folder&id=53788fb1-937b-44ce-bd39-b20f3313bc83&sm=53788fb1-937b-44ce-bd39-b20f3313bc83>; Adrian Ivan, “Guvernanta și teorii ale integrării în Uniunea Europeană” [Governance and theories of European Union integration], (Curs prezentat la Universitatea Alexandru Ioan Cuza, Centrul de Studii Europene, Iași [Course presented at the University Alexandru Ioan Cuza, Iași]), accessed August 29, 2013, http://www.cse.uaic.ro/_fisiere/Documentare/Suporturi_curs/I_guvernanta.pdf.

⁴ Institute of Governance, “An Exploration of Cutting Edge Governance Arrangement,” accessed September 3, 2013, <http://iog.ca/defining-governance/>.

than a border. It is not possible to think about frontiers by excluding borders, the two notions being overlapped.

Malcolm Anderson states that “the contemporary debate of frontiers is essentially European and in a somewhat different form (...) North American,” so as regards the study of borders the European situation is considered by Anderson a reference point, explaining the process: “A certain Eurocentrism is inevitable in most general discussions of frontiers because contemporary international frontier developed as a political-legal institution and as a set of political understandings on the western facade of Europe, slowly moving into central Europe and subsequently exported to the rest of the world.”⁵

The border is a subject itself, and external borders of the European Union become more and more attractive, as they are continually shifting and changing. At the EU level, the moment an enlargement takes place, the same time the configuration is transformed and, from a historical perspective, changes occur rather quickly in EU and Europe. These changes refer to moments when the dividing lines strengthened or faded, being either secured demarcating lines- of the hardtype-, or only a remember of the past, a “stroll-over space” of the soft type. This dichotomy has a geopolitical substratum, as physical borders were not wiped away from the maps. Robert Schumann explains that physical borders are needed as they are “a result of historical and ethnical evolution” and that the process of transposition or permutation of the borders took place because of different causes: “a d’autres époques ont les deplaces par des conquetes violentes ou par mariages fructueux”. For European Union, the “father of the Europe” predicted that borders will be “devaluated”. These devaluated borders could be interpreted as soft borders that are perceived inside the Union. So we must ask what does hard or soft really mean in terms of borders? Gathering all the senses in a nutshell hard borders mean excluding borders, barriers in front of communication and collaboration, and in a concrete manner the excluding element may take the form of fences, walls or militarised zones. Soft borders are often associated with territories with no borders, which is – in the European sense- wrong. Michel Foucher states: “(...) borders are indispensable markers of identity, self-consciousness and diversity. Not borders conceived as barriers but as limits between ‘us’ and ‘them’, between ‘inside’ and ‘outside’ since it is the interplay between both, the capacity to what is inside to open-up to the outside which makes collective life possible to live. The lack of symbolic markers may lead to closure and xenophobic populism”⁶.

Soft borders point the opportunity to cooperate in all senses, so that the delimitation becomes a fructuous exchange zone. As regards European Union, Nanette Neuwahl, remarks that it would be easy to suggest soft internal borders and hard external borders, but this divide is impossible even at the theoretical level. The false antinomy may come from the fact that there is a huge difference between internal and external borders as regards geopolitical and historical conditions.

Another point of view is expressed by Klaus Eder who perceives the soft and hard terms in an almost complementary connection: “The difference between both is that the former, the hard borders, are institutionalised borders, written down in legal texts. The soft borders of Europe are encoded in other types of texts indicating a pre-institutional

⁵ Malcom Anderson, “The Frontiers of the European Union,” European Documentation Centre, accessed August 10, 2013, <http://www.edc.spb.ru/publications/june/anderson.html>.

⁶ Leonhardt van Efferink, “Michel Foucher: Borders, Security and Identity,” (interview with Michel Foucher, *Exploring Geopolitics: Your Guide to Geopolitical Research Across the Globe*), accessed August 18, 2013, http://www.exploringgeopolitics.org/Interview_Foucher_Michel_Borders_Boundaries_Frontiers_Globalisation_Security_Identity_Europe_Central_Asia.html.

social reality the reality of images of what Europe is and who are Europeans and who are not. (...) soft borders are part of the ‘hardness’ of borders in the sense that the symbolic power inherent in soft borders helps to ‘naturalise’ hard borders, to produce the effect of taking borders for granted⁷.”

So “hard” and “soft” are only facets of a Yin and Yang system of borders, since it is difficult to explain to what extent a border is closed or open, discussion which creates the premise for another analysis of terms. If one wants to establish the type of the external borders, one must compare it to the symmetrical situation of the inner borders. Continental, internal borders appeared after a long process of fighting for a territorial recognition, while external borders are situated not only where the land meets the oceans, but even near or on far away continents. Internal borders are not completely “abolished”; the Schengen zone is an area which separates or isolates some EU countries, establishing border controls amongst countries with the same status: members of the European Union. Still, internal borders are pervious and cooperation between border regions is quite a locus communis nowadays. So which of the two types of borders are softer or harder?

A comparison of internal and external borders needs a better understanding of the position of the remote external borders, of their historical evolution and of their status. If considering the map of the European Union, the Eastern part does not represent an interest area of this paper, as external borders are contiguous land zones between EU countries (Sweden, Finland -in North and East; Estonia, Latvia, Lithuania, Poland, Slovakia, Hungary and Romania) and non-EU countries (Norway, Russia, Belarus, Ukraine, Moldova). The Western side of the European continent is an opening to vast waters in which there are many insular forms, once colonised by different European countries. Maybe this is one reason for which in the “Introduction” to the book *Where Does Europe End? Borders, Limits and Directions of the EU*, the authors state that Europe is facing difficulties in defining its external borders.

Where are the real external borders of EU?

There are many scattered islands in the oceans and some of these are belonging to the European Union or are associated with it. More than this, even places of other continents are European, by their political status. These territories’ importance is increasing as some of them act like buffer zones both for the optimal development of the regions they are directly in contact with, and for European Union which is a provider and a purchaser or a beneficiary. There are three categories of remote territories that can be considered external borders of EU: Outermost Regions, Overseas Countries and Territories and some special cases of lands where common mechanisms of EU do not fully apply, enjoying some individual arrangements with EU. The first two categories -even with a slight difference- apply EU rules on the whole. “The greatest differences between the OR and the OCTs lies within the manner in which the EU law applies within them. In general terms, in OR EU law applies in full unless otherwise stated, where as in the OCTs the situation is reversed –EU law applies only if expressly provided so.”⁸ Outermost

⁷ Klaus Eder, “Europe’s Borders. The Narrative Construction of the Boundaries of Europe,” *European Journal of Social Theory* 9 (2006): 256, accessed August 23, 2013, <http://www.uk.sagepub.com/suder/Chapter%20-%20-%20Eder.pdf>.

⁸ Dilyana Angelova and Emma Krikke, “EU and the Overseas Legal Framework and EU Law Application,” Erasmus School of Law, University Rotterdam (2013), accessed August 27, 2013, http://www.esl.eur.nl/fileadmin/ASSETS/frg/pub/europeesrecht/Jean_Monnet_OCT/EU_and_the_Overseas.pdf.

Regions are defined by the closest connection to the EU, as they are part of EU member states, as follows: Azores and Madeira are part of Portugal, Canary Islands belonging to Spain, French Guiana, Guadeloupe, Martinique, Saint Martin and Réunion are overseas departments under French law. These are located in the Atlantic, the Caribbean and the Indian Ocean, and in South America.

Overseas Countries and Territories are „twenty one territories that have a special relationship with one of the member states of the EU: twelve with the United Kingdom (Anguilla, Bermuda, British Antarctic Territory, British Indian Ocean Territory, British Virgin Islands, Cayman Islands, Falkland Islands, Montserrat, Pitcairn Islands, Saint Helena, Ascension and Tristan da Cunha, South Georgia and the South Sandwich Islands, Turks and Caicos Islands), six with France (Saint-Pierre and Miquelon, Saint Barthélemy, French Polynesia and Wallis and Futuna, New Caledonia), two with the Netherlands (European Netherlands -Aruba, Curaçao, and Sint Maarten; Caribbean Netherlands-Bonaire, Sint Eustatius) and one with Denmark (Greenland)”⁹. According to “International Union for Conservation of Nature”, these territories cover an area of 4.4 million km², equivalent in size to continental Europe, and have a combined Exclusive Economic Zone of over 15 million km², the largest in the world. They represent a great asset for European Union, which involved in their management by granting funds for development. In this way ORs and OCTs enjoy the rights and the responsibility, taking at their side, apart from the state they are dependant of, the European Union as part of their management system.

Subsidiarity principle in pragmatically manner

Taken as a whole many official documents admit the specificities of the Outermost Regions (OR) and of the Overseas Countries and Territories (OCT), as they are remote and spread in many oceans. Each of them has “personal” governance, as many Communications of EU express the need to take account of their special characteristics and handicaps. Apart from the local level they are part of a member state, so they respect the national laws. Due to the fact that ORs are part of EU, all EU policies apply thus all the ORs benefit the Cohesion Policy, a key tool for the ORs’ regional development strategies. According to Commissioner for Regional Policy, Johannes Hahn, The ORs are also beneficiaries of “various financial instruments and special schemes that have been introduced in the areas of fisheries (European Fisheries Fund – EFF) and agriculture (European Agricultural Fund for Rural Development – EAFRD; Programme of Options Specifically Relating to Remoteness and Insularity – POSEI)”. ORs are also involved in ERDF programmes, with „four transnational and cross-border cooperation programmes devoted to them for the period 2007-2013.”¹⁰ According to Isabela Maria Freitas Valente, Regional Policy is the instrument which helped the achievement of the status of Outermost Regions (“Ultraperiferia”).

„Increased cooperation across regional and national borders raises questions of governance” (COMMUNICATION COM (2008) 616 Final). Governance of the territories

⁹ Council of the European Union, “Council Decision of 27 November 2001 on the Association of the Overseas Countries and Territories with the European Community (‘Overseas Association Decision’),” *Official Journal* L 314, 30/11/2001 P. 0001 – 007, accessed August 19, 2013, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32001D0822:EN:HTML>.

¹⁰ European Commission, “The Outermost Regions: European Regions of Assets and Opportunities,” (Brochure, 2012): 6, accessed August 29, 2013, http://ec.europa.eu/regional_policy/sources/docgener/presenta/rup2012/brochure_rup_en.pdf.

is purchased by three levels: local, national, European. Even if this is basically the model of the Multi Level Governance, it is required to analyse each case separately.

Outermost Regions

The official moment when the interest for the development of these regions was shown by European Union, dates back to 1997, once the Treaty of Amsterdam “first introduced the legal basis of the concept of Outermost Regions.”¹¹ Spanish ORs are represented by the Canary Islands, archipelago situated very close to the African continent. They have been full autonomous community since 1982, meaning that the competences are shared between the Spanish state and the autonomous entity. According to Asunción Asín Cabrera and Julian Zafra Diaz the list of competences attributed to the state are stipulated in Article 149 of the Spanish Constitution and the Article 148 lists the powers “to be developed under individual statutes.”¹² Among the most important competences, are organisation of their institutions of self-government; public works of benefit to the Autonomous Community, within its own territory; agriculture; environmental protection management; the promotion of culture, social assistance etc. The Spanish state has exclusive competences over the following matters: nationality, immigration, emigration, status of aliens, and right to asylum; international relations; defence and the Armed Forces; administration of Justice; customs and tariff regulations; foreign trade; monetary system; protection of Spain’s cultural and artistic heritage etc. Canary Islands first participated directly in 1987 at the European level, according to Cabrera and Diaz, once it was opened the Canary Society for Economic Promotion in Brussels. The autonomous region participates in the Council of the European Union, in the European Commission, Committee of Regions, European Parliament (by elections), Conference of Presidents of the Outermost Regions and it is also part of the Monitoring Committee. Being part of the Committee of Regions, Canary Islands actively participate in the Subsidiary Monitoring Network, “in which an intense work of analysis of this principle, regarding the European Commission initiatives, is carried out.”¹³

After being recognised the juridical notion of “*ultaperipherie*”, special programmes were developed, among which “*Poseican*” for the Canary Islands, implemented from 1991. The aims were improving the infrastructure, promotion of the productive sectors and human resources development. It was created as a solution to the specific issues of the Canary Islands, thus, adding to its governance, the European dimension.

As seen in the lists of competences shared by the Canaries and Spain, the external dimension falls into the duty of Spain which benefits of the External Borders Fund, an EU instrument. Consequently, the country must carry out the planning strategy for which the

¹¹ András Lőrincz, “The Importance of the Outermost Regions for Strengthening EU Foreign and Regional Relations” (Conference paper submitted to *International Conference on The EU as a Global Actor—From the Inside Out: The Internal Development of the European Union and its Future Role in an Interdependent World*, Berlin, July 7th–10th, 2011): 7, accessed August 27, 2013, <http://www.culturaldiplomacy.org/academy/content/pdf/participant-papers/eu/Andras-Lorincz-The-Importance-of-The-Outermost-Regions-for-Strengthening-EU-Foreign-and-Regional-Relations.pdf>.

¹² Maria Assuncion Asin Cabrera and Julian Zafra Diaz, “External Dimension of Regional Autonomy in Europe: The Case of the Canary Islands,” in *Regional Autonomy and International Relations. New Dimensions of Multilateral Governance*, ed. Carlos Pacheco Amaral (Paris: L’Harmattan, 2011), 137.

¹³ *Ibid.*, 146.

fund was created. It aims at supporting the border management system; support the development and implementation of "national components of the European system of border surveillance and of a European network of permanent maritime patrol in the southern borders of the European Union"¹⁴; supporting everything that regards visas, fight against illegal immigration and everything that is connected to maritime control. The tasks must be fulfilled by the Spanish Ministry of Interior.

Reviewing The Annual Programmes of the External Border Fund published by the Ministry of Interior of Spain, since 2007, the actions or projects dedicated directly to the Canaries are granted as follows: Action 18: Aerial surveillance service in the area adjacent to the Canary Islands- 2008; Action 6: Purchase of equipment for use in mobile units, sensor stations and fixed deployment of the SIVE in Fuerteventura, Lanzarote, Algeciras, Cádiz, Málaga, Granada and Almería- 2010; Action 8: Building of the Regional Coordination Centre in Gran Canaria- 2010. This way, European objectives of governance are attributed to the state which is granted a fund in order to take measures and to propose actions or projects that involve the islands, so financial instruments have the aim of implementing common policies or priorities.

Portuguese ORs are represented by Madeira and Azores, autonomous regions too, the former being settled almost in the middle of the Atlantic Ocean and the latter being close to the African continent, and to Canary Islands. The autonomy was granted on the condition to preserve the integrity of the Portuguese state, the legal framework being comprised in the Constitution of Portugal and in the Administrative Statutes of the Autonomous Regions, which are "basic laws, one for each region, governing the exercise of self-government by the region, as well as its rights, powers and duties"¹⁵. In an ambitious article entitled *Madeiran and Azores International Policies*, Rui Tavares Lanceiro, invokes the Article 227 (1) v) of the Constitution, which states that the autonomous regions shall „give their opinion [...] in matters that concern their specific interests, on the definition of the Portuguese state's positions within the ambit of the process of constructing the European Union." The same author observes that in 2004 the concept of „specific interest" was abolished, creating a confused situation of the European representation of the autonomous regions. Still, in the 2009, a provision was added in the amendment of the Political and Administrative Statute of the Azores Autonomous Region, in accordance with which „the mechanisms provided by the Treaty of Lisbon to verify compliance with the principle of subsidiary by the national parliaments – which establishes a right of the region to be heard, through the Legislative Assembly, in these process, when the powers or duties of the region or its condition as an outermost region may be affected"¹⁶. There are representatives of the autonomous regions in national delegations, in the Committee of the Regions (generally the president of the regional government for the Azores and an appointed member for the Madeira). As posted on the Portuguese Government site, "The regional government organs - regional assemblies and governments - possess broad powers to define their region's policies. This does not apply in the fields of foreign policy, defence and internal security, the competence for which

¹⁴ Gobierno de España, Ministerio Del Interior [Spain Government, Minister of Internal Affairs], "External Borders Fund," accessed August 29, 2013, http://www.interior.gob.es/programa-de-solidaridad---union-europea-76/programa-de-solidaridad---union-europea-english-version-1161/external-borders-fund-1162?set_locale=gl.

¹⁵ Willie Minin, "Madeiran and Azores International Policies," 2011, accessed August 27, 2013, <http://www.ola-europe.com/en/actualites/article/archive/2011/jan/article/laction-international-de-madere-et-des-acoers/>.

¹⁶ Ibid.

pertains to the entities and organs of the Republic.” The governance competences that are attributed to the autonomous Portuguese islands are listed in a post of the Committee of Regions site and are the following “improvement of human resources and quality of life; heritage and cultural creation; environment; protection of nature, public health, animals and vegetation; agricultural and fisheries development; water, mineral and thermal resources and locally produced energy; commercial and industrial development; tourism, folklore and crafts,” etc.

Azores and Madeira are not at the same level of economical development, but their governance resembles, excepting the fact that the Madeira representative at the national level is appointed by Portugal, not imposed by regional power, as mentioned above. Among the first measures taken from the European level, the programme POSEIMA had the same goal as POSEICAN for Canaries.

French ORs which are called “departments” (DOM - Département D’Outre-Mer) benefited from a special statute before the Portuguese ones. According to Charles –Michel Geurts, they were the first “régions ultrapériphérique” which were the subject discussion of the Commission, in a study about their difficulties at a general scale after having celebrated the “Days of the DOM” in Brussels 1987. The difference between the Spanish and Portuguese ORs can be understood by residing to the definition of the French term, offered by the “The National Institute of Statistics and Economic Studies: “Overseas departments (DOM) are territorial authorities integrated into the French Republic in the same capacity as the departments and regions in Metropolitan France. Each of these departments makes up a single-department region, called an “overseas region” since the constitutional revision of 2003. The five DOMs are: Guadeloupe, Martinique, French Guiana, Reunion Island and Mayotte (since April 2011).” According to Article 74 of the Constitution of France, “this status shall be determined by an Institutional Act” and “In the overseas departments and regions, statutes and regulations shall be automatically applicable. They may be adapted in the light of the specific characteristics and constraints of such communities.” Consequently, French overseas have different statuses and internal organisations.

French Guyana borders Brazil and Suriname and it is considered by far France’s largest overseas region and one of the longest external boundaries. The President of France appoints a prefect, head of the local government. Each of the two municipalities forming French Guyana sends one representative for the local level and it is represented in the French Senate by other two senators.

Lucette Michaux-Chevry, president of Regional Council of Guadeloupe, briefly exposes the competences of each level of governance, in the collective volume coordinated by Jean-Didier Hache, *What status for Europe’s Islands?* Thus France will exercise the power in domains of health, justice, defence of the territory, army and police. Regional Assembly is allowed to take decisions in matters of specific interest of the region, adapting fiscal measures to the specificities of the region and “leading and assuring a regional cooperation policy of the geographical area concerned.”¹⁷

As for Martinique, having the same status as Guyana and Guadeloupe, it is represented both in the French National Assembly, and in the Senate. Authorities of Martinique have the task of safeguarding the domains of culture, health, professional formation, energy, “cooperation between state of Caribbean and European Union,” etc., while France has the following competences: defence, juridical organisation, nationality, etc.

¹⁷ Lucette Michaux-Chevry, “Les Régions D’Outre Mer ‘Le Courage Politique au Service du développement’,” in *What Status for Europe’s Islands?*, ed. Jean Didier Hache (Paris: L’Harmattan, 2000), 319.

Apart from specific competences of each entity DOMs have shared competences between the regional power and the state. They differ in some cases, but the common ones are: maintaining the civil order and the security and control of immigration. Martinique shares quite important tasks, like external relations, commercial right and external commercial relations and justice.

The last case of French Outermost region is Réunion, whose status is depicted by the President of Regional Council of Reunion as “a three dimensions status.”¹⁸ First of all it is a French OR, which on behalf of the Article 73 of the French Constitution can adapt the legislative regime and the administrative organisation. Thus Réunion is also department d’outre-mer but also region d’outre-mer. European interventions here were many- “FEDER (Fonds Européen de Development Régionale), FEOGA (Fonds Européen d’Orientation et de Garantie Agricole) and FSE (Fonds Social Européen),”¹⁹ aiming the development of the infrastructure, rural spaces, tourism, employment etc. In the Article 349 of TFEU Saint-Barthélemy and Saint-Martin are considered outermost regions, so they have the same characteristics, competences, shared attributions as the majority of them.

Intermediate conclusions

Even under the same type of category, the Outermost Regions do not have a single pattern for governance. There is a common framework and there are some irregularities or asymmetries which occur from different causes, as it may be the historical evolution of the island or “enclave”, the geographical position and the policy of the countries these territories depend on. There is a big difference between Spanish and Portuguese ORs and the French ones, due to the status of autonomous region. Carlos Cesar, President of the Autonomous Region of Azores utters the need for these to be autonomous, being a natural development of the fact that it is in Azoreans specific interest, one of the rights of the remote entities, expressed by Constitution. He denies the assumption that it was an artificial creation precisely for this reason. European Parliament resolution of 18 April 2012 strengthen this idea: „ORs are entitled to differentiated and holistic treatment, enabling them to benefit from the maximum level of support, irrespective of their level of development, so that their specific features are sufficiently considered and protected.” Thus we can make a distinction between member states with legislative at the sub-national level as Portugal and Spain and member states without legislative at the sub-national level as France.

Overseas Countries and Territories

Created under the Treaty of Rome in 1957, the status of Overseas Countries and Territories has its own specific legal and political structure. They have constitutional ties with Denmark, Netherlands, United Kingdom and France. As posted on European Commission site “they are all islands and parliamentary democracies, the size of their populations is very small and they are extraordinarily ecologically rich compared to continental Europe”. According to the same source, the common fields of EU- OCT relations are trade, sustainable development and regional cooperation/integration. The communication between these two partners is realised by means of the annual EU OCT forum, regular tripartite meetings with the participation of Commission, OCTs and the member states they are connected to.

¹⁸ Ibid., 333.

¹⁹ „Les interventions de L’Union Européene a la Réunion depuis le debut des années 60,” (1996): 14, accessed August 18, 2013, http://www.reunioneurope.org/DOCS/INTERVENTIONS_EUROPE_DEBUT_1960.pdf.

Greenland is a former colony of Denmark, alongside with Iceland and Faroe Islands. It chose to leave the European construction in 1985, after having been part of it since 1973. Greenland is nowadays an autonomous country within the Kingdom of Denmark. Together with the Danish Constitution, the Self-Government Act constitutes Greenland's constitutional position in the Unity of the Realm. In order to respect the subsidiarity principle, the following issues do not fall into the competences of Greenland, according to Prime Minister's Office: „the Constitution; nationality; the Supreme Court; foreign, defence and security policy as well as exchange rate and monetary policy”. In the same time it is constitutionally recognised that “administration of justice; the police; law of legal capacity, family law; aliens and border controls; the working environment; as well as financial regulation and supervision etc. are competences admitted by the Self Government Act. A Council Decision of 17 July 2006 establishes a partnership between European Community, Greenland and the Kingdom of Denmark. The objectives of the cooperation are providing a framework for dialogue, achieve common goals, help the development of Greenland and “provide a basis for economic, financial, scientific, educational and cultural cooperation founded on the principles of mutual responsibility and mutual support.”²⁰ Greenland is slightly integrated with the EU's internal market, by means of association agreements. It is expected- and maybe from the part of EU even wished- that Greenland join EU in some years. This event would open a wider way for EU to the Arctic Land of Promise. Maybe a proof in this way could be considered the fact that EU has that separate arrangement with Greenland, above mentioned.

Duch overseas territories, European Netherlands-Aruba, Curaçao, and Sint Maarten; Caribbean Netherlands- Bonaire, Sint Eustatius, have little direct connection with the EU. Dimitri Kochenov states that the status of the OCT offers many possibilities provided that states take position. He also makes some previsions: “[...] The recent Treaty reform might also be of interest for Aruba, [...] it seems quite feasible that several of the parts of the former Netherlands Antilles are likely to become OR.”²¹

French OCTs and Antarctic territory have different degrees of implication of national element, the most present being in French Polynesia, where France has competences in justice, education, security and defence, according to CIA official site. A trend amongst these territories is asking for more autonomy, according to the posted information on CIA official web-site.

British OCTs legislation is comprised in the British Overseas Territories Act, 2002, in which it is replaced the collocation “dependant territory” with “overseas territory”. Among all British OCTs, Anguilla and Falkland Islands are self-governing, the latter being constantly disputed by Argentina and the monarchy. Military defence is the competence of Britain in Anguilla, British Virgin Islands, Cayman Islands, Montserrat, Pitcairn, Turks and Kaicos Islands; foreign affairs are guarded by the British Crown in the Virgin and Pitcairn Islands. There are no direct connections to EU excepting Saint Helena, Ascension and Tristan da Cunha, to which are applied some EU aspects in administration. The territories that have no (permanent) inhabitants are under the British administration:

²⁰ Council of the European Union, “COUNCIL DECISION of 17 July 2006 on Relations Between the European Community on the One Hand, and Greenland and the Kingdom of Denmark on the Other,” *Official Journal of the European Union*, (29.7.2006): 2, accessed August 29, 2013, http://ec.europa.eu/europeaid/where/octs_and_greenland/documents/20130327-note2.pdf.

²¹ Dimitri Kochenov, “Dutch Overseas Territories,” *Academic Foresights* 5 (July-September 2012): 5, accessed August 17, 2013, http://www.academic-foresights.com/Dutch_Overseas_Territories.pdf.

South Georgia and the South Sandwich Islands, British Antarctic Territory, British Indian Ocean Territory.

Maritime issues are imminent discussion topics, as all OCTs are spread far away from the European continent. British Antarctic territory has a clear and no disputed delimitation, nor the French ones. The OCT-member States Joint Paper of 2011 states that the current relationship between EU and OCTs is governed by the provisions of Part IV of the TFEU and the 2001 Overseas Association Decision. Among several EU strategies and policies with direct or indirect effect upon OCTs, the most notably is EU 2020 strategy. The paper utters some themes of interest for OCTs, namely trade, economic and regional integration, environment etc. Representatives of the OCTs are part of the OCT Task Force, integrated in the Commission.

Considering the model of governance consecrated by European Union, we ought to mention soft governance as a management tool, “conceived as non-binding, informal, flexible, heterarchic.”²² This model is also applied to the real external borders, namely The ORs and OCTs, by the fact that many policy papers, strategies, cooperation instruments are generally set after discussions or negotiations, respecting the specificities of each entity. The principle of subsidiarity is applied in an elegant, diplomatic manner. Regarded strictly inside the “yard” of EU, these territories form a buffer zone, offering many beneficinations as widening the range of economy branches (as renewable energy), multiplying the diversity (ethnic, cultural, linguistically etc.) and not least adding maritime space, over which EU may have a certain authority. It is true that no all the competences of governance are attributed to these remote presences, generally issues that concern exterior connections, international relations, immigration etc. In this last case the governance is more restrictive, formal and inflexible so it shows the hard methods of polity. Even physically it tends to close the connections in matter of immigrants, drugs or weapons.

Conclusions

The mythological origins of the word Europe²³ seem to have left a deep print of power and regeneration feeling - at a symbolic level - into the XXI century European Union. The continuous ardour to find new perspectives of interlinking with the world gives it special features. The exceptional construction was depicted and defined in many works, from different perspectives but on the whole is “neither fish nor flesh, the EU is a challenge to the standard political science toolbox. It is best described as a hybrid”²⁴. Considering that European Union is a political community, the main aspects that characterize such networks are “norms, values, identity, but also limits”²⁵ One of the newest issues of the EU is delimitating the territory where it has the right to manifest its power. The solution for this is cooperation in the sense of exchanging goods or services, so collaboration based on mutual acceptance, a soft approach.

²² Peter Slominski, *Taking Hybridity of Hard and Soft Forms of Governance Seriously: Concept, Choice and Interaction of Legal Instruments in the EU* (Conference Paper submitted to “Standing Group on the European Union, Fourth Pan-European Conference on EU Politics, University of Latvia,” Latvia, 25 to 27 September 2008): 3, accessed August 20, 2013, <http://www.jhubc.it/ecpr-riga/virtualpaperroom/089.pdf>.

²³ A well-known, worldwide spread legend, according to which Europe is a beautiful girl kidnapped by Zeus, whom she will fall in love with. When the girl finds out that Zeus is married, she throws herself from a cliff and is saved by Aphrodite. Europe will give Zeus two sons.

²⁴ *Where Does Europe End? Borders, Limits and Directions of the EU*, ed. Sten Berglund et al. (Northampton: Edward Edgar Publishing, 2009), 12.

²⁵ *Ibid.*, 70.

As we can see, from a historical point of view ORs and OCTs are a rather new subject of European interest. The delayed preoccupation for these is especially due to their remoteness, feature expressed in most of the official documents of EU. Still EU recognizes that they represent an important issue, they are an asset, enlarging the European maritime zone, in such a way that the maritime territory of the European Union is the world's largest with an exclusive economic zone covering round 25 million square kilometres.

Most of the ORs are autonomous regions, situation explained by Carlos Pacheco Amaral: "In a nutshell the political dimension of the Autonomous Regions raises them to the condition of political subjects."²⁶ As for the implementation of the European law, Autonomous Regions are responsible of the practice of law in their territory, in relation with their own competences. Autonomy raises the degree of volume at the European level of manifesting. That is why some remote territories – Mayotte and parts of former Netherlands Antilles change or –in the latter case- want to reach to autonomy.

Governance of these territories is not pushed only from the macro level of EU, but is influenced in the other way too, from the remote regions to EU, as they do not hesitate to present their demands. The Association of the OCTs has among other strategic goals "making recommendations and carry out various projects/programmes to enhance opportunities, comparative advantage and natural assets in order to strengthen the position of OCTs at regional and global levels." (OCTA web-site).

At the level of European governance of OR and OCTs there is a different degree of direct representation in the European structures, the highest being that of the autonomous regions. Of course the national component of governance is present, even in the context of autonomy.

Soft governance practiced inside EU, in the case of Outermost Regions and Overseas Countries and territories, generates a model of communication which is pursued outside the EU. It is certain that these areas are not only borders, but boundaries, by their belonging to EU member states even if their remoteness generates cultural, social and economical differences.

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²⁶ *Regional Autonomy and International Relations. New Dimensions of Multilateral Governance*, ed. Carlos E. Pacheco Amaral (Paris: L'Harmattan, 2011), 34.

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IV. Focus

Carlos E. PACHECO AMARAL (Azores) ◀▶ *Frontiers and Politics. From Polis to Empire, State and the European Union*

Frontiers and Politics. From Polis to Empire, State and the European Union

Carlos E. PACHECO AMARAL¹

Abstract: *This article is dedicated to the exploration of the concept of frontier, particularly in its relation to power and to political community. It is organised in four parts, each searching to identify the fundamental characteristics of the model of political organisation subjacent to the major western historical periods, how they perceive, both human nature and social integration, as well as the type of political community they require and the demands they place upon the respective frontiers. The argument is that political communities of different nature – poleis, empires, guilds, counties, dukedoms, free cities, sovereign states – require frontiers equally differentiated. In a final section, the article looks at the contemporary world, at European integration, in particular, and the perforation of traditional state frontiers that we witness, concluding that frontiers continue to be required, albeit of a new nature, as different, today, from those proposed by modernity as these were from their medieval counterparts.*

Key words: *Frontier, political power, justice, community, polis, State, Europe*

The classical paradigm

For the Ancients, as Plato proposes in one of the myths of his *Symposium*, at the beginning of time, human beings were born, not sexually, out of a man and a woman, but from the land. Literally so! Instead of being a process of aging, life was a period of rejuvenating. And after having been born more or less old, all humans died equally as infants, as they disappeared into their mothers' womb. In those primeval circumstances, therefore, instead of inheriting the genetic characteristics of their respective parents, each human inherited, instead, those of the land that beget her or him. That is why, as Plato would develop in the *Republic*, instead of being all equal, we are all different, for each one of us carries with her the differences of the lands which beget her.² In a sense, each human being was not the child of her concrete father and mother, for it was the *polis* that gave life to all of them. If, in a biological sense, humans were born of their parents, in a political sense, they were the children of their *polis*. So much so that, in reality, it was as if each one was a microcosm which ensued from and projected the macrocosm of their respective *polis*. In a political sense, one would be Athenian, Spartan or Theban, not figuratively, and merely because of the place of residence of their parents, but because, having been begotten by Athens, Sparta, or Thebes, that is what they truly were. Moreover, one would not have Athenian, or Persian, characteristics, one would *be* Athenian or Persian.

As a matter of fact, someone would define himself as being Athenian or Corinthian in so far as, having sprung from Athenian or Corinthian soil, he was nothing

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² And, even within a singular political community, some have bronze in their souls, while others have silver, and a restricted few, gold. Cf. Plato, *The Collected Dialogues Including the Letters*, ed. Edith Hamilton and Huntington Cairns (Princeton: Princeton University Press, 1961). Cf. in particular the following dialogues: *Crito*, 27-39; *Symposium*, 526-574; and *Republic*, 575-844.

short of a projection of his motherland. Socrates appears to have been the last great protagonist of this paradigm. When, on the night before is scheduled execution, Crito offers him an escape, Socrates refuses. Being an offspring of Athens, he can not place his will above that of his *polis*. His destiny and his very being are indelibly consolidated to Athens, ensuing from it. Socrates can not escape for, in truth, he owes his very being to his *polis* and to leave Athens would entail a death, as certain as taking the hemlock.

Accordingly, instead of being irrelevant, the territory of a community assumed primordial importance, in so far as it was the outright maternal womb from which its citizens could emerge: thus the necessity to delimitate it – if not for anything else, in order to fix its identity and to defend it from either from foreign invasion or intromission, or from internal dissension. The territory is so important that it is the *fatherland*, *la patrie*, or the *motherland* of all. Its offsprings, therefore, owe it everything, including their very being. And that is also why there is nothing that the *polis* which possess it and is responsible for it can not exact from them, including their very lives, be it externally, at war, for example, or internally, through the judicial system. Thus the very notion of giving one's life for one's country. As your life, in truth, does not belong to you, but to your *polis*, when you give it to her, you are but giving back to its proper owner that which his hers and never belonged to you in the first place.

Frontiers, therefore, acquire a paramount importance, fulfilling two fundamental functions. Firstly, they are responsible for the delimitation of the territory of the political community, and, by extension, for the definition of the very self of its citizens. The Ancient mind had no place for individuals in themselves, but only for persons coming from and indelibly marked by this or that territory and, therefore, belonging to this or that political community. So much so that one's identity and rights were not something that belonged to her, but ensued instead, and had been given onto her, by the political community of which she sprung and in which she lived. Like actors, ready to wear any mask in the theater and, therefore, play any role that is proposed to them, individuals are but instruments forged by the political community for its service. In themselves, individuals lacked meaning and even identity. They require a territorial political community to imprint upon them a concrete identity and to grant them a legal system with which they may be able to frame their lives.

Secondly, while fixing the territory of the community, frontiers also define the reach of the political processes, of the system of values, rules and rights governing daily life and, therefore, separating clearly, friends from foes, citizens from foreigners. Frontiers, therefore, are absolute demarcating lines establishing, with precision who each one is and where he belongs. Secondly, confining the political structures and processes to the territory they delimitate, frontiers become a prerequisite for good government: both domestic and international. Confining each community to its territory, they allow for international relations preventing one community from extending its reach beyond its own territory³. Domestically, they make it possible for legislatives to make laws, governments to implement them and tribunals to interpret them. In a word, whereas man is a *zoon politikon*, frontiers open the ground for political live. They function as the containers of the political processes that frame the very lives of those situated within them, some as mere objects, as *hoi idiotoi*, others as citizens.

³ Although, of course, the extension of frontiers and the enlargement of territory is always a possibility.

The medieval grand vision

To the Ancient perspective, the world is divided into political communities, strictly separated by territorial frontiers separating them and assuring two fundamental functions. Firstly, that each possessed its own identity and values forged by its own legal, political and even religious system. Secondly, given that each political community autonomously forges its citizens, and even religion itself is subordinated to politics, nothing can bind together people who find themselves in different sides of a boundary line. They are and must remain foreigners: people with whom it is possible to establish relations, international relations, that is, either in war or in peace, but not civil relations.

Christianity, however, introduced a fundamental rupture with this paradigm, operating a double revolution, simultaneously personalising and universalising, with an evident profound impact upon the very nature of the frontiers required of political communities. Stressing the intrinsic value of the personality of each human being, independently of either frontiers or political communities, Christianity breaks away from the classical paradigm. With it, the identity and the dignity of persons no longer ensues from the political community in which they live, or the side of the frontier on which they may stand. Instead it is proper to them, having been imprinted upon them directly by creator himself, the one single God there is. Moreover, Christianity also presents an evident universalist dimension in so far as it is not the religion of a single people, but of all peoples. Christ, after all, did not come to the world to save a single set of persons, but all of humanity.

In the Ancient paradigm the identity and the very being of an individual ensues from the political community in which he or she may live and in which he is forged. That is why individual from different political communities are so different from each other as to be foreigners to each other. For Christianity, however, each individual carries within himself an identity which grounds his personality and his dignity and which is prior and, therefore, independent of the political community in which he may happen to live. This primeval identity ensues from the fact that instead of being, each the creation of his or her own political community (with its political and legal system and with its own gods and religion), all human beings were created by the one true God. Moreover, instead of each being the product of his political community, possessing, therefore, the identity and the rights it may choose to grant them, all humans were equally made in the image of God. Each one is a “living temple” of the God. Therefore, instead of being a microcosm that mirrors her or his political community, each and all humans are a microcosm that mirrors the divine macrocosm of God himself. And that is a fact that imposes itself upon whatever political community one may happen to integrate.

As Saint Paul reminds us, God is not of a single chosen people, but of all humanity. “There is neither Jew nor Greek [he writes], there is neither bond nor free, there is neither male nor female: for ye all are one in Christ Jesus.”⁴ With Christianity, the former, Ancient, dualism in the terms of which the planet was perceived as being divided into a myriad different political communities, gives way to a fundamental monist which, at the limit, points to the enchainment of all of humanity in the unity of the faith in Christ. Furthermore, the Middle Ages will prolong his universalist monist from religion to politics. With Christ, all men are called to salvation, and that is a task that requires a universal church. So too, humanity should be united in a single political community, the

⁴ *Galatians*, Chapter 3, 28, accessed March 27, 2013, <http://www.kingjamesbibleonline.org/Galatians-3-28/>.

respublica Christiana universalis generis humani, a political community of the dimension of the human species.

In the process, territorial frontiers suffer an outright transubstantiation. Whereas, in the Ancient paradigm, they were of paramount importance, determining the very identity of each one and of each community, in this new medieval context they become little more than irrelevant. With Christianity we are thrown into a universe where territorial frontiers have little religious, or political significance, as all men become brothers in Christ and, according to the parable of the *Good Samaritan*, each becomes the neighbour of all others. Rejecting the notion that those located on different sides of the frontier are enemies – or even different from each other in any significant respect –, in the Christian mindset they can only be perceived as partners who are equally called, transcendently, to eternal salvation.

Now, eternal salvation is obtainable, not in the afterlife, but here, on earth – thus the Augustinian grand of two intertwined cities: of men and of God, Jerusalem and Babylon, the second being the context available for accession to the first. Therefore, just as, transcendently, all men are called in Christ to eternal salvation, so too, temporally, all men are partners in the pilgrimage required for the attainment of that desideratum. That explains the close connection established in the medieval mind between religion and politics. Given human nature, with the Fall, materialised with original sin and the expulsion from Paradise, politics becomes absolutely essential for salvation in so far as it prepares the ground, so to speak, assures the temporal order and security where, under the grace of Christ, through his material pilgrimage, men can regain Paradise and earn eternal salvation and led a more or less good and happy life while at it. Accordingly, the fulfillment of man's vocation requires as much the *respublica universalis* as it does the *ecclesia universalis* – each with a single law and a single government, erasing all frontiers and reaching, at least potentially, all humans. Thus the double, integrated, vision of human unity – religious and political – requiring, of course, the abolition of territorial frontiers demarcating, transcendently, a *chosen people*, from all others, and politically, citizens from foreigners⁵.

Physical frontiers remained between the multitude of political communities that together made up the rich and multifaceted medieval political life. The medieval potation for unity was perfectly compatible with a kaleidoscope of more or less autonomous religious, social and political units, ranging, at the social and political level, from the armed knight, at the basis, all the way up to the Emperor, on the top. Instead of separating and isolating, however, these new frontiers organised and integrated, as just about all human phenomena, political, economic, religious, academic, etc., cut across them more or less freely. Moreover, the Middle Ages introduces us to a wide array of communities fully sharing in juridical and political power, yet defined, and, therefore also delimited, in a plurality of manners, context in which the territorial frontiers of the *Regna* within the *Imperium* were forced to cohabit with a plurality of functional and personal frontiers, including the professional and social guilds that then established themselves autonomously throughout Europe⁶.

⁵ For a good introduction to the Political thought of Saint Augustine – which ended up marking indelibly all medieval political thought, cf. *The Political Writings of St. Augustine*, ed. Henry Paolucci (Chicago: Gateway Editions, 1987).

⁶ For a discussion of the Medieval guilds, cf. our work *Guildas, corporações e democracia* [Guilds, corporations and democracy], offprint of *Arquipélago, Filosofia* 2-3 (1991-92), and the bibliography quoted there.

In a world where the nation-state was not the political unit of reference, neither could its prerogatives and frontiers impose themselves. At the religious levels, for example, the frontier of reference was not of a territorial nature, nor any of those separating a kingdom, a county or a free city from the next, but of a personal nature, separating the faithful from the infidels – or, in a final instance, humanity from inhumanity⁷. Instead of permanent, moreover, that demarcation was intended to assume a temporary nature in so far as a basic ideal of universal union remained. Instead of territorial, the frontier of reference was that of belief and worship. That is why Augustine, for example, rather than just Algerian, is Christian, just as Thomas Aquinas is not merely Italian and Anthony is on the altars, not only of Portuguese churches, but throughout Christendom. Likewise, the architectonic and overall artistic styles, for example, are not German and French, but European, for instead of being submitted to territorial frontiers were developed and applied more or less autonomously by the respective guilds. The Universities, one of our most telling institutions, instead of following a closed territorial national logic and being Italian, French, Portuguese, Spanish, German or English, were, instead, paradigmatically European. Even the languages themselves, did not follow close territorial frontiers. Latin, of course, cut across all territorial frontiers, but even the vernacular languages, at first, did not closely follow territorial lines. Up until the XVII century, for example, it was not uncommon for Portuguese writers to use either of both major languages that had emerged in the Iberian peninsula, Portuguese and Castilian, without betrayal of their territorial appurtenance.

Upon looking at the medieval social and political tessitura, one does not find strict territorial frontiers confining within themselves units of sovereignty. Instead, one is confronted with a fantastic array of units imposing autonomous claims for the loyalty of the citizens. Varying widely in size, these units organised themselves along frontiers of the widest nature and dimension: some, like the bakers' guilds, touching upon merely the city or the neighbourhood, others, like the universities and the major architectural guilds for example, possessed a dimension that allowed them to spread their influence continentally, while the Church, of course, aimed at no less than the universal. Some of these units, like the kingdoms and *free cities*, stood behind exclusivist and closed frontiers, which, nevertheless, oscillated almost continuously. The majority, like most guilds, had no problem in holding open, functional frontiers and sharing their members with each other, as well as with the religious and territorial political authority, each zealous of its autonomy, i.e., its share of political power in what pertains to the concrete exercise of the functions that defined them – building cathedrals, for example, teaching at University or exercising medicine⁸ – including their own legislation, their own judiciary and their own executives.

Grounded upon the effective sharing of political power across differentiated autonomous communities, the Middle Ages required frontiers of a very special type: plural, non-monopolistic and widely differentiated. Sufficiently permeable to allow for one person to be simultaneously, and without contradiction, a member – to be a citizen, we could say, today – of a variety of the communities enformed by them: as a Christian, a professor, a resident in this *free city* or in that county, a writer, etc. And to allow for rapid and effective mobility,

⁷ So much so that, in a sense, to the Middle Ages, Christian became synonym of being completely human. For an in depth exploration of this dimension and of the overall role played by Christianity in the emergence of an European identity in the Middle Ages, cf. Denys Hay, *Europe, the Emergence of an Idea* (Edinburgh: University of Edinburgh Press, 1957).

⁸ Not to mention praying, assuring the divine service and fulfilling all the tasks commonly associated to the Church.

capable of permitting one to participate, in alternate fashion, in the power structure of many of them and, at the limit, of all of them, and, simultaneously in more than one⁹.

Modern nation-states and their frontiers

Breaking away from the medieval paradigm and following closely the classical mind¹⁰, modernity adopted a strictly territorial and voluntarist conception of the political. First, it was necessary to withdraw the transcendent entirely from political life and, with it, any notion, either of natural rights ensuing from human nature or from personality, or of any reality that did not spring directly from a positive act of human creation. It was necessary to abandon the medieval double personalist and universalist vocation in order to clear the ground, so to speak, for the re-emergence of the new political units in the forging, the states, and their new political prerogative, sovereignty.

By having recourse to the old social contract theory, modernity, from Thomas Hobbes, in the 17th century, to John Rawls, in the late 20th century, was able to accomplish two things. Firstly, to firmly establish the hold of man over himself as well as over the universe at large, bracketing, so to speak, or eliminating from consideration, whatever, in one way or another, transcended human reality. Secondly, to reduce humanity to rationality, to creative rationality. Accordingly, what modernity presents us is a broad and ambitious project in which, standing alone in the universe, rational individuals are able to autonomously re-create themselves materially as creatures of rights, within the framework of the political units adopted precisely to that effect: the sovereign states¹¹.

Whereas, following the Christian lead, the Middle Ages had posited a fundamental equality of humans as persons, endowed with a concrete dignity that is proper to them and which the political is called to serve, modern political theory will content itself with an abstract rational equality. To the modern project, human equality is strictly formal and useful to translate an equal capacity, and legitimacy, of each human being to rationally adopt the system of rights through which he can acquire a concrete material identity. And it is precisely to freely and rationally adopt those rights – and to assure their effective protection – that political communities of a very specific nature became required: sovereign nation-states. Accordingly, whereas the ancients had identified humanity with rationality, thus the conception of man as a *zoon logikon*, modernity will take a step forward and find humanity, not in rationality itself, but in its concrete free exercise. Through the concrete exercise of the rationality that marks them, humans are capable of joining together and adopting a system of rights regulating the

⁹ Frontiers separating the Church from the university, the city, the county, the kingdom and the Empire, the sports club, the architects, the masons and the printers' guilds, for example, were indeed required. But these frontiers had to allow one to both cross them at ease, so as to jump between the political units molded by them, as well as to amalgamate them, so as to be able to place himself and act, simultaneously, and without contradiction, in more than one them. To sit in the British Parliament, of course, one can sit in the Spanish Cortes; there is no contradiction, however, in being a professor, a Christian and a doctor and, as such, take part in the legal, executive and judicial decision making mechanisms of all three of the communities in which these activities translate.

¹⁰ Witness how, from Hobbes to Hegel, the major framers of the modern political paradigm were all first rate classicists.

¹¹ John Locke's *Second Treatise of Government* represents one of the most powerful and original presentation of this dimension of the project of modernity, even if still marred, in a sense, by theology and the presence of the transcendent in the argumentation developed. Cf. John Locke, *Two Treatises of Government*, ed. Peter Laslett (Cambridge: Cambridge University Press, 1960), successively reprinted.

political life of the community. And it is as members of a concrete sovereign state that true personality can emerge.

According to the paradigm, at the start the state emerges through a process of collection of the powers and rights that are transferred to it from its members. As the state grows in power, the members, therefore, become growingly impotent. And, it is precisely at the moment that the state collects all of the political power available in the community that it becomes sovereign. Accordingly, becoming equally totally deprived of political power, its members become but a “blank slate”, pure, abstract rationality, which is capable of receiving, in a second moment, the concrete identity and rights the state sovereignly decides to grant them. The social contract explains how, in a first moment, humanity is equated with rationality, and in a second moment, equal abstract individuals, become different concrete members of this or that state, as Portuguese or Spanish, Germans or French, Hungarians or Romanians, etc.

Other than at a rather rarified and abstract level, modernity lacks a conception of humanity – except as a category of beings understood as susceptible of rights, i.e. of receiving those rights which the state each integrates sovereignly decides to bestow her or him. In other words, through the social contract, modernity starts out by stressing equality among humans, as agents capable of rational deliberation, only to explain and to justify the unequal regimes of rights adopted throughout the planet by the diverse sovereign states. Because they all ensue from equally rational human will, all of these individuated systems of rights possess the same value, none, therefore, being superior, or inferior, to any other. They are the free product of individuals, reunited to negotiate and to celebrate together the different social contracts from which ensue their concrete existence as crafted by their respective individuated sovereign states. Given that, as fellow human beings, we are all equally capable of rational deliberation, and that the systems of rights adopted by our states ensue from our will alone, then these systems of rights are all equally credible and legitimate, notwithstanding the differences, sometimes dramatic, that they may present, in so far as they all spring from a common source: rational human will; the systems of rights adopted by different sovereign states and the equally differentiated concrete citizens that ensue from them. Thus the fundamental modern principles of the sovereign equality of States, and its logical counterpart, the correlative inequality of humans as subjects of this or that system of rights as proposed and upheld by this or that sovereign state.

At the time when the Ancient world was ceding its place to the Middle Ages, Saint Augustine had already identified the essence of the political with a system of rights. Without justice, he asks, how does a state differ from a gang of thieves? And even there, a certain justice must prevail in order for it to be a gang. So too, modernity will herald justice as the central theme of politics¹²: justice understood, not in transcendental terms, but precisely as ensuing from the system of rights adopted through the social contract constitutive of the state. And it is in the logical conclusion of this paradigm that the modern liberal mind establishes the priority of the right over the good.

Having effectively done away with the transcendent, modernity required a new foundation on which to ground the good. The *point of Archimedes* elected was precisely the fundamental principles of justice adopted by contact by each sovereign state and the distribution of rights ensuing from it. Accordingly, whereas the Middle Ages knew a single foundation for the good that transcended human nature itself – God –, and imposed itself, therefore, in universal fashion upon all, modernity will be recognised as many

¹² Cf. the way in which John Rawls will revolutionise contemporary political philosophy with his *Theory of Justice*.

foundations for the good as there were sovereign states. This is the context in which each sovereign state becomes equally responsible for adopting for itself the system of rights it chooses as well as for deriving from it the idea of the good it elects. So much so that, in truth, what separates one sovereign state from the next, a liberal from a socialist state, a democratic from a totalitarian, is precisely the system of justice adopted by each of them and the distribution of rights they operate within themselves between their citizens and their institutions. Whereas, in the Middle Ages, rights ensued, at least partly, from the person itself (thus the immense pluralism marking medieval political communities), modernity recognizes but one source of right: the state itself, which adopts a single and unitary system of right for all of its citizens.

Accordingly, from a point of departure of equality, of rational equality of all humans, modernity ends up stressing two complementary dimensions. Internally, the radical equality of all of its citizens – in so far as they all ensue from the system of right it adopted to regulate their public lives and live by the idea of good ensuing from it. Externally, the radical difference separating the members of the various states: fellow citizens, who chart their lives in the framework of the system of rights adopted by their state, from foreigners whose lives are the product of the system of rights sovereignly adopted by their respective states. In so far as each sovereign state is responsible for autonomously adopting the conception of the good it elects, and promoting the ideal of good life it chooses, with modernity, medieval universalism inevitably gives way to state pluralism.

It is, moreover, in this context that, for modernity, it is the State that builds the nation – the political nation, that is – through the right it grants it. And it is in so far as they are subjects of differing systems of rights that different nations emerge as foreign to each other. With right, justice and solidarity effectively contained beyond national frontiers, relations between states naturally follow strictly utilitarian guidelines.

What emerges is a planet composed of sovereign states, each entrusted with a double task. On the one hand, of forging for itself, as well as for its citizens and institutions, the system of rights it sees fit and of regulating itself by the idea of the good life that it chooses to adopt. And, on the other hand, of refraining from interfering with the choices made by other states. In the process, each sovereign state must become, so to speak, an island of right and of the good, effectively isolated and insulated from the rest.

For that however, modernity will require frontiers of a new type. The state must emerge as a political community that is perfectly delimited by frontiers that are, simultaneously, clearly demarcated, imposing themselves universally, and impenetrable. It requires “a hard shell of fortifications” which function, in the words of Frederick the Great, as the “mighty nails” that assure the unity and the power of the state¹³. So much so that interference in a state, in the system of right and the idea of the good it adopts is only possible upon breaking the hard shell that protects and unifies it – which is equivalent to destroying it. The sovereign state, therefore, is indelibly tied to the innovative modern concept of frontier: both emerged at the same time in the classification of the same phenomenon. Whereas, as George Burdeau argues, in Ancient Rome the frontiers, the *limes*, of the Empire are spaces of confluence of civilisations requiring the vigilance of legions, the essential characteristic of the modern frontier lies in “the idea of confining a

¹³ Cf. John Herz, *The Nation-State and the Crisis of world Politics. Essays on International Politics in the Twentieth Century* (New York: David McKay, 1976), particularly 99-123.

human collectivity in stable linear limits¹⁴ – a human community as defined by the system of right and the idea of good that shape it.

Unlike their medieval counterparts, the modern frontier separates, in complete and absolute fashion, one sovereign state from the rest. The only breaches it allows for are the guarded posts through which it can allow for trade, tourism and the passage of people, capital and goods – under its strict inspection and control. Nothing, nor no one, can cross it, and thus enter or leave a state, without passing through the sieve of the will of the states involved, or of their agents. The modern frontier emerges with the sovereign state. It functions as a *hard shell* that not delimitates, but also isolates a territorial space from its surroundings, enabling a human community to take possession of it, there establishing itself and assuming the political form it chooses through the system of right and the idea of good that it elects.

The modern frontier, therefore, allow states to become “units of impenetrability”¹⁵ and to assume a monopoly over the political, assuring the conditions necessary for the free production of the right through which it becomes possible to demarcate citizen from foreigner, friend from foe¹⁶. Effectively confining political activity to the interior of states and, within it, to their respective agents, frontiers are also responsible for isolating politics from international relations. Politics becomes the activity developed by the state with relation to its citizens, whereas international relations becomes identified with the consular and diplomatic activity developed by states across their frontiers with a view towards the service of the national interest and, ultimately, with war.

Conclusion. What frontiers for Europe?

Throughout the cold war, the matter of Europe’s frontiers remained more or less dormant in so far as the Atlantic, to the West, the Mediterranean, to the South, the Arctic, to the North, and the Iron curtain, to the East, imposed themselves as natural frontiers. And if they were prolonged further Westward, beyond the coast of the Iberian Peninsula, that was due merely to the imperative of integrating the territories the European countries possessed overseas. Europe was identified with Western Europe and the frontiers of both, therefore, coincided.

The fall of the Berlin wall and the ensuing enlargements would draw renewed attention to the matter, particularly with regard to those states who by an historical accident had found themselves to the East of the curtain, although remaining solidly anchored in Western culture and civilisation. Three options imposed themselves. Firstly, to resort to the geographic frontiers of the continent. Secondly, to prolong them, from the Urals, all the way to the Pacific, to Vladivostok, in order to accommodate, at least potentially, all of Russia. Recuperating the tradition of the Projects and Treatises of European integration including those proposed by Podiebrad, Crucé, Du Bois, the Abbot of Saint-Pierre, Kant, and, more recently, by Denis de Rougement. The third, more ambitious, option opened itself, no less than to the universal, refusing any *apriori* frontiers for Europe¹⁷.

¹⁴ George Burdeau, *Manuel de droit constitutionnel et institutions politiques* (Paris: Librairie Générale de Droit et de Jurisprudence, 1984), 22.

¹⁵ Cf. Herz.

¹⁶ In Carl Schmitt’s doctrinal characterisation of the political. Cf. his classical *The Concept of the Political* (New Brunswick: Rutgers University Press, 1976).

¹⁷ For a synoptic overview of the major treatises and projects of European construction cf. Denis de Rougement, *The Idea of Europe* (Cleveland: Meridian Books, 1966).

Although geographical location is, indeed, important, it would appear that the very nature of the frontiers of Europe is a theme requiring revisit, at least on two counts. Firstly, and as the European Union understood from the start, whereas the essence of the sovereign state lies in power, and in the effective control of people and territories, that of Europe appears to be located elsewhere or to, at least, open itself to other dimensions. So much so, that, upon fixing criteria for the accession of new member states, geographic location in the *Old Continent* was not elected in singular fashion, and neither did the fact that but a minute portion Turkey's territory is geographically located there was ever presented as a reason for excluding that country from accession. In strictly geographical terms, after all, in the justly renowned words of Paul Valéry, Europe is but an appendix, a kind of cape of Asia, bent westwards. And Asia, after all, presents other appendixes, other capes, and none of them ever knew the projection acquired by Europe¹⁸.

If not through geography, how then can we proceed with the identification of Europe's frontiers? If not the fact of being located on the right or left side of the *iron curtain*, or the Urals, for that matter, how then can we determine what belongs to Europe and what does not? The most obvious answer appears to lie, precisely in the spirit, in the principles and values that make up *The European spirit*¹⁹. In a similar vein, Denis de Rougemont locates European identity in its culture. Not, however, any type of culture, merely patrimonial, for example, assimilating culture to the possession of a series of attributes, either physical or immaterial. De Rougemont underlines, instead, a critical perspective of constant questioning, where plurality, diversity and a constant predisposition to critical analysis, revision and incorporation of the other emerge as the more characteristic traces of European culture. Thus the appeal that Europe be apprehended as being simultaneously unitary and plural since it is in its vocation to almost perennial questioning, in its permanently multiform character, always open to its alters, to innovation, to utopia that the more genuine traces of its culture, its identity and its success can be found – from, at least, Ancient times²⁰. “Wherever [argued Paul Valéry, in the article quoted above, in a similar vein] the names of Cesar, Gaius, Trajan and Virgil, wherever the names of Moses and Saint Paul, wherever the names of Aristotle, Plato and Euclid possess a simultaneous meaning and authority, there is Europe. All the races and all the lands that have been successively Romanised, Christianised and submitted, with regard to the spirit, to Greek discipline, are absolutely European.”

Should this line of argument be pertinent, then, and this is the second, and final, major aspect that needs to be highlighted, Europe requires frontiers substantially different from those adopted by the modern state. Accordingly, besides asking where to place Europe's frontiers, it also becomes necessary to question which type of frontiers are required. And, perhaps, just as the Middle Ages adopted frontiers substantially different from those proposed by the Ancient World, and modernity heralded frontiers of yet

¹⁸ In their work *Europes. De l'Antiquité au XX siècle. Anthologie critique et commentée* (Paris: Robert Lafont, 2000), Yves Hersant and Fabienne Durand-Bogaert present a most interesting collection of texts on the identity of Europe, including the text of Paul Valéry, “La crise de l'esprit,” invoked here, originally published in 1924 in the *Revue universelle*.

¹⁹ To convoke the title of a most interesting work published in 1947 in Neuchatel by Les Éditions de la Baconnière where Léon Brunschvicg fixes European identity in the spirit developed at the continent, as expressed paradigmatically in its philosophy.

²⁰ And this also appears to be the most eloquent lesson proposed by the classical mythology of Europe, which presents the continent as emerging from Asia, incorporating and developing the values it encountered there.

another type, so too the innovative nature of the European project will require frontiers of yet another nature.

Through its territorial frontiers the State assured the containment of all political processes and the impression of both its system of justice and its idea of the good life to its citizens. In the process, elevated its territory, thus delimited by impermeable and impenetrable frontiers, to the condition of *fatherland*, *la patrie*, from which through its system of rights and following Ancient Greek mythology, the nation was able to emerge. Territorial frontiers, therefore, were a prerequisite for nationhood as well as for statehood²¹.

At the European level, however, the integration project does not appear to aim at the replication of modern statehood at the continental level and the correlative substitution of a Europe of 6, 9, 10, 12, 15, 28, 29 or more states by a Europe made up of a single, grand state. Whereas the modern European states were built around a process of outright replacement of a plurality of legal and political regimes that cohabitated in the territory of the same *Regnum* or *Imperium* by the single and unitarian system of rights proposed by the emergent sovereign state, the same does not appear to the case with either Europe or its integration process. Whereas Spain, for example, emerged as a sovereign state through a process of *Castilianisation*, i.e., of replacement, throughout the territory of the emergent new state, of the language, identity and legal systems of the political units²² that together made up the country, by those specific to Castile²³, the process of European integration can hardly be perceived as one of replacement of the specific languages, identities, legal systems and ideas of the good adopted by the various members states by a single, unitarian, system – not to speak of such parallel proposals as a *Germanisation* of Europe.

Accordingly, the roles expected of frontiers, then, at the emergence of the sovereign states, and now, at the consolidation of the process of building Europe, can hardly be similar. As a matter of fact, while, throughout modernity, frontiers functioned as effective containers of power and of the political processes, in contemporary Europe, they often appear to be little less than outright impotent before them. At the very start of that process, it was still possible to ground integration upon the replacement of national, i.e. state, frontiers by a single European frontier, for example at the level of customs, of agriculture, or of fisheries. Today, however, and in many respects, that no longer appears to be a viable option, as political power spreads beyond the reach of formal state and European political institutions: upwards, to the international system, thus the well known phenomenon of globalisation, as well as downwards, to autonomous regions, to a plurality of institutions from civil society, and, at the limit, to an ever more critical citizenry.

Ours are clearly perforated frontiers, that both delimited and integrate, and that, instead of pointing to the tearing of power between independent units, demand instead partnerships and joint actions. Even as late as the mid eighties, for example, our sovereign states could claim to control all that either entered or left their territories. Nothing passed through the designated frontier posts without their permission²⁴. Today, by contrast, just

²¹ And that is precisely why they were worth defending, even at the cost of one's life. And this is also why the idea of giving one's life for Europe continues to lack the strength and the meaning that giving one's life for one's fatherland, continues to possess, at least in principle.

²² Notably the Basque Country, Catalonia and Galicia, to mention but the tree "historical nationalities" of Spain.

²³ Moreover, the other Iberian State, Portugal, was able to survive and to consolidate its power as a sovereign state, precisely in so far as it was capable of resisting the embrace of Castile.

²⁴ In order to order from my Azorean residence a simple book, in 1985, published in the Netherlands, I had to first obtain the permission of the Portuguese state.

about everything can be bought from somewhere, and, of course, sold, without our political authorities being able to do much about it.

Modernity recognised but one type of political units, sovereign states, enveloped in their respective frontiers. And, beyond them, international relations were always and strictly, interstate relations. Today, however, globalisation and regionalism require far more than what either our modern sovereign states or their traditional institutions are able to render. And that would appear to be why both our autonomous regions, at the infra-state level, and Europe, at the supra-state level, remain *tertia genera*, the first being neither mere municipalities, nor outright states, and the second being neither a state nor a mere organisation of states.

At the international level, a multiplicity of entities, some more credible and respectable than others, including banks and rating agencies, but also organised crime, drug and human traffic, and terrorist organisations, for example, carry a power that is sometimes so much greater than that of traditional sovereign states that they are able to develop their activities within and across the frontiers of a plurality of states with almost total impunity, while others are able to keep sovereign states outright hostage to them. Domestically, formal autonomous regions as well as a plurality of civil society organisms reach such a level of empowerment that they can easily challenge the will of the respective central states²⁵.

In one word, where sovereign states fail to assure a framework of political order adequate to the demands ensuing from social relations, domestic, European and global *governance* becomes either a reality or a demand. So much so that we are witnesses to the emergence, throughout the globe, of a wide array of new political categories, carving a way for themselves, so to speak, both within formerly strictly national affairs, and between the traditional national and international categories²⁶. In so far as they are individuated political units, of their own right, they require frontiers. No doubt. These, however, are new and naturally as different from those proposed by modernity as these were from their medieval counterparts²⁷.

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²⁵ Not to mention the danger of outright disintegration that seems to impend upon various states, like Belgium, for example, but also Spain and the United Kingdom, with the threats of Flemish, Catalan and Scottish nationalism, respectively.

²⁶ Neighbour, would appear to be a paradigmatic example, being neither co-national, nor foreigner. And Europe's Neighbourhood Policy would appear to constitute a most eloquent response to this new reality recognizing that Europe's frontiers no longer function as proposed by the modern paradigm. That the environment and the economy of the neighbouring countries, for example, instead of being radically separated from those of the Union, impact directly upon it. And the same could be said of the health and the education of the peoples living there. Although not EU citizens, they are not alien to Europe, as proposed by the modern paradigm, but often, instead, constitute manifest European interests.

²⁷ For an in depth exploration of the new dimensions required by the European Union of its frontiers, cf. our work "Frontiers, Periphery, Ultraperiphery and Neighbours of Europe," in *Construire l'espace politique européen. Historiographie, politiques et territoires*, ed. Ariane Landuyt and Denis Rolland (Paris: L'Harmattan, 2013), as well as the bibliography quoted there.

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Book Reviews

Ukraine at Crossroads

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Review of: *Ukraine at Crossroads: Prospects of Ukraine's Relations with the European Union and Hungary*, edited by Péter Balázs, Svitlana Mytryayeva, Boton Zákonyi. Budapest-Uzhgorod, 2013. ISBN: 978-617-596-097-4.

The Eastern Partnership (EaP) represents a more focused version of the European Neighbourhood Policy (ENP), comprising only 6 countries (The Republic of Moldova, Ukraine, Belarus, Georgia, Armenia, and Azerbaijan). Although the programme has not been received with much enthusiasm and support coming from the old EU member states, the gas crisis and the Georgian war increased significantly the relative bargaining power of Poland, fact that augmented the project's prospects to be implemented.

Although at the official discourse level the ENP's and EaP's objectives are political association, creation of a free trade area and economic integration with the EU, they have proven to be necessary tools for underlying the objective of security. This desire for internal security first, and then for maintaining a stable region which does not affect the power design or the international image of the EU as a global actor can be observed through referring to the moments in which these policies were launched. The ENP emerged after the 2004 and 2007 enlargements, this decision bringing closer to the EU borders some dynamic in the sense of instability regions, while the Eastern Partnership has emerged as a result of the 2008 war in Georgia. This being the context, the year of 2013 could be easily called the year of Ukraine and the European Union (EU) due to the fact that it has good prospects of signing an Association Agreement with the EU during the Eastern Partnership Summit in Vilnius, Lithuania, in November 2013. At the same time, Russia is trying to persuade it to join the Custom Union, therefore once again Kiev is put in a difficult position externally, but also internally, given the social fragmentation that is also representing a vulnerability for the security of this state. This dual character of Ukraine, between the East and the West is not something recent. It was present even after 1991, given the strategic position of this country. After Poland succeeded in introducing the Eastern Partnership programme,² Russia and the EU started to build a relationship based on competition regarding the Eastern European countries like the Republic of Moldova and Ukraine, rather than developing a bilateral relationship based on cooperation and mutual trust³.

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² Cristina-Maria Dogot, "European Political Integration, an Achievable Objective?" (Review of: Laschi, Giuliana (ed.). *Oltre i confini: l'UE fra integrazione interna e relazioni esterne*. Bologna: Il Mulino, 2011. ISBN978-88-15-23445-2), in *Eurolimes 14, Enlargements, Borders and the Changes of EU Political Priorities*, ed. Ariane Landuyt et al. (Oradea: Oradea University Press, Autumn 2012), 189.

³ Dorin I. Dolghi, "A Security Assessment of the Enlarged European Union," *Eurolimes 15, A Security Dimension as Trigger and Result of Frontiers Modifications*, edited by Giuliana Laschi et al. (Oradea: Oradea University Press, Spring 2012), 19.

For the EU, Ukraine represents the largest immediate neighbouring country, except for the Russian Federation, therefore in geographical and traditional geopolitical terms, Ukraine is a state that has to be taken into consideration, especially under the current globalisation conditions. Strategically it is a bridge between the two regional powers. From an energy point of view, Ukraine represents a transit country, as Druhza pipeline is one of the most important infrastructural projects that ensures the energy need of the European markets. This state was defined by Zbigniew Brzezinski as being “*a geopolitical linchpin,*” adding that: “*the very existence of an independent Ukrainian nation encourages the transformation of Russia... Ukraine's loss of independence would have immediate consequences for Central and Eastern Europe, turning Poland into a geopolitical linchpin on the eastern border of a united Europe*”⁴. Following this logic Poland was among the most interested states to maintain Ukraine's independence, as through it will ensure its own security vis-a-vis Russia: “*the strategic key to the safety not only of Poland, but of all Europe*”⁵. At the same time, Ukraine has to receive some other incentives regardless of the membership perspectives coming from the European side; therefore it is very important for it as a frontier non-member state of the EU, how this organisation's frontiers are perceived: are they inclusive or exclusive for the Ukrainian state?⁶ And here the possibility of signing an Association Agreement comes into discussion. Being a bilateral relationship, Ukraine must also continue its reforms in key areas, like justice and to continue to tackle the domestic corruption.

At the same time, Ukraine represents for Moscow “Russia's priority partner in the context of the post-Soviet integration,”⁷ hence the competition between the two powers. For Kremlin's authorities, Ukraine as the Republic of Moldova are part of its near abroad, place in which Russia considers to have its own historical rights to practice its influence, according to the Russian strategy after Putin came into power in 2000. This competition has a negative effect over Ukraine's level of security, as this state has already domestic vulnerabilities. Referring to the internal dynamics, a study made at the level of the Ukrainian population reveals a European fatigue in what concerns the European integration process, as there are still no clear prospects of EU membership for the Ukrainian state. In 2010 the domestic support for the European integration was around 57,9%⁸. If we refer to a more recent survey (February- March 2013) that was conducted by the scholars from Kyiv International Institute of Sociology, we can see the clear fragmentation between East and West even at the level of population “41% of respondents want Ukraine to enter the Customs Union and the Common Economic Space today, 39%

⁴ Zbigniew Brzeziński, *Wielka szachownica. Główne cele polityki amerykańskiej* [Grand Chessboard. The main objectives of U.S. policy] (Warszawa: Świat Książki, 1998), 56.

⁵ Beata Surmacz, “Stosunki Ukrainy z Polską” [Ukraine's relations with Poland], in *Ukraina w stosunkach międzynarodowych* [Ukraine in international relations], ed. Marka Pietrasia and Tomasz Kapuśniak (Lublin: Wydawnictwo, UMCS 2007), 210.

⁶ Ioan Horga and Dana Pantea “Europe from Exclusive Borders to Inclusive Frontiers. Introduction,” in *Eurolimes 4, Europe from Exclusive Borders to Inclusive Frontiers*, ed. Gerard Delanty et al. (Oradea: Oradea University Press, Autumn 2007), 5.

⁷ Witold Rodkiewicz, “The Russian Federation's Foreign Policy Concept,” *Centre for Eastern Studies*, February 20, 2013, accessed April 30, 2013, <http://www.osw.waw.pl/en/publikacje/eastweek/2013-02-20/russian-federation-s-foreign-policy-concept>.

⁸ *European Integration Index for Eastern Partnership Countries* (May 2012): 32, accessed March 1, 2013, <http://www.soros.md/files/publications/documents/EaP%20Index%202012%20final.pdf>.

support the signing of the Association Agreement with the EU”⁹. This fragmentation can be observed even at the level of other minorities than the Russian one. For example, places like Mahala or Bănțești are inhabited mainly by Romanian speakers and they are supported by Romania although the European strategy is that of supporting the unity of the Ukrainian state. In this sense, we could say that Romania, although not cooperating directly with Russia, it supports its policies, given that Russia supports the Russian minority in Ukraine. Furthermore, we can say that Romania’s national interests are this time contrary to those promoted by the EU.

The volume *“Ukraine at Crossroads: Prospects of Ukraine’s Relations with the European Union and Hungary”* coordinated by Peter Balazs, Svitlana Mytryayeva, and Boton Zakonyi is analysing the dual character of the Ukrainian state and its status of a bridge within the European continent (between the Russian Federation and the EU). This publication is the result of conference contributions, presented at the international conferences: *“Where is Ukraine headed in the Wake of the 2012 Parliamentary elections”* which was organised in Budapest- Uzhgorod on November 14, 2012 by the CEU Center for EU Enlargement Studies, the Hungarian Institute of International Affairs, the Regional Branch of the National Institute of Strategic Studies in Uzhgorod and Polygraphcenter LIRA.

The authors of this volume analyse the regional dynamics that are to influence the behaviour or the security of Ukraine, from a domestic, but also from an external point of view. For example Arkadiusz Sarna in the article entitled *“Still before ‘The Choice’: Ukraine after the Parliamentary Elections”* is offering a historical perspective over the domestic developments in Ukraine, comparing it with other states like Hungary or Poland. Unlike the aforementioned state, the Ukrainian one had a more difficult position, as after 1991 it had build *“a completely new state (...) rather than transforming the old one”*¹⁰. In this case when Poland and other Central Eastern state begun their transition towards democratic states that had developed national strategies in order to join the EU and NATO, Ukraine faced with completely new challenges. From an economical point of view, Ukraine was too dependent of the industries from USSR, thus after this superpower faced disbandment, the Ukrainian industry went bankrupt. From a geopolitical point of view the situation was even more difficult as in the case of Poland for example. For 22 years Kiev is trying to develop a coherent strategy that takes into account the interest of its domestic oligarchs, the interests of its foreign partners, but also its own national interests, like of ensuring a high degree of security for its citizens. The balancing policy between Russia and the EU seems to have become counterproductive for the Ukrainian state, as it faced multiple frictions. Now, it seems that Kiev has to make a choice between the East and the West¹¹. This choice is also analysed by Vasily Astrov in the article: *“The EU and Russia: Both important for Ukraine”*. The author is developing scenarios that could be developed on the medium and long term depending on Kiev’s choice. For him, a free trade regime with the EU would mean an incompatibility with the Custom Union and vice-versa. The only possibility in which Ukraine could choose both alternatives would be if Russia decides for a closer integration with the EU, but this is unlikely to happen given

⁹ “Poll: Ukrainians Almost Evenly Split over Entry into Customs Union and EU,” *Kyiv Post*, March 21, 2013, accessed April 30, 2013, <http://www.kyivpost.com/content/ukraine/pollukrainians-almost-evenly-split-over-entry-into-customs-union-and-eu-322033.html>.

¹⁰ Arkadiusz Sarna, *“Still before ‘The Choice’: Ukraine after the Parliamentary Elections,”* in *Ukraine at Crossroads: Prospects of Ukraine’s Relations with the European Union and Hungary* (Volume presented at international conferences *Where is Ukraine Headed in the Wake of the 2012 Parliamentary Elections*, Budapest-Uzhgorod on November 14, 2012), 13.

¹¹ *Ibid.*, 13-18.

the antithetical strategy developed by Moscow as it sees this country as a strategic point for the post-soviet integration. Being dependent of its own international strategy, that of balancing between the East and the West, Ukraine should continue to develop closer relations with both the EU and Russia. Although the membership incentive or the “carrot” does not exist and it is unlikely to be released on short term, Ukraine should continue its reforms and should develop a closer relationship with the EU, without excluding Russia. At the same time, Vasily Astrov considers that the Russian carrot of a lower gas price if Ukraine joins the Custom Union is not a completely profitable situation. Vladimir Putin said that Ukraine could buy gas from the Russian Federation at the level of the domestic gas tariff, but Kiev should take into consideration the fact that the domestic tariffs are planned to be augmented in order to encourage energy-saving behaviour and energy-saving technologies. Hence, the author proposes a step-by-step approach in which Ukraine should make use more efficient of its strategic position and should try to transform the balance in its favour¹².

Therefore, it is very hard to say where Ukraine belongs today: it belongs to the EU? It belongs to the Custom Union? As Peter Balzs said in his speech “it depends on the Ukrainian politics and it depends mainly on the EU positions¹³” and let me add that it depends also on Russia’s position and influence vis-a-vis the population from Ukraine and Russia’s positions vis-a-vis the EU as well given the power that this state has over the regional dynamics.

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Roma Community Life and Culture in the Peripheries of the Visegrad Countries

Constantin-Vasile ȚOCA¹, Anca OLTEAN²

Review of: *Roma Population on the Peripheries of the Visegrad Countries. Spatial Trends and Social Challenges*, edited by János Péntzes and Zsolt Radics. Debrecen, 2012. ISBN 9786155212079.

The book *Roma Population on the Peripheries of the Visegrad Countries. Spatial Trends and Social Challenges*, edited by János Péntzes and Zsolt Radics, was published as a result on an international project named *Roma population on the peripheries of the Visegrad countries* that grouped several universities: Department of Social Geography and Regional Development Planning at the University of Debrecen (Hungary), the Institute of Sociology from the University of Miskolc (Hungary), the Department of Geography at the University of Presov (Slovakia), the Institute of Geography and Spatial Management at the Jagiellonian University in Krakow (Poland), the Department of Geography at the J.E. Purkinje University in Usti nad Labem (Czech Republic).

The volume contains three chapters: spatial characteristics of the Roma population, Roma identity and culture, Development possibilities of the peripheries.

The first chapter contains papers such as Roma's integration in Europe and Hungary, Roma students in Hungary, spatial distribution and demographic trends of the Roma population in North- Western Hungary, Roma population in Slovakia, Roma population in Slovakia and its status in contemporary Slovak society, Gypsies in Poland. Authors such as István Süli- Zakar, Attila Papp Zoltán, István Pásztor and János Péntzes, Kvetoslava Matlovičová, René Matlovič, Alexandr Mušinka, Anna Židová, Alexander Mušinka and Jana Kolesárová, Maria Soja and Andrzej Zborowski present interesting studies regarding the condition of Roma population in Hungary, Slovakia and Poland.

Professor István Süli- Zakar from the University of Debrecen writes the study *The question of the Roma's integration in Europe and Hungary*³. He emphasizes the problem of ten countries of East Central Europe and Balkan that are already "Roma", with 10-15% of Roma population from their total number of inhabitants. Then he makes a voyage into the history of Gypsies, concluding that they have a similar language with the language of India: "Linguistic has proven since then that the "Romani" language of the Gypsies (its Central Eastern European dialect, the Lovary) belongs to the Indo – European languages and within it the Indo- Iranian languages, and they are direct descendants of the "sacred" language of the Indo-Aryans, the Sanskrit"⁴. The author describes that when the forefathers of gipsies reached East Central Europe they defined themselves as expelled

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³ István Süli-Zakar, „The Question of the Roma's Integration in Europe and Hungary,” in *Roma Population on the Peripheries of the Visegrad Countries*, ed. János Péntzes and Zsolt Radics (Debrecen: DIDAKT Kft., Debrecen, 2012).

⁴ Süli-Zakar, 10.

children of pharaohs. Several persecutions of the Gypsies in Europe made Hungary as a country where Gypsies settled in large numbers. In Southern Transylvania and in Banat the Roma spoke Romanian and in the rest of Hungary, Hungarian. In XIX century the Gypsies from Wallachia emigrated to a large extent in Hungary. According to census from 31 January 1893 that considered the Roma all Hungarian population who acknowledge that are Roma, in 1893 on the area of the Hungarian Kingdom they were 274, 940 Roma people and that among them 88.55% had a settled life⁵. The author points out a few characteristics of Roma population in communist times in Hungary. Thus during Kádár era the gypsy population in Hungary faced social problems and the party line followed their assimilation. Gypsy men were employed in the mining and industrial areas. In the opinion of professor Süli-Zakar: „The change of regime, nevertheless, blocked (and even set back) the integration of the gypsy population in Hungary, too. In sum, after two decades we may establish that the biggest losers of the change of regime in our country were definitely the Gypsies”⁶. Since XIX century, the Jews tried to organize in international organisations. They succeeded to organize a reunion in 1969 and then one in 1971 when it was established that in Europe there are 10-12 millions European gypsies. The author defines the areas where this gypsy population lives in Europe: „besides the Spanish Gypsies their settlement is the densest on the areas stretching from the Southern Balkan through the Carpathian Basin to the Sudetes in the Czech Republic. Their highest numbers can be found in Wallach and Transylvania in Romania, in the western and northeastern counties of Bulgaria, in the northeast and in Southern Transdanubia in Hungary, and Eastern Slovakia, and in the Sudetenland in the Czech Republic”⁷. A look on the map provided by the author, shows us the highest presence of the gypsy population in Central and Eastern Europe. Roma population, shows the author, is the highest ethnic minority in European Union and the author shows that their rights and integration perspectives are still posing problems. During the Hungarian presidency of European Union it was prepared a pan-European Roma Strategy which militated for Gypsies integration in the above mentioned states. At the census from 2001, shows the author, only one third of Gypsy population (190,046 of people)⁸ acknowledged they are Gypsies. Only 2.6% of them were not declaring as speaking Hungarian as mother tongue. The author shows that for Hungarian Gypsy families is very problematic to have a big number of children, describing their scarcity of sources of existence: „Among the family incomes the allowances and subsidies for maternity are the most important, and these constitute the most considerable part of the incomes”⁹. The author considers ended the migration of gypsies, as now in this area we have European Union and now the migration of larger groups is practically impossible. In the end of the article, the author points out the situation from Tiszavasvári where Hungarians and Gypsies coexist peacefully¹⁰. The author sees as a danger the refusal of Gypsies to integrate.

⁵ Ibid., 13.

⁶ Ibid., 15.

⁷ Ibid., 18.

⁸ Ibid., 20.

⁹ Ibid., 24.

¹⁰ Mircea Brie and Ioan Brie underline the importance of preserving diversity in the European Union: „The new Europe will bring together a plurality of religions, traditions and cultures. The process of European integration has not only political implications, but also economic, political, social and religious implications. A political structure can not exist without religious consensus.” Ioan Brie and Mircea Brie, “The Interreligious Dialogue in the Context of the New Europe: The European Ecumenical Movement,” *Eurolimes 5, Religious Frontiers of Europe*, ed. Sorin Şipoş

The article of Attila Papp Zoltan is entitled *Ratio of Roma Students in Hungary and some characteristics of schools*¹¹. The article starts with the assertion that National Assembly of Basic Competencies started in 2001 involving pupils from 6th, 8th and 10th grade beginning with the year 2008. The databases, asserts the author, can be used for various purposes. The questions “cover the family and social background, school career and the activities outside of school”¹². A chapter of this survey is entitled *Proportion of the Roma students in the primary schools and their territorial distribution*. Thus he establishes the proportion of Roma pupils in schools: “During the survey in 2009 there was primary school training in the 8th grade on 2721 places (92% of the total number of training forms), secondary school training for 6th graders in 140 school units (4%)”¹³. The study offers graphs about the ratio of Roma students on different type of training (primary school, secondary school with 8 grades, secondary school with 6 grades, 8th grade together), estimated ratio of Roma students in different regions of Hungary (North Hungary, North Great Plain, South Transdanubia, Central Hungary, Budapest, South Great Plain, West Transdanubia, Central Transdanubia), and a graph estimating the ratio of Roma students in the counties of Hungary. Other graphs refer to estimated ratio of the Roma students by settlement types, Roma student ratio by regions and settlement types, Distribution of the estimated ratio of all students and the Roma students by settlement types. The author concludes that the ratio of Roma students is 13% in the Hungarian primary schools. The schools with more than 50 % Roma students are not able to solve the potential problems alone.

In the article of István Pásztor and János Péntzes, *Spatial distribution and demographic trends of the Roma population in the North-Eastern Hungary*¹⁴, the authors starts from the premise that Roma population was an important problem of Hungary and the continuous number of Jews that is increasing each year aggravates this problem. Then the authors identify problems in the evaluating of the number of Roma population. It was constituted a database formed of 999 settlements in two NUTS 2 regions of Hungary – Northern Hungary and the Northern Great Plain regions. Then the author includes in his research the issue of growth of the number of Roma population in Hungary. The author shows on a graph the estimated number of Roma population in Hungary between 1893-2004. This number increased from 1.1% in 1893 to 5.6% in 2003. Then the authors describe the main features of Roma population in Northeastern Hungary, establishing that in Southeastern and Northeastern Hungary is the area where Roma population lives in Hungary. The author mentions that two databases – one CIKOB survey that collected data

et al. (Oradea/Debrecen: Oradea University Press, Spring 2008), 95. In the opinion of Ioan Horga, now mental borders are more flexible, having a metaphysical dimension as a result of the fight for preserving diversity in the new Europe: „The mental borders, the insistence on significance of the geographical borders are underlined in times in which the identity is threatened. It is in the fight for diversity in Europe that the borders have acquired a quasimetaphysical dimension. This is a bitter irony of history,” in Ioan Horga, „The Role of the Media in Changing the Meaning of Borders,” *Eurolimes 3, Media, Intercultural Dialogue and the New Frontiers of Europe*, ed. Fabienne Maron et al. (Oradea/Debrecen: Oradea University Press, Spring 2007), 36.

¹¹ Attila Papp Zoltan, „Ratio of Roma Students in Hungary and Some Characteristics of Schools,” in *Roma Population on the Peripheries of the Visegrad Countries*, ed. János Péntzes and Zsolt Radics (Debrecen: DIDAKT Kft., Debrecen, 2012).

¹² *Ibid.*, 32.

¹³ *Ibid.*, 34.

¹⁴ István Pásztor and János Péntzes, „Spatial Distribution and Demographic Trends of the Roma Population in the North-Eastern Hungary,” in *Roma Population on the Peripheries of the Visegrad Countries*, ed. János Péntzes and Zsolt Radics (Debrecen: DIDAKT Kft., Debrecen, 2012).

from 1984-1987 and the present research – reached similar results. The author compares the two databases. The authors elaborate a table comparing the number of settlements and the number of population in the settlement categories by the basis of the ratio of Roma population in 1987 and 2010. He also compares the number of settlements with the number of population on categories of age in 1987 and in 2010. He concludes that for Roma population older than 30 years both the number of population and of settlements increased in the research of 2010, while for the population younger than 30 years the number of settlements and the number of population decreased in time.

The article of Kvetoslava Matlovičová, René Matlovič, Alexandr Mušinka, Anna Židová has the title *The Roma Population in Slovakia. Basic Characteristic of the Roma Population with Emphasis on the Spatial Aspects on its Differentiations*¹⁵. The authors talk about the fact that in Slovakia, in the last years, any reference to race, language, social origin leads to discrimination. The present situation, in consequence in Slovakia, is that „there are virtually no relevant statistics on the ethnic composition of the population”¹⁶. The estimated number of Jews in Slovakia, range from 360 000 to 500 000. An important work concerning the Roma community from Slovakia is Atlas of Roma Communities in Slovakia elaborated under the auspices of the Office of Slovak Government Plenipotentiary for Roma communities in 2004. The number of Gypsies is evaluated according to Regular Census that took place last time in Slovakia in 2011. The authors dedicate a chapter to *Development of the Roma in Slovakia according to censuses, records of the civil service and other inquiries*. Thus the author draws the picture of the settling in Slovakia of Roma community in 13th century until contemporary times. The author draws the attention on the migration of nomadic tribes of Olachian Roma that came in Slovakia in 19th century from Wallachia and Moldova. To this research the author conceives a table containing the number of gypsies increase in Slovakia per years 1893 – 2011. The authors also try to elucidate the number of Roma in different districts of Slovakia in absolute numbers, as district share to the total number of the Roma in Slovakia, as a share of the Roma to the total number of district’s population. In the part of conclusions the author states that in present times more than 353 000 Roma live in Slovakia. They are the second minority in this country, after the Hungarian one. European Union voice talks about multiculturalism, asserts the author, while Roma community is not integrated in the present societies¹⁷. And the beginning should be made by collecting data about Roma community to see the reality and the future perspectives.

¹⁵ Kvetoslava Matlovičová et al., „The Roma Population in Slovakia. Basic Characteristic of the Roma Population with Emphasis on the Spatial Aspects on its Differentiations,” in *Roma Population on the Peripheries of the Visegrad Countries*, ed. János Péntzes and Zsolt Radics (Debrecen: DIDAKT Kft., Debrecen, 2012).

¹⁶ Matlovičová et al., 77.

¹⁷ In present times, Roma minority has the conditions to integrate in European countries better than in the past centuries. According to Nicolae Păun the latest trends in Europe is to eliminate the clivages between national identities and the identity of other ethnic groups. Thus Nicolae Păun asserts: „In the new community format after Maastricht (TEU), we can notice the fact that national identity, in its classical 19th century sense, is obsolete. Today, from a moral – practical point of view, one can talk less about abolishing national differences “us-you”, and more about their diminution, especially since in the respective national identities, recognizing the other identity is deemed as being equally valuable, hence having a true right of being different from one’s own.” Nicolae Păun, „European Regions and Multiculturalisms: Beyond the Nation,” in *Regional and Cohesion Policy. Insights into the Role of the Partnership Principle in the New*

In the article of Alexander Mušinka and Jana Kolesárová, *Situation of the Roma in Slovakia and their status in the contemporary Slovak society*,¹⁸ the authors start with a “brief outline of the Roma situation and of associated problems.” The authors consider that the situation of Roma community in Slovakia is getting worse. During the communist times, the Roma minority was not considered an ethnical minority, but as a minority that lived in difficult conditions. The author stresses that after the change of regime from 1989 the political situation of Roma improved in Slovakia¹⁹. There was a trend that Roma be acknowledged as equal nationality. Roma community had a few members that represented it in Parliament. The economic situation of the Roma in Slovakia become more difficult than before 1989 “which resulted in massive job losses and significant social fall”²⁰. The authors emphasize that very important is political participation of the Roma in Slovak Republik. Thus the Roma pedagogue, Peter Pollák was elected as a member of National council of Slovak Republic. In November 2009, at the elections for the self-governing municipalities, two Roma candidates were successful: Gejza Milko, in Kosice, and Miroslav Dano, in Presov.²¹ Sometimes the Slovakian population regarded with negative eyes these emancipations of Roma community. Although in Slovakia, Roma community is represented by several ONGs, but it missed an integrating institution that to cover all these organisations. In the part of conclusions, the authors show that the condition of Roma minority is still problematic in Slovakia as they continue to live in marginalised settlements and they have a very low social status²². The challenge for researchers is to fill in the existent gaps and to bring more information about the Roma minority.

Policy Design, ed. Ioan Horga et al. (Oradea-Debrecen: University of Oradea Press-University of Debrecen Press, 2011), 18.

¹⁸ Alexander Mušinka and Jana Kolesárová, „Situation of the Roma in Slovakia and Their Status in the Contemporary Slovak Society,” in *Roma Population on the Peripheries of the Visegrad Countries*, ed. János Péntzes and Zsolt Radics (Debrecen: DIDAKT Kft., Debrecen, 2012).

¹⁹ Mušinka & Kolesárová, 105.

²⁰ *Ibid.*, 106.

²¹ *Ibid.*, 108.

²² Dorin Ioan Dolghi, Gilles Rouet and Zsolt Radics shows that in European culture outsiders were either isolated, either assimilated. The authors talk about Europe as a space of civilisation, and, in our opinion, this takes from Roma community the task to adjust to European civilisation in order to assimilate, and this Roma community did not do: “The historical and cultural perspective underlines Europe as a *space of civilisation*, based on the heritage from Greeks, Romans and Christianity as the main factors that influenced its evolution. Even if are perceived as “secondary,” the influences of other factors were fundamentally important for Europe: barbarians, Jews, non-Christians, migratory people that came into the European space, interacted and contributed with their experiences. For each case within the first contacts and interactions, the “outsiders” were either isolated due to a “self-preservation” instinct on both sides, or assimilated, due to a mutual recognition of each other or the dominance of the Europeans,” in Dorin Ioan Dolghi et al., „Europe and the Neighbourhood. – Introduction,” in *Eurolimes 7, Europe and the Neighbourhood*, ed. Dorin Ioan Dolghi et al. (Oradea-Debrecen: Oradea University Press, Spring 2009), 5. See too Mircea Brie et al. „Cultural Identity, Diversity and European Integration. Introductory Study,” in *European Union. Identity, Diversity and Integration*, ed. Mircea Brie et al. (Oradea: University of Oradea Press, 2012), 7, explains that in reflecting *European culture* there are two trends: the aspect of homogeneity and that of cultural diversity: “The European integration process is complex; it does not impose and is not conditioned by the idea of cultural unity, or the existence of a common culture including all Europeans.” On the contrary there is room left for specificity, diversity, cultural diversity, pluralism, show the authors.

In the last article of this section, *Gypsies/ Romani in Poland – Outline of the topic*, the authors Maria Soja and Andrzej Zborowski²³ gave as starting point for Romani studies in Poland the second half of the 20th century. The authors point out the contribution of J. Ficowski who obtained information about gypsy's history and lifestyle. Other authors who wrote on the gypsies are Tadeusz Pobozniak and Adam Bartosz, Andrzej Mirga, Lech Mroz: „The authors try to address questions referring to the identity of the Gypsies, they enclose maps of migration directions and language influences. The sociologists, who obtain information directly from the Romani people, conduct studies whose subject matter is slightly different”²⁴. Based on up-to-date bibliographic references, the authors define Gypsy community as „multicultural”, different from any other minority, having a nomadic behaviour and no state to take care about them. They are a „community of clans”, having „family” as the main cell of their communities, a patriarchal society. The authors stress that there are four types of gypsy communities, with different language and culture²⁵: 1. Polska Roma (Polish Lowlander gypsies that live in the Center of Poland and in the city of Tarnów); 2. The Kalderash that came in 19th century from Romanian speaking territories; 3. The Lovari – that arrive in the second half of 19th century from Hungarian speaking territory + 4. Carpathian Gypsies who are not nomadic as the previous groups, they have a settled life. Another chapter of this study has the title *estimates and number of the Romani*: „The structure of Poland in terms of nationality was defined in the years 1921, 2002 and 2011 (statistical data from the last census have not been published yet) based on declared nationality, whereas in 1931 indirectly – based on the criterion of language verified with the criterion of language of creed”²⁶. In the National Census from 2002, the Romani nationality was represented by 12 855 people, and 15 788 people admitted that they speak Romani on a daily basis. Another chapter deals with the problem of spatial distribution of Romani: „Among the non – Polish population, the percentage of the Romani is the highest in the following voivodeships: Swietokrzyskie Voivodeship (30%), Lodz and Wielkopolska Voivodeships (over 25% each) as well as over 20% in each of the Lublin, Kuyavian – Pomeranian and Malopolska Voivodeships...”²⁷

In the section 2, *Roma identity and culture* there are grouped two papers: Robert Faracik-Miroslaw Mika – Robert Pawlusinski (*The Roma cultural heritage in Poland – selected aspects*)²⁸ and Kinga Szabó Tóth (*The construction of ethnic identity of successful*

²³ Maria Soja and Andrzej Zborowski, „Gypsies / Romani in Poland – Outline of the Topic,” in *Roma Population on the Peripheries of the Visegrad Countries*, ed. János Péntzes and Zsolt Radics (Debrecen: DIDAKT Kft., Debrecen, 2012).

²⁴ Soja and Zborowski, 120.

²⁵ Mariana Buda in the article “Les langues minoritaires, toujours un problème!,” in *Eurolimes 14, Enlargements, Borders and the Changes of EU Political Priorities*, ed. Violaine Delteil et al. (Oradea-Debrecen: Oradea University Press, Autumn 2012), 197, talks about the official language of the modern state that are “languages of administration, of education, of judicial system and of army” that have a privileged status in comparison with regional languages or minority languages.

²⁶ Soja and Zborowski, 125.

²⁷ *Ibid.*, 128.

²⁸ Robert Faracik et al., „The Roma Cultural Heritage in Poland – Selected Aspects,” in *Roma Population on the Peripheries of the Visegrad Countries*, ed. János Péntzes and Zsolt Radics (Debrecen: DIDAKT Kft., Debrecen, 2012).

gypsies/ travellers in England)²⁹. In the first paper, the author starts with a brief introduction describing the situation of Roma community in Poland, a country with very few gypsies, namely 1% from the total population. After 1989, the participation of Polish Roma to public life increased. Then the article contains the chapter „*Traditional Roma culture and the contemporary forms of its popularisation in Poland*”. There are four groups of Roma in Poland formed of Polska Roma (Polish Lowland Gypsies), Kalderash people, Lovari people and Carpathian Gypsies. Their law is based on unwritten regulation and has the name *Romanipen*. The author emphasises a few elements of Roma culture: “rich women’s costumes, music and dance”³⁰. Another chapter deals with Romani language, the author mentioning that particular Roma groups use different dialects. There is no written version of Romani, although a written version would be a necessity. The author emphasised the figure of Bronisława Wajs (Papusza), the most prominent representative of Polish Roma literature. Concerning the topic of Roma extermination during the Second World War the author offers important data underlying the dramatic character of these events. Gypsies extermination became a “forgotten Holocaust” overshadowed by the Jewish Holocaust.³¹ The author also offers figures of this massacre: “About ¼ out of approximately 1 million of the Roma living in Europe before the war did not survive”³². The Roma died both in concentration camps and extermination camps as well as during raids and shooting executions which very often happened in the occupied countries of Central and Eastern Europe”³³. Also, at Auschwitz Birkenau died Jews, but also Gypsies. Another chapter is “*Pilgrimages as a Sign of Religiousness of the Roma People in Poland*” where the author states that the majority of Roma in Poland are Catholics. As a prove of their belief “They are organised as colourful processions or even characteristic caravans which travel to places worshipped by believers”³⁴. Last, but not least the author dedicates a chapter to „*Popularisation of Roma culture in media*”. After the change of regime of 1989, Roma community tried and succeeded to actively involve in social and cultural life of Poland. After the development of Roma spelling rules, the Roma community can create its own media.

In the article of Kinga Szabó Tóth, *The construction of ethnic identity of successful gypsies/ travellers in England*³⁵, the author starts with a brief introduction focusing on the issue Gypsy/ traveler identity. The subject of the research is the identity of Gypsies in England “that can either put aside their ethnicity and pass as non- Gypsy, or they can express it, and therefore, assist in the demolition of stereotypes about their ethnic

²⁹ Kinga Szabó Tóth, „The Construction of Ethnic Identity of Successful Gypsies / Travellers in England,” in *Roma Population on the Peripheries of the Visegrad Countries*, ed. János Péntzes and Zsolt Radics (Debrecen: DIDAKT Kft., Debrecen, 2012).

³⁰ Faracik et al., 139.

³¹ *Ibid.*, 143.

³² Robert Szuchta and Piotr Trojanski, „Holokaust. Zrozumiec dlaczego. Warszawa” [Holocaust. Understand why. Warsaw], *Oficyna Wydawnicza Mowia Wieki* [Publishing House *Centuries talk*], 2006, apud. Robert Faracik et al.; „The Roma Cultural Heritage in Poland – Selected Aspects,” in *Roma Population on the Peripheries of the Visegrad Countries*, ed. János Péntzes and Zsolt Radics (Debrecen: DIDAKT Kft., Debrecen, 2012), 143.

³³ *Ibid.*, 143.

³⁴ *Ibid.*, 147.

³⁵ Kinga Szabó Tóth, „The Construction of Ethnic Identity of Successful Gypsies / Travellers in England,” in *Roma Population on the Peripheries of the Visegrad Countries*, ed. János Péntzes and Zsolt Radics (Debrecen: DIDAKT Kft., Debrecen, 2012).

group³⁶. The author raises the question „Who are the Gypsies/ Travellers?.” And he finds the answer that there are five groups of Gypsy/ Traveller population: Romany chals, the Kale, the Roma, the Irish Travellers and the Scottish Travellers. The author analyses the concept of successful among the members of community. The author allocates a space to *the idea of identity and Bronisława Wajs ethnic identity*. In the opinion of the author membership in a group is given by personal acceptance of the rules of the group, but there is also an ethnic inheritance that facilitates the appartenance of a person to a group.

The section three has the title *Development possibilities of the peripheries* and contains interesting articles written by Ernő Molnár, Virag Havasi, Jana Kolesárová, Zoltán Bujdosó and János Péntzes. The articles cover a wide variety of topics: *The Regional Economic Background of the Roma Employment in Northeastern Hungary after the turn of the millenium*, *Community Development initiatives in peripheral rural territories of Borsod – Abauj – Zemplén County*, *Pro – poor tourism (PPT) as a tool for poverty reduction in Roma communities in Slovakia*, *The spatial aspects and distribution of the touristic development resources in the border microregions of Hungary*. In the first article, Ernő Molnár³⁷ talks about underemployment as one of the most important problems of Hungarian regime after 1989. This crisis reverberates also on the condition of Hungarian gypsies. After mentioning that a large part of Roma population lives in North-Eastern Hungary, the author draws the picture of the economy structure in Northeastern Hungary which is the most underdeveloped part of Hungary with high unemployment rates. In the article of Virag Havasi, *Community Development initiatives in peripheral rural territories of Borsod – Abauj – Zemplén County*³⁸, the author presents the situation of Gypsies in Borsod county. The majority of activities of gypsies are grey (legal, but they don't pay taxes for them), few people work in white economy and they are some people working in black economy. And poor people don't have the capacity to deal with others in order to improve their condition, they just maintain ties with their community. The article of Jana Kolesárová talks about *Pro – poor tourism (PPT) as a tool for poverty reduction in Roma Communities in Slovakia*³⁹. The author concludes: „Although tourism cannot create job opportunities for all marginalised Roma people and it does not provide solution for the whole population of the problematic ethnic group, also the convergence of the small group is a positive change and brings better prospects. Moreover, equally valuable is a contribution in the field of Roma culture restoration, strenghtening of their identity and also developing better relations between majority and Roma minority living in one state”⁴⁰. And last, but not least, there is the article of Zoltán Bujdosó and János Péntzes, in the work *The spatial aspects and distribution of the touristic development resources in the border microregions of Hungary*⁴¹, start with a brief introduction mentioning that 21.9%

³⁶ Szabó Tóth, 153.

³⁷ Ernő Molnár, „The Regional Economic Background of the Roma Employment in North Eastern Hungary after the Turn of the Millenium,” in *Roma Population on the Peripheries of the Visegrad Countries*, ed. János Péntzes and Zsolt Radics (Debrecen: DIDAKT Kft., Debrecen, 2012).

³⁸ Virag Havasi, „Community Development Initiatives in Peripheral Rural Territories of Borsod – Abauj – Zemplén County,” in *Roma Population on the Peripheries of the Visegrad Countries*, ed. János Péntzes and Zsolt Radics (Debrecen: DIDAKT Kft., Debrecen, 2012).

³⁹ Jana Kolesárová, „Pro – poor Tourism (PPT) as a Tool for Poverty Reduction in Roma Communities in Slovakia,” in *Roma Population on the Peripheries of the Visegrad Countries*, ed. János Péntzes and Zsolt Radics (Debrecen: DIDAKT Kft., Debrecen, 2012).

⁴⁰ Kolesárová, 223.

⁴¹ Zoltán Bujdosó and János Péntzes, „The Spatial Aspects and Distribution of the Touristic Development Resources in the Border Microregions of Hungary,” in *Roma Population on the*

of the population of Hungary lives in borderland regions. The author focuses on the topic of competitiveness in the border microregions. In the end the author concludes that these border regions can be regarded as heterogenous and that there are disparities among them.

The condition of Roma in the peripheries of Visegrad Counties still is problematic and far from good. The authors focus mainly on their living conditions and culture. They consider that the more we know about Gypsy communities, the better we can integrate them. This book brings an important contribution for the increase of knowledge about gypsies.

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L'Europe à la reconquête de ses confins

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Je ne sais pas si quelqu'un l'a observé : au fur et à mesure que la connaissance devient de plus en plus complexe, raffiné et spécialisé, elle se morcelle en des petits lambeaux qui ne peuvent plus être unis dans une vision cohérente à l'égard d'une question ou d'une autre, mais seulement juxtaposés. Et cette manière de juxtaposer les connaissances fait revenir – à l'apogée d'une époque qui se veut plus méthodologique que les autres – la vieille « culture d'almanach ». Le propre de cette culture est son caractère populaire : chacun peut trouver ce qui l'intéresse, ce qui est « sur sa langue » et à son niveau de compréhension. On voit, aisément, que l'almanach du XVIII^e siècle s'apparente bien à la toile universelle du XXI^e siècle. Ce qui est étrange dans le temps qui sont les nôtres est le fait que non seulement la culture populaire prenne cette forme d'almanach, mais aussi la connaissance savante : à la mode de la « colloquie » (dénoncé autrefois avec humour par Jacques Le Goff) avait succédé celle des « recueils d'études », des « actes des congrès », des « volumes en hommage » et, plus récemment, des « travaux réalisés dans un projet de recherche ». Il s'agit d'une quantité impressionnante d'études, des communications, de travaux de toute sorte qui – par l'effet de son propre pesanteur – tombe en oubli presque simultanément avec sa sortie de l'imprimerie. Ni même les fameuses « citations » des revues scientifiques ne peuvent empêcher cette fatalité. Dans les temps classiques, l'idéal était « le système », c'est à dire une vision unitaire et articulée d'un domaine qui permet la saisie du principe qui le gouverne. Maintenant, cet éparpillement dans des choses minuscules témoigne par lui-même l'impossibilité d'une saisie unitaire de quelque chose. Mais, c'est aussi le signe des temps (le déconstructivisme et les débats canoniques ont fait leur effet) : nous avons découvert que toute unification conceptuelle porte en elle les germes du totalitarisme. Donc ce morcellement de la connaissance doit être salué comme étant la projection au niveau théorique de l'idéologie du moment : diversité, pluralité d'opinions et dialogue. Que chacun à son opinion est une banalité, mais la manière dans laquelle cette infinité d'opinions peuvent composer quelque chose comme le dialogue n'est pas directement déductible de leur pluralité. Les « recueils d'études » sont un bon témoignage.

C'est sur un recueil de ce genre, issu d'un projet de recherche des universitaires italiens (« *Self-determination and Sovereignty in Europe. From historical legacies to the EU external role* », coordonné par Stefano Bianchini dans la série « Europe and the Balkans » de la maison Longo, de Ravenna), que nous voulons dire quelques mots. Tel que le dit le coordinateur dans la préface, l'un des enjeux de ce projet avait été celui de focaliser « the variety of forms in which the controversial issues of minorities/majorities, federalism, and autonomy have been developed and tested, while the nation-state

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represented the *unquestioned form of State* in Europe » (p. 12). La question est bonne et elle mérite une réflexion poussée, mais, avant tout, nous devons savoir pourquoi l'état-nation est « la forme non questionnée de l'Etat en Europe ». Mettant en jeu des situations différentes (la politique des minorités après Versailles, l'autonomie nationale et culturelle des sibériens après la Révolution Bolchevique et la politique nationale du jeune état soviétique ainsi que les divergences entre tchèques et slovaques), Giuseppe Motta, Sara Barbieri, Elena Dundovich et Francesco Caccamo apportent – dans la première partie du recueil – la même réponse : parce qu'il a dans la forme de l'état national un oublié qui resurgit à chaque « fracture de l'histoire » : les minorités (ethniques, linguistiques, religieuses). Elles sont là, d'un temps que nous qualifions de « pré-moderne » (c'est à dire de l'époque des empires classiques, dans lesquelles elles s'intégraient par le « lien personnel » entre le souverain et ses peuples), mais leur lieu dans les états modernes est assez ambigu. Car l'état moderne est inséparable de la nation et celle-ci est, à son tour, une passion romantique. La nation porte la marque indélébile du romantisme : le retour à la terre et à la communauté archaïque (le fameux « blut und boden »), à la langue régionale et aux mythologies (presque toujours sacrificielles) locales et, bien sûr, l'exaltation poétique et la passion des symboles forts qui prévalent sur la raison et ses scrupules. Il va de soi que le romantisme – au moins celui classique – se voulait généreux et ouvert à tous. Mais, d'une part il tendait à faire de ce « tous » une unité monolithique qui chantait d'une seule voix des hymnes patriotiques, d'autre part, il portait en lui – comme la Réforme religieuse de Luther – un principe de division infinie. Parce que si la nation est définie selon son territoire, son dialecte et ses liens de parenté, elle peut être aussi grande qu'un état et aussi petite qu'une famille. Et, encouragé par la générosité du romantisme (comme – à un autre moment de l'histoire – de la Révolution russe), chaque « famille » ethnique, linguistique ou de croyance se voulait, tout d'un coup, autonome, autodéterminé et digne de sa propre administration, sinon de son propre état. Avoir son état était la seule manière de canoniser (« sous les drapeaux ») sa propre spécificité, tellement exalté par les poètes romantiques. Si, d'une certaine manière, le XIX-ième siècle se souciait peu de la question des minorités (car c'était encore l'époque des empires et l'idéal du pouvoir était « l'impérialisme » que seulement à la fin de siècle va être mis en cause par les socialistes), le Versailles marque non seulement le fin des quatre empires continentales, mais aussi le retour à une politique qui se voulait basée sur la raison (ce n'est pas une simple anecdote l'histoire qui dit que le Président Wilson avait lu et relu « Le projet de la paix perpétuelle » de Kant pendant la traversée de l'Atlantique). Substituer à la passion la raison, veut dire aussi passer de l'exaltation de l'unité (unité qui était parfois seulement un produit imaginaire de l'exaltation) à la gestion de la pluralité. Giuseppe Motta l'observe bien (voir pp. 29 – 31), cette « rationalisation » de la politique des états successeurs devait passer par l'économie. Et – même si elle fait référence à un contexte plus modéré que celui animé par Sultan Galiev – Sara Barbieri montre très bien la manière dans laquelle les promesses d'Octobre rouge ont donné non seulement une voix (d'ailleurs vite étouffé) au « sans voix », mais aussi un horizon à l'idée d'émancipation. Elena Dundovich suit l'histoire du gel de la passion indépendantiste en Russie bolchevique qui est synchrone avec « le développement du rôle de l'état » dans la transformation socialiste de l'empire des tsars. Mais, comme le montre Francesco Caccamo sur le cas tchèque et slovaque, ce genre de gel (malgré tous ses déboires) ne fait que masquer une réalité qui ressurgit au moment où l'emprise de l'état central affaiblit. A la fin du siècle passé on avait assisté à la deuxième syncope du système de Versailles : échappés de l'emprise de la Cortine de Fer, les états de l'Europe Centrale, des Balkans et l'ancienne Union Soviétique ont repris leur débats (internes et externes) là où « la terreur

de l'histoire » les a arrêtés. Et, pour une fois, nous avons découvert – avec horreur – dans la dissolution de l'ancienne Yougoslavie, où peuvent mener d'une part les questions non résolues, d'autre part la résurrection des passions trop romantiques. Il est assez simple à le voir : il y a une Europe avant la crise yougoslave, et une autre Europe après. Penser cet après est l'enjeu de la deuxième partie du recueil illustré par Laura Scichilone, Laura Granzi et Federica Di Sarcinahas. La section comporte trois volets : comme ménager « a *question of national pride for a large part of the country* » (p. 99) quand il s'agit de la question de l'énergie nucléaire en Bulgarie ; qu'est ce que signifie « implementing an unprecedented *multilateral track* » (p. 111) entre des pays qui ont – toutes – derrière eux une histoire de tensions et de malentendus et, enfin, comment arriver à l'acceptation du « deuxième sexe » dans des pays traditionnellement patriarcaux (et dans lesquelles le trafic de femmes ne pose pas de grands problèmes, voir p. 135). Se sont des problèmes posés à l'occasion de l'ouverture et pendant les négociations d'adhésion des pays balkaniques à l'Union Européenne. Ce qui est assez intéressant dans ces textes est la manière (je dirais « méditerranéenne) dans laquelle les spécialistes italiennes sont en mesure de raccorder la vision légaliste et technique de l'Europe actuelle aux scrupules de souveraineté de ces pays autantdefois victimes de l'histoire. Car, à l'Est, l'orgueil et la capacité de se fâcher est à la parité avec la pauvreté et le retardement institutionnel. Sortis de l'époque romantique – due à une distance non seulement spatiale, mais en première ligne temporelle – ou il voyait là-bas seulement des haïdouks et des bachi-bouzouks, les Occidentales, voulant eux-mêmes l'intégration de ces confins dans la Grande Europe, doivent apprendre un tout autre langage que celui clair et raisonnable de la bureaucratie administrative. Ce retour dans une « forma mentis » romantique (avec ses passions, ses incompréhensions et sa manière de se quereller à jamais sur des thèmes qui peuvent paraître insignifiants, et – bien sur – avec son côté oriental qui transparait surtout dans l'art des négociations) a comme effet un certain assouplissement de la technicité administrative anglo-saxonne. D'autre part, l'Occident doit non seulement « imposer » l'agenda des changements dans ses pays, mais aussi doit faire preuve d'une certaine « inflexibilité » (qui ne passe pas sans réactions sur le terrain) à l'égard de ces peuples bien habitués à la temporisation et aux subterfuges du temps du crépuscule ottoman et tsariste. Comment trouver la bonne moyenne entre la lenteur de l'Est et la dynamique de l'Ouest, entre le « laisser-aller » balkanique et la rigueur germanique et entre la parole flue d'un mode contemplatif et le verbe précis d'un monde technique ? Est-ce que la grande intégration des pays de l'Est est une manière de compléter – pas à pas et par des instruments de plus en plus affinés – le puzzle européen ou c'est purement et simplement la dernière utopie du vieux continent ? A cette question veulent répondre, en focalisant quelques cas particuliers, la troisième et la quatrième partie de l'ouvrage. Leur différence consiste en ceci que la troisième partie est plutôt celle d'un bilan, en tant que la quatrième se veut un peu prospective. Leonas Tolvaïs regarde vers la situation – proche et tout autre, en même temps – de deux provinces de l'ancienne Yougoslavie, le Kosovo et la Voïvodine, en voyant en elles deux expérimentes (non sans des épisodes regrettables) en ce qui concerne la manière de définir le rapport entre la majorité et les minorités (p. 159). Giorgio Comai nous montre l'effet d'une étrange mise en abyme dans le cas de l'Abkhazie : géorgiens minoritaires dans l'ancienne URSS, abkhazes minoritaires en Géorgie et, enfin, géorgiens minoritaires en Abkhazie – une histoire sans fin de désirs d'autonomie. Enfin, Sara Barbieri revient en Russie lointaine avec la situation concernant l'autonomie culturelle dans la région centrale sibérienne de Tomsk ou une histoire (faite, malheureusement, surtout par des déportations) avait agglutiné de dizaines d'ethnies. Si les solutions (parcourant bien de degrés d'autonomie – parfois réelle, parfois seulement dans

les actes) peuvent être jugées de chacun selon ses propres critères, ce qui est intéressant dans cette partie c'est le fait que tous les textes portent sur de territoires qui ne font pas partie (au moins encore) de l'Union Européenne, dont deux dans les bas fonds de la Russie. Cela veut dire – peut-être – que les accommodements expérimentés en Europe ont une visée plus large : d'une part elles peuvent être élargies à un contexte presque universel, d'autre part elle peut beaucoup apprendre des autres expériences (même en pensant sur les échecs de ceux-ci). Ce n'est pas une théorie que l'Europe propose, mais une manière d'apprendre en commun les règles de l'acceptation et de la cohabitation, règles qui prennent une forme chaque fois spécifique selon le contexte. C'est ce que montre la quatrième (et dernière) partie du recueil : « Fostering Inclusiveness : Enlargement Strategies and External Constraints ». Combien d'Europes dans la même Europe ? – demande Giuliana Laschi ; autrement dit, ou finit la séparation (symbolique, administrative, économique, culturelle, mentale, etc.) entre les deux « poumons » du continent après l'intégration de pays de l'Est ? Nous ne risquons pas de voir dans « l'Europe à deux vitesses » un seule Europe avec son « lebensraum » aux confins orientaux ? Et puis – médite Alessandra Bitumi – les pays de la « nouvelle Europe » ne sont-elles pas attirés plutôt par les sirènes du « nouveaux monde » (comme le voulait le Secrétaire à la Défense Donald Rumsfeld) ? Et, enfin, l'idéal du « melting – pot » américain n'est il plus séduisant que celui de la juxtaposition des communautés proposé par l'Europe de Bruxelles ? Bien de choses à réfléchir, mais il me paraît qu'une partie de la réponse est donnée par Arianne Landuyt à la fin de texte concernant la politique des institutions européens à l'égard des minorités en Yougoslavie : « As in the 1980s, these are actually the institutions and civil forces able to 'corrode' the barriers of 'sovereignty', through cultural and economic projects, border cooperation, twinning activities and citizens' involvement. This is the case anywhere, including the Balkans of today and tomorrow. » (p. 208). C'est au moins la partie que nous pouvons voir actionner et aussi que nous pouvons modifier à partir d'une pensée sur les faits. C'est à l'éditeur, Stefano Bianchini, qui revient la tâche d'intégrer le questionnement antérieur dans une perspective d'ensemble. Après un rappel de principaux moments de la pensée européenne sur les minorités et sur leur inclusion (avec l'indication de dérivées juridiques et institutionnelles à propos de ce sujet) il finit presque hégélien, en incluant dans la grande schéma de l'intégration même le moment opposé : « neo-nationalism, racism and xenophobia » qui « play a role in EU societies, both influencing conservative mainstreams and claiming inspiration from democracy, while referring to the right of people to decide their future » (p. 269). Quoi qu'on dise, cette vision généreuse est – au moins en partie – assez romantique dans un temps de crise où la loi est faite par les mouvements des marchés, les « réglementations » bureaucratiques et l'universel « ubi bene ibi patria ». On accuse souvent – ici, à l'Est – la bruxellocratie d'être porté seulement par des intérêts et par une pensée froide et cynique (vue comme le dernier rejeton des Lumières) ; sans faire concession à la pensée appliquée, on voit dans les pages de ce recueil le côté romantique qui traverse « le projet Europe ». La Grande Europe est une histoire de succès qui vise aussi des contrées lointaines comme les pays balkaniques (dans lesquelles la faiblesse se mue en orgueil), ou ces pays font office d'une lentille à travers laquelle l'Europe (unique) peut enfin voir sa nature duale ? Un vieil adage dit qu'il n'y a pas de place pour deux épées dans la même fourreau, mais – en même temps – le dieu à double visage est celui du commencement d'un autre temps. Serait-il celui qui conduira l'Europe dans un nouvel âge, ou celui qui regardera les ruines de son histoire ?

The Condition of Frontier Worker in European Union

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Review of: *The Frontier Worker-New Perspectives on the Labor Market in the Border Regions*, edited by Adrian-Claudiu Popoviciu and Dana Cigan. Bucharest: Editura C.H.Beck, 2013. ISBN 978-606-18-0181-7.

The work edited by Adrian – Claudiu Popoviciu and Dana Cigan, *The frontier worker – New perspectives on the labor market in the border regions* contains interesting papers in the field labor market and collateral subdomains. Authors such as Alexandru Atanasiu, Adrian-Claudiu Popoviciu and Dana Cigan, Claudia-Ana (Moarcăș) Costea, Luminița Șoproni, Mariana Buda, Constantin-Vasile Țoca, Cristina-Maria Dogot, Hansen Manuel Enverga, Sergio Neto, Maurice Guyader, Erno Molnár, János Péntzes, Istvan Polgár, Károly Teperics, Klára Czimre, Mihai Jurcă, Mihaela Pătrăuș, George Anglițoiu, Lavinia Onica-Chipea, Szabolcs Pásztor, Gábor Kozma, Mihaela Ioana Teacă, Carmen Oana Mihăilă, Horia Ciocan, Stelian Nistor, Ribana Linc, Șerban Olah, Dragoș Dărăbăneanu, Florica Chipea, Zsolt Bottyan, Mircea Ursuța, Cristian Miheș, Maha Katami present interesting papers from the fields of Law, Economics, European Studies, International Relations, Sociology, with applications on the problems of borders and labor market.

In his foreword to the present book, professor Alexandru Athanasiu PhD., member of the European Committee of Social Rights from Council of Europe begins his presentation emphasising the existence of European model and its institutionalisation after the Second World War that intended to create a better life for the citizens of Western Europe, in a first phase, intending to implement also, in this area, social justice. The four freedoms of persons, goods, capital, services were institutionalised. The author concludes: “Only by understanding freedom in relation to requirements of community solidarity and with the guarantees of exercising of human rights, the European model finds its stable balance between economic progress and prosperity of its citizens; it strengthens and promotes ethical values of equity”². The author considers that the latest world crises put in question “the guarantees of maintaining the European social model”³. In this context, an in-depth analysis of European regulatory body and of the worker’s rights in Europe is welcome.

The editors of the present volume, Adrian-Claudiu Popoviciu and Dana Cigan, in their *Acknowledgement* to the book assert that the present volume was published as a consequence of Jean Monnet International Conference *The Frontier Worker – New Perspectives on the Labor Market in the Border Regions* that took place in Oradea in October 18-20, 2012. The authors assert that the conference was based on three directions of study: *European social law, border law and cross-border cooperation*⁴. The editors show their gratitude to professor

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² Alexandru Athanasiu, “Forward,” in *The Frontier Worker – New Perspectives on the Labor Market in the Border Regions*, ed. Adrian-Claudiu Popoviciu and Dana Cigan (Bucharest: Editura C.H.Beck).

³ Ibid.

⁴ Editors, “Acknowledgement,” in *The Frontier Worker – New Perspectives on the Labor Market in the Border Regions*, ed. Adrian-Claudiu Popoviciu and Dana Cigan (Bucharest: Editura C.H.Beck).

Alexandru Athanasiu, the Coordinator of the Centre for Comparative Social Law of the University of Bucharest and also member of European Committee of Social Rights (Council of Europe) for protecting the rights of migrant worker.

In her paper, *The Free Movements of Workers. Challenges and Trends*⁵, the author Claudia-Ana (Moarcăș) Costea states the ancient character of migration. Presently it is a global phenomenon. The author states that currently 2% of Europeans work in another member state⁶. One of the top priority of the European politics was to remove barriers to professional mobility. The reasons for which a person can decide to search employment opportunities in other EU country could be: a better income, better social services; better prospects for their children. The migrant workers, in consequence, pretty often they are the subject of a deep exploitation, shows the author⁷. In her scientific essay the author is focusing around the following concepts: free movement of persons; free movement of workers/intra – EU migration; migrant workers; labour migrant; highly skilled migrant workers; temporary migrant workers; country of origin; return migrants; forced migration. The author establishes a connection between globalisation and mobility. Globalisation, form of societal change with a transnational dimension, is a process that transcends the borders. The author stresses that labour mobility increased in the actual process of globalisation. The author tries to define the main characteristics and trends of labour migration process, concluding that “Europe’s demographic situation is characterised by longevity and low fertility”⁸. The author mentions a few ethnic groups that live outside their state of origin: Turkish immigrants, Romanians, Moroccans. According to a survey, the non-national population was younger than the national populations in the countries where they migrated. We conclude about this study that is based on good knowledge of the realities of process of emigration.

In the article of Adrian-Claudiu Popoviciu, *The Frontier Worker. Romania-Hungary Study Case*⁹, is raised the question on “who enters in the category of migrant workers?”¹⁰ and “which are his rights?”. The author divided his research in five parts: 1. Introduction, 2. The concept of worker and the frontier worker, 3. The frontier worker in Romanian legislation, 4. The frontier worker in Hungarian legislation, 5. Final remarks. The author analyses the economic situation of North-Western Region and West Region that has boundary with Hungary. Then after concluding that these regions are very developed in comparison with the rest of Romania, the author focuses on the other side of the border, in Hungary. Then the author is focusing on the concept of worker and the frontier worker. European politics tries to eliminate discrimination and to create a single market for labor. The treaty of Amsterdam tries to find a definition for worker while the Court of Justice of the European Union considers that the problems of worker are subject for EU law and not of national law. Then the author offers two case studies 1. The frontier worker in Romanian legislation and 2. The frontier worker in Hungarian legislation. In the

⁵ Claudia-Ana (Moarcăș) Costea, “The Free Movement of Workers. Challenges and Trends,” in *The Frontier Worker – New Perspectives on the Labor Market in the Border Regions*, ed. Adrian-Claudiu Popoviciu and Dana Cigan (Bucharest: Editura C.H.Beck), 13-24.

⁶ Ibid., 13.

⁷ Ibid., 15.

⁸ Ibid., 18.

⁹ Adrian-Claudiu Popoviciu, „The Frontier Worker. Romania-Hungary Study Case,” in *The Frontier Worker – New Perspectives on the Labor Market in the Border Regions*, ed. Adrian-Claudiu Popoviciu and Dana Cigan (Bucharest: Editura C.H.Beck), 25-49.

¹⁰ Ibid., 25.

end of his study, the author concludes that Romania and Hungary tried to transpose in their internal law the provisions of EU law concerning the concept of frontier worker.

In the second part of the volume, *Border region as a space of Innovation*, several authors present interesting papers. Luminița Șoproni has a paper entitled *The Economic Borders in the Age of Globalization*¹¹, and the main idea is that economic borders are continuously diminishing. The author defines what is the economic frontier, a complex concept, different from the separation of economies of two states. The author divided her paper in three parts: the border and the trade policy measures, the economic border and the binom integration-division and the part of conclusions. In the first part, the author refers to the three components of commercial policy: taxation, non-tariff instruments, export promotion and stimulation instruments. Quoting Milton Friedman, the author disagrees with the protectionist view of certain states, considering the role of economic borders should be diminished¹². In the second part of her work, the author quotes several authors that wrote about globalisation and diminishing the role of borders. These authors militates for globalisations. In the part of conclusions, Luminița Șoproni states: “Regardless of the perspective from which we see the evolution of the world economy, it can be said that both phenomena, globalisation and regionalisation, determine the multiplication and diversification of the relations between economic players (especially states and corporations), thus leading to the diminishing of the role of economic borders, and therefore, the diminishing of themselves.”¹³

In the article *European Studies – Different Developments at the region borders*, Mariana Buda¹⁴ defines the importance of the introduction of European Studies in universities: „European Studies, taught nowadays in most European Universities at undergraduate, master or doctoral level, became a natural part of the curricula in higher education. They introduce European dimension in higher education and had contributed to the continuous European integration process (...)”¹⁵. The paper is divided in the following parts: European Studies in EU 12, Development of European Studies in Eastern Europe and conclusions. In the beginning of her presentation the author makes reference to a very prestigious university from Belgium, Catholic University of Louvain where European Studies academic programme dates since 1988. In 1995-1996, programmes of European Studies were extended in Central and Eastern Europe. The author mentions that the Network of European Studies in South-Eastern Europe was opened in Sofia, January 28-29, 2000. One of the most important conferences of the time was *European Studies Today* held in Cluj-Napoca (Romania) where European partners from countries such as Bulgaria, Poland expressed their points of view. Mariana Buda divides chronologically her research: European Studies until 1990, European Studies between 1990-2000 and European Studies after 2000¹⁶. In 1990 the project Action Jean Monnet was implemented. Mariana Buda believes that also, in the future, European Studies domain will be the subject of a continuous change.

¹¹ Luminița Șoproni, “The Economic Borders in the Age of Globalization,” in *The Frontier Worker – New Perspectives on the Labor Market in the Border Regions*, ed. Adrian-Claudiu Popoviciu and Dana Cigan (Bucharest: Editura C.H.Beck), 53-61.

¹² *Ibid.*, 54.

¹³ *Ibid.*, 60.

¹⁴ Mariana Buda, “European Studies – Different Developments at the Region Borders,” in *The Frontier Worker – New Perspectives on the Labor Market in the Border Regions*, ed. Adrian-Claudiu Popoviciu and Dana Cigan (Bucharest: Editura C.H.Beck), 63-70.

¹⁵ *Ibid.*, 63.

¹⁶ *Ibid.*, 69.

The paper of Constantin-Vasile Țoca, *Different Territorial Levels of Romanian – Hungarian Cross-Border Cooperation*¹⁷ underlines that the subject of his research are the communities of Debrecen and Oradea: “In order to join the European Union, Romania had to join the European system of the Nomenclature of Territorial Units for Statistics (NUTS) in 2002”¹⁸. The present Europe is a Europe of regions, says Constantin Țoca, and this idea has its origins in the writings of Denis de Rougement in the 1960s. As a prove of the importance of regions for European politics, the European financing for regional policy was for the years 2007-2013 of 3478 billion euro as compared to the 2000- 2006 period when the budget for regional policy was of 213 billion euro¹⁹. The author brings into discussion the Euroregional dimensions, the definition, function and types of Euroregions, but also counties and cities dimensions.

In the work of Cristina-Maria Dogot, *Economic and Technocratic Leadership at Borderland*²⁰ says that innovative practices were introduced in Central and Eastern Europe after the entrance into Union. Such practices are “euro-regionalisation”, “regionalisation”, “decentralisation”, “deconcentration” or “metropolisation”²¹. The author allocates a space to metropolisation as a European phenomenon. The cities, represent, in the opinion of the author, locations where the most skilled and educated people live²². Life of the communities is prosperous if they take into consideration the global changes existent on the markets. Trying to define the “cities” the author is offering its key elements: “population mass, good transportation and communication connectivity, distinctive identity, recognition of the value of metropolitan collaboration, collective marketing, influence on strategic decision – making, support for its initiatives and activities, integrated strategies, collective decision – making and governance, proximity, cooperation, complementarism”²³. The author focuses on the phenomenon of metropolisation in Romania. Dogot starts from the legislative framework that consecrated metropolitan areas, and focuses on the increase in time of metropolitan areas in Romania. Then, Cristina Dogot allocates a space to borderland and the challenge of metropolisation, the author stressing the exceptional possibilities of development of cities found in the proximity of physical borders or commercial borders. Cities like Iași, Galați, Brăila, Giurgiu, Timișoara, Arad and Oradea, shows the author, had the possibility to develop transborder metropolitan areas due to their geographical positions.²⁴ In her final remarks the author concludes that metropolitan areas represent the image of public management with its theoretical and practical sides that makes a new leadership to emerge, based on the need of prosperity of citizens and on “public life of communities”.²⁵

Hansen Manuel Enverga, in the paper “*The Community – Intergovernmental Method Dialectic of the EU Blue Card and the Implications of Language: Evidence from*

¹⁷ Constantin-Vasile Țoca, “Different Territorial Levels of Romanian – Hungarian Cross-Border Cooperation,” in *The Frontier Worker – New Perspectives on the Labor Market in the Border Regions*, ed. Adrian-Claudiu Popoviciu and Dana Cigan (Bucharest: Editura C.H.Beck), 71-80.

¹⁸ Ibid., 71.

¹⁹ Ibid., 73.

²⁰ Cristina-Maria Dogot, “Economic and Technocratic Leadership at Borderland,” in *The Frontier Worker – New Perspectives on the Labor Market in the Border Regions*, ed. Adrian-Claudiu Popoviciu and Dana Cigan (Bucharest: Editura C.H.Beck), 81-96.

²¹ Ibid., 81.

²² Ibid., 83.

²³ Ibid., 85.

²⁴ Ibid., 89.

²⁵ Ibid., 93.

*Filipino Nurses in Bilbao, The Basque Country, Spain*²⁶, states that “In May 2009, after much debate, the European Council adopted the EU Blue Card directive to build a channel of targeted, legal migration, making Europe more attractive”²⁷. By this measure, European Commission hopes to attract skilled labor in Europe. The author takes into discussion the case of Filipino nurses that migrate in Europe for a job in the health sector. The next chapter has the title *Theoretical Framework: The Community-Intergovernmental Nexus of the EU Blue Card*. Considering EU Blue Card it appeared dilemma of the language spoken by the nurses from Filipino when they decide to come and work in Europe: “In the case of foreign nurses, language ability naturally is extremely important as to communicate with fellow medical professionals and patients to deliver quality health care without failure or misunderstanding. Interestingly, although language requirements are not explicitly stated in the EU Blue Card Directive, a certain level of language proficiency is required in most member state visa regulation”²⁸ Last, but not least, the author offers a case study of Filipino nurses in Bilbao, Spain. Philippines were a Spanish colony for 333 years. According to Philippines Embassy in Spain there are living 40, 750 Filipinos in Spain. Usually the immigrants that come from Philipinnes to Spain have a high degree of education, points out the author. Once arrived in Spain, they make efforts to learn Spanish. According to some interviews with the author, the nurses feel frustrated due to difficulties to use their diplomas in Spain and to take all examinations in Spain. In the part of summary and conclusions, the author estimates that by 2020 Europe will need 2 million health professionals from abroad.

In the paper of Sérgio Neto, *Anthems and Nations – One song to 27*²⁹ it is considered that the anthem can unify the citizens of a country. The author underlines that European Union has, starting with 1985, a day, a flag and an anthem³⁰, the anthem being the *Ode to Joy*, a fragment from the ninth Symphony of Ludwig van Beethoven. And the author is offering a table with the European countries and their national songs.

Chapter II of the present book has the title *The Frontier Worker – Between the European Legislation and the National Procedures*. The first paper belongs to Maurice Guyader and has the title *The Integration of the New Member States on the Labour Market of the European Union. The Example of the Year 2004 and of the United Kingdom. Lessons for Romania and Bulgaria in 2012*³¹. The author underlines an idea of the years 2004, after the European enlargement, that in Western Europe, many politicians feared of massive migration from East. Labor market in EU countries is free for the members accepted in community in

²⁶ Hansen Manuel Enverga, “The Community-Intergovernmental Method Dialectic of the EU Blue Card and the Implications of Language: Evidence from Filipino Nurses in Bilbao, the Basque Country, Spain,” in *The Frontier Worker – New Perspectives on the Labor Market in the Border Regions*, ed. Adrian-Claudiu Popoviciu and Dana Cigan (Bucharest: Editura C.H.Beck), 97-112.

²⁷ *Ibid.*, 98.

²⁸ *Ibid.*, 103.

²⁹ Sergio Neto, “Anthems and Nations – One Song to 27,” in *The Frontier Worker – New Perspectives on the Labor Market in the Border Regions*, ed. Adrian-Claudiu Popoviciu and Dana Cigan (Bucharest: Editura C.H.Beck), 113-120.

³⁰ *Ibid.*, 117.

³¹ Maurice Guyader, “The Integration of the New Member States on the Labour Market of the European Union. The Example of the Year 2004 and of the United Kingdom. Lessons for Romania and Bulgaria in 2012,” in *The Frontier Worker – New Perspectives on the Labor Market in the Border Regions*, ed. Adrian-Claudiu Popoviciu and Dana Cigan (Bucharest: Editura C.H.Beck), 123-128.

2004, and almost free for Romanians and Bulgarians, and migration flows did not put so much problems as the European elites were thinking at the beginning.

In the article of Erno Molnár, János Péntzes and István Polgár, *Cross-border Employment along the Hungarian-Romanian Border: Potential Possibility or Daily Reality?*³², the authors try to identify the border permeabilities in Hungary (Hungarian side of the frontier) and in the areal of Hajdú-Bihar and Bihor counties. The authors focus their attention on Romanian employees in Hungary and in the North Great Plain Region. It seems that they are 50-60,000 of Romanian employees in Hungarian economy. Approximately 70% of them live in Central Hungary and 1/3 of these foreign workers work in Budapest³³. The authors offers a few case studies, examples of companies which employed Romanian workers: *Szamos Ltd* belonging to shoes industry, *IT Services Hungary Ltd* (T – Systems Group) with an important role in system integration and informatics outsourcing, *Szamos Ltd*, the biggest employer in Csenger important in the industry of shoes.

Károly Teperics and Klára Czimre write the article *Study-Driven Migration in the Hungarian – Romanian Border Region*³⁴. The internalisation of education and the new economic context are two present realities, so the paper focuses on the cooperation between the University of Oradea and the University of Debrecen. The contemporary society is a knowledge based society, consider the authors. In the process of migration, education plays a very important role. In this context, study – driven migration is a part of the process of international migration. The authors observe that in the last years there took place significant changes in the number of students in the Hungarian higher education. The foreign number of students in Hungarian universities increased from 11.703 in 2001-2002 to 18 154 in 2009-2010.³⁵ The authors conclude: “The ratio of the students from Romania within the Hungarian ethnic students was almost 40%, being the most populous among the students. With respect to the neighbouring countries they were followed by students from Slovakia and Ukraine. As for the non neighbouring countries, the number of students from Germany, Israel, Norway and Iran together represented 40%.”³⁶ Then the authors offer interesting figures in the numbers of Foreign students at the University of Debrecen. Thus the year 2009-2010, at the University of Debrecen there were studying 512 students of Romanian origin, the highest number of foreign students/country.

In the article of Mihai Jurcă, *Frontier Worker Isolated Phenomenon or Regional Economic Asset*³⁷, the author after referring to frontier/border – definition and understanding takes as case – study Romanian – Hungarian border, asserting that “The main conclusion is that the infrastructure (roads and other public services), economic offers and also flexibility or rigidity in the local population play essential role in generating the frontier worker

³² Erno Molnár et al., „Cross-border Employment along the Hungarian-Romanian Border: Potential Possibility or Daily Reality?,” in *The Frontier Worker – New Perspectives on the Labor Market in the Border Regions*, ed. Adrian-Claudiu Popoviciu and Dana Cigan (Bucharest: Editura C.H.Beck), 129- 138.

³³ *Ibid.*, 132.

³⁴ Károly Teperics and Klára Czimre, “Study-driven Migration in the Hungarian-Romanian Border Region,” in *The Frontier Worker – New Perspectives on the Labor Market in the Border Regions*, ed. Adrian-Claudiu Popoviciu and Dana Cigan (Bucharest: Editura C.H.Beck), 139-148.

³⁵ *Ibid.*, 142.

³⁶ *Ibid.*, 143.

³⁷ Mihai Jurcă, “Frontier Worker Isolated Phenomenon or Regional Economic Asset,” in *The Frontier Worker – New Perspectives on the Labor Market in the Border Regions*, ed. Adrian – Claudiu Popoviciu and Dana Cigan (Bucharest: Editura C.H.Beck), 149-159.

phenomenon”³⁸ Mihai Jurcă focuses on the border worker – prototype and on factors for the movement of the border worker. In the part of conclusion the author shows his view of seeing the border as something highly “relevant” and „exploitable”.

In the article of Mihaela Pătrăuș, *Transfer of sentenced in light European and National Regulation*³⁹, the author underlines that when the freedom of movement is restricted there are many foreigners who break the law. Usually they are rendered in their national state for a better reintegration of the offenders. In this sense, it was adopted a Council of Europe Convention on the transfer of sentenced person in their home countries. The author discusses the legal base of this transit, proving very good judicial knowledge.

George Anghitoiu in the article *The Free Movement of Services and the Cross-border Security*⁴⁰ underlines the conclusion that after the events from September 11, 2001, one could have believed that the return of nation state is about to come. These events have produced a great securitisation of frontiers. In the context of enlargement of European Union toward East and South, the borders of the European Union were securised. In the end of his study, the author concludes that the free movement of services in European Union is topic of high interest in context where legality and non-discrimination is not guaranteed over ethnicity.

In the paper of Lavinia Onica-Chipea, *Legal Regulations Regarding the Labor Jurisdiction in the Legal Systems from EU Countries*⁴¹, the author starts by describing the jurisdiction labor system in Member States of the European Union. General feature and talks about the judicial institution involved in this process that are: 1. specialised courts, B. Recourse to ordinary courts. Then the author focuses on the principles underlying the system of labor jurisdiction. In the part of conclusion the author stresses that attention is given by the court to unions and employers organisations that can have a role in the conciliation mechanisms, negotiation play an important role in the conflicts between employees and employers, it exists arbitration mechanisms mainly in American system.

Szabolcs Pásztor and Gábor Kozma, in the article *Border Research and Economic Theory*⁴², focuses on borders starting from economic theories and Geography, the paper of Mihaela Ioana Teacă and Carmen Oana Mihăilă that has the title *The Romanian Workers and the Integration in Stable System of Labour Market in the Nordic Countries* and talks about the fact that the principle of black market is not present in Nordic Countries, Romanians are legally employed where there is prove that there are not sufficient employees from the Union other than Romanians to work in a certain field in Nordic countries.

³⁸ Ibid., 155.

³⁹ Mihaela Pătrăuș, “Transfer of Sentenced in Light European and National Regulation,” in *The Frontier Worker – New Perspectives on the Labor Market in the Border Regions*, ed. Adrian-Claudiu Popoviciu and Dana Cigan (Bucharest: Editura C.H.Beck), 161-172.

⁴⁰ George Anghitoiu, “The Free Movement of Services and the Cross-border Security,” in *The Frontier Worker – New Perspectives on the Labor Market in the Border Regions*, ed. Adrian-Claudiu Popoviciu and Dana Cigan (Bucharest: Editura C.H.Beck), 173-178.

⁴¹ Lavinia Onica-Chipea, „Legal Regulations Regarding the Labor Jurisdiction in the Legal Systems from EU Countries,” in *The Frontier Worker – New Perspectives on the Labor Market in the Border Regions*, ed. Adrian-Claudiu Popoviciu and Dana Cigan (Bucharest: Editura C.H.Beck), 179-185.

⁴² Szabolcs Pásztor and Gábor Kozma, “Border Research and Economic Theory,” in *The Frontier Worker – New Perspectives on the Labor Market in the Border Regions*, ed. Adrian-Claudiu Popoviciu and Dana Cigan (Bucharest: Editura C.H.Beck), 187-198.

In chapter III, the section *Free Movement of Labor Force in the Border Regions* starts with the paper of Horia Ciocan entitled *The New European between Moscow and Brussels*⁴³ mentions the model of the new European: “This is new European that has escaped the influence of the Soviet Union, that has collapsed due to its heavy bureaucratic way, has entered another Union, the European Union this time”.⁴⁴ In their article *Cross-border Protected Areas – Present and Perspectives. Romanian Examples*⁴⁵ Stelian Nistor and Ribana Linc consider that “the existence of cross border protected areas could become a very usefull tool to reduce the fragmentation area situated in the vicinity of a state border.”⁴⁶ In the paper of Șerban Olah and Dragoș Dărăbăneanu, *Access on Labor Market of Higher Education Graduates from University of Oradea*⁴⁷, the authors state that “This paper aims to show some of the most important and most common problems faced by university graduates in the first place tremendous job finding stage. The analysis presented is based on sociological research involving 600 graduates who studied at the University of Oradea. They come from all majors and faculties of the mentioned university. The analysis focused on the time required for finding the first job, on strategies used to find a job, or on most popular arguments with employers to provide a job.”⁴⁸ Another paperisthat of Florica Chișea and Zsolt Bottyán, *Factors Determining Academic Success in Higher Education, a Quantitative Analysis in the Cross-border Area Hajdú-Bihar – Bihar*, the authors show that the research was conducted on 2723 students as a consequence of the project „Higher Education for Social Cohesion – Cooperative research and development in the cross – border area”⁴⁹. Last, but not least we remember the papers of Mircea Ursuța, *The Solving of Labor Litigations According to the New Civil Procedure Code*⁵⁰, Cristian Miheș, *Criminal Liability in Labor Law*⁵¹ and Maha Katami, *Border Regions and Interogation: Multiculturalism and Interogation within Border Regions, Migrant Work Forces*⁵².

⁴³ Horia Ciocan, „The New European between Moscow and Brussels,” in *The Frontier Worker – New Perspectives on the Labor Market in the Border Regions*, ed. Adrian-Claudiu Popoviciu and Dana Cigan (Bucharest: Editura C.H.Beck), 213-219.

⁴⁴ *Ibid.*, 214.

⁴⁵ Stelian Nistor, Ribana Linc, “Cross-border Protected Areas – Present and Perspectives. Romanian Exemples,” in *The Frontier Worker – New Perspectives on the Labor Market in the Border Regions*, ed. Adrian-Claudiu Popoviciu and Dana Cigan (Bucharest: Editura C.H.Beck), 221-231.

⁴⁶ *Ibid.*, 221.

⁴⁷ Șerban Olah and Dragoș Dărăbăneanu, “Access on Labor Market of Higher Education Graduates from University of Oradea,” in *The Frontier Worker – New Perspectives on the Labor Market in the Border Regions*, ed. Adrian-Claudiu Popoviciu and Dana Cigan (Bucharest: Editura C.H.Beck), 233-241.

⁴⁸ *Ibid.*, 233.

⁴⁹ Florica Chișea and Zsolt Bottyán, “Factors Determining Academic Success in Higher Education, a Quantitative Analysis in the Cross Border Area Hajdú-Bihar – Bihar,” in *The Frontier Worker – New Perspectives on the Labor Market in the Border Regions*, ed. Adrian-Claudiu Popoviciu and Dana Cigan (Bucharest: Editura C.H.Beck), 243.

⁵⁰ Mircea Ursuța, “The Solving of Labor Litigations According to the New Civil Procedure Code,” in *The Frontier Worker – New Perspectives on the Labor Market in the Border Regions*, ed. Adrian-Claudiu Popoviciu and Dana Cigan (Bucharest: Editura C.H.Beck), 255-264.

⁵¹ Cristian Miheș, “Criminal Liability in Labor Law,” in *The Frontier Worker – New Perspectives on the Labor Market in the Border Regions*, ed. Adrian-Claudiu Popoviciu and Dana Cigan (Bucharest: Editura C.H.Beck), 265-271.

⁵² Maha Katami, „Border Regions and Integration: Multiculturalism and Integration within Border Regions, Migrant Work Forces,” in *The Frontier Worker – New Perspectives on the Labor*

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