



The Legitimacy
of New Regionalism
in the European
Integration Process

István-József POLGÁR • Mircea BRIE
(Coordinators)

The Legitimacy of New Regionalism in the European Integration Process



Debrecen / Oradea
2023

***THE LEGITIMACY OF NEW REGIONALISM IN
THE EUROPEAN INTEGRATION PROCESS***

***THE LEGITIMACY OF NEW REGIONALISM IN
THE EUROPEAN INTEGRATION PROCESS***

István-József POLGÁR
Mircea BRIE
(Coordinators)

Supplement of the Annals University of Oradea.
International Relations and European Studies

Debrecen / Oradea
2023



Funded by
the European Union

Jean Monnet Project: 101085662 WBREGIO

The Legitimacy
of New Regionalism
in the European
Integration Process



FROM EXCLUSIVE BORDERS
TO INCLUSIVE FRONTIERS
IN THE
**Western
Balkans**



The present volume contains the papers of the international Jean Monnet conference “*The Legitimacy of new Regionalism in the European Integration Process*”, held in Oradea between 4th-5th of May 2023, organized by the Department of International Relations and European Studies, University of Oradea with the support of the European Commission.

The present volume was financed by the European Commission through the Jean Monnet project n.101085662 WBREGIO

Descrierea CIP a Bibliotecii Naționale a României

The legitimacy of new regionalism in the European integration process /

coord.: Polgár István, Mircea Brie. - Debrecen: Debrecen University
Press; Oradea: Editura Universității din Oradea, 2023

Conține bibliografie

ISBN 978-963-490-542-4

ISBN 978-606-10-2266-3

I. Polgár, István (coord.)

II. Brie, Mircea (coord.)

32

The contents of the present material and its annexes do not necessarily reflect the opinion or the position of the European Commission

Editing: Elena ZIERLER

Cover: Adrian BUZAȘ

The full responsibility for the content of the articles belongs solely to the author(s), and the point of view expressed is not always shared by the coordinators of this volume.

Address of the editorial office:

University of Oradea

Department of International Relations and European Studies

1 Universitatii Street, CP 114, OP 1, Oradea, Romania

Tel/Fax (004) 0259 408167. E-mail: mbrie@uoradea.ro

CONTENT

INTRODUCTORY STUDY	7
POLGÁR István József ❖ A historical perspective of the Romanian-Hungarian Border in the Context of the European Territorial Cooperation.....	9
I. THE ROLE OF CIVIL SOCIETY IN THE DEMOCRATISATION AND EUROPEAN INTEGRATION PROCESS OF CENTRAL AND EASTERN EUROPE	21
Jubjana VILA, Iris BUÇIQI ❖ Civil Society Organizations, Regional Cooperation and Reconciliation in the Western Balkans.....	23
Maria Manuela TAVARES RIBEIRO ❖ Europe – Crucial and Existential Pillar in Democratic Portugal.....	35
Kudzai Cathrine BINGISAI ❖ Role of Civil Society Organizations (CSO's) in the Romanian Democratic Processes	41
Alina STOICA, Bianca SFERLE ❖ Transylvanian Ethnic Mosaic Enhancing Local Culture.....	55
POLGÁR István József ❖ The Role of Civil Society Organisations in the Development of New Forms of Territorial Cooperation in the Western Balkans.....	69
II. THE ROLE OF REGIONAL, TRANSNATIONAL AND CROSS-BORDER CO-OPERATION IN THE EUROPEAN INTEGRATION PROCESS	85
Afrim HOTI, Qendrim MATOSHI ❖ Dissolving the Cell of Democracy. Local Self-Government as a Mechanism of Integration of Ethnic Groups – the Case of Kosovo	87
Aurora-Elena GAVRIȘ ❖ Theoretical and Practical Aspects at County and Regional Level with a Role in the Efficiency of Administrative Organization.....	105
Anca OLTEAN ❖ The Impact of Covid 19 Pandemy Upon Romanian Civil Society as Reflected in the Newspaper „România Liberă”. An Overall View of the Evolution of Pandemy in Romania and Its Impact in the Year 2021.....	113
Yevheniya YURIYCHUK, Stanislav OPINKO ❖ Administration of Election and Referendum Processes in the Regions of Ukraine in the Post-War Period: Security and Legitimation Challenges.....	129
George Horațiu BONTEA ❖ A Socio-Constructivist Retrospection of the Internationalisation and Outcomes of the Bosnian War.....	141
Reina ZENELAJ SHEHI, Dragana KURTI ❖ Dynamics of Regionalism in the Western Balkans: A Quest for Regional Identity.....	153
Claudiu Gabriel BONACIU ❖ Local and Transnational Partnerships: European Instruments for Rural Development.....	167
Cosmin CHIRIAC ❖ Evaluating Polycentric Development in a Cross-Border Setting. Data Treasure Hunt at the Romanian-Hungarian Border.	183

III. SECURITY VERSUS OPENNESS OF BORDERS. SOCIAL, CONFESSIONAL AND CULTURAL DIFFERENCES BETWEEN COMMUNITIES.....	193
Mariana Viorica BUDA ❖ Languages and Western Balkans – the Context for the New Reality in EU.....	195
Svetlana CEBOTARI, Victoria BEVZIUC ❖ The Russian-Ukrainian War. The Repercussions on the Ukraine and the Republic of Moldova.....	207
Dragoș DĂRĂBĂNEANU, Ionuț-Mihai OPREA ❖ Migration in the Context of Globalisation. Social Aspects and Difficulties in the Bihar-Hajdu Bihar Border Area.....	223
Mircea Ioan MATEI ❖ The Relevance of OSCE Special Monitoring Mission to Ukraine in the Context of the Conflict.....	231
Florentina CHIRODEA, Ioana Lucia BORDEIANU ❖ Border Security Challenges in the Context of the Ukrainian War.....	243
Cristina EJOVA ❖ International Political-Legal Regulation of Cooperation for Countering Terrorism in Europe.....	259
Svetlana CEBOTARI, Anatoli BUZEV ❖ The Rights of Refugees from Ukraine in the Republic of Moldova.....	271
Mircea BRIE ❖ Linguistic Individuality in the Republic of Moldova and North Macedonia: an Identity Border as a Political Foundation of National Construction.....	281
IV. EUROPEANIZATION & EUROSCEPTICISM. NEW POLICY TRENDS IN SOUTH EASTERN EUROPE.....	295
Radu Vladimir RAUTA ❖ Europeanization and Rule of Law Reforms in the Western Balkans – Whistleblowing Laws in Serbia, Albania and Kosovo.....	297
Avdi SMAJLJAJ ❖ The Impact of the War in Ukraine on the Western Balkans Current Developments.....	317
Cătălin-Gabriel DONE ❖ Libéralisation multilatérale de la coopération économique et protectionnisme politique dans la région scandinave.....	327
Edina Lilla MÉSZÁROS ❖ Vox Populi, What is the Perception about the European Union in Serbia? Torn Between the East and the West, an Oscillating Stance from Active Non-Alignment to Passive Alignment to Community Values.....	349
Balázs HORVÁTHY, László KNAPP, Nikolett TRENYSZÁN-PAPP ❖ New Regionalism and EU Border Regions: Removing Legal and Administrative Obstacles.....	367
Dan APĂTEANU ❖ Supranational Versus Intergovernmental Approaches in the European Union Governance Process.....	383
Zsolt RADICS, Enikő HARMAN ❖ Development Policy Trends in Central European Countries after EU Accession - Trends, Patterns, Differences in the Case of Hungary.....	395
Zsolt-Botond BOTTYAN ❖ Democracy and Identity. The Future of Democracy in the Context of the European Integration.....	401

INTRODUCTORY STUDY

A HISTORICAL PERSPECTIVE OF THE ROMANIAN-HUNGARIAN BORDER IN THE CONTEXT OF THE EUROPEAN TERRITORIAL COOPERATION

*POLGÁR István József**

Abstract. *The intensification of cross-border interactions, the progress achieved in the process of European integration and the expansion of the EU to the east raises the issue of cross-border cooperation in a political-geopolitical context.*

The issue of cross-border cooperation in general goes beyond geographical, economic and legal approaches. If we intend to treat the phenomenon from a specific point of view, we will find ambiguities and uncertainties regarding the role and functioning of some institutions in the process of cross-border cooperation and partnerships. Therefore, the full analysis of the cross-border cooperation process cannot be done only if we also evaluate the effects produced by the institutions in the local governance sector and their political dimension.

The study aims to realize an inventory of the general trends and evolutions from the past century, regarding the perception of the Romania-Hungarian, but also focuses on the border cooperation activities which had an impact on transnational institution building amongst the local governance apparatus in Bihor County in the process of cross-border cooperation in the development period 2014-2020

Keywords: *border, cooperation, cross-border, European, regional*

The creation of today's European Union was the result of a long and complex process. Over the years, this process has been influenced by numerous historical, political, economic and social factors. The understanding and good management of borders and neighborhood relations had a key role in the European construction and unification process.

The expansion of the European community has gradually changed the situation of the external borders of the EU. These changes produced socio-economic and political transformations that generated many opportunities in the field of regional development, but also created many potential problems and tensions. The new conjuncture created in an expanded Europe emphasizes the need for long-term commitments to support local and regional cross-border cooperation initiatives.

The political behavior from the last centuries, regarding the territory and the border of the European states, often generated tensions and conflicts. These disagreements have led to the creation of barriers in the border areas. Several times during the past decades in Europe, state borders became real insurmountable barriers not only for

* Ph.D, Lecturer at the Department of International Relations and European Studies, University of Oradea, str. Universităţii no. 1, Oradea, Romania, email: istvan.polgár@uoradea.ro

enemies, but also for their own citizens (Polgar, 2022:23-24). This character of the borders created rather the role of elements that prevented the emergence of common activities and based on cooperation with neighboring regions. Nevertheless, the specificity of Europe is given not values (Polgar, 2021:392-405). Although, from a strategic point of view, strictly from the perspective of border regions, they were directly interested in developing a strategy only by the diversity of cultural and historical realities, but also by the existence of numerous borders between states (Ricq, 2000:8-15).

Most often because of strategic and/or military reasons border areas, or peripheries were strongly connected to the center. Moreover, in most cases migration flows from the periphery to the center could be observed (Ilieş, 2003:92-97). People in the border regions, who were mostly affected by the consequences of historical conflicts, have gained mutual fears and animosity over time. The conditions that created these relationships undermined the availability of cooperation and contacts (Bărbulescu, Brie, Toderaş, 2016:22-26).

As the EU takes on new members and its external boundaries gradually shift, socio-economic and political transformations are taking place at the borders that not only adumbrate new regional development opportunities but also many potential problems and tensions. In an enlarged Europe there are necessary long-term commitments to support local and regional initiatives of cross-border cooperation (Athanasiu, 2013:7-8). During the process of European construction, respectively the integration of European states in the community structures, a change of perception can be noticed which focus on the borders of the national states. These changes firstly appeared in the process of opening up, economically in the space of the single market. Secondly the changes appeared at political and social level, in the space of the European Union (Polgar, 2022:23-34).

The frontier has gone through allot of changes in terms of understanding the space of a culture, race, religion, city or nation. Growing from physical walls, intense militarized areas to a formal understanding of regions with no physical boundaries or restrictions of any kind, the frontier or the border, has been an area of the utmost importance to the different branches of science. The border region is the collision point of cultures, religions, languages, administrations, legislations and economic influences (Polgar, 2016:9-11).

Nowadays almost a third of EU citizens live and work in Europe's border regions. The management and perception of these borders have both a direct and an indirect impact on their lives. People living in border regions often face specific challenges, either in finding a job or having access to healthcare and other public services, or in terms of daily commuting and overcoming administrative problems (European Committee of the Regions, 2021).

All these factors have a substantial contribution to the development of the phenomenon called cross-border cooperation. Cooperation processes from border regions nowadays are considered as a separate transnational policy field. It is because its constitutive characteristics and functionalities in addition to its property as a sub-system of national and regional governance are more and more also determined by the European level. If we check the European integration process implemented in the past 20 years, we can observe that cross border cooperation and cross border governance became an important objective of European Policies (Beck, 2011:129-148).

Cross-border cooperation is a subset of international cooperation and a means of overcoming common challenges in a sustainable way. It is also a subset of the regional

development policy that targets previously peripheral regions at the borders of EU Member States. Collaboration between authorities from the border space leads to openness and dilution of barriers among communities, institutions, and authorities. This logic is valid both at the EU level, but also at state and local level (Beck, 2017).

Cross-border cooperation can be defined as direct collaborations between neighboring regions from different sides of the border, regardless of the level at which this relation takes place (Pantea, Brie, 2017:47). Sustainable collaboration can be accomplished in all domains, among all national, regional, and local authorities involving all actors. As a matter of fact, European treaties mention the need for sustainable socio-economic and territorial cohesion, to reduce regional disparities. The efficiency, reliability, authenticity, sustainability and legitimacy of the European construction, integration is strongly connected to the success of cross-border cooperation (Bărbulescu, Brie, Toderaş, 2016:22-26).

At present, cross-border cooperation has proven to be the most effective tool for overcoming the barrier effect and the role of border separation and for strengthening the territorial cohesion of border regions.

The Romanian-Hungarian border, the one drawn at the end of the peace process that followed the First World War, was from the beginning, and continues to this day, a controversial topic in the historical research of the two neighboring countries. The intensity with which each of the two dialogue partners has defended over time, more or less argued, the theses launched regarding the border, has also fluctuated, being influenced by a complex of domestic and international political, ideological or economic factors (Polgar, 2022:23-34).

Over the historical tensions, there is an internationally recognized border between the two countries, based on the following structure. The border between Romania and Hungary has a total length of 448 km, of which 415.9 km land and 32.1 km river (the Mures, Cris, Someş rivers) (National Institute of Statistics, 2011:11). On the Romanian side there are four counties, Satu Mare, Bihor, Arad and Timiș. On the Hungarian side there are Szabolcs-Szatmár-Bereg, Hajdú-Bihar, Békés and Csongrád. All the 8 counties are classified as NUTS III and are integrated in 4 regions of level NUTS II¹.

The Romanian Hungarian Border covers the South-Eastern and Eastern part of Hungary and the North-Western and Western part of Romania. The eight counties have a total surface of 50,454 km², of which 43.7% Hungarian and 56.3% Romanian area.

The Hungarian territory is 23.7% of the total surface of Hungary, and the Romanian part is 11.9% of Romania. The total population in 2011 was more than 4 million, of which slightly less than half lives in Hungary, and slightly more than half lives in Romania (Hungary-Romania Cross-Border Cooperation Programme, 2023).

The events, which took place in 1989-90, caused a new situation on both sides of the Romanian-Hungarian border. While the border between the two countries has been transformed into a formal border, their cooperation has become even closer. We witnessed the change in the functional role of borders, by changing their perception from barriers that divide to borders that connect (Bărbulescu, 2015:305-310). Related to this phenomenon

¹ The counties Szabolcs-Szatmár-Bereg and Hajdú-Bihar belong to Észak-Alföld Region; the counties Békés and Csongrád are part of Dél-Alföld Region; counties Arad and Timiș belong to West Region; counties Satu Mare and Bihor are part of the North-West Region. For further details it can be seen Eurostat, Regions in the European Union, Nomenclature of territorial units for statistics, NUTS 2006 /EU-27, http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-RA-07-020/EN/KS-RA-07-020-EN.PDF, accessed in June 20, 2023

of border transformation, we can say that the new political and economic situation promoted at the European level aims to standardize the policies regarding the role of the border between countries and transform them into areas of convergence, of major economic and cultural interest. In parallel, the military function of the border lost its supremacy in favor of a purely administrative function. The Romanian-Hungarian border has changed from a hard, closed, forbidden border to a soft, open and welcoming border.

In the three decades since the events of 1989-1990 we have witnessed not only a shaping of the geographical border in terms of stimulating cross-border traffic flow or cross-border cooperation, but also a mutation from ethno-national to cosmopolitan mindsets (Săraru, 2011:88).

In the process of EU-integration the Hungarian-Romanian state border is becoming even more permeable as well. Despite the fact, that Romania is not member of the Schengen Agreement, crossing the borderline between the two neighbouring countries is much easier than a few years earlier. The growing permeability of the European borders contributes to the unification of the economic potentials of the neighbouring areas supplying benefits on regional and local level.

Even if Hungary joined the European Union on 1 May 2004 and Romania on 1 January 2007, by the common European destiny of the two states, they are obliged to achieve a strengthened partnership focused on increasing their welfare and harmonious economic development (Popoviciu, 2013:25-27).

Political and territorial changes of the Romanian-Hungarian border 1918 – 1945

At the turn of the century, both countries were attracted and then dragged into armed clashes between the military blocs of the time, whether they were called the Entente and the Central Powers, or later the Allied Powers and the Berlin Rome-Tokyo Axis. After these armed clashes the perception and the role of the borders has become increasingly negative.

The end of the First World War and the breakup of the multinational empires in Europe created the conditions for drawing new borders.

June 4 marks the 105th anniversary of the signing of the Treaty of Trianon, the document that established the borders after the First World War and through which Hungary lost three quarters of the territory it had administered. Transylvania then became, from a legal point of view, part of Romania, after the de facto union took place on December 1, 1918.

In this period, mainly as a post-war consequence we can observe the volatile nature, character of the borders, which is specific to the interwar period. The main causes of the volatile character of the borders are mainly coming from the several and radical political and administrative changes implemented in this period.

Another phenomena representative for this period, which contributed to the volatility of the borders is the migration. In this period migration of more than 200.000 people was registered. The above-mentioned effects and several other period specific issues were supported the most by the population from the border area.

Even though a new border was drawn, even though several changes were implemented by the new Romanian administration, the objective was the same, to keep the relations between the communities, to keep the flow of the goods between the two sides of the border. This was especially important, since the demographic composition from the cross-border area did not change significantly after the Trianon decisions and

the establishment of new borders. This way razing social tension were avoided in an already confused and instable context and territory.

Another important objective was to assure a peaceful transition in the new Romanian territories, with a special regard on the border area.

Before the Trianon Treaty there were several proposals regarding the new border line between Romania and Hungary. The map below represents an inventory of the proposal.

Map 1. Variants for tracing the Romanian-Hungarian border proposed at Trianon (1920)



Legend: 1. Requested by Romania in 1916; 2. Proposed by British experts; 3. Proposed by French experts; 4. Proposed by Acad. Gyula Varga in 1912; 5. Proposed by American experts; 6. Proposed by Italian experts; 7. Proposed by Serbian experts; 8. Proposed by Count Stephen Bethlen in 1912; 9. Present border, after Trianon (1920)

Source: Radu Sageata, *The Evolution of the Ethnic and Political Romanian-Hungarian Border As Reflected in Sources, Transylvanian Review XXVIII(4):3-22*

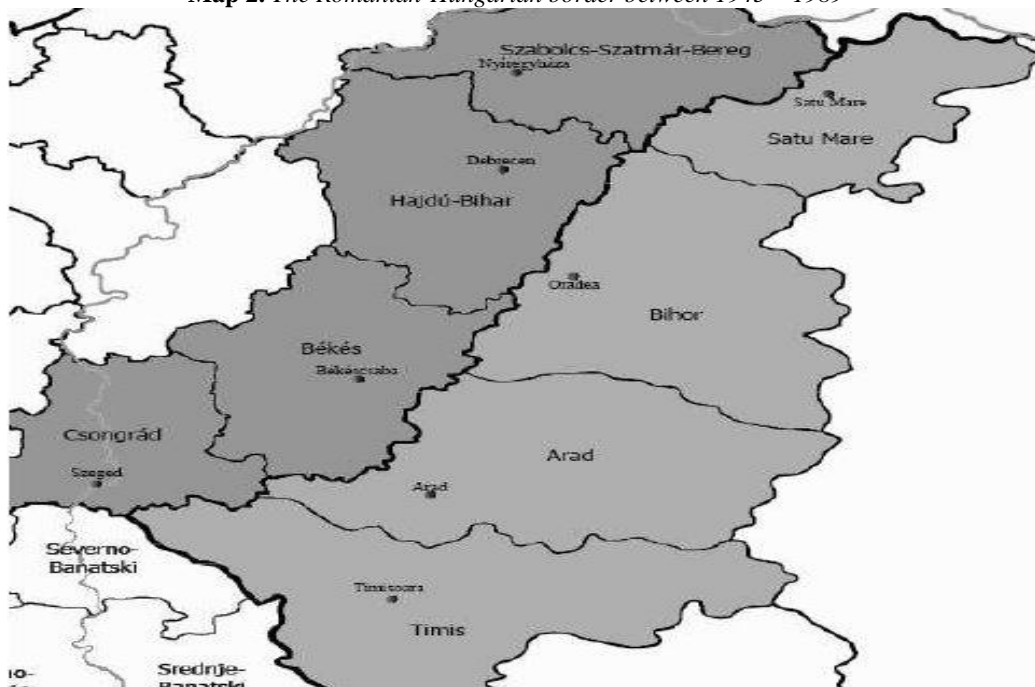
After the First World War, as the Austro-Hungarian monarchy was disassembled and Transylvania passed under Romanian administration, the cross-border area between the two countries and its features passed through radical changes. The historical and the geopolitical context presented above and the need of future cooperation demand the

necessity of further research and investigation on the topic, especially on the way, how the border between the two countries was drawn.

Political and territorial changes of the Romanian-Hungarian border 1945 – 1989

Communist Europe was constituted in its turn in a separate structure. Unlike Western Europe, the binder of this superstructure was the common ideology, not interpersonal relations, maintained when needed including through armed interventions (Delureanu, 1999:368). Such events demonstrate the inability of communist ideology to build a social order based on justice and freedom. The ethnic intolerance that marked the history of Europe over the centuries did not find its cure even under the dome of proletarian internationalism (Marino, 1996:398). The communist system did nothing but freeze and preserve the seeds of inter-ethnic adversity. The results of this pseudo-policy were seen as soon as the system collapsed (Delureanu, 1999:349-353).

Map 2. The Romanian-Hungarian border between 1945 – 1989



Source: <https://interreg-rohu.eu/en/eligible-area/> (black&white edition)

After 1945, the Romanian-Hungarian relations were officially presented as normal, ordinary connections between two socialist, friendly states. But beyond official relations of good neighborliness, in certain historical situations several points of divergence existed. These were generated by the numerous differences inherited from the specific history of the two states and nations. One of the determinant factors in bilateral relations was the issue of minorities, especially the situation of the Hungarian minority from Romania.

During the communist years, to cross the state border was extremely rare, reserved for only a few people, under certain conditions, and those in communist states approved after many checks and generally for organized trips with the group. Permanent possession

of a passport was not possible, so the freedom of movement of people beyond the borders of the country was seriously restricted (Marga, 1997:92).

In terms of domestic affairs but also in terms of foreign affairs, neighborly relations and border control we divide the so-called communist period in 3 main “chapters” or periods which affect the perception and the rigidity or flexibility of the border.

The first period is focusing on the **perception of the border in the spirit of the Marxist-Leninist ideology 1948-1960**

In the first half of the 50’s similar political and social processes took place in both countries: consolidation of the Stalinist dictatorship, socio-economic transformations and so on (Boia, 1997:67). The 1956 Revolution represented a turning point in the relations between the two states (Ionescu-Gură, 2005:329). Over the diplomatic negotiations and constraints, the Romanian side considered that revolutionary events represent a revival of nationalism and Hungarian revisionism.

On the Hungarian side the Kadar regime, ideologically was based on an internationalist, anti-nationalist discourse. At the beginning of the period we can speak about a certain Kadar-Dej relation and political help (regarding the deportation of Imre Nagy, PM of Hungary during the revolution from 1956). This political relation, attitude and support made the question of the Hungarian minority ignored, especially in terms of border crossing and cross-border relations.

The second period is dedicated to the **national unity in the national spirit of communism 1960-1985**

During this period several changes were implemented in the relation of the 2 countries. The political system from Romania started to put a higher pressure on the Hungarian minority from Transylvania (Solomovici, Theodorescu, Stănescu, 2004:81). Even though the two countries were in the same ideological block, the issues and the question of the Hungarian minority from Transylvania made bilateral relations almost non-existent (Boia, 1997:67). Borders became frozen with a very limited traffic. In this period new laws appeared in the Romanian legislation which stipulated the visit and accommodation of Hungarian citizens in Romania.

The third period was characterized by a deep **deterioration of the relations and strengthening of borders 1985-1989**

Traveling, border crossing was very difficult. During an official visit to Budapest of a Romanian delegation, led by Emil Bobu (vice PM of Romania) it was mentioned that traveling is so difficult, that it was easier in the Horthy-Antonescu period, during the II World War.

A permanent issue which created tensions between the two administrations, making cross-border cooperation impossible was the Hungarian community from Transylvania. Another issue was focusing on the problem of the political refugees (Nastasă, Varga, Andreescu, Zub, 2003:61).

After 1986 there were some attempts for de-tensioning the situation and to make border crossing easier, at least for the population from the cross-border area. This action was focusing on the permission of the so called, small border traffic. This action was introduced first on the border with Yugoslavia, but starting from 1986 it was practiced also on the Romanian-Hungarian border.

The perception of the border during the communist times changed in accordance with the so called societal development process, from the “proletarian internationalism” of

the 1948-1960, when Romanian-Hungarian brotherhood and understanding in work and daily life were imposed, to the “national communism” of the 1960-1989, when the Romanian-Hungarian political conflicts during the first half of the 20th century were shown and explained closer to the reality of the time.

Political and territorial changes of the Romanian-Hungarian border 1989 – present

The events, which took place in 1989-90, caused a new situation on both sides of the Romanian-Hungarian border. While the border between the two countries has been transformed into a formal border, their cooperation has become even closer. We witnessed the change in the functional role of borders, by changing their perception from barriers that divide to borders that connect (Bărbulescu, 2015:305-310).

Related to this phenomenon of border transformation, we can say that the new political and economic situation promoted at the European level aims to standardize the policies regarding the role of the border between countries and transform them into areas of convergence, of major economic and cultural interest.

Map 3. *The Romanian-Hungarian border between 1990 – present*



Source: <https://interreg-rohu.eu/en/eligible-area/>

In parallel, the military function of the border lost its supremacy in favor of a purely administrative function. The Romanian-Hungarian border has changed from a hard, closed, forbidden border to a soft, open and welcoming border.

In the three decades since the events of 1989-1990 we have witnessed not only a shaping of the geographical border in terms of stimulating cross-border traffic flow or cross-border cooperation, but also a mutation from ethno-national to cosmopolitan mindsets (Săraru, 2011:88).

In the process of EU-integration the Hungarian-Romanian state border is becoming even more permeable as well. Despite the fact, that Romania is not member of the Schengen Agreement, crossing the borderline between the two neighbouring countries is much easier than a few years earlier. The growing permeability of the European borders contributes to the unification of the economic potentials of the neighbouring areas supplying benefits on regional and local level (Polgar, 2022:23-24).

Even if Hungary joined the European Union on 1 May 2004 and Romania on 1 January 2007, by the common European destiny of the two states, they are obliged to achieve a strengthened partnership focused on increasing their welfare and harmonious economic development (Popoviciu, 2013:25-27).

After the change of regime, from the beginning of 1990s the citizens of Central and Eastern Europe could move freely. At the beginning of the 1990s new border stations were opened one after the other and the frontier traffic increased considerably. Mainly the shopping tourism's growth was behind the increase of the trips' number and especially the border regions' inhabitants were concerned in it.

Map 4. *Border crossing points on the Romanian-Hungarian borderline between 1990-2004*



Source: <https://www.politiadefrontiera.ro/en/main/1--map-with-the-itinerary-of-the-open-border-crossing-points-at-the-romanianhungarian-border-7592.html>

Different relationships built on the cultural and financial similarities and interests were formed successively among those settlements, which lie on both sides of the border. Naturally the fact that there are communities on both sides of the border, which belong to the same ethnic groups, was a motivational factor in the deepening of the border regions' relationships. It had a positive effect on the concerned regions relationships and it deepened the cooperation among them (Polgar, 2021:392-405).

Based on the common elements mentioned above, based on the needs of the local community, based on the European context and the demand from the economy the development and the opening of new border points continued.

The central authorities together with the local authorities from both countries established an intensive program for crossing the Romanian-Hungarian border on ten new border points with cross-border roads, all built with European funding, allocated within the HU-RO cross-border cooperation program 2007-2013. The aim of these actions was to ensure the use of these cross-border roads as widely as possible within the limits allowed by the applicable legal framework, including the Agreement between the Government of Romania and the Government of Hungary regarding road links across the Romanian-Hungarian state border, until Romania's accession to the Schengen area (Ministry of Internal Affairs, 2023). Based on the consultation between the two states authorities, these border points were supposed to have a permanent regime.

These border points were: Nădlac – Csanadpalota, Peleş – Zajta, Bercu – Garbolc, Horea – Omboly, Variaşu Mic – Dombegyhaza, Grăniceri – Elek, Cheresig – Körösnagyharsány, Iarmata Neagră–Dénesmajor, Roşiori – Pocsaj, Voivozi – Bagamer (Romanian Border Police, 2023).

Conclusions

The border between Romania and Hungary has gone through allot of changes in terms of understanding the space of a culture, race, religion, city or nation. Growing from physical walls, intense militarized areas to a formal understanding of regions with no physical boundaries or restrictions of any kind, the frontier or the border, has been an area of the utmost importance to the different branches of science.

The border region is the collision point of cultures, religions, languages, administrations, legislations and economic influences. All these factors have substantial contribution to the development of the phenomenon called cross-border cooperation.

Border regions have a peripheral geographical position and often an unfavorable economic situation. Due to these characteristics, they start with a significant disadvantage in the development and integration process.

Starting from the observation that apparent abolishing of borders has not led to the expected cross-border interaction and that borders are not only tangible barriers and other concepts and factors like cultural differences, previous historic happenings and lack of infrastructure, can be a trigger or a stop button for the cooperation in border areas.

The issue of cross-border cooperation in general goes beyond geographical, economic and legal approaches. If we intend to treat the phenomenon from a specific point of view, we will find ambiguities and uncertainties regarding the role and functioning of some institutions in the process of cross-border cooperation and partnerships.

Therefore, the full analysis of the cross-border cooperation process cannot be done only if we also evaluate the effects produced by the institutions in the local governance sector and their political dimension.

At present, cross-border cooperation has proven to be the most effective tool for overcoming the barrier effect and the role of border separation and for strengthening the territorial cohesion of border regions.

Cross-border cooperation can be defined in relation with direct collaboration between neighboring regions, found along a border, regardless of the level at which this partnership is achieved. Cooperation can be achieved in all areas, between all national, regional and local authorities, involving all actors.

Cross-border cooperation is an important element of the European integration process. Based on the research carried out in the border regions, we can say that the development of joint programs oriented towards innovation and institutional cooperation can represent the solution for the success of the territorial development of the border areas.

On the other hand, there are specific problems in each border region. The role and level of involvement of the various local or regional actors in the construction and realization of partnerships and strategies regarding cross-border cooperation differ.

Cross-border programs and development are relevant to the extent that they do not consider the borders as almost exclusively barriers that have to be overcome. What has to be done is to make the inhabitants of the border-regions aware of these differences along the border, and consequently of each other. The other side should stay and/or be made relevant and attractive. In that case people should be encouraged to change their mental disposition towards the border, or to be more precise, towards the other side. To consider the other side, including its differences and unfamiliarity, is as relevant as it is a necessary, albeit insufficient, precondition for interaction.

The Hungarian-Romanian border, from the fall of communism and from the Trianon Treaty, has changed its status of hard, close, exclusive border to that of soft, open, inclusive frontier. In the process of EU-integration the Hungarian-Romanian state border is becoming even more permeable as well.

BIBLIOGRAPHY

- Athanasiu, Alexandru, "Foreword", in *"The Frontier Worker – New Perspectives on the Labor Market in the Border Regions"*, ed. Adrian Claudiu Popoviciu, Dana Cigan, 7-8, (Bucharest, C.H. Beck, 2013).
- Bărbulescu Iordan Gheorghe, *Noua Europă. Identitate și model European (New Europe. European identity and model)*, Polirom, 2015, p. 305-310
- Bărbulescu Iordan Gheorghe, Brie, Mircea, Toderaș, Nicolae, *Cooperarea transfrontalieră între România și Ucraina, respectiv între România și Republica Moldova. Oportunități și provocări în perioada 2014-2020*, Institutul European din Romania, Bucuresti 2016 p. 22-26
- Beck, Joachim, *Grenzüberschreitende Zusammenarbeit im Prozess der Europäischen Integration*, in: Wassenberg /Beck (Hrsg.), *Living and researching cross-border cooperation* (Vol. 3): *The European Dimension of Cross-Border Cooperation*, Stuttgart (Steiner Verlag), 2011, p. 129 – 148
- Beck, Joachim, *Cross-border cooperation and the challenge of transnational institution-building – the example of the European Grouping of Territorial Cooperation (EGTC)*, in RECERC no.1 Spécial, 2017, available at <http://recerc.eu/wp-content/uploads/2017/10/R9beck.pdf>
- Boia, Lucian, *Istorie și mit în conștiința românească (History and myth in the Romanian consciousness)*, Humanitas, București, 1997, p 67
- Border crossing points on the Romanian-Hungarian borderline, according to the data received from the Romanian Border Police. <https://www.politiadefrontiera.ro/ro/traficonline/>, accessed in February 22, 2023
- Brie, Mircea, *The European Neighborhood Policy, Mass-media and Cross-border Cooperation*, în *Analele Universității din Oradea, Seria Relații Internaționale și Studii Europene*, 2009, p. 83.
- Delureanu, Ștefan, *Geneza Europei comunitare: mesajul democrației de inspirație creștină (The genesis of community Europe: the message of Christian-inspired democracy)*, Editura Paideia, București, 1999, p. 368
- European Committee of the Regions, *COR-2020-02615-00-00-AC-TRA (EN) 19/418*, Bruxelles, 2021

- Hungary-Romania Cross-Border Cooperation Programme, http://www.huro-cbc.eu/en/programme_area, accessed in June 20, 2023
- Ilieș, Alexandru, *România între milenii. Frontiere, areale frontaliere și cooperare transfrontalieră*, Editura Universității din Oradea, 2003, p. 92-97
- Ionescu-Gură, Nicoleta, *Stalinizarea României. Republica Populară Română 1948-1950: transformări instituționale (Stalinization of Romania. Romanian People's Republic 1948-1950: institutional transformations)*, Editura All, București, 2005, p. 329
- Marga, Andrei, *Filosofia unificării europene (The philosophy of European unification)*, Biblioteca Apostrof, Cluj, 1997, p. 92, 140
- Marino, Adrian, *Revenirea în Europa: idei și controverse românești : 1990-1995 (The return to Europe: Romanian ideas and controversies: 1990-1995)*, Editura Aius, București, 1996, p. 398
- Ministry of Internal Affairs of Romania, Transit of operational border points on the border with Hungary under permanent regime <https://www.mai.gov.ro/tranzitarea-punctelor-de-frontiera-operationale-la-granita-cu-ungaria-in-regim-permanent-au-fost-eliminate-intervalele-orare-care-generau-cozile-de-la-granita-cu-romania/>, accessed in February 22, 2023
- National Institute of Statistics, Statistical yearbook 2011, Geography, Meteorology And Environment, p. 11, http://www.insse.ro/cms/files/Anuar%20statistic/01/01%20Geografie_ro.pdf, accessed in June 20, 2023
- Nastasă, Lucian, Varga, Andrea, Andreescu, Andreea, Zub, Al, *Minorități etnoculturale, mărturii documentare: maghiarii din România (1956-1968) (Ethnocultural minorities, documentary evidence: Hungarians in Romania (1956-1968))*, Centrul de Resurse pentru Diversitate Etnoculturală, București, 2003, p. 61
- Pantea Lucia, Mircea Brie, *The Role of International Cooperation in Bihor County's Sustainable Development Strategy*, in *Analele Universității din Oradea, Seria Relații Internaționale și Studii Europene*, 2020, p. 47.
- Polgár, István, *Romanian-Hungarian cross border cooperation and the impact on transnational institution building and EU fund absorption* in *Annals of University of Oradea, International Relations and European Studies Series Tom XIV*, Editura Universității din Oradea, 2022, p. 23-24
- Polgár, István, *The impact of territorial governance structures from Bihor County on cross-border cooperation during 2014-2020*, in *Journal of Romanian Literary Studies* nr. 25/2021, p. 392-405
- Polgár, István, *The Phenomen of Migration and Integration of Minorities in the European Union* in *Migration and European Integration of Minorities*, ed. István Polgár, Ioan Horga, Mircea Brie, (Saarbrücken: Lambert Academic Publishing, 2016), p. 9-11
- Popoviciu Adrian Claudiu, "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, Dana Cigan, 25-27, Bucharest, C.H. Beck Publishing House, 2013
- Ricq, Charles, *Manual de cooperare transfrontalieră pentru uzul colectivităților locale și regionale în Europa*, Ediția a 3-a, București, 2000, p. 8-15
- Săraru Cătălin-Silviu, *Considérations sur les accords de coopération transfrontalières entre les unités administratives-territoriales limitrophes des zones frontalières de la Roumanie et les structures similaires dans les pays voisins*, in *Curentul Juridic*, nr. 2(45)/2011, p. 88.
- Solomovici, Teșu, Theodorescu, Răzvan, Stănescu, Sorin Roșca, *Securitatea și evreii: despre călăi și despre victime (Security and the Jews: about executioners and victims)*, Editura Ziua, București, 2004, p. 81

I. THE ROLE OF CIVIL SOCIETY IN THE DEMOCRATISATION AND EUROPEAN INTEGRATION PROCESS OF CENTRAL AND EASTERN EUROPE

Jubjana VILA, Iris BUCIQI – *Civil Society Organizations, Regional Cooperation and Reconciliation in the Western Balkans*

Maria Manuela TAVARES RIBEIRO – *Europe – Crucial and Existential Pillar in Democratic Portugal*

Kudzai Cathrine BINGISAI – *Role of Civil Society Organization (CSO'S) in the Romanian Democratic Processes*

Alina STOICA, Bianca SFERLE – *Transylvanian Ethnic Mosaic Enhancing Local Culture*

István-József POLGÁR – *The Role of Civil Society Organisations in the Development of New Forms of Territorial Cooperation in the Western Balkans*

CIVIL SOCIETY ORGANIZATIONS, REGIONAL COOPERATION AND RECONCILIATION IN THE WESTERN BALKANS

*Jubjana VILA**
*Iris BUÇIQI***

Abstract: *Western Balkans region's stability and security has been jeopardized by numerous protracted political, territorial, ethnic, and religious conflicts. Internal or EU driven initiatives fostering regional cooperation and reconciliation are considered as important mechanisms to overcome legacies of the past in the region. Beside governmental and international actors, the role of civil society organization (CSOs), as non-governmental actors, is significant in the promotion of regional cooperation and reconciliation through their engagement in peacebuilding and democratization initiatives in post-conflict societies in the Western Balkans. This study aims to comprehend the role of these organizations in the framework of regional cooperation in the Western Balkans. It explores the relevance of civil society organizations in enhancing regional collaboration through a comparative analysis of the main characteristics of CSOs across the region.*

Keywords: *civil society organizations, regional cooperation, reconciliation, conflict, Western Balkans*

1. Introduction

1990s were characterized by conflicts, violence, and wars in the Western Balkans shattering regional stability and security and leading to profound social and political consequences at individual, state and regional level. After more than two decades in a post-conflict environment, the legacies of the conflictual past are still vivid. There are continuous internal and EU driven efforts for the establishment of the sustainable peace through reconciliation and regional cooperation in the Western Balkans. The European Union is a proactive actor in promotion of peace and stability in the region based on the EU membership aspirations of the Western Balkan countries. The EU has been particularly invested in the reconciliation initiatives in the region (Minić, Nechev, and Nikolovski, 2019). It has associated reconciliation with regional cooperation within the framework of the EU membership conditionality. According to Minić, et al. (2019), civil society is a potential actor in the promotion of regional cooperation as it “stands high in the EU accession process and the expanding regional cooperation”. Beside the contextual relations, civil society and regional cooperation are connected on a theoretical ground as well through the new regioenalism approach that focuses on the role of non-state actors, like civil society organizations, in regional cooperation and integration. Considering the theoretical and practical connection between civil society, regional cooperation and reconciliation and the gap of studies mapping regional civil society organization in the Western Balkans, this study aims to explore the regional civil society organization

* Dr., Epoka University, Tirana, Albania, E-mail: jvila@epoka.edu.al

** Epoka University, Tirana, Albania, E-mail: ibuciqi18@epoka.edu.al

promoting reconciliation under the framework of regional cooperation in the Western Balkans. Based on the qualitative research approach, it offers an analysis of the characteristics of regional civil society organization and networks to reconciliation and their organizational capacities to enhance regional cooperation and reconciliation in the Western Balkans. To achieve its purpose, the study examines regional CSOs in terms of their typology, target group, area of intervention, geographical scope, infrastructure, institutional linkages, funding, and projects. CSOs with regional spreading and working on reconciliation are included in this study.

2. New Regionalism, Regional Cooperation and Reconciliation.

Regionalism is a political process characterized by cooperation and regionalization is a social, bottom-up process, involving interaction (Mansfield & Solingen, 2010; Söderbaum & Shaw, 2003). Various forms of regionalisms and regionalist projects have evolved throughout the world starting from mid-20th century made visible through the (re)emergence, revitalization or expansion of regional projects and organizations. Regionalism has been attributed two main waves that emerged in the late 1940s and mid-1980s and were referred to by scholars as the old and new regionalism (Hettne & Söderbaum, 2000). The first wave emerged based on experiences of the Second World War and inter-state war nationalism (Söderbaum & Shaw, 2003). The appearance of the new regionalism was accompanied by several global occurrences such as the shift in the bipolar structure of the Cold War; increased openness from the USA toward regionalism; establishment of economical actors: the European Union, the Asia-Pacific, and the North American Free Trade Area; growth of transnationalism and different forms of interdependence; globalization of new sectors; the expanding significance of Non Trade Barriers and concerns over multilateral trade (Hettne & Söderbaum 1998; Hettne & Söderbaum, 2000). The difference among two approaches rests on issues, orientation and actors involved in processes (Hettne, 2003). According to Hettne (2003), old regionalism takes a state-centric approach and highlights inter-state cooperation while the New Regionalism Approach (NRA) recognizes also the involvement of non-state actors like civil society organizations in these processes. Also, new regionalism recognizes accelerating global interdependence and focusses also on cultural and social aspects, beside trade and security matters. Furthermore, the new regionalism considers that these actors will engage in collaborations, networks, and partnerships (Söderbaum, 2004). Overall, “The NRA works with a triangle of regionalising actors, broadly grouped in terms of states (governments), markets (business) and civil society” (Söderbaum, 2007: 6).

The new regionalism approach is in line with explanation of regional cooperation by Schulz, Söderbaum, and Öjendal (2001) as an open process, belonging to regionalization, through which state or non-state actors interconnect under common engagements. Anger (2012) explains regional cooperation as a way of supporting activities whose impacts would be higher through a regional approach. Focusing specifically on the Western Balkans, he considered regional cooperation as a tool to accelerate reconciliation and good neighbor relations, but also to challenge intolerance and nationalism, and encourage dialogue and shared understanding (Anger, 2012). Reconciliation is defined as an inclusive process including the political and the civic domains with the purpose of addressing the needs of different actors (Perry 2009; Petricušić & Blondel 2012). Touquet and Vermeersch (2016) in their study brought forward three different approaches to comprehend the concept of reconciliation. The first

definition relied on the ICTY (International Criminal Tribunal for the former Yugoslavia) which portrayed reconciliation by punishing the perpetrators to avoid the reappearance of conflict, individualizing the guilt, and establishing a historical record. The second derived from the European Union that depicted reconciliation as a diplomatic process that reaches an agreement between states and grassroots, as a precondition for EU accession. Lastly, the third was the civil society approach in which Touquet and Vermeersch (2016) explained specifically the perception of RECOM (Initiative for the Establishment of a Regional Commission), that saw the process of reconciliation as contingent on the recognition of the victims. Devetak (2019: 186) considered reconciliation as increasingly significant in terms of preventing conflict and cooperating in the areas of development and as “condition sine qua non for developing understanding, cooperation, and progress of the Western Balkan region”. The OSCE defines reconciliation as the process of eroding the vicious cycles of shared misconceptions and separative memories linked with violent actions, through political and social transformations, with intention to overcome conflicts (Mastorocco, 2020). Based on the ‘New Regionalism Approach’ and important role of regional cooperation and reconciliation in the establishment of sustainable peace, this study aims to explore the role of civil society organization in cooperation and reconciliation in the Western Balkans.

3. Civil Society Organizations (CSOS) and Reconciliation

The literature on civil society is quite rich due to numerous conceptualizations of this notion. The term can be understood as the social areas between the private section and the state where self-organization is feasible (Bryant 1995, as mentioned in Mastorocco, 2020). Amidst a range of definitions, a common point of agreement regarding what civil society constitutes is: voluntary acts autonomous from the state, that are collective and try to reach common interests and objectives (White, 2004 as mentioned in Fischer, 2011). Liberal approach looks at civil society organizations and groups as playing a vital role in facilitating the representation of interests in society. A more expanded interpretation of the term is forwarded by Rigby (2006) who adds that beside representation, through training in democracy and citizenship they contribute in enabling participation. Hence, they are defined as significant infra-structural links between the state and the society (Rigby, 2006). According to World Bank (2005: 3), CSOs are “not-for-profit organizations which have a presence in public life, expressing the interests and values of their members or others, based on ethical, cultural, scientific, religious or philanthropic considerations”.

Civil society organizations have been engaged considerably in reconciliation and regional cooperation. The literature of CSOs covers notably the strengths and limitations of these actors. They can foster tolerance and shared trust and provide direct information concerning the local setting via citizen participation (Volčič & Simić 2013). Also, CSOs can work as intermediaries between the people and elites and can undertake peace and reconciliation initiatives that the state is unable or unwilling to (Rigby, 2006). Fischer (2011) discusses in general terms the relationship between reconciliation and civil society stating that NGOs have been more active in the prevention of conflicts, peacemaking, and peacebuilding and points out political independence, flexible mandates, high standards of credibility, and their impartial roles among strengths of these organizations. More particularly, they have been engaged with third-party intervention as a form of preventive diplomacy, mediating, dialogue facilitating, negotiating, informal exchange, networking, and more (Fischer, 2011). Furthermore, according to Ricigliano (2003), they can initiate

new ideas, establish informal methods of communication, and create informal networks (as mentioned in Fischer, 2011). Some limitations are displayed by NGOs such as: being influenced by state or other actors' interests, norm/values exportation without considering the local contexts, interference in internal state affairs, lacking legitimacy, accountability and transparency, lack of coordination between civil society actors (Söderbaum, 2007; Fischer, 2011; Mastrococco, 2020). Fischer (2011) has also criticized NGOs involved in reconciliation in terms of lacking knowledge of general social and economic realities of the areas where conflict is happening or has happened. This study aims to avoid this criticism through its focus on regional civil society organizations as more sensitive, informed and aware of local and regional context and dynamics.

Rigby (2006) groups reconciliation initiatives in three clusters: Memory Work (Dealing with the Past), Human Security (Peace work) and Making Things Right (Justice Work). The first cluster consists of reconciling with the present situation by reframing what has happened in the past and it is divided into tasks on Dealing with Personal Trauma and Truth Commissions. The second cluster is concerned with building personal and collective security and includes five sub-categories of activities: Early Warning and Peace Monitoring; Human Rights Advocacy, Education, Training and Capacity Building; Bridge-Building; Mobilizing Peace Constituencies and Lobbying for Peace; and Reintegration of Combatants. The last cluster focuses on reconciliation as a process exploring how justice work is conducted and is divided into Retributive and Restorative Justice, and Relief and Reconstruction acts (Rigby, 2006). Hence, the CSOs through their involvement in the above-mentioned initiatives can play an essential role in reconciliation. This study aims to explore the involvement of regional CSOs in the WB in reconciliation initiatives and their capacities to play a role in that regard.

4. Regional Civil Society Organizations and Reconciliation (RCSOS) in the Western Balkans

The breakup of Yugoslavia, associated with the dynamics of the end of the Cold War, created many grievances, ethnic tensions, and violent conflicts in the Western Balkans. Even though, the age of widespread violence appears to be left behind, the legacy of the conflictual past has created persisting issues and unresolved disputes with Kosovo and Bosnian issue dominating the conflict resolution agenda of the region. Succeeding the conflicts in the Western Balkans, there were attempts to foster regional peace through cooperation (Minić, Nechev, & Nikolovski, 2019). The Western Balkans civil society has practiced its role in reconciliation through regional cooperation. This civil society has thrived as a consequence of support coming from external actors like Organization for Security and Cooperation in Europe (OSCE) and European Union (EU).

Minić et al. (2019) identify the European Union as an initiator in such a process immediately after the ending of the war in Bosnia and Herzegovina, through the launch of the EU Regional Approach in 1996. The authors describe the initiative as a founding stone in the development of a regional approach for the construction of a post-conflict framework in the region. Regional Approach served as a supporter of the previous peace agreement and strived for stability and economic well-being (Minić et al. 2019). In the upcoming years, specifically in 1999, as Minić et al. show other regional initiatives were created for the purpose of promoting reconciliation through regional cooperation. The Stabilization and Association Process (SAP) and Stability Pact for South Eastern Europe followed the same approach (Minić et al. 2019). According to the EU enlargement

strategy, “good neighborly relations are “essential elements of the Stabilization and Association process ...” and, as such, are closely monitored by the Commission at all stages of the accession process (Anger, 2012: 7). The strategy states that “Regional cooperation underpins and enhances reconciliation in a region that suffered major conflicts in the recent past” (Anger, 2012: 7). Since the launching of SAP, Western Balkan regional cooperation and civil society development became the inseparable essentials of recovery and stabilization. Since then, the specific weight of civil society in the SAP, as well as in regional cooperation has steadily grown (Minic, et al., 2019). The European Union has also been supporting the civil society networks in the region through the Civil Society Facility program (Minić, Nechev, and Nikolovski, 2019). According to Minić, et al. (2019), numerous organization networks working in the areas that the EU put as a condition for accession, benefited from the funds of the program. In addition, the scholars listed several regional initiatives and projects of regional cooperation which incorporated the civil society level. International organizations like the Regional Cooperation Council (RCC), The Migration, Asylum, Refugees Regional Initiative, and The Western Balkan Fund (WBF); platforms like The Education Reform Initiative of South Eastern Europe and the Network of Associations of Local Authorities in South East Europe, were established (Minić, et al., 2029). Most importantly, as the scholars show, Regional Youth Cooperation Office (RYCO) was instituted as a regional civil society organization that tackles reconciliation through youth-targeted regional cooperation. The civil society in the Western Balkans, according to Kostovicova (2013), has played a crucial role in the process of reconciliation between the states of the region. Moreover, credit should be given to the civil society for bringing the matter of war crimes accountability into the Balkans agenda, for serving as a watchdog in policies, and for creating channels of contact between ethnic division within and among the states of the region (Kostovicova (2013). Nevertheless, at the same time, civil society organizations in the regions can make reconciliation difficult to achieve due to their weak capacity, ethnic fragmentation, lack of financial autonomy, and the impact of an illiberal political environment on them (Kostovicova, 2013).

In order to understand the role regional CSOs in reconciliation in the Western Balkans, this qualitative research will map characteristics of seven CSOs focusing on their typology and organizational capacity. In total seven regional CSOs are analyzed based on two main selection criteria that is being an organization that has a regional spreading across borders of the Western Balkan region and working on reconciliation initiatives with the purpose of enhancing regional cooperation and promoting peaceful relations. The analyzed organization include: Humanitarian Law Center (HLC), Youth Initiative for Human Rights (YiHR), Regional Women’s Lobby in South East Europe (RWLSEE), South East European Youth Network (SEEYN), Post-Conflict Research Center (PCRC), RECOM (Regional Commission) Reconciliation Network), Regional Youth Cooperation Office (RYCO). The civil society organizations involved in the study show displayed different founding years from 1999 to early 2000s. The most recent one being RYCO, established in 2016 and the eldest SEEYN, created in 1999. The rest belong to the periods 2003-2010.

5. Regional CSO's Characteristics, Role and Organizational Capacities for Reconciliation

5.1. Organizational Profile and Typology

Based on Rigby's (2006) categorization of the typology of the CSOs based on their reconciliation initiatives, this study reveals that their initiatives mostly belong to categories of Peace Work and Memory Work. Regional Youth Cooperation Office (RYCO) falls under the Peace Work classification focusing specifically on Education, Training, and Capacity Building and Bridge-building. The main purpose of RYCO stands on youth mobility in the region and youth empowerment. The South East European Youth Network (SEEYN), as a CSO/N with broader scope, has peace development as one among its areas of interest. Accordingly, most of its projects are concentrated in peace related initiatives, namely peacebuilding, and its undertakings stick to Education, Training and Capacity building. The Youth Initiative for Human Rights (YiHR) breaks down into five branches: YiHR Croatia, YiHR Bosnia-Herzegovina, YiHR Kosovo, YiHR Serbia, and YiHR Montenegro, and each one of these organizations organizes projects, and/or activities concerning reconciliation. Across the branches, explaining to youngsters about war crimes, victims, the importance of commemoration, exchanging narratives, promotion of human rights and so on, appear to dominate the scope of purposes of YiHR. On a regional level, most of the reconciliation activities of the umbrella organization lean more toward Memory Work. The Regional Women's Lobby in South East Europe (RWLSEE), as a regional peacebuilding organization is revealed to come under Rigby's Peace Work categorization and slightly under Justice Work grouping. Principally, the RWLSEE is involved in Education, Training and Capacity building, Mobilizing Peace Constituencies and Lobbying for peace. The role of the Humanitarian Law (HCL) center in reconciliation is affiliated with the categories of Memory work and Justice work. Initially the organization works with programs that bring forward the truths of the past through publicizing dossiers on war crimes in post-Yugoslavia states, writing a memory book on Kosovo's victims and war, using social media platform to showcase facts of wars. These types of projects are to be associated with memory, nevertheless, yet again they do not necessarily fit any of the Rigby's subgroupings of this section. On the other hand, programs of the Humanitarian Law Center do fit the subcategory of Restorative and Retributive Justice of the Justice Work category. Reconciliation from the perspective of Post-Conflict Research Center is treated mostly from Peace Work perspective. The organization is highly involved in Education, Training, and Capacity building. A large number of its projects are directed towards trainings on human rights, peace, peacebuilding, reconciliation, among others, and are targeting other civil society organizations or the youth. RECOM as a reconciliation network has been established for the sole purpose of "bringing out the truth" from the past. As an actor RECOM's initiatives are directly under the Memory work grouping and Truth Commissions, subsections. The Commissions provide a medium for the hearing to the victim's voices, listening to their experiences during the war period, and fact-checking what has happened.

From the organizational perspective, it was revealed that the majority of the organizations are focused on the youth and their role in the reconciliation process. More precisely, RYCO, SEEYN, and YiHR target a specific age group of the population identified as the youth and direct their activities, objectives, and purposes to this target group. Likewise, the Post-Conflict Research Center in its programs targets mostly the

youth. Nevertheless, its focus also goes beyond the youth as they involve civil society organizations in their initiatives. Furthermore, RWLSEE is concentrated on a specific gender, namely women. Differently from those mentioned, HCL and RECOM's target groups are not clearly defined. RECOM works primarily with victims to deliver their stories, but also their families, associates, civil society, refugees, veterans. Therefore, the truth revealed throughout the commissions is to benefit of much larger audience.

Cross-border initiatives, dialogue building and youth empowerment dominate in terms of the areas of intervention of the regional civil society organizations subject to this study. The dialogue building area is detected in the instances of RYCO, SEEYN, RECOM, YiHR, and RWLSEE. The organizations try to develop interaction at different levels of the society. The youth empowerment area is present in organizations that share youth as their target group such as the Post-Conflict Research Center, RYCO, SEEYN, and YiHR. The latter intervene through their projects in the area of human rights and the rule of law as well as they have undertaken initiatives regarding the protection and promotion of human rights. Furthermore, SEEYN and the Post-Conflict Research Center work in Peace Education by offering trainings and other activities that serve the purpose of providing young individuals with skills and information necessary for the establishment of peace. In parallel RWLSEE, operates in the area of Peace Education and Women, Peace and Security, considering the involvement of the organization/network in including more women in peace processes and the educating programs in the form of academies for constructing mediating, negotiating, peacebuilding capacities.

Regarding geographical coverage, most of the organizations operate throughout the Western Balkan countries and beyond. Only two of them leave Albania out of coverage, specifically, RECOM and YiHR. The latter, does not spread in North Macedonia as well. Despite this, all the CSOs work with at least five Balkan countries. SEEYN is the only with an operating coverage of 12 countries, involving members like Turkey, Bulgaria, Hungary, Slovenia, Greece and Croatia apart from the 6 Western Balkan countries. Moreover, RYCO and Post-Conflict Research Center are the only organizations that work only with Albania, Kosovo, Montenegro, North Macedonia, Serbia, and Bosnia-Herzegovina. A common pattern in terms of membership in almost all these organizations is the involvement of Croatia in their territorial expand.

5.2. Organizational structure and capacities

Concerning the operational capacities, the overview of their web pages, premises, boards, and staffing reveals that all the CSOs have their established web pages, and the vast majority are equipped with boards, staff, and premises. The only organization without official premises is RECOM, whereas the rest have premises in different locations in the Western Balkans. SEEYN and PCRC are located in Bosnia and Hercegovina and RWLSEE in Kosovo. RYCO and YiHR are more enlarged in terms of offices as RYCO has five local offices and one head office in Albania and YiHR has its headquarters in Serbia, Croatian, Montenegro, Kosovo, and Bosnia-Herzegovina.

Regarding the organizational structure most of the organizations are composed of governing and advisory boards, in addition to other organs. When taking into analysis the human resources it is evident that the organizations/networks involved in the research are equipped with staff and the majority feature a clear structure as well. SEEYN is built on a framework that involves a five-member Steering board and Secretariat, and a four-member Advisory Board. In addition, SEEYN counts 300 youth activists, experts,

workers, and around 2400 volunteers. RYCO has a somewhat alike structure as it is composed of a Secretariat of 15 members, Governing Body of 6, and an Advisory Board of 16. The Governing Body is composed of Ministers from the member countries whereas the leading role is held by Secretary General. Besides, the main office the local offices employ a staff of 25 members in total and each office has its head. RWLSEE comprises of a 6-member Steering Committee directed by a Chair, an Advisory Board, 1 Coordinator and 27 members. The Steering Committee gathers women that either have had influential roles in state or non-state institutions, or continue to perform such roles. RECOM is constructed differently from the previous as the network works with an Assembly, a Regional Council, and a Public Advocate. The first body operates with a large number of people as it is formed by the coalition members and manages the network. The Regional Council is a 2-member organ in which the initiators of RECOM are involved and the Public Advocate is an 8-member structure. No qualifications are offered from RECOM on the operating Assembly. Another organization with issues on the structure is YiHR. The network has no central structure, rather is dependent on local branches which follow their own establishments. YiHR Kosovo is equipped by a board and staff; YiHR Bosnia and Hercegovina and YiHR Montenegro both have a Board and an Assembly. The leadership in these branches show experience with civil society and the organization. The two other divisions of YiHR do not present any information regarding the structure they have developed regarding staffing. Nonetheless, in total YiHR includes a staff around 40 people regionally. The Post-Conflict Research Center is built on team of 10 people, 4 Consultants, 6 Practitioner Advisory board, 4 Business Advisors, 7 Academic and Research Advisors, 9 Creative Advisors, and a President of the Advisory Board.

According to the categorization membership or non-membership-based organization, a minority of the actors involved in this work belong to the first grouping. RECOM is a network of 2,050 non-governmental organizations that are concerned with issues of human rights, refugees, etc. As of membership RECOM is the largest followed by SEEYN which is composed of 19 members. YiHR is another membership-based organization that function as a regional network for its five members: YiHR Bosnia and Hercegovina, YiHR Croatia, YiHR Kosovo, YiHR Montenegro, and YiHR Serbia. HCL, RYCO, the Post-Conflict Research Center and RWLSEE are non-membership organizations. All actors function as one sole organization despite having local branches as in the case of RYCO.

RYCO displays a wide array of partnerships with actors of different levels. This organization throughout its projects has partnered with civil society actors, international organizations such as UNICEF, the Franco-German Youth Office, agencies of the United Nations; and state actors. RWLSEE is connected to mainly agencies of the United Nations, and state actors particularly the Swedish government and its embassy in Kosovo. In addition, according to the webpage of the organization they partner with other civil society organizations, experts, and local governments. In its reconciliation project the Post-Conflict Research Center similarly has joined partners belonging to the civil society, local government units like the City of Sarajevo; and international organizations such as the UN Office of the Special Adviser on Prevention of Genocide, International Organization for Migration (IOM). Different from the three above SEEYN, RECOM, YiHR, are mostly partnering with civil society organizations in regard to reconciliation projects. Furthermore, these actors have developed partnerships among each other. YiHR for its projects has been joined by HLC, Post-Conflict Research Center, and RYCO;

SEEYN has partnered with RYCO on few projects; and YiHR is involved in partnership with RECOM.

The research on the organizations/network shows that their funding is dependent of several donors belonging to different categories. SEEYN is funded by organizations like the European Union, private actors, state relate actors, and programs. Similarly, YiHR is funded by the European Union, and other organizations, foundations, and state actors. Donators range also in the instances of PCRC, and RECOM. The Post Conflict Research center gets its fund from the donations of international organizations like the EU, and the World Bank; foundations like The Rockefellers Brothers, private actors like NED, and state actors like OSCE and Slovakia. RECOM shares almost identical donors and categories. RWLSEE does not show a very broad category of donors. The organization reveals mainly UN and its agencies and state actors like Swedish, Finnish, and Norwegian Embassies as main partners and supporters. Comparably, RYCO shows no diversity concerning the donors. The organization is funded in its projects by state actors. Nonetheless, the principal contributors to RYCO are the Western Balkan countries.

Overall, the analysis shows that the majority of the organizations organize activities that belong to the categories of Peace and Memory Work, with only two organizations focusing on Justice Work. Therefore, the reconciling roles that these actors have chosen to perform falls under these categories and their subgroupings. Furthermore, the projects of these organizations are directed towards the youth, as one of the main target groups that appear in the research. Regarding the organizational capacity of the CSO/Ns operating regionally several revelations are made. Initially in terms of area of intervention apart from cross-border initiative, dialogue creation, peace education, and youth empowerment are seen to be the most common domains in which the analyzed organization conduct reconciliation activities. Cross-border initiative is present in all the CSO/N since they operate on a regional level. Nonetheless, not all include every member of Western Balkans. Thus, HCL, PCRC, and YiHR do not involve Albania in their geographical coverage. Thirdly, regarding Membership and Partnerships, the research depicts that the majority of the participants in the work belong to the non-membership organizations, meaning they function solely although the case of RYCO involves the presence of local offices as well. YiHR, SEEYN, and RECOM serve as network composed of local organizations spread through their geographical scopes. The three actors are mostly partnering with CSO in reconciliation projects as compared to the majority that have partnered with various bodies. Fourth with respect to infrastructure, the analysis points out that all the organizations are equipped with webpages and offices, excluding RECOM which does not provide information on the existence of a premises. To add, all the actors operated according to an organizational structure and are staffed. RECOM, SEEYN, and YiHR show problems in identifying the experiences, and qualifications of the leadership and particular YiHR fails to provide information on the organization framework of local branches in Croatia, and Serbia. Data from the project's indicator reveal that most of the organizations are active still through reconciliation programs. Lastly, there is a variety of donors for the vast majority of the participatory CSO/Ns, omitting RYCO and RWLSEE. The first depends profoundly on WB6 donations whereas the latter mainly on UN, and state actors.

6. Discussion and Conclusion

Relying on Rigby's indicators it is evident that reconciliation is approached mainly from a Peace Work and a Memory Work aspect by the analyzed regional civil society organizations/networks in the Western Balkans. The roles played by these organizations are depicted according to the assigned categories. Most of these actors are involved in i) Education, Training, Capacity Building, ii) Bridge Building, and iii) Human Rights Advocacy subcategories of the first grouping. Hence, in line with Ricigliano (2003, as mentioned in Fincher (2011), Borah (2011), and Safa (2007) articulation on the capacities of civil society organizations in creating informal communications, encouraging dialogue, and providing training and skills developing, the majority of the regional civil society organizations analyzed contribute to reconciliation in those aspects. Furthermore, a great part of the organizations organizes projects on Memory Work as a form of preserving stories of victims and war crimes. This positioning in their role in reconciliation is rather not captured by Rigby's categorization but it is perceived as integral in RECOM's understanding of reconciliation as explained by Touquet and Vermeersch (2016). Few organizations like RWLSEE and HCL perform a retributive role in trying to punish the perpetrators as one of the definitions' of ICTY in order to seek justice as elaborated by Touquet and Vermeersch (2016). The role of these organization in the reconciliation is enforced by their areas of intervention as well where youth empowerment appears as a dominant domain. Recognizing the fact that most of the involved organizations target the youth as their focus group it is apparent that the youngsters are perceived essential in the reconciliation process in addition to the victims of the conflicts.

Regarding organizational capacity most of the organizations reveal that they have offices, broad partnerships, organizational structures, staff, experiment and qualified leadership, and ongoing projects. RYCO, HCL, PCRC, RWLSEE, mainly fit the full image compared to YiHR, SEEYN, and RECOM. RECOM involves a large number of Assembly members and there is no information on the staffing and the qualifications of leading individuals, has no official office, partners mostly with CSOs and has no ongoing reconciliation projects. SEEYN also has no ongoing projects, is in partnerships with mostly CSOs in reconciliation and does not provide information on the working team's capacities and abilities. YiHR on the other hand, faces issues in regard to staffing of local branches and structure of YiHR Serbia and Croatia, in addition to also partnering with CSOs primarily in reconciliation. Moreover, all three belong to membership group meaning their function as networks of civil society organizations. Another parameter of the operational capacity is covered by funding and according to the findings of this research except RYCO the other actors are dependent on international funding whether from states, organizations, foundations, private actors, or others. RYCO is the only that is significantly dependent on contributions from the member states, the Western Balkans countries. The observation follows the arguments of Mastrococo (2020) putting thus a limitation to the capacities of these CSO/Ns. Lastly, observing the profile, capacities and activities of the analyzed regional CSOs, this study shows that non-state actors have potentials to play an active role in regionalism and thus in connecting societies together. Thus, the findings of this study support the New Regionalist theory but highlight the need to analyze the transformation that the activities/projects have brought to the participators and beyond. Also, this suggestion for future contributions on the theory will shed more lights on the role of regional CSOs in reconciliation and regional cooperation.

BIBLIOGRAPHY

- Anger, J. (2012). *Reform Cooperation in The Western Balkans-Regional Cooperation: Experiences, Constraints and Opportunities*. Swedish International Development Cooperation Agency, Sida.
- Borah, R. (2011, August). *Role of civil society groups in promoting conflict resolution in India's Northeast*. In World International Studies Conference, Porto, Portugal (pp. 17-20).
- Devetak, S. (2019). *Reconciliation-a Prerequisite for the Integration of Western Balkans in the EU Stream of Values*. *Balkan Social Science Review*, 14(14), 180-202.
- Fischer, M. (2011). *Civil Society in Conflict Transformation: Strengths and Limitations*. Berghof Foundation.
- Hettne, B., & Söderbaum, F. (1998). *The New Regionalism Approach*. *Politeia*, 17(3), 6-21.
- Hettne, B., & Söderbaum, F. (2000). *Theorising the Rise of Regionness*. *New political economy*, 5(3), 457-472.
- Hettne, B. (2003). *The New Regionalism Revisited*. In *Theories of new regionalism: A Palgrave reader* (pp. 22-42). London: Palgrave Macmillan UK.
- Kostovicova, D. (2013a). *Civil Society and Reconciliation in the Western Balkans: Great Expectation?* In Prifti, E. (ed) *The European Future of the Western Balkans: Thessaloniki@10 (2003-2013)*, Paris : European Union Institute for Security Studies. 101-107.
- Mansfield, E. D., & Solingen, E. (2010). *Regionalism*. *Annual Review of Political Science*, 13, 145-163.
- Mastorocco, R. (2020). *OSCE and civil society in the Western Balkans: The road to Reconciliation*. *Transformation and Development: Studies in the Organization for Security and Cooperation in Europe (OSCE) Member States*, 83-100.
- Minić, J., Nechev, Z., & Nikolovski, I. (2019). *Regional Cooperation in the Western Balkans – Is there a Civil Society Pillar?* Institute for Democracy Societas Civilis – Skopje, Macedonia.
- Perry, V. (2009). *A Survey of Reconciliation Processes in Bosnia and Herzegovina: The Gap Between People and Politics*. In J. R. Quinn, (Ed.), *Reconciliation(s): Transitional justice in postconflict societies*. Montreal: McGill University Press (pp. 207–231)
- Petricušić, A., & Blondel, C. (2012). *Reconciliation in the Western Balkans: New perspectives and Proposals*. *Journal on Ethnopolitics and Minority Issues in Europe (JEMIE)*, 11(4), 1–6.
- Ricigliano, R. (2003). *Networks of Effective Action: Implementing an Integrated Approach to Peacebuilding*. *Security Dialogue*, 34(4), 445-462.
- Rigby, A. (2006). *Civil Society, Reconciliation and Conflict Transformation in Post-war Africa*. In *Ending Africa's wars* (pp. 47-62). Routledge.
- Safa, O. (2007). *Conflict Resolution and Reconciliation in the Arab World: The Work of Civil Society Organizations in Lebanon and Morocco*. Berlin: Berghof Research Center for Constructive Conflict Management.
- Schulz, M., Söderbaum, F., & Öjendal, J. (2001). *Key Issues in the New Regionalism: Comparisons from Asia, Africa and the Middle East*. *Comparing Regionalism. Implications for Global Development*, 234-276.
- Söderbaum, F. (2004). *Reviewing the Theoretical Landscape*. In *The Political Economy of*

- Regionalism, The Case of Southern Africa. Palgrave Macmillan.
- Söderbaum, F. (2007). *Regionalisation and Civil Society: The Case of Southern Africa*. *New Political Economy*, 12(3), 319-337.
- Söderbaum, F., & Shaw, T. M. (2003). *Theories of New Regionalism*. In *Theories of new regionalism*. New York: Palgrave Macmillan, 1-21.
- H., & Vermeersch, P. (2016). *Changing Frames of Reconciliation: The Politics of Peace-Building in the Former Yugoslavia*. *East European Politics and Societies*, 30(1), 55-73.
- Volčič, Z., & Simić, O. (2012). *Localizing transitional justice: Civil society practices and initiatives in the Balkans*. In *Transitional justice and civil society in the Balkans* (pp. 1-14). New York, NY: Springer New York.
- World Bank 2005. *Issues and Options for Improving Engagement between the World Bank and Civil Society Organisations*. Washington: The World Bank, Civil Society Team. Retrieved July 30 from https://www.worldbank.org/content/dam/Worldbank/Civil%20Society/cso_documents/Issues_and_Options_PUBLISHED_VERSION.pdf
- Humanitarian Law Center (HLC) Retrieved July 31, 2023 from <https://hlc-kosovo.org/en/about-us>
- Post-Conflict Research Center (PCRC) Retrieved July 31, 2023 <https://p-crc.org/>
- RECOM (Regional Commission) Reconciliation Network) Retrieved July 31, 2023 <https://www.recom.link/>
- Regional Youth Cooperation Office (RYCO) Retrieved July 31, 2023 <https://www.rycowb.org/>
- Regional Women's Lobby in South East Europe (RWLSEE) Retrieved July 31, 2023 <http://rwlsee.org/>
- South East European Youth Network (SEEYN) Retrieved July 31, 2023 <https://www.seeyn.org/>
- Youth Initiative for Human Rights (YiHR), Retrieved July 31, 2023 <https://yihr.org/>

EUROPE – CRUCIAL AND EXISTENTIAL PILLAR IN DEMOCRATIC PORTUGAL

*Maria Manuela TAVARES RIBEIRO**

Abstract. *The preparations for the second Portuguese presidency in 2000 focused on a strategy for growth and development for the next decade. The aim was to prepare the EU's strategy for the next ten years.*

The Portuguese Presidency in 2000 began with the Lisbon Strategy agenda, the launch of the Intergovernmental Conference to revise the Amsterdam Treaty, and the promotion of enlargement. It was the accumulation of national interests that led to ten countries joining the EU at the same time. It is clear that the then Portuguese Presidency knew that this enlargement would have a profound impact on the European balance.

The period between 2011 and 2014 conditioned Portugal's presence in the EU. There were many challenges. Although traumatic, the process of recovering from this situation also clarified how funds made available by the EU were used and their impact on economic and social development. In fact, Europe is one of the crucial and existential pillars in democratic Portugal. These decades helped shape a different Portugal.

There is no doubt that Portugal's entry into the EU has been more than positive, essential for the way people live, for the future of the country and for their freedom of choice. However, it has fuelled marked imbalances.

“And it is here that Portugal can realistically find a breeding ground that is in line with its future interests, but also with the values it has always defended in its past”.

Keywords: *Portugal; Europe; portuguese integration; portuguese presidency.*

The preparations for the second Portuguese presidency in 2000 focused on a strategy for growth and development for the next decade. The aim was to prepare the EU's strategy for the next ten years. At the Lisbon European Council in March 2000, this strategy was translated into some 400 actions across a range of European policies, including on innovation, science and technology, digital economy, education, employment, social security, and environmental policy, with the aim of strengthening the social dimension of public policies. One of the outcomes of the Lisbon Strategy was an organised way of coordinating economic and social policies at national and European level – from science and technology to education and social protection. The Lisbon

* Retired Full Professor of the Faculty of Arts, University of Coimbra. Researcher at the Centre for Interdisciplinary Studies of the University of Coimbra – CEIS20. mtribeiro7@gmail.com. Ciência ID: BD11-332D-6BE6. This work is funded by national funds through the FCT – Fundação para a Ciência e a Tecnologia, I.P., in the scope of the project UIDB/00460/2020.

Strategy was known across Europe and applied and adapted to each country (Teixeira, 2012: 20).

This strategy also resonated outside Europe, in particular in Brazil, South Africa, Moscow, and the People's Republic of China.

Meanwhile, the Convention on the *Future of Europe* was in progress with a view to the drafting of a Constitutional Treaty. This treaty, and later the Treaty of Lisbon, introduced innovations in the organisation of the European political system, both by strengthening the European Parliament's decision-making capacity and by bringing policy up to date. The Constitutional Treaty and the Treaty of Lisbon gave particular prominence to the EU's external action.

The decade that began in 1996 ended in 2006 with the important but difficult moment of negotiating the Lisbon Treaty. The European Council was marked by ambition, confidence and optimism, and this was reflected in an important document – the *European Declaration on Globalisation* that aimed to look at the world around us and try to influence it.

In 2007, however, the first signs of a financial crisis were already looming on the horizon, which in Europe would translate into a eurozone crisis.

The Portuguese have left their mark on European integration (Martins, 2007: 45-60). Today, the EU strategy is no longer called Lisbon, but Europe 2020. There have been positive results: jobs have been created and many aspects of collective life have changed, but it has not been fully achieved because of the very architecture of European integration (Rodrigues; Castro; Nunes, 2019: 321).

The Portuguese Presidency in 2000 began with the Lisbon Strategy agenda, the launch of the Intergovernmental Conference to revise the Amsterdam Treaty, and the promotion of enlargement. It was the accumulation of national interests that led to ten countries joining the EU at the same time. It is clear that the then Portuguese Presidency knew that this enlargement would have a profound impact on the European balance.

The European era was very complex at that time. When Portugal took over the presidency in 2000, the European Commission had only been in place for two months and the European Parliament had only recently been elected. Mário Soares tried to be elected President of the European Parliament, but failed, with Nicole Fontaine being elected to the post instead. Portugal's foreign agenda included negotiating Macau's handover to China.

Another issue arose during this second presidency: the holding of the first EU-Africa summit with the participation of Morocco.

In terms of economic developments, both the EU and Portugal experienced lower growth in the second decade from 2000, perhaps due to the apparent mismanagement of the influx of the euro. Whole sectors of the Portuguese economy moved from the European area to other areas – China, South-East Asia and Eastern Europe. With enlargement to 10 new Member-States, Portugal suffered the competition from countries that had already received pre-accession aid and were competing with traditional Portuguese sectors.

In the decade from 2000 to 2010, Europe was the victim of its success. The new emerging economies displaced entire sectors of productive capacity and Portugal, I repeat, suffered as a result. In fact, Portugal did not implement reforms to make its productive fabric competitive (Nunes, 2019: 336).

It was also important to conclude the negotiations on the Cotonou Agreement, which replaced the Lomé IV Convention. The Austrian case was a key item on the

Portuguese Presidency's agenda. But the most important thing was the launch of the so-called Lisbon Strategy, an ambitious programme to make Europe more competitive on the world stage within ten years. This project, however, has been watered down.

There have been some developments in the CFSP – Common Foreign and Security Policy. Some “strategies” have been adopted, such as those for the Mediterranean and Western Balkans, and a “common strategy” for Ukraine was launched. In the area of external relations, in addition to the EU-Africa Summit, the Portuguese Presidency held summits with the US, Canada and Russia, forged a “strategic partnership” with India, and organised an extensive programme of political dialogue with the Gulf States, Latin America, the Caribbean and Iran.

A number of important initiatives for European citizens on immigration, asylum and organised crime were taken in the areas of “Justice and Home Affairs”. At the time, Portugal had a Commissioner for Refugees, António Vitorino (Costa, 2019: 303).

It was a time of some optimism on security and defence issues. It was believed that the EU could eventually play a major global role. Ambitious, but not an inspiring reality. At the end of the 1996-2006 decade, Portugal began a new presidency in 2007. Negotiations on the Lisbon Treaty were concluded and the European Council was optimistic. As it was said at the time, “Now we have a strategy – the Lisbon Strategy – we have a new treaty – the Lisbon Treaty, and the time has come for us Europeans to look outwards and see how Europe, now transformed, can make a difference in the organisation of the world” (Rodrigues, 2019: 320).

In international relations, the global balance began to shift: the globalisation of economic and trade relations; the emergence of new world powers with the power and capacity to project themselves internationally, both in terms of the economy, the military, and politically; the shift in the centres of real power, with the emergence of new actors going beyond the states themselves; the existence of new forms of effective exercise of power by outside traditional political structures, and the extraordinary technological development, all of which have profoundly changed international relations. Situations of great insecurity and vulnerability emerged, which clearly affected Europe. Illegal immigration, the breakdown of security, the internal crisis among its members and the crisis of Europe's core values, among other factors, have led to Europe's fragility and even subordination on the world stage. Portugal was not immune to the effects of this general situation, compounded by its own weaknesses.

This third decade – 2007-2017 – has seen a significant change in our relationship with our EU partners. Due to financial constraints, Portugal had to rely on international external assistance from the IMF, the European Commission and the European Central Bank (Troika).

The period between 2011 and 2014 conditioned Portugal's presence in the EU. There were many challenges. Although traumatic, the process of recovering from this situation also clarified how funds made available by the EU were used and their impact on economic and social development. In fact, Europe is one of the crucial and existential pillars in democratic Portugal. These decades helped shape a different Portugal (Lã, 2019: 345).

Thirty years later, Portugal was better off, but faced difficulties and challenges in the European and global context.

The performance of the Portuguese economy over 2003/2017 has been marked by increasing demographic development problems development. Although the environment

and territorial cohesion improved, mobility networks and technological innovation were hampered.

Investments were made in education and science with the support of the European Structural Funds, which led to the creation of a public system of research, education and science. However, companies were not set up to ensure the employment of skilled people, who then had to work abroad. Thus, the conditions for viability were not properly met. Although Portugal began to recover between 2008 and 2017, the structural problems remained. The austerity measures imposed under the tutelage of the Troika also exacerbated the recession.

There is no doubt that Portugal's entry into the EU has been more than positive, essential for the way people live, for the future of the country and for their freedom of choice. However, it has fuelled marked imbalances (Freire, 2012: 186).

We must not waste too much time on the “economy of scale”, but rather dedicate ourselves drastically to the “economy of value” (Mateus, 2019: 407).

In a democracy, politics must be close to the needs and goals of citizens.

Portugal has defined itself as pro-European since the beginning of the democratic transition. But it has also been pro-European, pro-Atlantic and pro-Lusophone since the constitutional stage. From a political and diplomatic stand, Portugal continues to define itself as pro-European, despite the two anti-EU forces (PCP and Bloco de Esquerda). Beyond political parties, different governments and different political and ideological orientations, there is a consensus that the country must always come first. This decision, which is eminently political – had it not been taken, it would have led to economic consequences and a political deficit – has practically always been at the forefront of the steps taken to strengthen European integration: in the case of the EMU (Economic and Monetary Union), in the case of accession to Schengen, in the case of accession to the various EU treaties, even intergovernmental treaties such as the so-called budget treaty, and in the case of the accession to the CFSP (Common Foreign and Security Policy). Despite Portugal's partisan delays in defence, the country today joins a large number of countries that have gone further in developing CFSP.

If Portugal is on the periphery of Europe, it is at the heart of it in political terms. This has become customary, given the position Portugal has taken within the European Community.

Portugal does not usually take extreme positions on major international issues. It tries to strike a balance between extreme positions. It may be more centrist, more Western-oriented. Take, for example, the relationship with the United States of North America, its position with respect to the Middle East conflict and to China, etc.

Other important points concerning the EU's external relations that Portugal has upheld:

- its position in favour of central and eastern enlargement of Europe;
- its complicity with Africa;
- its position towards Portuguese-speaking countries such as Brazil. Note that the Portuguese presence marked the start of the EU-Brazil meetings.

It is worth remembering that the first President of the European Commission to come from outside the centre of the EU or from the largest countries was the Portuguese José Manuel Durão Barroso. Portugal is a country with a central position, but also is an Atlantic country by nature and a country with a taste for connections. During this ten-year presidency, which lasted for two terms (2004-2014), there were several crises: the

financial and sovereign debt crisis, the vote against the European Constitution in France and the Netherlands, Russia's invasion of Ukraine, and the energy crisis.

What has Portugal gained? It gained in economic terms, but has also shown its leadership and ability to take a stand, to uphold its values. The EU is not only a union of interests; it is also a community of values. In Portugal, therefore, diplomacy, society and governments have been able to assert the country, particularly since it is part of the EU. In fact, the size of the EU is necessary, not to weaken the countries that are part thereof, but to allow them to assert themselves in the world.

“And it is here that Portugal can realistically find a breeding ground that is in line with its future interests, but also with the values it has always defended in its past” (Barroso, 2019: 427).

BIBLIOGRAPHY

- Barroso, José Manuel Durão (2019), *Uma perspectiva portuguesa para a União Europeia*, in João Rosa Lã, Alice Cunha e Pedro de Sampaio Nunes (orgs.), *As Décadas da Europa*, Lisboa, BookBuilders, p. 411-427.
- Costa, Francisco Seixas da (2019), *A segunda presidência portuguesa. A Agenda de Lisboa*, in João Rosa Lã, Alice Cunha e Pedro de Sampaio Nunes (orgs.), *As Décadas da Europa*, Lisboa, BookBuilders, p. 297-313.
- Freire, André (2012), *European Integration and Party Attachments: The Portuguese Case as an Example for New Democracies*, in Nuno Severiano Teixeira and António Costa Pinto, *The Europeanization of Portuguese Democracy*, New York, Social Science Monographs, Boulder, p. 183-250.
- Lã, João Rosa (2019), *A terceira década e as grandes crises*, in João Rosa Lã, Alice Cunha e Pedro de Sampaio Nunes (orgs.), *As Décadas da Europa*, Lisboa, BookBuilders, p. 341-345.
- Martins, Vítor (2007), *Os primeiros anos*, in Nicolau Andresen Leitão (org.), *20 anos de integração europeia (1986-2006): o testemunho português*, Lisboa, Cosmos, p. 45-60.
- Mateus, Augusto (2019), *O QREN e o Portugal 2020: impacto de três décadas de fundos estruturais*, in João Rosa Lã, Alice Cunha e Pedro de Sampaio Nunes (orgs.), *As Décadas da Europa*, Lisboa, BookBuilders, p. 347-409.
- Nunes, Pedro de Sampaio (2019), *A segunda década – O grande salto em frente*, in João Rosa Lã, Alice Cunha e Pedro de Sampaio Nunes (orgs.), *As Décadas da Europa*, Lisboa, BookBuilders, p. 171-178.
- Rodrigues, Maria João; Castro, José Ribeiro e; Nunes, Pedro de Sampaio (2019), *O balanço da segunda década: consolidação de um projeto ou a crise da esperança?*, in João Rosa Lã, Alice Cunha e Pedro de Sampaio Nunes (orgs.), *As Décadas da Europa*, Lisboa, BookBuilders, p. 315-337.
- Teixeira, Nuno Severiano (2012), *Introduction: Portugal and European Integration, 1974-2010*, in Nuno Severiano Teixeira and António Costa Pinto (eds.), *The Europeanization of Portuguese Democracy*, New York, Social Science Monographs, Boulder, p. 7-26.

ROLE OF CIVIL SOCIETY ORGANIZATIONS (CSO'S) IN THE ROMANIAN DEMOCRATIC PROCESSES

Kudzai Cathrine BINGISAI *

Abstract. *Does civil society in Romania promote democratization? This paper sought to contribute to the debate on the role of civil society in the democratization process in Romania. The study also analysed the constraints of Civil Society Organisations (CSOs) in their efforts to promote democratisation. The paper made use of role theory to demonstrate how CSOs participate in the democratic process. The study made use of qualitative research from which extensive related literature was used. Data was analysed using content analysis. Research findings established that the activities played by CSOs in promoting and sustaining democratic governance cannot be ignored or taken for granted. The study presented that CSOs seek to promote accountability and transparency in government practices and fight against corruption. The study concludes that CSOs have contributed towards democratic practices. However, CSOs are suffering from an enabling environment to effectively carry out their mandate in promoting the democratisation process. The paper concludes that undemocratic practices such as corruption continue to limit the effectiveness of CSOs. The study recommends that, while CSOs continue to promote the democratization process, the government should not feel threatened by the activities of CSOs, instead should promote an enabling environment for them to promote principles of democracy.*

Keywords: Civil Society Organisations, democratization process, challenges

Introduction

Civil society organisations (CSOs) are drawn from diverse interest groups that have a role to play in reconciling government programmes for the benefit of society with one voice. Governance, whether at the municipal, national, or international levels, must effectively address what is expected by society. According to Firman (2015), global challenges such as health issues, environmental issues, economic issues and political issues such as corruption call for the need of CSOs to address the challenges. Though they are different organisations, civil society organizations can also be understood as non-governmental organisations or groups that represent the interests and desires of citizens. Following the demise of the communist regime in 1989, Romania saw the rebirth of civil society. In Romania, civil society consisted of various forms of voluntary groups that occupied the landscape between emerging market systems and the first democratic state institutions. These groups are significant because they deepen democratic practices at the local and international levels to reflect, support and promote democracy. Civil society acts as checks and balance on governance issues. However, the level of success of CSOs in

* PhD Student at Babes Bolyai University, Romania, bingisaikudzai@gmail.com

achieving their aim or targets depend on the operating environment (political, economic, social, technological and legal). As such, the purpose of this paper was to analyse the role of CSOs in the Romanian democratic process.

The quest for promoting democracy can be understood in the context of global efforts through activities undertaken by groupings such as the United Nations Convention Against Corruption (UNCAC), the United Nations 2030 Agenda and implementation of the Sustainable Development Goals and Article 300 of the Treaty on the Functioning of the European Union (TFEU). Democratic Progress Institute (2016) states that the European Union values the democratisation processes in its endeavor to promote peace and democratic advancement in Member States. European Union (EU) Action Plan on Human Rights and Democracy 2020-2024 states that the Union is strongly committed to promote the upholding of democracy, human rights and the rule of law. The Action plan further acknowledges the role played by CSOs in promoting and supporting the democratization process. Relating to Romania, the government adopted the 2030 Agenda for Sustainable Development and the zeal for promoting good governance is also in the Constitution of Romania. The Constitution provides that Romania is a democratic and social State, governed by the rule of law, from which human rights and values are respected in democratic traditions (Article 1(3) Constitution of Romania). It is not the responsibility of the State alone to promote and uphold democracy, instead, a consolidated upholding of democracy also calls for active civil society organisations, non-governmental organisations and other independent interest groups to play vital roles in promoting democratic values and promoting citizen participation. The purpose of this study was to analyse the role of CSOs in promoting the democratization process. In addition, the paper also sought to establish the challenges that affect CSOs' role in the democratisation process.

Background of the study

This paper sought to analyze the role of CSOs in the process of democratization in Romania. Although civil society organisations are not a new theme, the definitions should first be presented to make it clearer to understand the concept. Broadly speaking, a civil society organisation is an organizational structure that seeks to promote citizens interests by playing an intermediary role between the state and the citizens. Connor (1999) postulates that civil society is composed of autonomous associations which develop a diverse and pluralistic network. According to Spurr (2010: 6), civil society organisations are comprised of mainly diverse voluntary organisations and associations that are motivated by different objectives and ideologies. The European Union's (EU) broad definition of CSOs includes all non-state actors, non-profit institutions, and non-partisan and non-violent organizations through which people organize around common goals and ideas, whether political, cultural, social, or economic (EU 2012: 3). At its very best, civil society should function as a self-help entity, which facilitates economic development and wealth creation through the mobilization of group involvement based on common shared interests' (Boadi 2006: 3). Due to divergent approach to definitions of CSOs, there are various perceptions of its understanding and appreciation from across the family of nations the world over. This study does not value the importance of having a universal definition or understanding of CSOs. However, for this study, the paper considers CSOs as development actors that can contribute to the strengthening of socio-economic and political sectors and promoting citizen participation. It remains therefore to analyse the

role of Romanian CSOs in the democratisation process. The journey of the Romanian democratisation process cannot be complete without civil society organisations which have strived to maintain democratic discourse.

In the Romanian context, the collapse of the communist state saw the birth and emergence of civil society organisations. Following the collapse of the communist states in Central and Eastern Europe and the demise of the Soviet Union in the 1980s and 1990s, 'the concept of civic society re-entered political discourse' (Badescu, 2003:123), the state has been operating under one party rule in the form of Romanian Communist Party before 1989. Thereafter the demise of communism, civil society organisations emerged based on promoting interests related to profession, women, youths, students, disability, etc. Despite, Cibian (2022), stating that while there are numerous recognized associations there are considerably fewer organizations that are involved in the democratisation process. On the other hand, Matei and Apostu (2013) argue that there has been a marked increase in the relations between the state and non-governmental organisations in Romania. In Romania, the functioning of civil society organizations is regulated by Romanian law no. 52/2003, which governs the transparency and participation of organizations in policy sectors. CSOs sought to promote the desires and aspirations of citizens. CSOs from around the EU have joined together to enhance democratic engagement in law and policy making. This is comprised of engagement in areas such as internal security policies, migration and social inclusion (European Economic and Social Committee, 2017). It also involves combating corruption, preventing and fighting terrorism and radicalism (Organization for Security and Co-operation in Europe, (OSCE) (2019), protecting the rights of women, and against domestic violence. The Romanian civil society, in particular, has an important role in mobilising communities for the promotion of sustainable democratic governance, economic reconstruction and development of the country. It is therefore against this backdrop that the study sought to examine the manifestations of CSOs in Romania as well as the constraints in the process of promoting democracy and good governance.

The paper employed qualitative methodology and through content analysis, an extensive related literature analysis of the role played by CSOs in the democratization process was used. The purpose of a literature review is not only to understand what has been reviewed in the past but also to justify the purposes and techniques of pursuing areas of further research. The importance of studying CSOs is increasing as their impact on democracy and development becomes increasingly apparent at both the national and international levels.

Role theory perspective on CSOs

Various theories present the significance of CSOs in supporting democracy and good governance. This study employed role theory to understand the role of CSOs in the Romanian democratization process. Biddle (1986) defines role theory as behaviour that is guided by an individual's and what other people expect based on their status in a social position. According to Glick (2011: 35), the concept of role originated in the theatre, where each member had a part or role to play. The major question is how role theory helps in understanding the role of CSOs in promoting democratisation. The rise of CSOs and their competing roles, concerning shifts or changes in society and the international system as a whole has brought the need for research concerning the role of CSOs in the democratisation process. Despite the associated possible conflict of interest between traditional norms and change in society, the study presented that an emerging gap between

the accepted norms and social order provides room for the CSOs to seek to close this gap. CSOs seek to raise social awareness and empower citizen participation including minorities and marginalized societies. Despite that CSOs operate under the State, their roles and activities have the capability of influencing social order. Stryker and Statham (1985:323) contend for a combined version of role theory whereby the term "role" refers to "positions" in an organized group and any socially recognized category of actors. As such, this theory can be applied in relation to this study in understanding CSOs' role expectations and demands in the process of democratisation. Biddle (1986) further acknowledges that roles are identified or developed from normative expectations. CSOs occupy a position in society, and their role is determined by social norms and societal demands. It should be noted that these roles differ depending on factors such as location, interests and social order. The purpose of such participation of CSOs is to allow citizens to express their views, influence, and monitor decision-making processes. The relations between the State, CSOs and citizens might not be a smooth one as the State might feel threatened by CSOs and there might also be trust issues between the State and the citizens. However, this paper does not seek to critically analyse these relations but to determine the role of CSOs in the Romanian democratic process.

Besides questions and arguments on whether CSOs promote democratisation or it is the democratic order that gives rise to the development of CSOs, the study found that after the decline of communism, CSOs, have had an increasing role in promoting democracy and citizen participation. The study considered role theory as it is often used in understanding what individuals do for the benefit of societal development or the well-being of the next person. According to Hogg (2000), directions for good behaviour and social positions are promoted by societal people who play a role in directing the achievement of certain tasks despite associated risks. In other words, public participation entails increasing the level of involvement and engagement for citizens to participate to promote transparency and good governance. As a result, the involvement of CSOs is projected to result in a strengthening of democratic structures. Nonetheless, involvement varies by country and is influenced by a variety of contextual circumstances and the effectiveness of the role of civil society organisations can be limited by varying factors such as lack of planning and financial limitations. However, considering that role theory acknowledges the role of individuals and what individuals play in a social system credits this theory hence, the role theory provides useful lens for studying the role of civil society in the Romanian democratic process.

The manifestation of CSOs in Romania

Despite being heterogeneous and comprised of diverse interests, contemporary society has been linked and associated with the efforts of CSOs in promoting democratisation. Understanding CSOs in Romania provides insight into their role in promoting governance structure, policy discourse and service provision. As CSOs' interests continuously increase, so as their role increasingly becomes an important factor in the democratization process. CSOs are becoming more involved in fostering democratic engagement at the national and international levels. This involves pushing for transparency in government policies and improved access to public interest insights. FRA (2021) states that EU members participated in The Open Government Partnership (OGP) together with several jurisdictions. The Romanian government has launched a website to enable civic initiatives and encourages and facilitate CSOs' participation. To raise

awareness of the OGP project in Romania, the government has committed to conducting an information campaign aimed at public institutions and civil society (Romania Action Plan Review 2020-2022). According to Grcheva and Vehbi (2021), the OGP framework seeks to promote and ensure principles of transparency and accountability in public administration as well as promote citizens' participation. This comes after researchers such as Shkabatur, (2012) argue that citizens' participation in Romania was not a usual event. Participation of CSOs in OGP reveals their efforts in enhancing transparency and good governance.

The major role of CSOs is to promote the interests of society, promote a democratic political culture and challenge authoritarian rule (Anders, 2001). The wave of democratization in Romania was spearheaded by CSOs as a reactive to governance and human rights issues. CSOs are seen as key players in the development and democratization process of any country and as such the responsibility to promote and maintain democratic governance does not only rest in the hands of state institutions but also the responsibility of CSOs. The overarching goal of Romania's NGO program is to build a civil society and improve its contribution to social justice, democracy and to ensure sustainable development (Oxygen to Romanian civil society, 2013). CSOs in Romania have, therefore, seen their emerging relevance and importance in shaping democratic governance and monitoring State institutions' activities. CSOs stand as an important factor in promoting the democratisation process and ensuring a better social democratic order.

The strength of CSOs continues to be manifested and reflected in the Romanian EU accession. The process of EU accession (1993 – 2004) leads to an increase in the importance of civil society, particularly from the perspective of the capacity to influence public decision-making. NGOs played an important role in preparing for EU accession by influencing public policies, lobbying and advocating, and providing specialized expertise for drafting or coordinating various studies" (Matei and Apostu, 2013). Puscas (2006: 30) also contends that NGOs played an active role in providing initiatives that promote public participation. The author further presented that The National Delegation for Negotiating Romania's accession to the EU also conducted discussions and negotiations with several parties, NGOs and CSOs included as a way of promoting transparency of the accession negotiations. Tanasoui and Racovita (2012) expressed that it was allegations of corruption and lack of judicial reforms that slowed Romanian EU membership such as EU accession brought within hopes for democracy and good governance. Literature acknowledged the role played by CSOs and NGOs in promoting good governance, human rights and EU accession. As such efforts of CSOs in the democratization process cannot be left unmentioned or recognized.

When it comes to establishing and preserving a rule of law culture, civil society is an essential component (FRA, 2021). Literature indicates that CSOs across the EU increased their engagement on rule of law concerns. They also launched various programs to create a rule of law culture among public officials and the citizenry as a whole. Several CSOs presented continue to call for the upholding of the rule of law, and transparent judicial procedures in the fight against corruption (Transparent International Romania, 2018). In furtherance of monitoring and reporting functions, CSOs formed partnerships to coordinate and intensify lobbying on rule of law enhancement. The Romania Rule of Law Report (2020) expresses that CSOs in Romania are making efforts to support and defend the rule of law. The report further acknowledges that Romanian anti-corruption and

upholding of justice have been followed by the European Commission since the country acceded to the EU.

The research findings also contemplates the role of CSOs in Romania in promoting public debates on democracy and rule of law issues. Pacesila (2016) acknowledges that several NGOs and CSOs have promoted Law 52/2003 on transparency in decision-making. The author further highlighted that public hearings and meetings, citizens' forums, and several surveys have been conducted as a way of promoting citizens' public participation. In the same vein, there is an indication that CSOs are progressively mobilizing to fight corruption and promote an accountable and transparent governance system. According to Borza (2022), various issues such as fraud, corruption and bureaucratic inefficiency weaken democratic values. Monitoring and awareness-raising efforts, as well as lobbying efforts, are among the initiatives undertaken to influence authorities to establish anti-corruption initiatives. Romania has established an institutional anti-corruption framework and National Anticorruption Strategy which seeks to curb corruption. In their efforts to promote democratization, CSOs also participated in the consultations for the development of The National Anti-Corruption Strategy (NAS) (2021-2025). The strategy acknowledges that corruption if not dealt with affects the socio-economic life of citizens and also carries negative trust issues for citizens in State institutions.

CSOs have also manifested themselves through social movements such as mass protests as a way of demanding answers to challenges facing the general citizenry. CSOs strived for the protection of civic rights and democratisation. Literature also indicated that the 2017 and 2018 mass protests in Romania had intentions to fight against corruption (Abaseaca and Pleyers, 2019). The researcher found that mistrust towards traditional systems and lack of transparency motivated citizens to collaborate and mobilise a wave of protests across the country. The findings presented that the socio-economic and political environment has been hostile post-communism period. According to Marginean *et al.*, (2010) state that the post-communism transition in Romania even saw a decline in trust and confidence in representative democracy. The authors further presented that mass demonstrations revealed citizens' willingness in restoring social order and promote democratization. It was the prevailing order or environment that paved the way or opportunity for social actors such as CSOs and NGOs to mobilise citizens and engage in street protests. Buzasu (2019) states that mass protests that occurred in Romania gave citizens an understanding of the importance of a democratic environment. The researcher also found that mass protests were not only in the streets, instead virtual hashtags saw protestations against corruption for example *#toti pentru justitie* translated in English as *#all for justice*. The study presented that the protests brought hope and change to the political environment and the promotion of democratization process in the country.

The empirical analysis also demonstrated that CSOs contribute significantly to national systems of checks and balances. Their public affairs monitoring and lobbying efforts can help to strengthen society's democratic governance. They raise awareness about abuse and mismanagement, provide critical analysis, and respond quickly to challenges faced by the citizens. As a result, CSOs play an important role in increasing trust in public institutions and services. Group of Experts on Action against Violence against Women and Domestic Violence Evaluation Report (2022) states that in Romania, NGOs and CSOs are striving to promote and uphold human rights. The Report further expressed that NGOs have participated in the development and design of the projects such

as Support for the implementation of the Istanbul Convention in Romania and the VENUS project for combating violence against women and domestic violence. In the same vein, CSOs contribute to good governance, transparency, and accountability of public agencies in a variety of ways. CSOs play a watchdog role in the government and monitor public consultations and participatory policy-making.

The findings also presented the role of CSOs in the democratization process as also stretched to the promotion of freedom of expression and access to media. Media plays an important role in promoting awareness, citizen participation and also promote online engagement on ethnic and minority issues. The study also found that CSOs in Romania have been striving to promote the sustainability of democracy through the promotion of freedom of expression through media awareness programmes. According to Freedom in the EU (2023), CSOs in EU Member States, Romania included have expressed concerns over content restrictions. Some of the topics on the national press include social issues (for example, educational and healthy related issues). The literature presented that CSOs also sought to protect and enhance freedom of expression and information, media freedom, as well as the safety of journalists. Journalists in Romania are not excluded from a challenging socio-political environment and also the environment hardly promotes the independence of the media (Holdis, 2019). The findings also presented that CSOs have been advocating for the promotion of diverse points of view in the media sector and an environment free from threats (Active Watch, 2019). Citizen participation is also promoted by both traditional media (such as newspapers) and online media such as social media platforms (Facebook and Twitter). As freedom of information and press is a cornerstone for a democratic society, online trending activities have equal potential in changing the operating environment as traditional media, however, online media allows faster sending and receiving of information. Since media not only provide good information but also exposes related issues that do not conform to the principles of democracy, journalists are a threat to State apparatus as they reveal the problem or trigger social awareness to the benefit of the citizens.

In the wake of globalization and complex societies, Braton (1994) express that CSOs are a multifaceted concept and different writers view them from a different point of perception. However, the concept of civil society is also complex, considering the difficulty in having a consensus definition of civil society organisation and diverse understandings of defining civil society, despite advocating for public interests. According to Anders (2001), scholars strive to come up with a neutral definition of civil society organisations. The major question lies in the mandates, establishments and position of CSOs in contemporary society. Cohen and Arato (1992) argue that the term civil society is not universally comprehended, instead varies in time, place and political position. As such, this is where the problem from having one concept of understanding. Nevertheless, both the State and CSOs are needed in the democratization process. The aim of the study was therefore to determine how the CSOs have been able to sustain their activities as they promote democratization. The next section provides the challenges faced by CSOs in the democratization process.

Challenges Faced by CSOs

CSOs face challenges in various contexts such as an unenabling political framework, access to resources and citizen participation. CSOs have historically represented many groups in communities, however, despite their efforts, it is important to

acknowledge the ever-increasing challenges limiting their effective performance. The effectiveness of the role of CSOs in promoting democratic governance is questioned due to the presence of socio-economic and political challenges in both local and international environments. Findings have also presented that despite regulations encouraging the development of the civic sector, it has faced numerous financial, structural, and organizational challenges. Limited finances mitigate the effective operation of CSOs in Romania. Boadi (1995) indicates that the issue of financial hamstrung limits the performance of CSOs. Most civil society organizations rely on government money for their varied operations, which is detrimental as this develops dependence syndrome to an extent that civil society organizations becomes submissive to the State. CSOs fail to participate in state-public consultations due to a lack of financial stability (European Commission, 2022). It seems international donors and foreign aid have emphasized funding CSOs to promote democratic governance. Concerning external funding, Tatar (2006) expressed that foreign aid raises questions about the effective performance of CSOs in the democratization process as this might be seen as interfering in the internal affairs of a country. Campbell (2008) states that democracy cannot be imported or exported, instead can only be supported. As such, as long as foreign aid is supporting CSOs, it limits the autonomy and independence of those organisations. Henderson (2003) expressed that often at times, external funding creates a missing gap of CSOs' effective performance and instead makes foreign donors superior to CSOs. In relation to scholars, many CSOs are accused of depending on donor funding. The Romanian government also provides funding for CSOs, particularly those offering social services such as victim assistance. Nevertheless, it seems the funding is short-term or it's unsustainable to meet the CSOs operational needs. Hence, the statement, the level of success of CSOs activities is determined by the environment in which they operate stands valid. Barnes (2005: 9) contends that CSOs thrive and achieve great success in environments where the government promotes democracy and the rule of law. In Romania, the media and journalistic environment remains fragile. There is still a need for journalist safety in terms of media freedom (Reporters without Borders, 2021).

Questions concerning role of CSOs in promoting accountability and transparency in governance have also challenged civil society performance. Although CSOs seek to promote democratic governance, it seems the State feels threatened by the watchdog role of CSOs. CSOs are often seen as less formal and corrupt than governmental agencies, as well as more effective advocates for social change (Howell and Pearce, 2001). Sour relations between the State and civil society are mainly rooted in trust issues. The EU has an impact on policymaking and civil society policies, but the relationship between the State and CSOs remains strained, as Bezovan *et al.*, (2017) observe that with a high level of bureaucracy and a low capacity for finances limits CSOs performances. As such CSOs find it challenging to perform their task in such an environment. Trust is also called on relations between citizens and CSOs. According to Badescu *et al.*, (2004), Romanian civil society is still struggling to overcome the lack of faith in public institutions that has persisted since the communist regime's demise. As a result, many people are discouraged from citizen participating in public life. All democracies require active public participation in the political arena (Dalton and Wattenberg, 2000) because it is the "lifeblood of representative democracy" (Norris, 2002: 215). The operation of a democratic system necessitates active public participation.

Findings also presented concerns over the socio-political environment of the operation of CSOs. Threats, oppression, and assaults on CSOs working on human rights and democracy remain an issue of concern. Assaults have also been made against CSOs fighting for environmental conservation (Digi24.ro, 2021). Despite efforts to protect CSOs' actions, the efforts seem to be unsatisfactory and the State and other independent human rights institutions should take pronounced and decisive actions to protect CSOs.

The fact that Romania's socio-economic-political environment is still associated with strikes and accusations of corruption, CSOs still have a mammoth task ahead in promoting democratic governance. In addition, accusations of corruption and democratic deficit show that CSOs are still struggling to successfully promote the democratization agenda. According to Balosim (2018), Romania's civil society does not yet represent the citizens' voice or a "transmission belt" capable of reforming and repairing systems of corruption. It can be noted that as long as CSOs operate under the ambit of the State, the probability of having strong and powerful CSOs is limited and as such a major question arises, will CSOs be able to drag the State to court due to State corruption or State inefficiencies? As Bharti (2022) argues that there are still remnants communism in the country. However, despite the challenges mentioned, this does not imply that CSOs do not mobilize and work together to achieve their aims in the democratization process, the available findings would easily refute such an argument.

Conclusions and Recommendations

In this study, the importance of literature review is expressed once again, as the basis for further study of CSOs. This study sought to analyse the role of CSOs in the Romanian democratic process. The paper made use of role theory in understanding CSOs' role expectations and challenges that limit their performance in the democratisation process. Related literature was used in this paper to analyse the role of CSOs in the democratic process. The study concludes that CSOs cannot replace the State but has a complementary role by engaging the government to be more accountable, transparent and efficient towards good governance. CSOs in Romania have reached out for their performance in addressing a range of public issues and are striving to promote their role and contribution to the promotion and protection of human rights and promote good governance and democracy. Thus they (CSOs) play as an intermediary variable role between the State and the citizens for good governance. The paper has also presented that despite successful actions, and efforts of CSOs in promoting democratization and challenging the State to sustain democratic governance, these efforts are hampered by factors such as limited by financial constraints and lack of citizen trust. In addition, donor aid is a significant barrier to the growth and sustainability of CSOs as they aim to promote democracy and good governance. Further recommendations are provided to the State to promote CSOs with an enabling environment and promote the sustainability of democracy.

BIBLIOGRAPHY

Abăseacă, R. and Pleyers, G. (2019). The reconfiguration of social movements in post-2011 Romania. *Social Movement Studies*, 18:2, 154-170.

- Active Watch, Freedom of Press in Romania 2018/2019. <https://www.activewatch.ro/ro/freeex/publicatii/lansarea-raportul-freeex-2018-2019-libertatea-presei-in-romania>.
- Bădescu, G., Sum, P., and Uslander, E. M. (2004). Civil Society Development And Democratic Values In Romania And Moldova. *East European Politics And Societies*. 18(2), 316–341.
- Balosin, M. (2018). *European Union and the Romanian Civil Society*. Available At, https://www.researchgate.net/publication/325630602_Eu_And_The_Romanian_Civil_Society/Citation/Download
- Barnes, C. (2005). *Weaving the web: Civil society roles in working with conflict and building peace*. In: Van Tongeren P, Brenk M, Hellema M, et al. (eds) *People Building Peace II: Successful Stories of Civil Society*. Boulder, CO; London: Lynne Rienner, 7–24.
- Bharti, M.S. (2022). Democratisation and Institutional Development in Romania after 1989. *Journal of Scientific Papers. Social development and Security*. Vol.12, No.1.
- Biddle, B. J. (1986). *Recent developments in role theory*. *Annual Review of Sociology*, 12: 67-92.
- Boadi, G. (1995). Civil Society in Africa. *Journal of Democracy*, Vol. XVI No. 3.
- Boadi, G. (2006). “*Civil Society and National Development*”. Remarks at the symposium on The Church and the State as Development Partners, organized by the KNUST Chaplaincy to mark its 40 th Anniversary.
- Borza, G. (2022). “*The European Way Of Thinking And The Crisis Of Democratic Practices Within Procedural Societies*”, In *Civil Society-Romanian Diagnoses*, Issue 3.
- Bratton, M. (1994). *Civil Society and Political Transition in Africa*. Institute for Development Research, 11 (6) 1-21.
- Buzasu, C. (2019). *After Protest: Pathways Beyond Mass Mobilization in Romania*. *Carnegie Europe*. Available at <https://carnegieeurope.eu/2019/10/24/after-protest-pathways-beyond-mass-mobilization-in-romania-pub-80145>
- Campbell, D. F. J. (2008). The basic concept for the democracy ranking of the quality of democracy. Wien: The Democracy Ranking of the Quality of Democracy. <https://nbn-resolving.org/urn:nbn:de:0168-ssoar-290631>
- Cibian, D. (2022). Civil Society in Romania: Mapping the vulnerabilities of a consolidating sector. Policy Research. Observatorium 64 .
- Civic Space Romania. (2023). Fighting For Democratic Empowerment And Resilience. European Civic Forum. Available At, <https://civic-forum.eu/Wp-Content/uploads/2023/03/Civic-Space-Report-2023-ROMANIA-European-Civic-Forum.Pdf>
- Coalition NGOs For Citizens (2020). ‘Legea Adunărilor Publice Armonizată Cu Constituția – Propunere Legislativă Promovată De 15 Organizații Neguvernamentale’, 11 June 2020.
- Cohen, J. L. and Arato, A. (1992). *Civil Society and Political Theory* (Cambridge, MIT Press).
- Connor, D. M., (1999). “*Public Participation*,” *Constructive Citizen Participation*, 27, 6-10.
- Council Of Europe. (31 March 2023). Romania: Exchanges With Civil Society Organisations. Available At; <https://www.coe.int/Ro/Web/Execution/-/Romania-Exchanges-With-Civil-Society-Organisations>.

- Dalton, R., and Wattenberg, M. (2000). *Parties Without Partisans: Political Change In Advanced Industrial Democracies*, Oxford, Oxford University Press.
- Democratic Progress Institute (2016). *The Role Of European Union Accession In Democratisation Processes*. Democratic Progress Institute, United Kingdom. Available At. <https://www.Democraticprogress.Org/Wp-Content/Uploads/2016/06/The-Role-Of-European-Union-Accession-In-Democratisation-Processes-PROOF1.Pdf>
- Digi24.Ro (2021), 'Doi Jurnaliști Și Un Activist De Mediu, Bătuți În Timp Ce Filmau În Pădure Despre Tăierile Ilegale De Lemn: „Vă Omor” VIDEO', 17 September 2021.
- EU Action Plan On Human Rights And Democracy 2020-2024. *Joint Communication To The European Parliament And The Council*. European Commission. Brussels, 25.3.2020 (5) Final.
- European Commission, 2022 Rule of Law Report , *Country Chapter on the rule of law situation in Romania*, available at https://commission.europa.eu/document/download/bf52b443-7a64-4a54-8584-533c866bf902_en?filename=52_1_194026_coun_chap_romania_en.pdf
- European Economic And Social Committee (2017). *How Civil Society Organisations Assist Refugees And Migrants In The EU: Successful Experiences And Promising Practices From The 2016 EESC Civil Society Prize*, Brussels, European Economic And Social Committee.
- European Economic And Social Committee (2017). *The Effectiveness Of ESF And FEAD Funding As Part Of Civil Society Efforts To Tackle Poverty And Social Exclusion Under The Europe 2020 Strategy* (Own Initiative Opinion), OJ 2017 C 173, 31 May 2017, P. 15–19.
- European Economic And Social Committee (2021). *2021 EESC Civil Society Prize – Climate Action*, Brussels, European Economic And Social Committee.
- European Union, Consolidated version of the Treaty on the Functioning of the European Union, 13 December 2007, 2008/C 115/01, available at: <https://www.refworld.org/docid/4b17a07e2.html>
- Expert Forum (2021), *Secretele Subvențiilor Politice, Policy Brief* EFOR No. 123, Bucharest, Expert Forum, 9 August 2021.
- Firmin, A. (2015). *State of Civil Society Report*. CIVICUS: World Alliance for Citizen Participation.
- FRA (2021). *Protecting Civic Space In The European Union.*, Luxembourg, Publications Office.
- Freedom in the EU Report. (28 April 2023). *The State of Press Freedom in Romania Declines. Lobby Romania*. Available at. <https://lobbyromania.ro/state-of-press-freedom-romania-2023/>
- Glick, M.B. (2011). *The Role Of Chief Executive Officer. Degree Of Doctor of Philosophy*, Colorado State University, Fort Collins, Colorado.
- Grcheva, O., and Oktay, V. B. (2021). *From public participation to co-creation in the cultural heritage management decision-making process*. Sustainability, 13(16), 9321.
- Group Of Experts On Action Against Violence Against Women And Domestic Violence (GREVIO) (Baseline) Evaluation Report. (2022). GREVIO/Inf(2022)6. Available At, <https://Anes.Gov.Ro/Wp-Content/Uploads/2022/12/Final-Report-On-Romania.Pdf>.

- Henderson, S. L. (2003). *Building Democracy In Contemporary Russia: Western Support For Grassroots Organizations*, Ithaca, N.Y.: Cornell University Press.
- Hogg, M. A. (2000). Subjective uncertainty reduction through self-categorization: A motivational theory of social identity processes. *European Review of Social Psychology*, 11, 223–255.
- Holdis, D. (2019). *Media Influence Matrix: Romania*. Ceu Center for Media, Data and Society (CMDS), Budapest, Romania. Available at, <https://cmds.ceu.edu/sites/cmcs.ceu.hu/files/attachment/article/1728/mimromaniafulireport.pdf>
- Howell, J., and Pearce, J. (2001). *Civil Society and Development: A Critical Exploration*. Lynne Rienner.
- Mărginean, I., Precupețu, I., Dumitru, M., Mihalache, F., Mihăilescu, A., Neagu, G. (2010). *Calitatea vieții în România 2010* (Bucharest, Institutul de Cercetare a Calității Vieții).
- Matei, A. and Apostu, C. (2013). *Non-Governmental Organizations as Agents of Modernization: A Romanian Perspective* *Procedia - Social and Behavioral Sciences* 81, 142 – 146.
- Norris, P., (2002). *Democratic Phoenix: Reinventing Political Activism*, Cambridge, Cambridge University Press.
- Organization for Security and Co-operation in Europe, (OSCE) (2019). *The Role Of Civil Society In Preventing And Countering Violent Extremism And Radicalization That Lead To Terrorism: A Guidebook For South-Eastern Europe*, Vienna, OSCE.
- Oxygen To Romanian Civil Society (01 August 2013). *Norway Grants News*. Available At, <https://Eeagrants.Org/News/Oxygen-To-Romanian-Civil-Society>
- Pacesila, M. (2016). The Role Of Nongovernmental Organizations In The Public Decision Making Process. *Review Of International Comparative Management*. Volume 17, Issue 1.
- Puscas, V. (2006). *European Negotiations A Case Study: Romanian Accession To The European Union*. I.U.I.E.S. International University Institute For European Studies I.S.I.G. Institute Of International Sociology – Gorizia.
- Reporters Without Borders (26 May 2021), ‘Romania: In An Open Letter, RSF And Activewatch Denounce Judicial Pressures On Investigative Journalists Following A Complaint From A Bucharest District Mayor.
- Romania Action Plan Review 2020-2022. (9 November 2021). Open Government Partnership. Available At, <https://Www.Opengovpartnership.Org/Documents/Romania-Action-Plan-Review-2020-2022/>
- Rule of Law Report. (2020). Country Chapter on the rule of law situation in Romania. Brussels, 30.9.2020. European Commission. SWD(2020) 322 final.
- Shkabatur, J. (2012). *Transparency With(out) Accountability: Open Government in the United States*. *Yale Law and Policy Review* 31(1), 1-62.
- Spurk, C. (2010). ‘*Understanding Civil Society*’, contribution to book *Civil Society and Peace-Building*, Lynne Rienner Publishers, Boulder and Co, USA, (3-5).
- Stryker, S., and Statham, A. (1985). *Symbolic Interaction and Role Theory*. In *Handbook of Social Psychology*, 3rd ed., edited by Gardner Lindzey and Elliot Aronson, pp. 311- 378. New York: Random House.

- Tanasoiu, C. and Racovita, M. (2012). *Post-Accession (Anti-)Corruption Record in Romania and Bulgaria. L'Europe en Formation*, 364, 243-263.
- Tatar, M. I. (2006). *Importing Democracy From Abroad: International Assistance For Civil Society In Romania*. Oradea: Univ. Of Oradea Press. [https://Nbn-Resolving.Org/Urn:Nbn:De:0168-Ssoar-454561](https://nbn-resolving.org/urn:nbn:de:0168-ssoar-454561).

TRANSYLVANIAN ETHNIC MOSAIC ENHANCING LOCAL CULTURE

*Alina STOICA**
*Bianca SFERLE***

Abstract. *The current study focuses on culture in the context of Transylvania's ethnic mosaic. Transylvania's geographical location, as well as the range of natural, social-historical, economic, and political factors, have resulted in a high level of ethnic, religious, linguistic, spiritual, and cultural diversity. All of these features are actual elements that give the inhabitants of this historical province of Romania personality. This study is concerned with the ethnic structure of this Romanian province, which has evolved over time, as well as the manner minorities have coexisted with the Romanian majority population. We find it fascinating to see how the culture of minorities has been shaped by the culture of the dominant population over time, and vice versa. Furthermore, the region's ethnic variety is a result of the region's numerous cultural patterns, which has significant social, economic, and political ramifications.*

Based on the statistical data collected, our analysis will focus on Hungarians, Germans and Roma in Transylvania. On the other hand, this ethnic, cultural, religious mosaic constitutes a particular point of attraction for cultural tourism in the area, arousing in recent years a growing interest in cultural - creative tourism, encouraged by the presence of medieval architecture, specific culinary art, music and dance and not least the folk craftsmen, who are involved in the process of tourist development of Transylvania.

Keywords: *minorities, culture, heritage, Transylvania*

The twenty-first century is defined by humanity's efforts to better organise and comprehend the reality of the time, which is marked by both freedoms and barriers. Culture serves as a catalyst for political and economic action at the European, national, regional, and local levels. Recent studies, on the other hand, have shown that the local cultural factor can significantly influence an area's ability to generate wealth for the community, while also acting as an accelerator for a long-term economic revival through the development of innovative and creative sectors based on artistic activities (*Nukhet, Fox, 2013:12*).

Culture is also seen as a democratising factor. Authorities that are aware of the role of culture in regional development focus on a civic culture, which encourages the expression of participatory democracy (*Stoica, 2019*), essential in the promotion and development of the social economy of that community and a precondition for increased collaboration with regions or localities with similar interests.

* Assoc.Prof.PhD., Department of International Relations and European Studies, University of Oradea, stoicalina79@yahoo.com

** PhD. Candidate, Babes-Bolyai University, biancasferle@yahoo.com

Investing in culture enriches all aspects of society that create a community (Tomlinson, 2002: 37-40). The collective mentalities of a population alter as a result of increased access to culture, which benefits the people's mental health among other things. Personal motivation and self-esteem are the key effects. Through sociability, citizens' strength and level of involvement in the growth of the community raises the standard of life for each individual as well as their sense of both individual and group responsibility for the creation of products. Service provision consequently grows as a result. Independence from outside assistance is possible when people, groups, and the community are all properly developed. Furthermore, individuals and groups must be motivated by shared interests, strong degrees of solidarity, trust and tolerance, and cooperative abilities for democratic governance to function well in the region (Nukhet, Fox, 2013:16).

Therefore, multiculturalism is a reality in the case of Romania, which includes the acceptance of cultural diversity, pluralism, and minority rights. Since 1989, there has been a focus in our nation on the mutual acknowledgment of values, the development of a spirit of conversation, communication, and cooperation amongst the many cultures. The Romanian government's efforts to safeguard national minorities are acknowledged on a European scale (Burtea, 2017).

On the other hand, minority ethnicities complement Romanian traditions and culture, providing an overview of their spread and how the cultures interconnect, influencing and enhancing each other over time (Mihoc, 1998:94-98).

Introduction

The current study focuses on culture in the context of Transylvania's ethnic mosaic. Transylvania's geographical location, as well as the range of natural, social-historical, economic, and political factors, have resulted in a high level of ethnic, religious, linguistic, spiritual, and cultural diversity. All of these features are actual elements that give the inhabitants of this historical province of Romania personality. This study is concerned with the ethnic structure of this Romanian province, which has evolved over time, as well as the manner minorities have coexisted with the Romanian majority population. We find it fascinating to see how the culture of minorities has been shaped by the culture of the dominant population over time, and vice versa. Furthermore, the region's ethnic variety is a result of the region's numerous cultural patterns, which has significant social, economic, and political ramifications. Thus, Hungarians, Germans, or Jews have received a considerable lot of attention from historians-demographers, whilst Armenians, Slovenes, Croats, Serbs, Ruthenians, Roma, Bulgarians, and others have received little or no attention (Moceanu, 2017).

Based on the statistical data collected, our analysis will focus on Hungarians, Germans and Roma in Transylvania. On the other hand, this ethnic, cultural, religious mosaic constitutes a particular point of attraction for cultural tourism in the area, arousing in recent years a growing interest in cultural - creative tourism, encouraged by the presence of medieval architecture, specific culinary art, music and dance and not least the folk craftsmen, who are involved in the process of tourist development of Transylvania.

The aim of our research, through quantitative and qualitative analysis, is to demonstrate that culture unites, not divides, and that cultural syncretism can only benefit a community/region. On the other hand, we want to provide a dynamic of the population and ethnic migration flows, also starting from the cultural heritage of the ethnic

minorities, without going into too much detail concerning the colonisation process or the historical background of each of the three ethnic groups. At the same time, we want to see to what extent cultural syncretism supports the development of tourism in general and cultural-creative tourism in particular.

1. Demographic evolution of Hungarians, Roma and Germans ethnics in Transylvania

Since the 19th century, the ethnic structure of the Transylvanian population became the subject of a rigorously structured demographic discourse and conscious ethnic policies, assumed by the Austro-Hungarian Empire until 1918 and later by the Romanian State. In this part of our study we will analyse the situation of the three minorities mentioned from the perspective of demographic evolution.

The analysis of the demographic evolution of the three ethnic minorities is based on a sample of the nine counties (Alba, Braşov, Bistriţa-Năsăud, Cluj, Covasna, Harghita, Hunedoara, Mureş, and Sibiu) that comprised Transylvania during the interwar period, as well as statistical data from censuses conducted between 1930 and 2011 (*National Institute of Statistics, 2002*). Since 1930, the population has been registered using a strict scientific technique, allowing us to conduct our investigation.

1.1. The Hungarian minority

The presence of Hungarians National Institute of Statistics in Transylvania dates back to the end of the 9th century. From 1930 to 1992, the population gradually grew from 816,872 ethnic Hungarians in 1930 to 1,096,912 in 1992, and the 2011 census recorded 1,227,623 ethnic Hungarians. Currently, 19.1% of the population of Transylvania is Hungarian (*National Institute of Statistics, 2013*). And yet, after 1992 quite a few Hungarians chose to emigrate to Hungary in search of a job, and they continued to be Romanian citizens along with the Hungarian citizenship they obtained later ("Viktor Orbán's double message ..."). Against the backdrop of the economic crisis unleashed by the Wall Street Crash at the end of October 1929 (*Simms, 2015:256*) there was a depreciation in living standards, which affected the birth rate. Losses suffered in World War II raised mortality rates, contributing to population decline. This reality is clear from the table below. The economic upturn in the 1960s and 1970s is also reflected in the increase in the number of ethnic Hungarians, which can be seen in the figures for the nine counties analysed in this study.

Table 1. Hungarian minority

	AB	BN	BR	CJ	CV	HR	HD	MS	SB
1930	33271	20923	57054	139467	116961	216615	37056	176990	18535
1956	27602	24427	57064	163836	136388	245300	32635	231875	18118
1966	26989	22583	65326	164543	140472	248886	40047	249675	20139
1977	27196	21487	72956	171431	156120	277587	38340	268251	21881
1992	24765	21098	63558	146186	175502	295104	33849	252651	19309
2002	20684	18439	50956	122301	164158	276038	25388	228275	15344
2011	14849	14350	39661	103591	150468	257707	15900	200858	10893
MA	25050.86	20472.42	58082.14	144479.3	148581.3	259605.3	31887.86	229796.4	17745.57
CV	21.63%	14.69%	17.16%	15.90%	12.04%	9.23%	24.78%	12.77%	18.90%

Fig. 1. Representation of the evolution of the arithmetic average of Hungarians in 1930-2011 in the studied counties

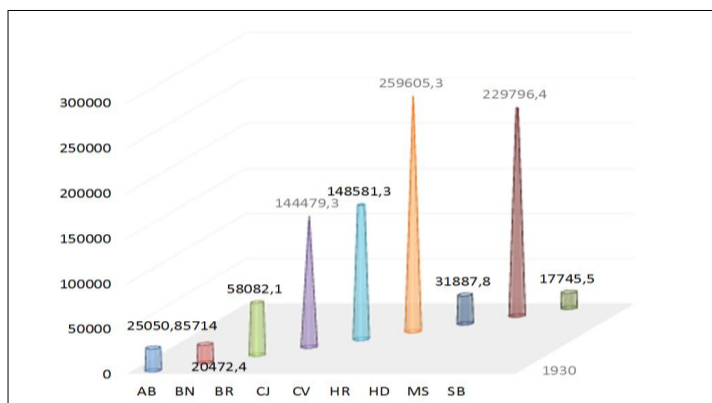
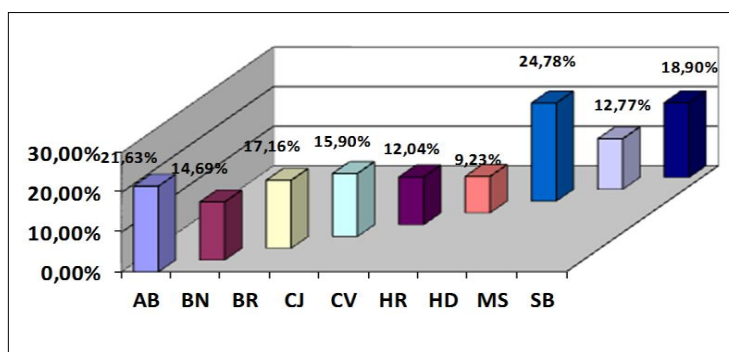


Fig. 2. Representation of the evolution of the coefficient of variability of Hungarians in 1930-2011 in the studied counties



In the case of Hungarians, the arithmetic average varies from 17,745.5 in Sibiu County to 259,605 in Harghita County, which shows that between 1930 and 2011, Harghita County had the largest population of Hungarians of the counties analyzed. The coefficient of variability indicating the homogeneity of the sample studied has values ranging from 9.23% in Harghita County to 24.78% in Hunedoara County. From the data obtained we can see that the homogeneity of the Hungarian ethnicity is found in Harghita County, but we can also observe that Mures County and Covasna County have a high homogeneity of the presence of this ethnicity. Figure 2 shows the evolution of the homogeneity of the Hungarian ethnicity in the period 1930-2011 in the 9 counties that are the subject of our analysis.

1.1. The German minority

The Germans in Romania, known in documents as Saxons, were colonized in the 12th century as a result of historical processes and events that brought important German communities to this area of Central and Eastern Europe at the dawn of the Middle Ages

and in the modern era. As members of the Unio Trium Nationum, Germans in Romania observed local customs and holidays (Nicoară, 2005: 19-22).

Table 2. The German Minority

	AB	BN	BR	CJ	CV	HR	HD	MS	SB
1930	16918	22217	50585	3660	813	1024	7982	33379	100703
1956	12726	6690	39546	1354	444	368	7743	20074	89722
1966	12823	6102	40857	1738	277	237	6671	20625	96882
1977	12321	2860	38623	1818	276	281	5406	18807	96401
1992	3243	954	10059	1407	252	199	3634	4588	17122
2002	1311	661	4418	944	198	140	1937	2045	6554
2011	728	428	2923	687	114	70	971	1478	4244
MA	8581.429	5701.714	26715.86	1658.286	339.1429	331.2857	4906.286	14428	58804
CV	71.24%	125.37%	69.55%	54.16%	63.20%	89.47%	52.69%	77.11%	73.33%

In terms of demographics, we know that after World War I, the German minority numbered 750,000 people, accounting for 4.1% of the new state's population. Transylvania had 237,416 of them, Banat had 275,369, Satu Mare had 31,067, Basarabia had 81,089, Bucovina had 75,533, the old kingdom had 32,366 and Dobrogea had 12,581. The new state's democratic structure allowed Germans to protect their economic interests while still developing their language, cultural, and religious traditions. In interwar Romania, the German minority had access to a vast number of periodicals, with approximately 70 newspapers and magazines in German in 1922, increasing to 176 in 1934 (Delureanu, 1997: 5-24).

Fig. 3. Representation of the evolution of the arithmetic average of Germans between 1930 and 2011 in the studied counties

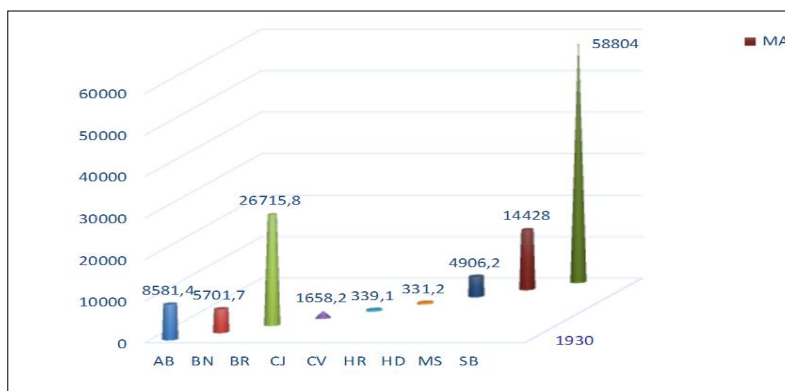
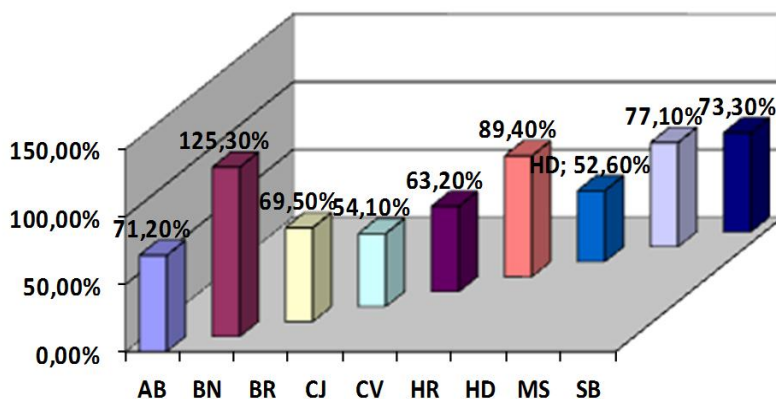


Fig. 4. Representation of the evolution of the coefficient of variability of Germans in 1930-2011 in the studied counties

The arithmetic average ranges from 331.2 in Harghita to 58,804 in Sibiu, indicating that of the nine counties studied, Sibiu has the largest German minority. A statistical calculation shows that the homogeneity of our sample between 1930 and 2011 is in Sibiu county. The coefficient of variability, which reflects sample homogeneity, ranges from 52.69% in Hunedoara County to 125.37% in Bistrița - Năsăud County. According to the data, the homogeneity of the German ethnicity is located in Bistrița-Năsăud county, while Cluj and Alba counties also have a high homogeneity of the presence of this minority. Figure 4 depicts the evolution of the homogeneity of the German ethnic group in the nine counties studied between 1930 and 2011.

1.1. The Roma minority

Between 1930 and 2011, the demographic evolution of the Roma population in the 9 counties that form the basis of our analysis is an interesting dynamic to say the least. Here are the figures and the graphical representation:

Table 3. The Roma minority

	AB	BN	BR	CJ	CV	HR	HD	MS	SB
1930	6722	8471	4803	9957	3080	2702	4738	17444	9272
1956	6988	5677	6313	6981	3450	1514	3041	13804	10127
1966	2811	3023	3405	4322	1465	1390	730	11402	3037
1977	8979	2280	12033	7714	3522	3228	3347	20019	12803
1992	12661	9004	15612	16334	2641	3827	5577	34798	18730
2002	14306	11155	18313	19834	5973	3835	6823	40425	17125
2011	14292	11937	18519	22531	8267	5326	7475	46947	17946
MA	9537	7363.85	11285.43	12524.71	4056.85	3117.42	4533	26405.57	12720
AS	4054.712	3520.072	5974.2	6500.72	2128.98	1289.296	2175.411	13059.93	5280.895
CV	42.5%	47.80%	52.9%	51.90%	52.4%	41.3%	47.9%	49.4%	41.5%

Fig. 5 Representation of the evolution of the arithmetic average of Roma people between 1930 and 2011 in the studied counties

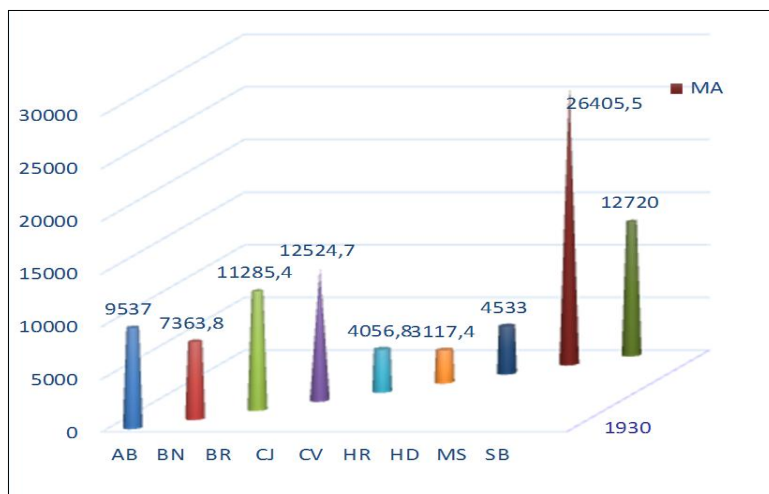
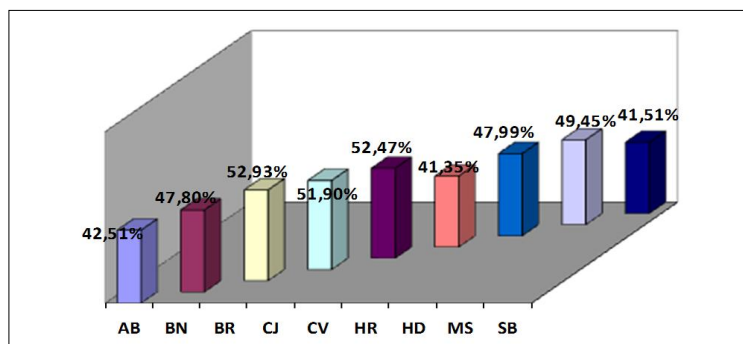


Fig. 6. Representation of the evolution of the coefficient of variability of Roma people in 1930-2011 in the studied counties



The Roma ethnicity figures recorded by censuses from 1930 to 2011 are not real and do not reflect the true demographic reality. Knowing how this ethnicity shows itself and taking into account economic, military, political, and, most importantly, social realities, we can conclude that (*Stoica, Mărcuț, 2015:12*) a substantial portion of this ethnicity either did not declare their ethnicity or called themselves Romanians or Hungarians. This was a result of the effects of the numerous political regimes, which clashed with this ethnic group's culture and mode of expression (*Romanian History, vol. VIII, 2003: 125–130*). As a result, they established tactics to maintain their peace and continued existence as an ethnic group, just like other minorities. Following the fall of the Berlin Wall and subsequently of communism, the truth became apparent. The demographic situation was therefore made clear by the censuses of 1992 and 2002.

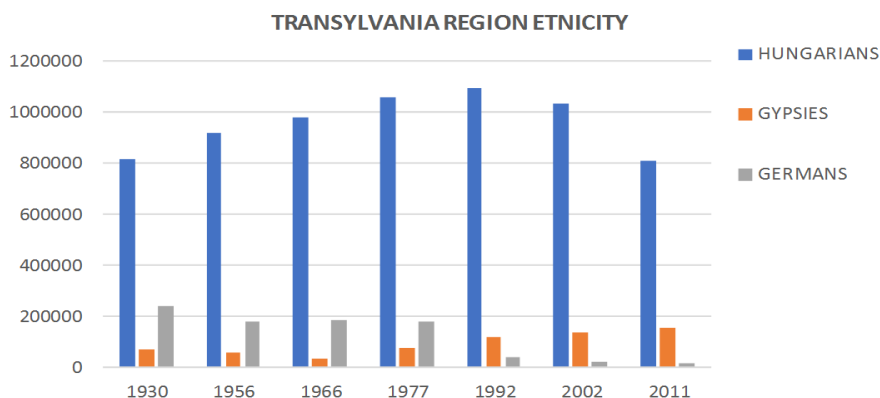
As a result, the arithmetic mean of the sample examined for the Roma minority ranges from 3117.40 in the county of Harghita to 26405.50 in the county of Mures. This demonstrates that the Roma minority has a strong effect in the county of Mures. According to calculations based on the coefficient of variability, homogeneity values range from 3117.42 in the county of Harghita to 26405.50 in the county of Mures. Sibiu and Covasna counties are the following two where the ethnicity of Roma performs exceptionally in terms of demographics. In the nine counties that are the focus of our investigation, the graphs above show an evolution of the homogeneity of the German ethnic group from 1930 to 2011.

1.1. Instead of conclusions

According to the situation centralised below, some conclusions can be drawn from the following rows.

	YEAR	ETNICITY		
		HUNGARIANS	GYPSIES	GERMANS
TRANSYLVANIA	1930	816872	67189	237281
	1956	917818	57895	178667
	1966	978660	31585	186212
	1977	1055249	73925	176973
	1992	1096912	119184	41458
	2002	1032022	137789	18208
	2011	808277	153240	11643

Fig. 7 Ethnic situation of Transylvania concentrated on the three ethnic groups



The overall analysis shows a slight, progressive increase in the Hungarian minority in the nine counties from 1930 to the 1992 census. Following this period, we see a steep reduction caused by the movement of the Hungarian minority population to Hungary in quest of a better life, as a result of identification with the population of the neighboring state, which is fostered by this state's policies. The current Hungarian population of Transylvania is 808,277 people, according to the most recent census. From 1930 to 1992, the Hungarian population expanded from 816,872 to 1,096,912, with the number surviving after 1992 reducing to 808,277.

The Roma minority is the only one in Transylvania whose numbers have constantly increased since the 1960s economic boom. Although their population declined due to World War II, when they were designated "enemies of the race-based state" by Hitler and Antonescu and more than 25,000 Roma were deported by the Romanian government, their population reached 153,240 in 2011. According to our findings, the number of ethnic Hungarians was only close to reality after 1992, with the adoption of the new democratic political framework.

Transylvania's Saxon population has been steadily declining. If there were 237,281 Germans in the region in 1930, making them the second largest minority, there are now 11,643 Germans. Migration to the West, particularly to Germany, is one cause.

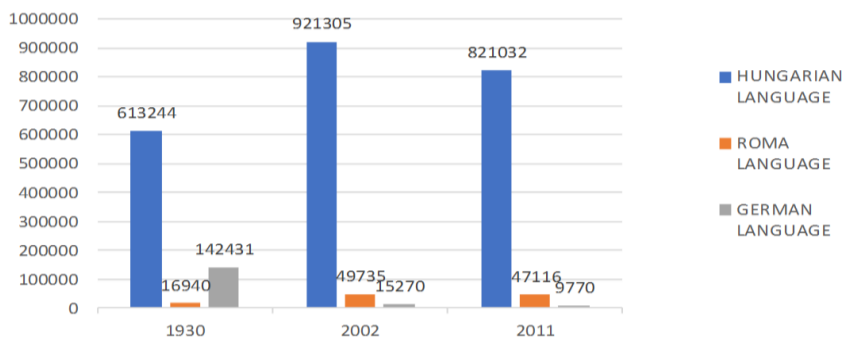
However, using other specialist studies as a source of data (Pascu, 2010), we discover that although Romanians make up the majority of the population in the nine counties, each of the three ethnic groups under study has contributed to the development of the local culture in its own unique way. Through a variety of initiatives, particularly educational ones, the Romanian government has enabled them to maintain their culture. It is common knowledge that there are schools, in various stages of development, that teach these German and Hungarian minorities' native tongues as well as, more recently, the Roma language. Language, religion, and customs have not been changed on purpose. However, we observe the acculturation process, which is present and unavoidable in any situation like this.

2. Linguistic perspective

From a linguistic point of view, there are only data available from the 1930, 2002 and 2011 censuses, and we will attempt an analysis from this perspective. Bellow are the data collected from the National Institute of Statistics.

REGION	YEAR	LANGUAGE		
		HUNGARIAN	ROMA	GERMAN
TRANSYLVANIA	1930 <i>(Central Institute of Statistics, 1930)</i>	613244	16940	142431
	2002 <i>(National Institute of Statistics, 2002)</i>	921305	49735	15270
	2011 <i>(National Institute of Statistics, 2011)</i>	821032	47116	9770

Fig. 8. Transylvania region languages



In accordance with the demographic evolution examined in the first section of this paper, the analysis of the aforementioned table reveals that the number of Hungarian speakers increased significantly between 1930 and 2002 before falling. This shift in the population of Hungarian speakers from Transylvania to Hungary in particular, but also to other regions and countries, can be seen. Between 1930 and 2011, the number of people who speak German continuously and significantly decreased, primarily as a result of their migration to the West. Therefore, the decline in Hungarian and German speakers is caused by either professional migratory interests, opportunities presented by the opening of borders in the 1990s, or a desire to return to one's native country.

3. Transylvanian ethnic mosaic enhancing local culture

3.1. Culture

Two aspects of the three ethnic minorities in Transylvania have been examined in the preceding pages: demographic and linguistic evolution. The first illustrated the migration position of the three ethnic groups, while the second was intended to corroborate the first premise on the one hand while emphasizing the distinctive character of language as a primary pillar of majority or minority culture on the other.

Transylvania has a historical cultural fusion that has given rise to a significant deal of diversity, including various beliefs, customs, and traditions. The historical past of the entire province, which was governed by the Habsburg Empire, the Austro-Hungarian Empire, and finally the Kingdom of Great Romania, is what has contributed to its exceptional ethnic heritage.

The Roma are the most stigmatized ethnic minority in Europe and Transylvania, mainly because they have adopted their own cultural rules to ensure their survival and to maintain their collective traits. It is the ethnic group that is least impacted by the acculturation process, regardless of where they dwell. They struggle to integrate and maintain their identity at all costs. This scenario has major implications for this minority's social relationships ("Ejemplos de minorias etnicas...").

In the case of the other two ethnicities, things are completely different. In Transylvania, both were part of the group of the three privileged nations (Hungarians, Saxons and Szeklers), a decision taken in 1691 by Leopold I, King of Hungary, Bohemia and Emperor of the Habsburg Empire. The act was called the Leopoldine Diploma and was a kind of constitution of Transylvania until 1848 (*Istoria Românilor, vol V:362*). Their culture grew in this region, Transylvania, via education, religion, and the propagation of their customs, and is represented in art, architecture, music, and dance. Transylvania retains more cultural features than the other principalities, Moldova and Wallachia, because it was less damaged by Ottoman invasions and raids. That is why, apart from the Saxon and Szekler churches that were guarded against the Ottomans, Hungarian and Saxon influences can still be found today in Transylvania's architecture, in the dwellings of the common people and nobles of the time (*Köpeczi, 2001*).

Many architects who studied or worked in Budapest built in Transylvania, now Romania, at the turn of the century. Among the most notable representative architectural constructions of the Hungarian community in Transylvania are: Mikes Castle - Zabala Szentkereszty Castle - Arcus Kalnoky Castle - Miclosoara Lazar Castle - Lazarea Miko Castle - Miercurea Ciuc (*Köpeczi, 2001*).

Heritage left behind by Banffy Family one of the oldest Hungarian noble families in Transylvania, are now part of the Romanian cultural heritage. The most famous Banffy residence today is located in Bontida has been dubbed Transylvania's Versailles, due to the impressive decorative artefacts, pieces of furniture and other items collected by the Banffys along the 500 years of this family's uninterrupted dwelling in Bontida (*Julean, 2017*).

The Hungarian minority in Romania is now a recognized and integrated minority, and the preservation of its culture in Transylvania is ensured by institutions such as theater and opera houses such as: Hungarian Opera in Cluj-Napoca, Hungarian State Theatre in Cluj-Napoca, National Theatre in Targu Mures, "Tompa Miklós" Company of the National Theatre of Targu Mures, Tamasi Áron Theatre in Sfantu Gheorghe, Tomcsa Sandor Theatre in Odorheiu Secuiesc, Municipal Theatre in Miercurea Ciuc, , Studio Theatre in Targu Mures, Ariel Theatre in Targu Mures, Puck Puppet Theatre in Cluj-Napoca, Sectia Maghiara; Museums: The National Szekler Museum in Sfantul Gheorghe, Szekler Museum in Miercurea Ciuc, Library Teleki-Bolyai in Targu Mures.

Under the confessional aspect, according to the 2002 census, a number of 665,343 people among the Magyars of Romania indicated that they were linked to the reformed church, 587,033 are declared Catholics, etc. 64,984 unitarists' (*National Institute of Statistics, 2002*).

In Transylvanian cities like Sibiu, Brasov, Medias, Sighisoara, Cluj, Dej, and Bistrita, the Saxons constructed extensive defenses and settlements. With between 180 and 200 structures, the abundance of Saxon Gothic churches in Transylvania is a unique occurrence. The vast majority of them are fortified churches that are surrounded by walls and bastions as a defense against the numerous invasions that occurred at the time. Two architectural styles predominate in the Transylvanian Gothic churches: hall churches and churches with three ships, which are unique to the German geographic region and North Europe. The fusion of Roman and Gothic components, which can be seen in many buildings, is a key aspect of Transylvanian Gothic. The excellence of Transylvanian Gothic was confirmed by the development of a tight relationship between the German colonists in Transylvania and the Gothic sites in Germany and the Kingdom of Bohemia, particularly in the cities of Nuremberg and Prague (*Popescu, 2017*).

Therefore, experts are no longer unaware of the significance of culture in domestic and global politics since shared culture, despite variety, may foster a strong sense of community. It can also be applied to fortify a certain collectivity or mold its reputation on a global scale (*Catalan, Sanz, 2022:9*). To better comprehend the dynamics of power transition, it is critical to acknowledge the function of cultural practices as well as the importance of cultural relations history, intellectual cooperation, and cultural diplomacy.

Historians use the term culture to refer to the practices or ways of life of entire civilisations, humanity in general, or that were in place at a certain moment. At times, they relate to the larger plight of particular civilizations as a result of their accomplishments and advances in domains like as science, industry, education, and art.

1.1. Cultural tourism

From minority, language, culture, to cultural tourism and why not to cultural-creative tourism, it is only a step. Transylvania's cultural industry is growing by the day.

Cultural tourism, as an aspect of tourism in general, is equally focused on the countryside (open-air festivals, memorial houses of famous writers or artists, landscapes mentioned in literature, etc.) and the urban environment (museums, theaters, etc.), addressing a region's culture, particularly its artistic values. Cultural visitors, according to experts, spend more than 'standard' tourists. These tourists may be interested in religion, philosophy, history, anthropology, and other subjects and seek to participate in the process of learning about historical events. Many tourists are interested in contemporary advances in various sectors of human activity, as well as progress in scientific, technological, educational, and sociological fields.

In a broader sense any form of tourism can be defined as cultural tourism if it succeeds in satisfying the basic human need for diversity, tending to increase the cultural awareness of the individual, discovering new knowledge, experiences and encounters. At the same time, cultural tourism offers the opportunity for intercultural dialogue through the possibility of discovering and appreciating cultural diversity (*Hunziker, 1952: 63*).

In the EU, cultural tourism is attracting an increasing number of tourists. According to a European Commission study, 20% of visits in Europe are culturally motivated, while 60% of European tourists are genuinely interested in cultural discovery during their trip. Apart from the sustained growth in global tourism demand, both domestic and international, covering all types of destinations, there are other factors explaining this trend: the modern tourist is sophisticated, looking for different cultural experiences, and local authorities see tourism as a source of income and economic opportunities (*Hunziker, 1952: 63*).

The industry for cultural tourism is expanding. In the backdrop of an overall average increase of 4-5% in the tourist industry generally, UNWTO predicts an annual rise in cultural travel of 10-15%. Cultural tourism is unavoidably linked to urban tourism because historical sites are typically found in urban areas. In metropolitan areas, competitive expenditures in infrastructure and cultural amenities to welcome tourists have a direct impact on the economy and raise living standards. Along with other local elements (accessibility, fiscal climate, human capital, and stability), which affect the city's competitiveness in the global economy, an urban cultural center defines the worth of the city (*Tresseras, 2014: 37*).

For the cultural tourism development strategy to be successful, it is critical to consider how cultural resources are spatially organized in Transylvanian cities and how they relate to the infrastructure (hotels, transportation hubs, and shopping districts) (*Tresseras, 2014: 37*). The physical and geostrategic characteristics of a city, as well as its cultural heritage, are covered by the cultural sector. Cultural facilities are defined broadly to include performances, exhibits, institutions, and infrastructure like theaters, museums, galleries, bookshops, recreation centers, and the art market.

Contrarily, cultural and creative tourism is found in fairs, museums made from old factories, factories, etc. and is a specialty of both urban and rural areas. It is distinguished by an offer centered on educational opportunities for leisure pursuits that are influenced by regional culture in all of its forms. This encouragement of consumption implies knowledge acquisition, increased contact, and exposure to tourism resources. Cultural legacy is especially important in this regard since it enables the interplay of many identities, including those of the visitors and the society of the destination (*Baudrihayé, 1997*).

This includes the actions of artisans, for example. Visiting a Horezu pottery workshop, combined with the ability to study the art of pottery manufacturing, adds value and elevates tourism to a higher level. Music and dance, on the other hand, have grown in prominence as intangible heritage in recent decades, particularly after UNESCO's acknowledgment of specific World Heritage events like the Creative Cities Network. This, along with other factors, has resulted in diverse heritageisation processes that legitimize this expression as part of many peoples' living heritage. (*Masilla, 2021*).

BIBLIOGRAPHY

- BaudrihayeJaime, Ruiz Axel, (1997), El turismo cultural: luces y sombras, în Estudios Turisticos, nr. 134, 1997, p.43-54. available at: https://turismo.janium.net/janium/Objetos/REVISTAS_ESTUDIOS_TURISTICOS/79330.pdf
- Bianca Felseghi (2017), „Dublul mesaj al lui Viktor Orban pentru maghiarii cu dublă cetățenie din România”, în PressONE, 26 iulie 2017, available at <https://pressone.ro/dublul-mesaj-al-lui-viktor-orban-pentru-maghiarii-cu-dubla-cetatenie-din-romania/> .
- Burtea Vasile (2017) „Atitudini ale unor instituții și autorități publice față de minorități în România – așa cum rezultă din activitatea instituției Avocatul Poporului”, în POLIS. Revistă de științe politice, vol.V, nr.1 (15), Serie nouă, 2017.
- Carbó-Catalan Elisabet, Roig-Sanz Diana (2022), Culture and soft power, De Gruiter, 2022, 399 p.
- Cândea Virgil (2003), Istoria Românilor. O epocă de înnoiri în spirit european (1601-1711/1716), vol. V, București, Editura Enciclopedică, 2003.
- Delureanu St (1997), „Germanii din România înainte și după 1945”, în “Revista istorică”, 1997, 8, nr. 1-2, 79 p.
- Hunziker Walther (1952), Social Tourism its nature and problems, Editura Scientific Commission of the Alliance Internationale de Tourisme, Geneva, 1952, 110 p.
- Institutul Central de Statistica, coord. Sabin Manuila (1930), Recensământul general al populației României din 29 decembrie 1930: neam, limba maternă, religie: vol. 2; Washington University in St Louis, University Libraries. Available at: <https://ia801501.us.archive.org/12/items/recensamntulgene02inst/recensamntulgene02inst.pdf>
- Institutul National de Statistica/ National Institute of Statistics (2002) “Populația la recensămintele din anii 1948, 1956, 1966, 1977, 1992 și 2002 - județe și medii”, available at: <https://insse.ro/cms/files/RPL2002INS/vol4/tabele/t1.pdf>
- Institutul National de Statistica/ National Institute of Statistics (2002) “Populația Stabila După Principalele Limbi Materne La Recensământul Din Anul 2011”, available at: <https://www.recensamantromania.ro/rpl-2011/rezultate-2011/>
- Institutul National de Statistica/ National Institute of Statistics (2002) „Populația după etnie”, 2002, available at: <https://insse.ro/cms/files/RPL2002INS/vol4/tabele/t5.pdf>
- Institutul Național de Statistică/ National Institute of Statistics (2002), „Populația după limbă maternă - regiuni, județe și medii”, 2002. Available at: <https://insse.ro/cms/files/RPL2002INS/vol1/tabele/t44.pdf>

- Institutul Național de Statistică/ National Institute of Statistics, (2013), Recensământul populației și locuințelor 2011, available at: <https://www.recensamantromania.ro/rpl-2011/rezultate-2011/>
- Ioan Scurtu (2003), *Istoria Românilor*, vol. VIII, coord. Ioan Scurtu, București: Editura Enciclopedică, 2003, 856 p.
- J. Tresseras, (2014) *La gestión del Turismo Creativo*, Cordoba, Editora de la Universidad Nacional de Córdoba. 2014.
- JULEAN Dan-Ionuț; JULEAN, Dana (2017), „Moștenirea familiei Bánffy în Transilvania.../A Bánffy-család öröksége Erdélyben.../The Bánffy Family Inheritance in Transylvania...”, Cluj-Napoca: Presa Universitară Clujeană, 2017.
- Köpeczi Béla (2001), „HISTORY OF TRANSYLVANIA”, Ed. History Of Transylvania, Institute Of History Of The Hungarian Academy Of Sciences, Columbia University Press, New York.
- Mansilla, Melina Noel, (2021) „Turismo creativo: fundamentos y posibilidades de desarrollo en Argentina”, în *Revista de Turismo e Identidad* V.2 n.2, 2021. ISSN 2718 – 8205 CC BY-NC 2.5 AR, pp.125-153.
- Mihoc Blaga (1998) „Minoritățile naționale din România între anii 1930-1933”, în *Familia*, 1998, nr. 2.
- Moceanu, Razvan (2017), *Minoritățile naționale din România – între aspirații și realități*, available at: <https://www.rador.ro/2017/12/18/analiza-minoritatile-nationale-din-romania-intre-aspiratii-si-realitati-2/>
- Nicoară Toader(2005), „Historia și tradițiile minorităților din România”, Ministerul Educației și Cercetării. Proiect pentru Învățământul Rural, 2005, available at: https://hiphi.ubbcluj.ro/Public/File/sup_curs/istorie24.pdf
- Pascu Pavel (2010), *Studiu privind structura etnică a populației din Transilvania conform celui mai recent recensământ efectuat în anul 2002*, octombrie 2010, available at: https://www.scribd.com/doc/43437932/Structura-Etnica-a-Populatiei-Din-Transilvania?doc_id=43437932&order=613584275.
- Pop Ioan Aurel (2016), *Transilvania, starea noastră de veghe*, Editura Școala Ardeleană, 2016.
- Popescu, Mara (2017), „The Fortified Churches of Transylvania, UNESCO Heritage, Where To?”, 2017, available at <https://www.frh-europe.org/the-fortified-churches-of-transylvania-unesco-heritage-where-to-2/>
- Sandal Nukhet, Fox Jonatan (2013), *Religion in International Relations Theory*, Londra, Routledge, 2013, 252 p.
- Simms Brendan, *Europa. Lupta pentru supremație de la 1453 până în prezent*, Iași: Polirom, 2015, 509 p.
- Stoica Alina (2019), „Rolul democrației participative în procesul integrării europene”, în Gabriel Moisa, Sorin Șipoș (coord.), *Între istorie națională și istorie europeană: studii în onoarea profesorului Mihai Drecin*, Editura Universității din Oradea, Editura ProUniversitaria, 2019.
- Tomlinson John (2002), *Globalizare și cultură*, Timișoara, Editura Amarcord, 2002, 332p.

THE ROLE OF CIVIL SOCIETY ORGANISATIONS IN THE DEVELOPMENT OF NEW FORMS OF TERRITORIAL COOPERATION IN THE WESTERN BALKANS

*POLGÁR István József**

Abstract. *The main conflicts of the twentieth century occurred mainly because of political and ideological reasons. The borders of states became real insurmountable barriers not only for enemies, but several times also for their own citizens. This character of the borders created rather the role of elements that prevented the emergence of common activities and values. The dissolution of Yugoslavia at the beginning of the 90s created seven new independent states. After the armed conflicts that followed the initial proclamation of independence in several of these countries, a period of consolidation came, along with European integration as well as cooperation and reconciliation efforts. Managing territorial cooperation in the European Union and at its South Eastern borders is a social and economic investment that enables European societies to strengthen their cohesion and resilience and become more prosperous. It can be considered also a societal process in which the responsibility does not rest with a specific group, but with several. Civil society and its organizations play an important role in the development of territorial cooperation in all the target countries. These carry out valuable work assisting or even substituting for governments by providing guidance and support in this process.*

Keywords: *civil society, cooperation, cross-border, development, balkans*

Introduction

Strong identity cleavages, which culminated in violent inter-ethnic conflicts, have profoundly marked Balkan societies. The new geopolitical realities, associated with a process of national-identity emancipation, have led to the redrawing of political maps in the Balkan space. Competition and mutual distrust marked the first two decades after the fall of communism. Slowly, these societies matured and the injuries of the past began to heal. Even though there are still many open wounds, a reconciliation process has begun at the level of public discourse, at the political level and even at the level of identity (Brie, Islam, Polgár, 2022:185).

The process of European integration seemed to be the solution in the context of widespread aspirations of the populations of these states towards EU accession. However, the process of European integration is not a simple one and requires, in addition to the EU's openness to make this integration (the numerous internal crises of the EU in the last decade, but also the need for institutional reform have slowed down / stopped the enlargement process) an integrating realignment of all identity communities within these states. Even if in the past years the process was promising, the actual situation shows that

* Ph.D, Lecturer at the Department of International Relations and European Studies, University of Oradea, str. Universităţii no. 1, Oradea, Romania, email: istvan.polgar@uoradea.ro

this is a highly contested and unfinished project. The European Union always proclaims the idea of an open door for the Western Balkans, but at almost all times adjoined by “*not yet*”. This indecision has led to deception at both the political and societal levels (Brie, Islam, Polgár, 2022:186).

Some states seem resigned in this continuous antechamber. Some, like Serbia, are looking to find geopolitical alternatives to justify their policy. Thus, the Balkan space has once again become the theatre of complicated geopolitical realities involving first-rate global actors.

The questions of regional development and the question of territorial cooperation are two of the key elements of modern society, bringing benefits and conflicts and raising issues of security, social measurements and multiculturalism in our globalised world. One of the great challenges of contemporary Europe is related to territorial cooperation. Evaluations conducted have shown that there is a great need for expertise and policies regarding the European territorial cooperation and in the field of regional development (Polgár, 2016:9).

In recent years, the discourse on territorial cooperation has become increasingly negative. It is more and more obvious that the complex, transnational cooperation challenge cannot be handled or managed anymore only by the state. Especially because the states are no longer the most important actors in the so-called development process (Newland, 2010:328). As a consequence, there is an increasing tendency to advocate for closing the borders and trying to reduce cooperation with certain neighbors. If we are trying to figure out how to manage territorial cooperation, or how to elaborate comprehensive and sustainable development policies, the issue of cross border partnerships must to be considered. Usually, the question of cross-border partnership, or the method of implementing it can represent a sensitive subject in certain areas. In some cases, is already difficult to discuss whether and how the cross-border partnership should happen, it is even harder to discuss how and whether territorial cooperation should be integrated as a standard policy.

There is a different perception between countries with regard to the definitions of the terms like regional development, cross-border cooperation or territorial cooperation.

There are several legal issues and obstacles which are identified especially at the Eastern and South Eastern border of the EU. These obstacles are directly related to the legal background from these states regarding territorial cooperation. Therefore, one of the main questions of the research is: How have the conservative tendencies impacted the independence of civil society in its actions regarding the promotion of territorial cooperation? Has civil society acted as a counterbalance in the question of territorial cooperation against conservative tendencies from the political systems?

Some believe that the solutions can be fined if the political leadership, civil society and also employers from the labor market will focus on the role and importance to achieve broad representation of different ethnic groups. This can have important implications for the stability and quality of democracy, especially for states in transition to democracy and emerging out of long periods of authoritarian rule. Withal, the way that minority groups are included in the democratic process strongly influences the inter-ethnic relations at the state level and the creation of an inclusive society is an important task for any democratic government.

The issue of territorial cooperation represents one of the most important aspects that European countries have had to manage in the process of European construction.

Learning about and researching cooperation methods, transmit knowledge and experience to the new generations through education, have become an essential pillar of European values on the construction of an intercultural society based on direct and indiscriminate cooperation and collaboration between ethno-religious communities. It is known that European legislation and practice promote the idea of living together in the sense of social value consisting in accepting otherness, good understanding of the various ethnic groups within the same local communities and openness to communication and cooperation (Brie, 2016:13-14).

As the economy expands to become increasingly more global, society and workplaces are more diverse than ever before. To succeed in a multi-cultural workplace, it is essential to be able to work with and adapt to the work styles and habits of people of varying ages and cultural identities. To be a successful job candidate it is a must to be able to demonstrate a sensitivity and awareness to other people and cultures.

A theme that appears frequently in public debate, in recent years, concerns the future and destiny of a united Europe, from the cultural approach of the European integration, the relationship between local and national level, but also the relationship between national and European level, the relationship between the neighbouring states in the European space and the possibility of the emergence of a European cultural identity with supranational character.

Managing territorial cooperation in the EU and in the neighbouring countries is a social and economic investment that enables societies to strengthen their cohesion and resilience and become more prosperous. It can be considered also a societal process in which the responsibility does not rest with a specific group, but with several.

The emergence of civil society has been a major feature in many areas of everyday life. While a large amount of work has been developed on its significance for the legitimacy of a democratic regime, the question of its relationship with the European values and integration processes on one hand and conservative, or illiberal political systems on the other has been answered in limited ways. However, in a context in which the common understanding of European values is regularly undermined, civil society and its organizations are facing challenges such as the reduction of their advocacy role. At least as it relates to recent major developments that have affected the quality of democracies of the Western Balkan states. While there has been a rapid and extensive spread of civil society institutions and practices in the region, the 'internalisation' of the 'norm' of civil society has emerged as a benchmark in assessing the capacities of civil society to bring or contribute to a change. Thus, the role of civil society in both integration processes and territorial cooperation tendencies can be further enlightened with the application of the benchmark of internalisation of the norm of civil society.

Methodology

What constitutes a norm of civil society? As an answer to this question we can use the definition given by Dahl (2006:15-30) and by Katzenstein (1996: 5) over international norms as "collective expectations for the proper behaviour of actors with a given identity". While there has been broad agreement among democracies on the necessity of the existence of civil society in a democracy, a feature of the so called illiberal political systems has been the contestation and violation of civil society as a norm. Normative change does not occur immediately. According to the literature, the norm-like cycle includes three phases, namely the emergence, cascade, and internalisation phases

(Finnemore and Sikkink, 1998:887). The cycle begins with the formulation of a new norm(s), continues with compliance to the new norm by the states and ends with the internalisation of the new norm; for example, increased independence of the civil society.

However, the nature, culture, and dynamics of civil society, provide the government actors with numerous points of co-optation or capture of civil society. Civil society has its own organisational culture and dynamics and has a tendency to accommodate or remain receptive to new demands of the government. In this direction, the illiberal tendencies tend to contest the diffusion of civil society norms, resulting in a halting of internalisation of the norms related to civil society.

The cases of Western Balkan countries, as we argue in this paper, are a case in point. From this discussion emerges the two hypotheses of this article: (H1): “Civil society organizations play an important role in the development of territorial cooperation”; (H2): “Civil society organisations working on the ground play a role in monitoring the implementation and impact of new policies and initiatives”. Contributing to the empirical literature on the relationship between civil society and territorial cooperation or illiberal tendencies, this article looks to tackle and answer the following research questions: How have the illiberal tendencies impacted the independence of civil society in its actions regarding territorial cooperation? Has civil society acted as a counterbalance in the question of territorial cooperation against illiberal tendencies from political systems?

We use a qualitative approach to choose data that comprised major developments as regards territorial cooperation and its obstacles in the Western Balkan countries, mainly after 2015. After collecting the data, we identified events that could be considered important factors in the developments surrounding the role and behaviour of civil society in territorial cooperation.

The cases of the Western Balkan countries are important in two main aspects. First, countries from the specified region have approximately 30 years of history of the emergence of civil society. Thus, assessing the relationship between civil society and integration process or territorial cooperation tendencies can shed an important light on the role that civil society has. The second, most of the initiatives proposed by the civil society organisations in this region, in terms of territorial cooperation, are facing political scepticism or refusal.

Western Balkan countries democratised during the post-Cold War era in the early 1990s with civil society mobilisation playing a crucial role in the downfall of their former communist regimes. Nevertheless, only in some countries from the region civil society was able to act as an effective counter to democratic backsliding and bring an end to it. This article argues that this is largely due to the levels of independence of civil society and of internationalisation of the norm of civil society.

Typology and literature review of civil society in the context of territorial cooperation

Civic society’s involvement in public governance today is evolving against a backdrop of several worldwide developments that are transforming the socioeconomic dynamics of countries with both opportunities and challenges (Cartwright, 2018). Indeed, the recent commitments to the sustainable development agenda made by the world leaders at the global level reflect a shared vision of development and an effort by the international community to devise strategies that will simultaneously help minimize challenges and maximize opportunities. The involvement of the civil society in public governance may

well be a key strategy for serving these twin goals (UN 2008). According to the thesis developed by other researchers, like Giddens (Giddens,1998:15-18), civil society has the potential to correct the failures of both states and market, and would therefore constitute the way forward for democratic progress.

The use of the new communication tools in accessing information has formidable potential for accelerating citizen connectivity and civic participation, but has so far been used to this end in relatively few places. The rise of civil society and its demand for a greater role in territorial cooperation have amplified the need for greater civic engagement (UN 2008).

A common meaning of the term civil society leads us to the idea that this represents a society of the citizens. In parallel with the concept of civil society, a series of related concepts were born and were used, such as social pact, civil order or civic culture.

The expression '*civil society*' bears the imprint of a particular historical legacy, loaded with imprecision and contradictions. Reasons are several, one of these can be that the term received a double and successive understanding at it was used to name distinct realities (Tămaş, 1993:65). Initially, civil society meant a society organized as a state, meaning the state. Later and in the present days, it represents a sphere of social life, coexisting with the state but autonomous from it, we could say, trying to be in a balance with it.

Defining the concept '*civil society*' itself has proven to be a challenging task in both applied and academic circles, so much so that use of the term has become essentially stipulative and its meaning has to be declared in any particular context. In most of the cases, civil society is perceived as an entity which performs two basic functions, the so-called service delivery and advocacy. In fact, despite their different backgrounds and general differences among the civil society organizations from the EU and civil society organizations from across Europe seem to be becoming more and more alike in the way these react to major societal trends such as demographic changes, migration, economic crisis, populism, shrinking civic space and integration (Divjak-Goran, 2017:5-8).

If we want to define civil society in the specific context of territorial cooperation, we use the term civil society to mean a diverse range of nonstate entities, which can influence formal and informal territorial cooperation related rules, practices and processes (Banulescu-Bogdan, 2011:2-9).

Based on the different understanding of civil society, presented above, we can say that the concept is used by different authors with different meanings and remains ambiguous (Amoore-Langley, 2004:92). Accordingly, we will use '*civil society*' to refer to voluntary, non-profit, organized activities that is autonomous from the state. It is important to underline, that the above presented definition is not a static concept. Basically, we speak about a concept which meaning is constantly evolving alongside changing migration trends.

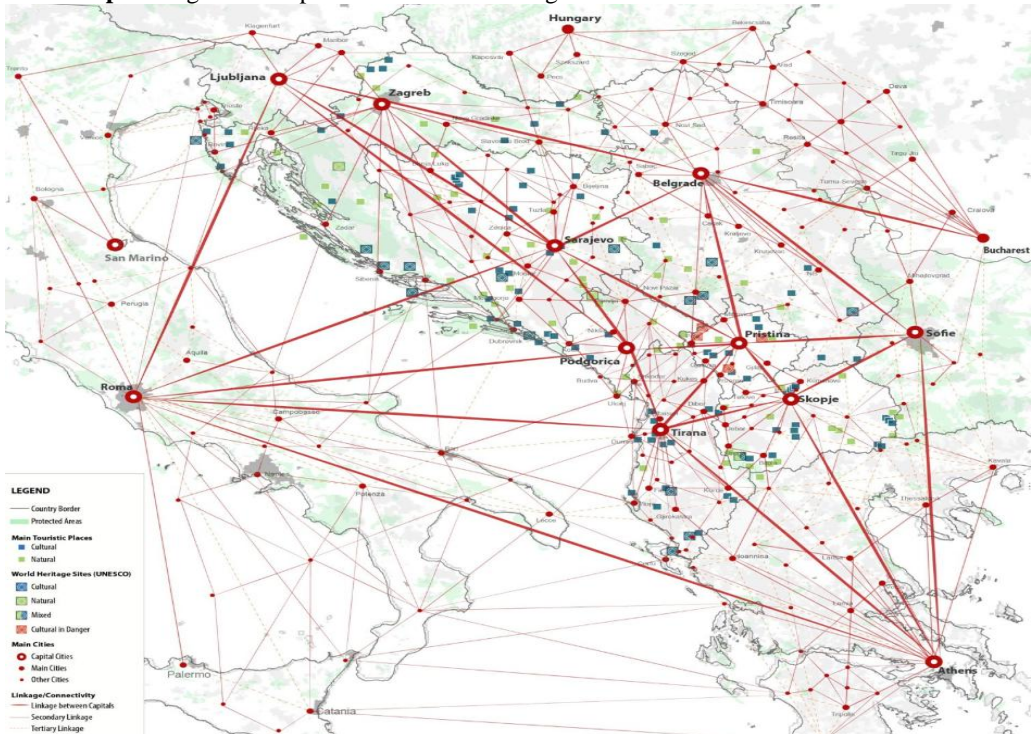
In South Eastern Europe, the terms covering civil society, or its bodies, the so-called civil society organizations (CSO), or/and non-governmental organization (NGO) also take on a different meaning. The civil society and civil society organizations step by step created a frame which is divided between NGOs (formal, officially registered bodies) and non-formal organizations (NFOs, which may be short-lived and more or less well organized). Both types are having the same goal, to support efforts in assisting civil society development (USAID, 2023:6-9).

Civil society through its actions and organizations will promote values. This attitude is usually perceived as opposed to the ones that guide states and markets. In terms of the issue of territorial cooperation, civil society would privilege openness, solidarity and hospitality. Most of the time all this will be implemented in a bottom-up way (Cutitta-Pécoud-Phillips, 2023:1-11).

Historical elements and background of regional cooperation

The fall of communism and the disintegration of Yugoslavia have amplified the process of national emancipation and the emergence of new cleavages in the Balkans. Against the background of conflicts and the desire for socio-economic development, the societies of the new Balkan states have repositioned themselves in favor of a reconciling dialogue (Brie, Islam, Polgar, 2021:65). History has taught the Western Balkan nations to be suspicious, especially of their neighbours. Some of that suspicion has re-emerged recently considering the tensions on the Serbian and Kosovar border which are blocking the EU membership talks.

Map. 1. Regional Cooperation – WB Visioning Territorial Futures in the context of the EU



Source: Regional Studies Association, *The Western Balkan Network on Territorial Governance – a regional initiative for cooperation*, <https://www.regionalstudies.org/news/blog-the-western-balkan-network-on-territorial-governance-a-regional-initiative-for-cooperation/>, accessed in 12.07.23

The EU, with some exceptions, has fallen silent on the case several border incidents (Atanasov, Goce, 2022). In the absence of the EU membership, the countries of the region are asked to do more for their own reforms in their own. This for the countries of the region has meant that they will need to wrap up their problems by their own.

However, it is impossible for the countries of the region so much dependent on the outside world experiencing constant crises with neighbouring states to sustain their internal economic and political stabilities. Thus, the emerging foreign policy context and culture can be characterized as Hobbesian, which has a deep mistrust of the international system and relies on self-help for solving problems (Herta, Corpadean, 2019:42-88).

Still, the countries of the Western Balkan region: Albania, Bosnia and Herzegovina, Kosovo, North Macedonia, Montenegro, and Serbia share a common objective, to be part of the EU. This commonly shared goal is valid and represents the future despite the huge diversity which characterize the Balkan space.

The idea of regional cooperation and new regionalism

The idea of regional cooperation or regionalism, seen as policy cooperation in different areas among geographically proximate neighbours, (Bozhilova, 2009:293-311) has been a main tendency in the foreign policies of the countries, particularly in Europe, starting from early 20th century. The initial ideas of regionalism were concerned with the ambition of achieving coherence among the countries within a specific region, as is the establishment of the European Communities in the 1950s. In this initial phase, the concept of regionalism also featured aspects of regional fragmentation and competition, arising in particular as a result of the rivalry between the West and East in the Cold War circumstances (Gunnarson, 2000).

With the end of the Cold War, the idea of regionalism gave way to what became known as New Regionalism. The end of the bipolarity fostered a more decentralized international system with the countries and the regions increasingly enjoying more freedoms in their foreign policy choices. Thus, the New Regionalism has seen regionalization in the direction of the establishment of the multipolar world, (Idem) as a source for achievement of Regionness with the capacity of a region to articulate its interests through relevant institutions (Bjorn, Soderbraum, 1998:6-21).

The above external explanations of regional cooperation are particularly important in cases of conflictual or post-conflict, developing and aid dependent societies like the Western Balkans (Anastasakis, Bojicic-Dzelilovic, 2000). These external sources are not necessarily the only factors, however. It is also possible that the regional relations are derived from the internal economic and political dynamics of a region or of a country. In reality, the intra-regional factors probably interact and thus shape each other. All regions have their characteristic paths of economic and political development that impact on intra-regional politics. Regionalism can be also market-driven for instance as a reaction against challenges imposed by globalization either to protect against the competitive pressures or to benefit from them (Mittelman, 1996:189). Regionalism has been further encouraged by the democratization and new attitudes towards international cooperation in which absolute rather than relative gains have come to dominate (Rosecrance, 1991:373). In addition, authoritarian leaders can exploit regionalism to boost their domestic regimes (Debre, 2021:394). Thus, the New Regionalism features a diverse and multi-dimensional cooperation as it has come to involve many actors, including both state and non-state actors, cooperation is exercised in the fields of both high and low politics (Anastasakis, Bojicic-Dzelilovic, 2002:10-22) and with both external and internal incentives in play that have kept the regional cooperation alive.

The regional cooperation initiatives, deriving from Neo-Realism explanation that considers regions to be defined by the physical boundaries of their members, are heavily

defined by relative material power of the member states and their respective national interests. In this way, the regional cooperation boils down to a movement between the desire for domination, on the one hand, and of emancipation in the struggle for core and peripheral positions, on the other (Vayrynen, 1997). In these circumstances, tensions occur between large and small member states that both may try to augment regional cooperation to strengthen their economic and political positions respectively. Their struggle is for relative gains and regional cooperation is pursued to establish a regional industrial base, enhance bargaining power, lock in domestic political reforms, or avoid national isolation (Shiells, 1995:30-31). There are also critical political attitudes towards regionalism in play that are also often shaped by the negative historical experiences (Duus, 1993).

The context and practice of regional cooperation in the Western Balkans

The main area of EU involvement in the Western Balkans happened at the beginning of the 90s and it had a humanitarian nature. The EU adopted a regional approach towards Southeastern European countries, whereby the main aim was to achieve basic stability and prosperity for the region as a whole (Collins, 2009:249). At that time, the region had been witnessing a chain of violent interethnic conflicts, so stability was obviously the minimum condition for further cooperation with the EU. One of the first European initiatives to stabilize SEE was launched in 1996, called the Royaumont Process, its aim was to support the implementation of the Dayton Peace Agreements and to promote regional projects in the field of civil society, culture and human rights (Petricusic, 2005:4-6).

Later, the EU encouraged reforms in the region which were meant to serve as pre-conditions for accession into the EU (Bojicic-Dzelilovic, 2002:5-7). It became clear that the countries from the region needed to establish bilateral and multilateral relationships among themselves, and therefore the EU attempted to launch “a regional multilateral tool”. This tool was The Stability Pact. Launched in 1999, the Stability Pact was an initiative that drew together the EU and some other partner states with the aim of bringing peace, stability and economic development to the Balkans.

The backbone of the EU’s strategy towards the Western Balkans after the post Kosovo crisis was the introduction of the Stabilization and Association process. This process promotes stability within the region and facilitates a closer association of the Western Balkan countries with the EU, and ultimately assists countries in their preparation for EU membership (Petricusic, 2005:4-6).

In 2000, a new EU financial instrument, the Community Assistance for Reconstruction, Development and Stabilization strategy was set up. The initiative represented a financial instrument used to manage EU assistance by the WB countries (Ibidem, 7).

The New Regionalism has been emerging pattern all around the world, but it has been in particular evident and dominant in Europe, where existing regional cooperation institutions such as the European Communities/European Union, NATO and the CSCE/OSCE were strengthened and new regional and sub-regional arrangements emerged in various parts of Europe, (Anastasakis, Bojicic-Dzelilovic, 2002:10-22) including in the Balkans, the southeast corner of the European continent. The Western Balkans, a geo-political term coined starting from early years of the 21st century, is a sub-region that refers to the six Balkan countries located in the western side of the Balkan peninsula that have not yet been able to achieve membership in the European Union. These include

Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, and Serbia.

The Western Balkans has had interesting features as regards the regional cooperation. In thirty years since the end of the Cold War, this region has seen changes in its name from Balkans to South East Europe to Western Balkans for re-branding purposes (Svetlozar, 2009:83). It has not been a permanent fixture; its political-territorial shape has changed, and has moved from one zone of economic and political development to another. Its shape has been dynamic, with constant reproduction. The intra-regional economic integration has been limited. The trade and economic relations among the countries of the region is very minimal. For all countries of the region, trade with the EU is far more significant (Seroka, 2008:15). Thus, the Western Balkans is an emerging region rather than full-fledged regional arrangement as it has not yet fully developed its economic and political potential. However, increasingly, this region has faced the new challenges in the direction of marketisation and democratisation, and there are emerging regional preferences.

A question arises on whether Western Balkans region has a centre either within itself or outside the region. Responses to this question reveal whether this region has autonomy in relation to major powers and core economies or not (Vayrynen, 1997). The conventional wisdom says that this region's economies and politics are in transition to dependence on the EU. The alternative vision however, formulated by the founders of Open Balkan initiative, which is the case of this study, suggests that, while external orientation to the EU remains a dominant trend, but in the absence of the EU membership, there is a place for an alternative vision, which searches for regional self-organisation and limited dependence to outside the world.

For more than 30 years since the end of the Cold War and disintegration of Yugoslavia in 1991, the region of Western Balkans has witnessed series of external and internal efforts to foster the regional cooperation. There is no major regional initiative that has been inherited from communist times. All the existing and functional regional cooperation initiatives are established in the post-Cold War era, and with few exceptions, have mainly been initiated with the assistance of the actors external to the region, including the EU, NATO and the US. The dominant international actors engaged in the region have been experimenting with alternative regional strategies and approaches which have not always been consistent and have had limited or unsuccessful results (Anastasakis, Bojicic-Dzelilovic, 2002:10-22). While the initiatives that concern the wider region of Balkans or of South East Europe include many and have longer history, such as the Regional Cooperation Council or the South East Europe Cooperation Process, the initiatives that are limited to the six Western Balkan countries are only recently established and they include the initiatives such as the Regional Youth Cooperation Office, Open Balkan, the Western Balkans Fund and few others.

Due to historical differences, the legacy of Yugoslav wars of 1990s and the ethnic cleavages, the region does not fulfil qualifications for a Security Community where there is a shared sense of belonging combined with development of common political and foreign policy practices and behaviour (Vucetic, 2001:109). National identities in the Western Balkans have been defined and have operated in opposition to each other (Todorova, 2004). The disintegration process still continues in the region. The definition of borders is still unclear. All in all, the region of the Western Balkans is diversified and composed by a variety of countries and governmental authorities. Such a regional context limits the capacity of its actors to define regional objectives and pursue regional

cooperation. There has been also limited economic ability to initiate and sustain regional initiatives. Something is clear and that is the countries of the region have not been able to deal with the trans-border threats without the support of the external factors such as the EU, NATO and the US. Nevertheless, there is wide conviction that the issues and problems - economic, political and security - in the Western Balkans cannot be resolved on a national basis alone. They are regional in character and therefore require additional regional measures (Anastasakis, Bojicic-Dzelilovic, 2002:10-22).

Despite the fact that it is not yet a Security Community, the idea of genuine regional cooperation stems from the fact that regional cooperation is a relations-related matter. Inter-state relations are about how states relate to each other not only in terms of common objectives, but also in terms of dangers and risks. The Western Balkans is enmeshed in a web of interdependence in terms of problems and desires. In the Western Balkans we have indivisibility situation, where a set of states have major problems so interlinked that these problems cannot reasonably be resolved apart from one another. Aware of this situation, the commitment for regional cooperation has been dominant feature of the foreign policies of the countries of the region. It is seen as important point in the entire process of the European integration, as the source for stability, security, democracy and prosperity, and as an important confidence building measure among the countries (Ibidem). The snowball effects of regional cooperation coming from the northern Europe also have enhanced the agenda for regional cooperation in the Western Balkans. The benefits seen by countries of Central Europe from initiatives such as Visegrad Group or Central European Free Trade Agreement have encouraged the countries of the region to follow the suit (Dangerfield, 2004:203). The countries thus have started to demonstrate a considerable readiness to pledge and commit substantial effort for regional cooperation. The Regional Youth Cooperation Office, Open Balkan and the Western Balkans Fund are results of this emerging trend.

The need for new regional cooperation initiatives

The region of the Western Balkans, despite the fact that it is a major sub-region of Europe and is surrounded by EU member states, has remained out of EU borders. The European integration process has moved, but very slowly. More than twenty years have passed since the EU made the promise for their membership in 1999. At the time of writing this study, two of the six countries hold accession talks (Montenegro, Serbia), two others are candidate states (Albania, North Macedonia) and remaining two have not yet achieved a candidacy status (Bosnia and Herzegovina, Kosovo) (Brie, Islam, Polgar, 2023:189). A region where the EU defined its foreign and security policy in post-Cold War era has remained a grey area at the heart of Europe (Herta, Corpadean, 2021:25-31). Culprits can be found both in EU and in the region. The process has recently been burdened with the persistence of old disputes, but also with the emergence of new quarrels (Rizaov, 2021).

The EU membership has been vital goal for the six Western Balkan states. The EU's condition-setting approach made a huge impact on the design of the democratisation reforms in the region. The EU also through its wider political, economic and security presence in the region provided incentive for the development of the European integration-oriented strategies. It also played a significant role in resolution of the political turmoil's happening constantly in these countries. However, the integration process of these countries fell into trap as they were exposed to be crisis management countries for

the EU rather than as countries to which the EU should enlarge, which damaged their integration prospects. This legacy has continued to harm their European integration prospects. Once the countries are recipients of the EU crisis management, it is difficult to expect a change in the paradigm from a crisis to a member (Ibidem).

Parallel to the absence of the EU membership prospects, the Western Balkans have experienced economic crisis that engulfed the region onwards. It has been already two years where the countries have experienced high financial crisis, with implications to investments, energy resources, remittances, industrial production, employment and growth. In these circumstances, the corruption as a phenomenon has leapt to the top of voters' concerns. Overall the public is scared and uncertain. And the implications of the failures on the economic side, with the absence of the European integration leverage, have forced the region's governments to be more pragmatist and less value-driven.

The wider perception, in both the EU and the Western Balkans, is that the EU membership is difficult to happen in near future or in medium term. And it may not happen at all, considering the offer made by the EU leaders to Western Balkans to join the European Economic Area rather than the EU, an offer which has been rejected by the Western Balkan leaders. Absence of EU membership progress in both the reality and in the perceptions of the public has decreased the credibility and leverage of the EU in the region, laying the basis for criticism of the EU role and for emergence of alternative thinking in the minds of the Western Balkan leaders. For most of the leaders of the Western Balkan space, the intra-regional economic integration can be considered as a substitute to the absence of the European integration (Semini, 2021).

Conclusions

The political integration of the Western Balkans is, as in other cases, preceded by an economic, cultural, educational or security integration that all these Balkan states have been in need of. Deepening integration through opening up and conducting accession negotiations has most often also meant a process of stabilization and resolution of the political turmoil that is constantly encountered in these states. However, the integration process of these countries fell into trap as they were exposed to be crisis management countries for the EU rather than as countries to which the EU should enlarge, which damaged their integration prospects. This legacy has continued to harm their European integration prospects. Once the countries are recipients of the EU crisis management, it is difficult to expect a change in the paradigm from a crisis to a member.

Managing territorial cooperation in the European Union and at its South Eastern borders is a social and economic investment that enables European societies to strengthen their cohesion and resilience and become more prosperous. It can be considered also a societal process in which the responsibility does not rest with a specific group, but with several.

Illiberal tendencies impacted negatively the perception of civil society organizations and their actions in the process of territorial cooperation. The main tool was the creation and the spread of fake ideas about civil society organizations (Freedom House, 2022). But the own organizational culture and dynamics made civil society to reproduce, to answer new tendencies and to accommodate or remain receptive to new challenges and demands of society.

Civil society and its organizations play an important role in the development of territorial cooperation in all the target countries. These carry out valuable work assisting

or even substituting for governments by providing guidance and support in this process. However, their involvement in the design of cooperation policies and integration activities does not always correspond to the importance of their role.

Thus, civil society is experiencing increasing difficulty in engaging with state institutions impacted by political polarization. The cooptation of the civil society in the decision-making process can generate a higher acceptance and legitimacy for the state in implementing reforms or new policies. At the same time, the civil society sector is diversifying, with many of the newcomers themselves less open to constructive dialogue and working within the confines of the system.

The civil sector remains at the forefront in the defense and promotion of values across the South East European states, but its constant and tireless endorsement of values is not without challenges in the present volatile and interdependent national, European and global contexts.

This research has illustrated the importance of regional cooperation initiatives and the importance of civil society organizations and presented how the cooperation initiatives has faced difficulties in claiming its relevance and legitimacy. This study contributes to the literature on legitimacy in regional cooperation arrangements and on the role of the legitimacy in their functioning. This study shows that the factors of legitimacy such as inclusivity is indeed challenging the legitimacy of the regional cooperation arrangements. Of course, this does not necessarily mean that other regional cooperation arrangements are better representative or inclusive, but the specific context and circumstances that surround the perception and the negotiations regarding The Berlin Process or the Open Balkan Initiative have underlined the importance of the consultation and representativity.

BIBLIOGRAPHY

- Ambrosio, Thomas. "Catching the Shanghai Spirit: How the Shanghai Cooperation Organization Promotes Authoritarian Norms in Central Asia." *Europe-Asia Studies* 60, no. 8 (2008): 1321-1344. <https://doi.org/10.1080/09668130802292143>;
- Amoore Louise, Langley, Paul (2004): *Ambiguities of global civil society*, in Review of International Studies, vol. 30, nr. 1, ianuarie 2004, p. 92
- Atanasov, Gocе. "Џозеф: Недозволива толеранција на ЕУ за бугарската блокада на Македонија" [Joseph: Inadmissible EU tolerance for the Bulgarian blockade of Macedonia]. *Slobodna Evropa*, January 5, 2022
- Anastasakis, Othon, and Vesna Bojicic-Dzelilovic. *Balkan Regional Cooperation & European Integration*. London: The Hellenic Observatory, The European Institute, The London School of Economics and Political Science, 2002.
- Banulescu-Bogdan, Natalia (2011): *The Role of Civil Society in EU Migration Policy: Perspectives on the European Union's Engagement in its Neighborhood*, Washington DC, Migration Policy Institute, p. 2-9
- Bechev, Dimitar. "Contested borders, contested identity: the case of regionalism in Southeast Europe." *Journal of Southeast European and Black Sea Studies* 4, no. 1 (2004): 77–96. <https://doi.org/10.1080/14683850412331321728>;
- Björn, Hettne, and Fredrik Söderbaum. "The New Regionalism Approach." *Politeia* 17, no. 3 (1998): 6-21

- Bozhilova, Diana. "Energy security and regional cooperation in South-East Europe." *Journal of Balkan and Near Eastern Studies* 11, no. 3 (2009): 293-311. <https://doi.org/10.1080/19448950903152151>
- Brie, Mircea (2016): "National Minorities: Levels of Educational Analysis" in *Migration and European Integration of Minorities*, ed. István Polgár, Ioan Horga, Mircea Brie, Saarbrücken: Lambert Academic Publishing, p. 13-14;
- Brie, Mircea, Islam Jusufi, Polgár István, *Is Inclusivity Necessary for Legitimacy of New Regionalism? Unpacking Open Balkan Initiative Negotiations*, in *Transylvanian Review*, Vol. XXIX, Supplement No. 2, Regional and Ethnic Communities, Past and Present, 2023, p. 185-209
- Brie, Mircea, Islam Jusufi, Polgar Istvan, "The role of the Albanian Community in the European Inegration Process of North Macedonia", in Laura Herta and Adrian Corpodean (eds.), *International Relations and Area Studies: Focus on Western Balkans*, Cluj-Napoca: Presa Universitară Clujeană, 2021, p. 65.
- Cartwright, Andrew (2018): "Civil society and policy making in the Visegrad group countries: lessons for the Western Balkans", Belgrade: European Policy Centre.
- Collins, Kathleen. "Economic and Security Regionalism among Patrimonial Authoritarian Regimes: The Case of Central Asia." *Europe-Asia Studies* 61, no. 2 (2009): 249-281. <https://doi.org/10.1080/09668130802630854>.
- Cuttitta, Paolo, Pécoud, Antoine, Phillips, Melissa (2023): *Civil Society and Migration Governance across European Borderlands*, Journal of Intercultural Studies, Vol. 44, no. 1, p.1-11
- Dahl, Robert (2006): *On Political Equality*, Yale university Press, p. 23-30
- Dangerfield, Martin. "Regional cooperation in the Western Balkans: Stabilisation device or integration policy?" *Perspectives on European Politics and Society* 5, no. 2 (2004): 203-241. <https://doi.org/10.1080/15705850408438886>.
- Debre, Maria J. "The dark side of regionalism: how regional organizations help authoritarian regimes to boost survival." *Democratization* 28, no. 2 (2021): 394-413. <https://doi.org/10.1080/13510347.2020.1823970>
- Duus, Peter. "Remembering the Empire: Postwar Interpretations of the Greater East Asia Coprosperity Sphere." *The Woodrow Wilson Center, Asia Program - Occasional Paper*, no. 54 (1993).
- Divjak, Tina and Forbici, Goran (2017): *The future evolution of civil society in the European Union by 2030*, Brussels: European Economic and Social Committee, p.5-8
- Favaretto, Tito. "Paving the Way for Possible Balkan Regional Cooperation." *The International Spectator: Italian Journal of International Affairs* 35, no. 1 (2000): 73-82. <https://doi.org/10.1080/03932720008458115>;
- Finnemore, Martha, and Kathryn Sikkink. (1998): "International Norm Dynamics and Political Change." *International Organization* 52 (4): 887-917.
- Freedom House, Nations is Transit (2022): <https://freedomhouse.org/report/nations-transit/2022/from-democratic-decline-to-authoritarian-aggression> accessed 10.01.23
- Giddens, A., (1998): *The Third Way: The Renewal of Social Democracy*, Cambridge: Polity Press International Organization for Migration (2020): *South Eastern Europe, Central Europe and Central Asia Regional Strategy 2020-2024*, Vienna, p. 15-18
- Gunnarsson, Malin. "Regionalism and Security - Two concepts in the Wind of Change."

- In *Nuclear Risks, Environmental, and Development Co-operation in the North of Europe*, edited by P. Axensten & G. Weissglas. CERUM, 2000
- Herta Laura M., Corpădean Adrian G., *The social construction of identity and belonging. Perceptions fo EU in the Western Balkans*, in Anna Skolimowska (ed.) *Perceptions of the European Union's identity in the International Relations*, London: Routledge, 2019, p. 42-88
- Katzenstein, Peter J. (1996): Introduction: alternative perspectives on national security. In: Peter Katzenstein (ed.) *The Culture of National Security: Norms and Identity in World Politics*. New York: Columbia University Press, 1-32.
- Kneuer, Marianne, Thomas Demmelhuber, Raphael Peresson, and Tobias Zumbrägel. "Playing the Regional Card: Why and How Authoritarian Gravity Centres Exploit Regional Organisations." *Third World Quarterly* 40, no. 3 (2018): 451-470. <https://doi.org/10.1080/01436597.2018.1474713>;
- Libman, Alexander, and Anastassia V Obydenkova. "Understanding Authoritarian Regionalism." *Journal of Democracy* 29, no. 4 (2018): 151-165. <https://doi.org/10.1353/jod.2018.0070>;
- Mittelman, James H. "Rethinking the New Regionalism in the Context of Globalization." *Global Governance* 2, no. 2 (1996): 189-213. <https://doi.org/10.1163/19426720-002-02-90000004>; Buzan, Barry, Ole Wæver and Jaap de Wilde. *Security. A New Framework For Analysis*. Boulder & London: Lynne Rienner Publishers, 1998.
- Newland, Kathleen, (2010): *The Governance of International Migration: Mechanisms, Processes and Institutions*. *Global Governance: A review of Multilateralism and International Organizations*, no. 3, p. 328-350
- Petričušić, Antonija, *Regional Cooperation in the Western Balkans – A key to Integration into the European Union*, Institute for International Relations, Zagreb, 2005, p. 4-6
- Pippidi, Andrei. "Changes of Emphases: Greek Christendom, Westernization, South-Eastern Europe, and Neo-Mitteleuropa." *Balkanologie* 3, no. 2 (1999): 1-11. <https://doi.org/10.4000/balkanologie.747>.
- Polgár, István (2016): *The Phenomen of Migration and Integration of Minorities in the European Union* in *Migration and European Integration of Minorities*, ed. István Polgár, Ioan Horga, Mircea Brie, Saarbrücken: Lambert Academic Publishing, p. 9-11;
- Polgár, István (2016): *Ethnic minorities and majorities in Europe. Migration and Integration*" in *Ethnic Minorities and Majorities. Migration and Integration*, ed. István Polgár, Ioan Horga, Mircea Brie, (Debrecen University Press, p. 3-5
- Rosecrance, Richard. "Regionalism and the Post-Cold War Era." *International Journal* 46, no. 2 (1991): 373-93. <https://doi.org/10.1177%2F002070209104600301>.
- Russo, Alessandra & Edward Stoddard. "Why Do Authoritarian Leaders Do Regionalism? Ontological Security and Eurasian Regional Cooperation." *The International Spectator: Italian Journal of International Affairs*, 53(3), (2018): 20-37. <https://doi.org/10.1080/03932729.2018.1488404>;
- Seroka, Jim. "Issues with regional reintegration of the Western Balkans." *Journal of Southern Europe and the Balkans* 10, no. 1 (2008): 15-29. <https://doi.org/10.1080/14613190801895912>;
- Shiells, Clinton. "Regional Trade Blocs: Trade Creating or Diverting." *Finance and Development* 32, no. 1 (1995): 30-31.

- Stoddard, Edward. "Authoritarian Regimes in Democratic Regional Organisations? Exploring Regional Dimensions of Authoritarianism in an Increasingly Democratic West Africa." *Journal of Contemporary African Studies* 35, no. 4 (2017): 469-486. <https://doi.org/10.1080/02589001.2017.1347254>;
- Svetlozar, Andreev, "Sub-regional cooperation and the expanding EU: the Balkans and the Black Sea area in a comparative perspective." *Journal of Balkan and Near Eastern Studies* 11, no. 1 (2009): 83-106. <https://doi.org/10.1080/19448950902724489>;
- Tămaș, Sergiu (1993): *Dicționar politic – instituțiile democrației și cultura civică*, București, Editura Academiei, p. 65
- Todorova, Maria. *Balkan Identities: Nation and Memory*. NY: NYU Press, 2004; Bechev, "Contested borders, contested identity"; Kitromilides, Paschalis M. "Balkan Mentality: History, Legend, Imagination." *Nations and Nationalism* 2, no. 2 (1996): 163-191. <https://doi.org/10.1111/j.1354-5078.1996.00163.x>.
- Tsoukalis, Loukas. "Economic aspects of European and Balkan regional integration." *The International Spectator: Italian Journal of International Affairs* 34, no. 4 (1999): 41-48. <https://doi.org/10.1080/03932729908456887>.
- United Nations (2008): *People Matter Civic Engagement in Public Governance in World Public Sector Report*, <https://www.un.org/tr/desa/world-public-sector-report-2008-people-matter> accessed in 22.07.23
- USAID (2023): *2021 Civil Society Organization Sustainability Index for Central and Eastern Europe and Euroasia*, 25th Edition, pp. 6-9
- Väyrynen, Raimo. "Post-Hegemonic and Post-Socialist Regionalism: A Comparison of East Asia and Central Europe." *The Joan B. Kroc Institute for International Peace Studies, University of Notre Dame - Occasional Paper*, no. 13 (1997).
- Vucetic, Srdjan. "The Stability Pact for South Eastern Europe as a Security Community-Building Institution." *Southeast European Politics* 2, no. 2 (2001): 109-134; Gunnarsson, "Regionalism and Security".

II. THE ROLE OF REGIONAL, TRANSNATIONAL AND CROSS-BORDER CO-OPERATION IN THE EUROPEAN INTEGRATION PROCESS

Afrim HOTI, Qendrim MATOSHI – *Dissolving the Cell of Democracy. Local Self-Government as a Mechanism of Integration of Ethnic Groups – The Case of Kosovo*

Aurora Elena GAVRIŞ - *Theoretical and Practical Aspects at County and Regional Level with a Role in the Efficiency of Administrative Organization*

Anca OLTEAN - *The impact of Covid 19 Pandemy upon Romanian Civil Society as Reflected in the Newspaper "România Liberă". An Overall View of the Evolution of Pandemy and its Impact in the Year 2021"*

Yevheniya YURIYCHUK, Opinko STANISLAV - *Administration of Election and Referendum Processes in the Regions of Ukraine in the Post-War Period: Security and Legitimation Challenges*

George Horațiu BONTEA – *A Socio-Constructivist Retrospection of the Internationalisation and Outcomes of the Bosnian War*

Reina ZENELAJ, Dragana KURTI - *Dynamics of Regionalism in Western Balkans: A Quest for Regional Identity*

Gabriel BONACIU – *Local and Transnational Partnerships: European Instruments for Rural Development*

Cosmin CHIRIAC – *Evaluating Polycentric Development in a Cross-Border Setting. Data Treasure Hunt at the Romanian-Hungarian Border*

DISSOLVING THE CELL OF DEMOCRACY. LOCAL SELF-GOVERNMENT AS A MECHANISM OF INTEGRATION OF ETHNIC GROUPS – THE CASE OF KOSOVO

*Afrim HOTI**
*Qendrim MATOSHI***

Abstract. *Kosovo on its consolidation process confronts many challenges and difficulties. Local self-government which remains a “Conditio Sine Qua Non” for the integration of ethnic groups, simultaneously strengthens democracy and human rights. This research paper aims to enlighten the importance and impact of the local institutions and mechanisms for the representation, inclusion and resolution of political, ethnic and social problems of ethnic groups. In addition, the paper aims to address the relevance of legal and institutional architecture on defending and strengthening ethnic group’s rights, accompanied in Kosovo case, by analysis upon the effect of creation of new municipalities on increasing minority’s political representation.*

Keywords: *Kosovo, Local Self-Government, Democracy, Human Rights, Minorities*

1. Introduction

Integration of ethnic groups within divided societies, in most of the cases, remain a real challenge. Especially in areas where these groups did face many difficulties, including the war. The case of ex-Yugoslav countries does present the worst example, from which case of Kosovo presents one of the difficult ones. This was due to the political circumstances Kosovo got through following the end of the war and deployment of the international administration into the territory. Actually, there were many mechanisms used to attract the integration of ethnic groups into the state structures, including the final one – creation of new municipalities in the areas where minorities, most likely Serbs constitute the majority of the populations. Living the politics apart, the idea was to integrate the ethnic groups into the state structures and provide power closer to the citizens, irrelevant of their ethnic background.

The paper aims to analyze and elaborate the way Kosovo followed to integrate its ethnic groups to the public institutions. As we can see from the results, what was already impossible to be achieved from different attempts done by national and international stakeholders, proved to be successful when new municipalities, inside the territory as well as at its periphery, were created.

* Afrim HOTI, PhD, Full Professor, Department of Political Science at the Faculty of Philosophy, University “Hasan Prishtina”, Prishtina, Kosovo, e-mail: afrim.hoti@uni-pr.edu;

** Qendrim Matoshi, Master student at the Department of Political Science at the Faculty of Philosophy, University “Hasan Prishtina”, Prishtina, Kosovo as well as Erasmus exchange at Viadrina University in Frankfurt, Germany, e-mail: qendrim.matoshi1@student.uni-pr.edu.

2. Methodology and Research Question

Instead of drawing a hypothesis, we have presented into this paper a research question which aims to address and reflect into the importance and impact of the activities of the local institutions and establishment of the new and specific mechanisms for the representation, integration, inclusion and resolution of political, ethnic and social problems of ethnic groups in Kosovo with the focus on Serb minority. Liberal philosopher, Mill, considered citizen involvement as the most effective guarantee of a well-functioning policy by counterbalancing threats from a highly intrusive state. In other words, Mill expresses his inner enthusiasm on considering that: “The only government which can fully satisfy all the exigencies of the social state is one in which the whole people participate; that any participation, even in the smallest public function, is useful” (Mill 2001: 71). In addition, the paper aims to address the relevance of legal and institutional mechanisms on defending and strengthening ethnic group’s rights, specifically the rights of minority ethnic groups – namely Serbs in Kosovo’s case, by analysis upon the effect of creation of new municipalities, in order to attract them be part of the public institutions in particular and on increasing minority’s political representation in general.

The main part of the paper is primarily based on the mixed method approach (Hale and Napier), where main institutions discussed into the paper are seen from the analytical perspective. At the same time, mainly the second part of the paper is based into the statistical data as these data’s are used as arguments to lead to the results and paper’s findings. In order to clarify the findings of the paper, the results presented are those of two election rounds – firstly, elections prior to the establishment of the new municipalities and the next election round after the newly established municipalities with the majority population coming from ethnic groups, namely by Serb minority into two different parts of the Kosovo – inside the central territory of Kosovo in a small city of Gracanica and into its periphery North Mitrovica bordered with Serbia.

3. Theoretical Considerations

The symbiosis between democracy and local self-government

“Nowhere has democracy ever worked well without a great measure of local self-government”

Friedrich August Von Hayek, 1965

The analysis of the academic literature course on democracy, leads to premises which are a reflection of euphoria and often utopian hopes by many theorists, who emphasized that democracy is inconceivable without the citizen’s participation. To implement democratic principles, a state must conduct a series of pragmatic choices. Thus, to decide how to divide the international power, the body of national government, regional and local, how to allocate skills between the branches of national government and how the electoral processes are structured (Eisgruber 2001: 108). Dissolving the correlation between "democracy" and "local self-government" is challenging, because the terms themselves enclose an abstraction, encompassing a bewildering array of institutional arrangements, economic circumstances, social conditions, and cultural traditions in many national communities (Whalen 1960: 378). At the same time, both terms display an extreme dualism, consisting in the fact that democracy and local self-government are

descriptive of particular institutional arrangements and, simultaneously, are capable of expressing (and of generating to the reader), strong emotional feelings about the institutions (Cranston 1954: 15-22).

The importance and impact that local self-government has always been under the lens of various scholars. They dared to argue and maintain that without the local government, there cannot be considered any political system to be comprehensive and completed (Mawhood 1993: 66). Within a given state, local self-government reflects the (legal) guarantee and practical implementation of the citizen's right to participate in the conduct of particular public affairs within "local communities" (Smidvovnik 1993: 23). Therefore, local self-government was created with the objective of bringing the government to the level of ordinary citizens, in which case it gives them a sense of involvement in political processes. Local government is perceived as a bureaucratic governmental organization where the masses participate directly in local politics and on the other hand local government councilors engage on creating a political awareness by executing and aiming to intensify the public towards local politics (Halim 1971: 61), thus local institutions represent correctly the will of the masses (Tindal 1997: 3) and shape the local mechanism as the most vital element of democracy (Seasongood 1997: 3). Therefore, this level of power, has merit in creating future leaders, because is a training period and effective enough to gain experience and knowledge regarding the art of government policy-making and governance transition to nationwide (Ndreu 2016: 8). Through analyzing the behavior and leadership of leaders at the local level, members of the mass learn how to identify the demagogue, avoid voting for incompetent representatives, learn to debate agendas in a more effective and healthy way, and create visions for the future (Marshall 1965: 59). The exposure and visibility of local government politicians influence them to have lower tendencies and opportunities to abuse the power and authority (Olowu: 1998: 12). Simultaneously, it should be emphasized that the implementation of local democracy requires a delicate composition between local and central institutions. In the ideal case, non-local institutions (national and state) should allow to local institutions sufficient freedom to thrive, but intervene when necessary to achieve impartiality (Eisgruber 2001: 24).

Being the youngest country in Europe with a multiethnic society, organized on a unitary basis with a single level of decentralization, underlining all elements together, Kosovo represents a very interesting and attractive case on local self-government studies. Local self-government and local democracy in Kosovo are strongly influenced by the political and socio-economic development trends. Time urgencies have increasingly pushed towards the establishment of a competitive democratic system as well as political concepts that protect and affirm human rights. Decentralization as a democratic political instrument that brings down the centralized government as close as possible to the citizens of Kosovo is considered, as in several countries of the world, as an indicator of democracy. According to the constitutional and legal framework of Kosovo, local self-government means the right and ability of local authorities to regulate and manage a substantial part of public affairs under their responsibility and in the interest of the local population. The basic units of the local level are the municipalities, which are composed of the citizens of a given community in a certain territory.

The institutional architecture of the municipality consists of the municipal assembly which is the highest body that involves members directly elected by the citizens. The responsibilities and competencies of municipal bodies are mostly regulated by law of

local self-governance, various regulations and bylaws, whereas, the municipal mayor is the highest executive body which is elected through direct elections. Through these two main bodies, the law on local self-government in Kosovo constructs a model of proportional political representation in decision-making which implies direct participation of citizens within these two bodies.

Regarding the implementation of local power, local self-government in Kosovo proclaim the subsidiarity principle which emphasize public affairs should be realized as much as possible, in the interest of citizens from the lowest level of government that is able to provide efficient services. Therefore, municipalities in Kosovo exercise three types of delegated competencies based on the needs of the given municipality. The Law on Local Self-Government, concretely [Article 17], enumerates:

- the first level of competencies - are recognized as self-governing or own competencies. In this category, municipalities carry full and exclusive competencies regarding the local level. The fields regulated by these competencies are comprehensive including the right to manage economic development up to the organization of cultural activities.

- the second category - involves the delegated competencies which express the competencies given by the central government in order to regulate a series of issues as the most important are cadastral records, civil registration, voter registration, distribution of social assistance payments (excluding pensions), and

- the third category of competencies - include the enhanced competencies which are more specific than two previous categories because they regulate special issues even in municipalities where Albanians are not a majority.

Some municipalities are given enhanced competencies with a focus on health and education field. E.g Serb majority municipalities in Kosovo such as North Mitrovica, Gračanica and Shtërpçë according to [Article 20] of the Law on Local Self-Government, have various competencies in order to regulate and provide secondary health care (including registration and licensing of health care institutions), employment, salaries, and training of personnel and administrators of health care system. The Municipality of North Mitrovica also has enhanced competencies in the field of higher education. The Law also states and highlights that all municipalities where Serb community is a majority, have the power to exercise responsibilities regarding cultural issues, including the protection and promotion of Serbian and other cultural and religious heritage within the municipal territory. In order to exercise the competencies, municipalities have their own budgets and finances consisting of municipal own source revenues, central government grants as well as donations and other incomes.

4. The role of Local Self-Government Into the Divers Ethnic Group Societies

Ethnic diversity and its complexity have been under the focus of various scholars over the years. Although the issue of ethnic divisions holds an important place in human rights discourse, the range of consequences that ethnic division occurs have not always received due attention. By the flow and evidence of history, what state an ethnic group is located in, whether it is large rather than small in relation to other groups, are complex results of empire building and breakup, war, conquest, migration, forced expulsion, genocide, epidemics and environmental degradation, nationalist movements, state formation, assimilation, discrimination, and encapsulation (Smootha 2007:1). Hence, when the relationships of the dominant group to ethnic minorities are hostile rather than

cooperative, the society can be described as “divided.” What is considered as ethnic group represents a large aggregate of people who have a self-defined name, believe they share a common descent, have common historical memories and elements of shared culture (such as religion and language), and have an attachment (even if only historical and sentimental) to a specific territory (Kaufman 2001: 16). The ethnic divisions that have resulted from such elements may seem normal, but the “thorn” of these divisions thrives when it threatens democracy, peace and stability. In other words, there are many reasons why democratization and democracies can fail as a result of ethnic divisions and these reasons can include issues such as the resistance of entrenched civilian or military elites, the lack of favorable social or cultural conditions and defective institutions as well (Horowitz 1993: 18). To convince, in many countries of Africa, Asia, Eastern Europe, and the former Soviet Union, a major reason that may cause the failure of democratization was the ethnic conflict factor.

The interconnection between diversity, ethnic division and democracy still continues to create different perspectives. Uniformity in a given society is often considered an advantage for the democratization (Steven and Kroenig 2006: 828). However, it is also argued that pluralism and ethnic division should not always be considered as a barrier. Various physical factors as the size of population can contribute to a civil conflict but ethnic diversity does not indeed (Fearon and David 2003). Therefore, a division of various authors even claim that the reason democracy expansions in some countries has been caused specifically from ethnic diversity, which guaranteed that no group is able to monopolize political power alone (Relly 2001: 168). Against these claims that highlight a positive connection between ethnic division and democracy, there is also a series of contrasting opinions by other authors. They consider that the establishment and support of democratic institutions in ethnically divided societies is a very difficult task (Welch 1993: 74), because the diverse social composition is considered to trigger more easily civil conflicts which could undermine democracy. As an illustration, democracy has progressed furthest in those East European countries that have the fewest serious ethnic cleavages (Hungary, the Czech Republic, and Poland) and progressed more slowly or not at all in those that are deeply divided (Slovakia, Bulgaria, Romania, and of course the former Yugoslavia) (Horowitz 1993: 19). Hence scholars support the idea that ethnic diversity predisposes a society to civil conflict and thus undermines democracy (Almond 1956: 399). They also express the negative correlation between ethnic faction and governmental stability, civil peace and the democratic perspective.

In addition to the relationship with democracy, the analysis of the impact of ethnic division in social and political processes remains another important spectrum in the field of ethnic divisions. Thus ethnicity can refer to the development or freezing of social and political interaction (Hasmath 2011: 5). In this regard, it is emphasized that good democratic practices offer great promise for the peaceful management of conflicts and ethnic divisions (Sisk 1996: 9) Although the role of institutions as a problem-solving tool is often neglected, it is argued that institutional design remains a crucial impact. Numerous various problems, could surely find their solution on institutional and constitutional arrangements such as ensuring popular sovereignty, preventing factionalism, promoting participation, improving decision-making ability and collective action. Thus, it is considered that institutions can facilitate political stability within societies divided along ethnic lines, within the context of democratic politics. According to [article 2] and [article 3] of the European Charter of Local Self-Government the

principle of local self-government should be recognized in the domestic legislation and constitution of a country, and that it should regulate and manage a considerable part of public affairs under their responsibility and always in the interests of the local population. The Charter is therefore intended to ensure that every person participates in the affairs of a local authority.

In line with human rights protection, various countries have devoted great attention to different ethnicities. In most of the Central and Eastern European countries, democratization of the political sphere and privatization of the economy have been accompanied by public administration reforms, so this process aimed to represent the values of one group over another. Starting from the fact that local authorities are often in a position to sanction or even sponsor these issues, they can play a crucial role in bringing ethnic divisions closer together. In countries like Croatia, at the preamble of the Constitution, minorities are guaranteed equality with citizens of Croatian nationality plus the realization of their rights as members of national minority groups (Petricusic 2004: 609). Further the [article 15] of the Croatian Constitution stipulates that “members of all nations and minorities shall have equal rights” and they “shall be guaranteed freedom to express their nationality, freedom to use their language and script, and cultural autonomy.” In Albania, the constitution, more precisely, according to [Article 3], the basis of the state is considered, among others, "coexistence and understanding of Albanians with minorities" and defining "respecting and protection of these values" as an obligation (Ombudsman 2014: 8) In Serbia, with the constitution of 2006 unlike the Constitution of 1990 where the Republic of Serbia was defined as the 'democratic state of all its citizens', the concept of the civil state was changed and Serbia is defined as the 'state of the Serbian people and all citizens' " (Gojgovic: 5). The basic principles on which the framework of the minority protection system is based are: anti-discrimination, freedom of expression, cooperation of compatriots inside and outside their country, the obligation to respect the constitution, the principles of international law and public morality and the protection of rights.

5. Kosovo and its “IRON” Determination to Promote Local Democracy

After the declaration of Kosovo's Independence in February 2008, a flag with a meaningful and expressive message emerged on stage. The flag model and concept that was chosen through a competition process, was inspired by the blue and white colors of the European Union. The white stars on the map of Kosovo represented the six dominant ethnic groups in the country (Albanians, Bosniaks, Gorani, Roma, Serbs and Turks). The design of the flag visually represented what country's constitution emphasizes within [Article 3] that Kosovo is a multiethnic society composed of Albanians and other communities.

Based on the European Charter of Local Self-Government, local democracy in Kosovo reflects the right given to councils and assemblies composed of elected members who are directly accountable to their local electoral area (EDP 2017: 1) The historical trajectory of the establishment of a consolidated local self-government in Kosovo since 1999 onwards proves to be not an easy story. This is due fact that during establishing local democracy and functionalization of local self-government, the local authorities have encountered difficulties of various natures (LSG Strategy 2016: 19).

- First, reforms within the field of local self-government were affected by political problems that mostly were the obstacles that Kosovo faced in the institutional and

social integration of the Serb community. Simultaneously, the development of local self-government was at the same time affected by the lack of public funds (as a result of Kosovo's war-torn economy) to finance and support the decentralization process of competencies, as well as the great lack of professional staff.

- Second, local self-government in Kosovo faced problems of a legal nature. The sensitive political environment in Kosovo had impacted the legal framework on local self-government to be influenced by various internal and external factors. After 1999, as a result of the absence of a full vertical and horizontal harmonization of the legal framework, the lack of an official municipal gazette which would formalize the enforcement of legislations at the local self-government, the local system in Kosovo still proved to have challenges and difficulties (LSG strategy: 2016: 16).
- Third, territorial problems presented a crucial problem, too. The territorial organization of small municipalities in Kosovo (not taking into account their economic potential) caused difficulties for their functioning and created a real dependence of municipalities on government grants. Such factors of the past that persisted for a long time, have led to large differences between the municipalities in terms of both political and economic capacity for the generation of own source revenues (average 18%) and the grant from the Kosovo budget (average 82%).

Thus, from 1999 onwards, Kosovo faced and was challenged by multiple transitions, three of them were key to socio-economic development and good governance in the country, such as:

- transformation from an authoritarian to a democratic political system;
- transition from a planned state economy to a market economy, and
- transfer of power from the temporary UNMIK¹ structures to the independent institutions of Kosovo. (MLG 2013: 5)

Despite the above-mentioned challenges, Kosovo had begun the first important reforms especially after the end of the war and the deployment of the UN Administration when the organization and functioning of local government was mainly regulated by UNMIK Regulation. In this period, Kosovo recognizes its legal continuity (MLGA 2016: 15), and the system of local self-government remained unchanged where the one-tier system of local self-government was inherited, further the UNMIK legislation regulated issues such as the number, names and boundaries of the 30 municipalities in Kosovo.

Table I. Main Phasis of Development of Self-Government in Kosovo

Three main periods of development of the legal framework for local self-government in Kosovo
Period of Administration of Municipalities with a Municipal Administrator, according to UNMIK Regulations, from 2000 to 2002
Period of administration of municipalities without a municipal administrator according to UNMIK Regulations and other legal acts. The devolution of competencies to local self-government bodies, gradually from 2002 to 2007
Local self-government according to the Constitution and Laws adopted by the Assembly of the Republic of Kosovo, since 2008 until today.

Source: <https://mapl.rks-gov.net/wp-content/uploads/2018/03/organizimi-dhe-funksionimi-i-veteqeverisjes-lokale-ne-kosove.pdf>

¹ UNMIK - United Nations Mission established in Kosovo, to serve as an international civilian and military presence following the adoption of UN Security Council Resolution 1244 in June 1999.

In 2000, as the table above shows, the legal basis for the functioning and organization of local government in Kosovo was the UNMIK Regulation on Municipal Self-Government. Also, during this period, for the first time - free and democratic elections for the local institutions were held. Further, in 2001, based on the constitutional framework², the main principles of local self-government were drafted. In 2004, the Framework Agreement for the initiation of the local government reform process was initiated, therefore for the first time a territorial reform was intended to begin as well. As result, in 2005, an important step for functioning of the local self-government and the integration of ethnic groups has been taken. The Government of Kosovo initiated the Program of Action for Local Government Reform which envisaged the creation of municipal units through a pilot project. It was determined that these pilot municipal units would be established within some existing municipalities, respectively in those settlements with the largest population, either from the Albanian community or from other non-majority communities (Fazliu 2016: 160). Through this program were established: The Municipal Unit of Partesh (inhabited by Serbs), the Municipal Unit of Graçanica (inhabited mainly by Serbs and other communities) and the Municipal Unit of Mamusha (inhabited by a majority of Turks). The program envisaged that the transfer of municipal competencies to these units would be gradually finished. The year 2007 also scores an important step in Kosovo's local democracy. With the second reform that was realized during this year, the citizens with direct votes, for the first time elected the Mayors, in the local elections. A year after Kosovo's declaration of independence, specifically in 2009, the decentralization process began, being used as a tool to advance inter-ethnic integration in Kosovo where according to the Comprehensive Proposal for the Settlement of the Final Status of Kosovo (Ahtsiari Plan) four new municipalities were created - Partesh, Killokot, Graçanica and Ranillug, (GAP 2013: 1) all inhabited by Serbs.

6. Representation of Minorities at the Local Level

The opinion that ethnic minorities are underrepresented between political elites and representative bodies is commonly accepted. As Kymlicka argued, underrepresentation of historically disadvantaged groups is a general phenomenon (Kymlicka 1995: 32). Although Kosovo with a history of political instability, in order to guarantee the rights of minorities, try to do its best through its constitution to secure a political representation for them. Aiming the fair representation, the position of minorities in Kosovo is regulated by several complex arrangements. At the Kosovo Assembly, 20 out of 120 seats are reserved for non-majority ethnic groups, allocated based on the relative size of the respective populations; Serb representatives are guaranteed 10 seats, 4 for Romani, Ashkali and Egyptians, 3 for Bosniaks, 2 for Turks and 1 for a Gorani representative. At the local level, representation is also regulated by legal acts, namely Constitution and Law on Local Elections. Constitution emphasizes that communities and their members shall be entitled to equitable representation in employment in public bodies and publicly owned enterprises at all levels [article 61]. Further, the following article [Article 62], describes that in municipalities where at least 10% of the residents belong to communities who does not compose a majority in given municipality, a post of Vice President of the Municipal

² UNMIK Regulation 2001/9 on the Constitutional Framework for Provisional Self-Government in Kosovo

Assembly for Communities shall be reserved for a representative of these communities. The position of Vice President shall be held by the non-majority candidate who received most of votes on the open list of candidates for election to the Municipal Assembly [article 62.2] This position is very important because it is explicitly described as an "Ombudsman", due to the fact that it serves as a key point for addressing the concerns and interests of non-majority communities at the assembly meetings. The special competencies of this position are that in case when Municipal Assembly does not properly address an issue, act or decision that is considered a violation of guaranteed rights by the constitution, the Vice President may submit the case directly to the Constitutional Court. This measure provides a mechanism for minority control over the decisions of Municipal Assemblies. (Popova 2013: 11). Due to protection of minority rights and well informing the law on local self-government stipulates that the Deputy Mayor for Communities shall be elected for the same term of office as the Mayor [Article 61.2] and also the Deputy Mayor for Communities shall assist the Mayor and provide him/her advice and guidance to the Mayor on issues related to the non-majority communities [Article 61.4]. Another important task of deputy mayor is to review complains filed by communities or their members in case that acts or decisions of the municipal assembly violate their rights guaranteed by the Constitution. The Deputy Mayor refers these issues to the Municipal Assembly, for the review of the act or decision that is taken. If the Vice President finds that there is a violation of the rights guaranteed by the Constitution, he/she can submit the case directly to the Constitutional Court, which can decide whether to agree for revision of the relevant case. Although the Law on Local Self-Government does not provide a reserved seat in the Municipal Assembly for members of non-majority communities (Popova 2013: 12), [Article53] regulates the composition of Committee for Communities and specifies that: Every community living in the municipality will be represented by at least one representative on the Communities Committee. Community representatives consist the majority of the Communities Committee (LSG 53.1). The role of this community, apart from many tasks and obligations is to ensure that all municipal policies, practices and activities protect the rights and interests of the Communities and also recommend appropriate measures to the Municipal Assembly as well. Thus, we can conclude that existing legislative framework of Kosovo supports and promotes the rights of minorities, but its proper implementation depends on the active participation and willingness of members of non-majority communities in Kosovo.

7. Local Self-Governance in Kosovo – A “Conditio Sine Qua Non” of Democracy and Human Rights

The voice and demands for human rights protection has never been heard more than recently. Numerous political and moral justifications from different scholars have contributed to the discussion and general understanding of human rights. Most contemporary Anglo-American philosophers are considered liberal or social democrats, therefore they endorse a form of government that provide all citizens equal rights of political participation (Freeman 2012: 107), as well as the realization of other fundamental rights. Addressing these rights from the specter of their institutionalization especially at the local level is considered as indispensable.

According to the above mentioned theoretical discourse, we understand that the local mechanisms in Kosovo aim to bring governance to the grassroots and to enable citizens participate effectively in decision making process that probably affects their daily

lives. As the matching point with citizens, local government is in principle, in a much better position than the central government to address issues that require local knowledge and regulation based on local needs and priorities (UN 2015:3-4). The local level institutions constitute a ground of institutional capacity and adopt international human rights values emphasizing the rights of (minorities, women, and marginalized persons) and organize a number of awareness and dialogue activities that address key human rights issues. (Andersen and Sano 2006: 79). Although the primary responsibility for promoting and protecting human rights lies to the national governments, promoting a culture of human rights within local public services plays a vital role on respecting and realizing human rights in a given society (UN 2019: 5-6).

Like many other countries, Kosovo adopted human rights legislation and improved above mentioned competencies. It was necessary, as democratic reforms and the transferring process of power from central government to local governments fostered a new intensive "localism" that had direct implications for the protection of culture and human rights (Ruggles and Silverman 2007: 80). This "localism" and the "local importance" of human rights have influenced the discourse of identifying local governments as key actors capable of filling the gap left by central governments throughout the realization of human rights (Grigolo 2017: 67-68). A clear critical reflection on this relationship, leads to dualistic correlation that as local governments increase the importance of human rights, also increase the power of local governments which in most countries has taken primary responsibility to protect the fundamental rights and daily needs associated with the life of the individuals (ICHRP 2005: 11). Although the Kosovo constitution provides an important legal basis for the protection of minority rights, its genesis can be found in the so-called "Ahtisaari Plan"³, which has a crucial role for the rights that minorities in Kosovo own today. This plan, which envisaged the creation of Kosovo as a multiethnic state with state institutions and symbols representing multi ethnicity, was a guarantee for coexistence between the Kosovo's population regardless of ethnicity and the plan had a privileged attitude and perspective towards minorities, especially towards Serbs (UBT 2018: 6). The Ahtisaari Plan within the section "Rights of Communities and their Members", through [Article 3.1] states that inhabitants belonging to the same national or ethnic, linguistic, or religious group traditionally present on the territory of Kosovo (hereinafter referred to as Communities) shall have specific rights (UN 2017: 3) the same act is emphasized directly through [article 57.1] of Kosovo's constitution which proves the consistency with the Ahtisaari Plan. The Law on Protection and Promotion of the Rights of Communities and their Members, delicately addresses numerous fields where communities are free to exercise their rights and act on a voluntary basis as well. This given law, guarantees that Kosovo will always undertake the necessary measures in order to ensure full and effective equality of communities and that any measure should not be considered an act of discrimination. The law also obliges the

³ The Ahtisaari Plan, formally the Comprehensive Kosovo Status Settlement Proposal (CSP), is a status settlement proposed by former Finnish President Martti Ahtisaari that covers a wide range of issues related to Kosovo's status. Is a compromise that offers Kosovo Albanians the prospect of independence, Kosovo Serbs extensive rights, security and privileged relations with Serbia, and Serbia the chance to put the past behind it once and for all and realize its European future. It is the best recipe for the creation of a multi-ethnic, democratic and decentralized society and fits within the European Union's multi-ethnic project for the Western Balkans, which ultimately offers the prospect of accession (International Crisis Group report 2017)

authorities, including the court institutions, to comply with applicable human rights obligations, including the provisions of the Council of Europe Framework Convention for the Protection of Minorities. This is considered to be easily implemented because the Ahtisaari Plan, among others, foresaw a list of international conventions with a human rights nature to be directly implemented. The case of use of language can be considered as an example. In addition to Albanian language, constitution recognizes the Serbian language as official language, including places where the Serbs community is not a majority. On the other hand, other languages such as Turkish, Bosnian and Romani have the status of official languages at the municipal level or could be in official use at any level in accordance with the law. Simultaneously, let us also remind another supporting fact, the Ahtisaari plan guarantees high level of minority rights foreseeing that in any given municipality where a minority community constitute up 10% or more, the post of Deputy Mayor of that municipality will be reserved for a member of that minority. In addition to public institutions which carry the main charge on minority rights, civil society and the wide range of organizations also play a major role. In Kosovo, the engagement of civil society within municipal governments is considered a key factor on increasing effectiveness in protecting and advocating for minority rights. At the local level, civil society representatives are consulted on an *ad hoc* basis through various public meetings when citizens are being informed on decision-making and policy-making processes.

8. Enforcement of Minority Rights Through Participation at the Local Elections

As elaborated above, state building process and consolidation of the statehood in Kosovo has been progressively accompanied by efforts to create conditions to strengthen local democracy through development of local self-government. Legal and institutional regulations that mostly derive from the constitution of Kosovo reflect and defend the truth that the participation of minorities in the political process in Kosovo is a necessary and key factor to protect the democratic framework installed by existing legislation and guarantee equality of political representation... (Popova 2013: 20). The involvement of minorities and their political parties in public life and decision-making processes is an important method of ensuring democratic governance and an open and pluralistic society (Visoka 2008: 175). The requirements of the famous Ahtisaari package, have greatly influenced on the setting of some additional standards of the local self-government system, which mostly relate to the Serb community rights and responsibilities (MAPL 2013:12). This package constructed a formula that would allow Kosovo Serbs to have their own local institutions and municipal life with ongoing connection to Serbia, but within the framework of a multi-ethnic Kosovo. The Plan simultaneously called for new Serb-majority municipalities – including North Mitrovica – with important components of self-rule in health, education and social affairs, plus a role in electing the local police chief (Galluci 2011:4).

The creation of new municipalities and the process of decentralization through the organization of municipal elections in 2009 (first elections after Kosovo's independence) marked the end of the most challenging phase of this package. (KIPRED 2009: 3) The process of creating new municipalities in 2009, promoted the turnout of Serbs in the Kosovo elections. The overall turnout of Serbs in the elections was ten times higher than in the elections organized during the UNMIK administration, as of November 2007. Actually it came as surprise, for both, Belgrade and the international presence in Kosovo

(Kipred 2009:4). In the following we are presenting some statistical data to argue the turnout of minorities at the elections after the creation of new municipalities for them.

Table II. Citizens Participation Through Years In The Municipal Assembly Elections In Graçanica (Before And After The Establishment Of The Municipality)

Year of elections	2009	2013
Number of registered voters	16,317	19,216
Number of voters who voted at each polling station	3,535	10,103
Participation in election (%)	23,0%	54,6%

Source: Official website of the Central Election Commission: <https://www.kqz-ks.org/zgjedhjet-per-kuvende-komunale/>

As we can see from the statistics in the table above and compare the turnout of the elections 2009 (without the new municipalities), with those held in 2013, after the municipality of Graçanica was created⁴, we can conclude a significant increase of 31.6% of Serb minority participation. It is also worth mentioning that the turnout of Serbs in the elections was higher than in the parallel municipal elections organized by Belgrade, during May 2008 and August 2009. Consequently, through these turnout changes, Serb community in Kosovo sent crucial messages to the triangle – Pristina, Belgrade and the international community that the control of new municipalities by them is the only workable option through which they will have the prospect of a life and sustainable development, regardless of the status of Kosovo. The participation of Serbs has effectively discredited the idea of the partition of Kosovo, and has given a new impetus on the building of a multi-ethnic state (KIPRED 2009: 3)

Table III. Participation of Citizens on Municipal Mayoral Election in Graçanica

The type of elections over the years	Regular elections	Regular elections	
Year of elections	2009	2013	
		First Round	Second Round
Number of registered voters	16,317	19,216	19,216
Number of voters who voted at each polling station	3,534	10,100	9,101
Participation in election (%)	22,95%	54,6%	49,37%

Source: Official website of the Central Election Commission: <https://www.kqz-ks.org/per-kryetar-te-komunave/>

The same ascending trend has followed the local elections for municipal mayor's. Between 2009 and 2013, as seen in the table above, there is a significant increase of 31.65%. A substantial progress toward further integration of the Serb community was done through the first Agreement on Normalization of Relations between Kosovo and Serbia (April, 2013), facilitated by the European Union. After its signature, the conditions for the organized participation of the Serb community in the political life and, consequently, in the processes of European Integration of Kosovo were met as well (Rakic

⁴ The municipality of Graçanica was established in 2010, following the 2009 local elections.

et al. 2016: 2). Following the signature of this agreement, the elections of 2013 for mayors and municipal assemblies were of particular importance because they were the first elections held in whole territory and under Kosovo legislation including the four Serb-majority newly created municipalities. These elections were quite challenging, however the atmosphere was positive and the citizens in the North exercised successfully their right to vote (EOM 2013:1). Like at the municipality of Gračanica, same positive trends of minority participation in the elections can be seen in - Serb majority inhabited North Mitrovica. According to statistics published by the Kosovo Central Election Commission, the given data are as in the following:

Table IV. Participation Of Citizens In The Municipal Assembly Elections In North Mitrovica

Year of election	2013	2017
Number of voters who voted at each polling station	6,063	8000
Participation in election (%)	22,2%	36, 67%

Source: Official website of the Central Election Commission: <https://www.kqz-ks.org/zgjedhjet-per-kuvende-komunale/>

As can be seen from the table above, the number of those who voted in 2017 increased significantly, in 14, 47%, compared to the 2013 elections - after the creation of North Mitrovica municipality. Obviously, a similar trend followed the mayor municipal elections, as the table in the following shows:

Table V. Participation Of Citizens On Municipal Mayoral Election In North Mitrovica (2013-2019)

The type of elections over the years	Regular Municipal Mayor election	Extraordinary elections	Regular Elections	Extraordinary elections
Year of Elections	2013 (Round II)	2014	2017	2019
Number of voters who voted at each polling station	4,231	5,218	8,000	8836
Participation in election (%)	17,22%	20,8%	39,45%	39.38%

Source: Official website of the Central Election Commission: <https://www.kqz-ks.org/per-kryetar-te-komunave/>

If we compare the participation of citizens in the regular elections of 2013 and 2017, we encounter an increase of 22.23% in favor of the elections after the creation of new municipalities. The same situation occurs in the extraordinary elections, where there is an increasing progression and an increase of 18,58%. All these statistics can be translated into a successful turnout, especially due the fact that the local elections of 2013 were considered historic for Kosovo, because for the first time since the declaration of independence all Kosovo citizens voted, including the northern Serbs. However, various political discourses emerged from either Prishtina or Belgrade. Then, that time, Serbian Prime Minister Dacic and Deputy Prime Minister Vucic, although dissatisfied with the preparation of the elections, called on Serbs to participate in the local elections, not with the purpose to integrate them into Kosovo institutions, but for the fact that in this way their rights and interests would be protected. On the other hand, other Serbian leaders, like Kostunica or Samardzic called for a boycott of these elections, as this was considered a

betrayal of Belgrade and the eventual recognition of Kosovo's independence. (DW: Cani 2013). Despite this political discourse, Kosovo has managed to organize model election processes for neighboring countries and the region. In today's system marked by the rapid increase in the number of multiparty states and the spread of democratic norms and standards, the ability of minorities to be included at the local level or represented in parliament and government has taken on increasing importance (Reynold 2006: 3). For Kosovo, conduct of elections in optimal way remains one of the main preconditions for democratic governance and its integration path towards the European Union.

9. Conclusion

Respecting and promoting minority rights remains essential for stability, security and peace. A pluralistic and democratic Kosovar society in the wide range of objectives and goals must necessarily list, very carefully, the rights of minorities. Eliminating shortcomings and improving the legal and institutional architecture, as well as creating a general awareness of the importance of these rights, will create the necessary space for ethnic groups in order to express, preserve and develop their identity. Further, building a climate of tolerance, dialogue, cooperation and participation not only at the local level, will result in a factor of unification and enrichment of society by not neglecting the development of social cohesion that will expand connectivity and solidarity across different ethnic groups of Kosovo. Creation of specific mechanisms – like Kosovo did – in terms of establishing new municipalities aiming to provide the power closer to the ethnic groups, in Kosovo case presents a successful story. The trajectory of the development and expansion of the rights of ethnic groups itself, is closely linked to local governments which increasingly are becoming key factors for the minority integration. The idea of local pragmatism continues to argue that local policies remain essential to accommodate ethnic diversity and solve integration problems systematically. In Kosovo, the system of local government and administration will continue to have important implications for the interests of different groups. The realization of minority rights will continue to have a significant impact on Kosovo's path towards the European Union. It is worth mentioning that one of the key points of the EU-Kosovo Stabilization and Association Agreement, mainly the article 4, emphasizes that Kosovo must commit itself on respecting international law and instruments, not only those related to the protection of human and fundamental rights, but also of persons belonging to communities. The data, statistics and the arguments given above, especially those of the newly created municipalities have shown the positive impact into the participation of minorities into the political life. The latest Progress Reports of the European Commission emphasizes that Kosovo has well-established mechanisms at the central and local level, to protect minorities and their rights. It also has an adequate legal framework and relevant strategies as well as action plans. In conclusion, above all, the protection, promotion and integration of minorities beyond as a state commitment, remains without a doubt one of the main obligations of Kosovar society. Thus, as long as we all feel safe under the umbrella of a multiethnic and democratic state, the future looks brighter than ever.

BIBLIOGRAPHY:

Books and articles:

- Andersen A. Erik and Sano O. Hans (2006): Human rights indicators at programme and project level: guidelines for defining indicators, monitoring and evaluation. p.79. The Danish Institute for Human Rights.
- Eisgruber L. Christopher (2001): Constitutional Self-Government, 108. London. Harvard University Press.
- Ernst Gerhard and Heilinger Ch. Jan (2012): The philosophy of Human rights, 107. Germany. The Deutsche Nationalbibliothek.
- European Network of Election Monitoring Organization- ENEMO (2013): International election observation mission Kosovo local elections. p.1.
- Fazliu, Ramiz. (2016): Organization of Self-Government in the Republic of Macedonia. Vol.1 Nr. 2. European Journal of Multidisciplinary Studies
- Gabriel A. Almond (1956): Comparative Political Systems. 399. Vol. 18, No. 3, pp. 391-409. Cambridge University Press
- Gallucci M. Gerard (2011): The Ahtisaari Plan and North Kosovo. 4. Trans Conflict Government of the Republic of Kosovo. Ministry of Local Government Administration (2013): Organization and functioning of local self-government in Kosovo. 12. Pristina
- Grigolo Michele (2017): Local governments and human rights: some critical reflections, 67-68.
- Grofman Bernard and Stockwell Robert (2001): Institutional Design in Plural Societies: Mitigating Ethnic Conflict and Fostering Stable Democracy, 3. University of California
- Haqee Adnan (2012): Theoretical Self-Government-Literature Review. MPRA, Paper No.46301, pp.10. RIBP
- Hasmath Reza (2011): Managing Ethnic Diversity: Meanings and Practices from an International Perspective, 5. UK. MPG Books Group.
- Horowitz L. Donald (1993): Democracy in Divided Societies, 18. Volume 4, Number 4, October 1993, pp. 18-38. The Johns Hopkins University Press
- Kosovo Institute for Policy Research and Development-KIPRED (2009): Decentralization in Kosovo: Municipal Elections and Serb Participation. 3. Pristina
- Kroenig Matthew and Fish M. Steven (2007): Diversity, Conflict and Democracy: Some Evidence from Eurasia and Europe, 828. Democratization 2006 / 12 Vol. 13; Iss. 5 USA, Routledge
- Mill S. John (2001): Consideration on Representative Government, 71. UK. The Electric Book Company Ltd
- Ndreu Aurora (2016): The definition and importance of Local self-government. 10(1), pp.8.
- Oberschall Anthony (2007): Conflict and Peace Building in Divided Societies Responses to ethnic violence, 1. London and New York. Routledge, Taylor and Francis Group
- Pejanovic Mirko (2007): Local Self-Government: A must for Democracy, Civil Society and EU Integration. In Fischer Martina (2007): Peace building and Civil Society in Bosnia-Herzegovina. 2nd Edition. Berlin. The Deutsche Nationalbibliothek

- Petricusic Antonija (2006): Constitutional Law on the Rights of National Minorities in the Republic of Croatia, p. 609. Vol 2, 2002/3, 607-629. European Yearbook of Minority Issues
- Political Parties and Minority Participation: Visoka Gezim (2003): Political Parties and Minority Participation: Case of Roma, Ashkalia and Egyptians in Kosovo. 175. Friedrich Ebert Stiftung.
- Popova Zora (2013): Minority Participation in Kosovo Election: Opportunities and Challenges. European Centre for Minority Issues.20. ECMI Working Paper no.69 European Centre for Minority Issues.
- Racic Svetlana et al (2016): The Opportunities for Involvement of Serb Community in the Process of EU Integration of Kosovop.2. NGO AKTIV and Centre for Peace and Tolerance. Gracanice.
- Relly Benjamin (2001): Democracy, Ethnic Fragmentation, and Internal Conflict: Confused Theories, Faulty Data, and the "Crucial Case" of Papua New Guinea.168. Vol. 25, No. 3 (Winter, 2000-2001), pp. 162-185. JSTOR.
- Reynolds Andrew (2006): Electoral systems and the protection and participation of minorities. Minority Group rights international.p3. Minority Rights Group International
- Seasongood Murray (1943): The continuing importance of Local Self-Government. Volume 27, pp.133. Journal Marquette Law Scholarly Commons.
- Silverman Helaine and Ruggles D.Fairchild (2007): Cultural Heritage and Human Rights. p.80 Springer.
- UBT (2018): The role and position of Minorities in Kosovo.p.6.Knowledge Center
- Welch David (1993): Survival: Global Politics and Strategy: Domestic politics and ethnic conflict.74. London, Informa Ltd.
- Whalen Hugh (1960): Ideology, Democracy and the Foundations of Local Self-Government. Vol.26.No.3, pp.377-395.Wiley.Canadian Economic Association

Internet sources:

- A Skills Exchange Workshop held 4–7 April. Romania Local Governance in Multi-ethnic Communities of Central and Eastern Europe. pp 3-4.1997. Accessible at <https://www.refworld.org/pdfid/469cbfa40.pdf> (24.02.2021)
- Cani Bahri on Deutsche Welle (2013): Serbs divided on the eve of elections. Accessible on: <https://www.dw.com/sq/serb%C3%ABt-t%C3%ABp%C3%ABr%C3%A7ar%C3%AB-n%C3%AB-prag-t%C3%AB-zgjedhjeve/a-17197081> (09.02.2021)
- Constitution of the Republic of Kosovo. Article no.3 [Equality before the law] and article no.61[Representation in public institutions employment]. Accessible at <http://www.kryeministri-ks.net/repository/docs/Constitution1Kosovo.pdf> (28.02.2021)
- Council of Europe, European Charter of Local self-government (1985). 2nd and 3rd Article. Accessible at <https://rm.coe.int/168007a088> (10.02.2021)
- Gojgovic Nevena: System of minorities' protection in Serbia, p.5. Accessible at https://www.kas.de/c/document_library/get_file?uuid=311d3d27-872c-d32f-00bc-d376694abd4b&groupId=252038

- ICHRP International Council on Human Rights Policy (2005): Local Government and Human Rights: Doing Good Services, 11.Switzerland. Accessible at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1551230 (12.02.2021)
- Official gazette of the Republic of Kosova / Pristina: year III / no. 28 / 04 June 2008 law nr. 03/I-040 on local self government. Article no.3, 17, 18, 19, 20, 21, 22 and .54. Accessible at <https://mapl.rks-gov.net/wp-content/uploads/2017/10/Law-On-Local-Self-Government.pdf> (15.02.2021)
- Republic of Albania, Ombudsman: Special Report on the situation of minority rights in Albania. p.8.Tirana Accessible at: <https://www.avokatipopullit.gov.al/media/manager/website/reports/RAPORT%20I%20VECANTE%20%20P%C3%8BR%20GJENDJEN%20E%20T%C3%8B%20REJTAVE%20T%C3%8B%20MINORITETEVE%20N%C3%8B%20SHQIP%C3%8BRI.pdf> (29.02.2021)
- Republic of Kosovo: Central election commission: Municipal Assembly Election. Accesible at <https://www.kqz-ks.org/an/zgjedhjet-per-kuvende-komunale/> (25.02.2021)
- Republic of Kosovo: Central election commission: Municipal Mayor Election. Accessible at <https://www.kqz-ks.org/an/per-kryetar-te-komunave/> (23.02.2021)
- Republic of Kosovo: Law on the protection and promotion of the rights of communities and their members in Kosovo. Article I, 3. Accesible at: https://www.ecoi.net/en/file/local/1008121/1504_1220511796_law-on-the-protection-and-promotion-of-the-rights-of-communities-and-their-members-in-kosovo.pdf (15.02.2021)
- Republic of Kosovo: Strategy of Local self Government 2016-2026. pp.16, 19
- The constitution of the Republic of Croatia. Article no.15 Accessible at: <https://www.wipo.int/edocs/lexdocs/laws/en/hr/hr049en.pdf> (23.02.2021)
- UN (2007): Comprehensive Proposal for the Kosovo Status Settlement. Article 3.1. Accesibleat:https://reliefweb.int/sites/reliefweb.int/files/resources/1DC6B184D02567D1852572AA00716AF7-Full_Report.pdf (17.02.2021)
- UN, General Assembly, Human Rights Council (2015): Role of Local government in the promotion and protection of human rights. Final Report of the human rights council advisory commite, 3-4. Accessible at file:///C:/Users/HP/Downloads/A_HRC_30_49-EN.pdf (25.01.2021)
- UN, General Assembly, Human Rights Council (2019): Local government and human rights Report of the United Nations High Commissioner for Human Rights. Accessible at <https://undocs.org/A/HRC/42/22> (25.01.2021)

THEORETICAL AND PRACTICAL ASPECTS AT COUNTY AND REGIONAL LEVEL WITH A ROLE IN THE EFFICIENCY OF ADMINISTRATIVE ORGANIZATION

*Aurora-Elena GAVRIȘ**

Abstract. *The Coalition for Resilience, Development and Prosperity, also known as the National Coalition for Romania, an expression of the current political alliance 2021-2024 between the political parties PNL, PSD and UDMR, has pre-established as a method of governance the political model of the rotary, halfway through the governing mandate, meaning that around May 25, 2023 that the position of the Government be transferred in favor of another prime minister, respectively from the PSD side. This strategy, as it was pre-established, has, in itself, numerous positive effects, which was pursued, one of which consists in ensuring stability and continuity in the implementation of the Government Program and the implementation of the reforms undertaken through the National Recovery Program and Resilience. Correlated with the provisions of art. 135 para. 2 lit. g) from Romanian Constitution according to which "the state must ensure the application of regional development policies in accordance with the policies of the European Union" we will present in this paper certain aspects of a political-administrative nature that replace the application of some principles of organization and operation of the local public administration and territorial and/or county with a role in the good management of public affairs of local communities, including those related to the financing of European funds; In particular, we will refer to certain actions of the mayors of certain municipalities, county seats in Romania, such as: Oradea, Timisoara, Cluj-Napoca and Arad, which aimed to create administrative entities at the regional level in order to streamline and coordinate the actions.*

Keywords: *Romanian government rotation, public affairs administration, region, county.*

Introduction

As predicted since 2021, although the 2021-2024 Government Plan was drawn up for a 4-year mandate, in Romania, during May 2023, the political configuration changed in the activity of our country's executive, but with certain changes compared to those foreseen - which concerned the composition of the political coalition, due to inconveniences invoked by the political formation of the UDMR - it not accepting the ministerial portfolios, as a consequence the new Governing Plan for 2023-2024 was assumed by the other two political parties, respectively With the PSD and PNL as prime ministers appointed, from the social democrats side, as previously established, the rotation took place within the executive function.

Indeed, through its role enshrined in the Romanian Constitution¹ and provided for

* PhD lecturer professor, University of Oradea, Oradea, Romania agavris@uoradea.ro

by the Administrative Code², the Government ensures the implementation of the country's internal and external policy and exercises the general leadership of the public administration, ensuring, at the same time, the balanced operation and development of the national economic and social system. Therefore, the Government, as an executive entity, fulfills a double role, namely: a political role (Tofan, 2001 *apud* Vedinas, 2020) which consists in carrying out the internal and external policy of the country, respectively an administrative role, "which is embodied in the exercise of general management of public administration" (Vedinas, 2020: 150).

Par excellence, part of the executive power and the mechanism for carrying out the state policy at a given moment in society, the central administrative apparatus, respectively the authorities of the central public administration together with those of the territorial and local public administration are the actors of the Romanian administration; a separate regime, but integrated in the Romanian administrative system, also has the deconcentrated public services as those specialized structures of the ministries and other specialized bodies from the administrative-territorial units of the central public administration that are responsible for satisfying public/general interest needs in accordance with the objectives of the Government's sectoral policies and strategies, according to art. 5 para. 1 lit. II) from the Romanian Administrative Code.

"Having the role of achieving political values, through which the general interests of society are expressed, public administration, seen as an activity, is linked to state power. The public administration system is linked, organizationally and functionally, to the legislative power and the executive power; the executive power is the one that ensures the management and control of the entire system of public administration built to achieve the general interests of society." (Balan, 2003: 41).

In the sphere of human facts that subscribe to the legal relations of administrative law, through the constitutional and legal system in force, legal relations of administrative law of subordination, legal relations of collaboration, legal relations of administrative guardianship or legal relations of coordination are born and developed, in essence "legal relations of administrative law being conceived as those social relations that have been regulated directly or indirectly, namely through the intervention of some legal facts, by the norms of administrative law." (Iorgovan, 2005: 144).

Although this succession took place in the government of the partner party of the government coalition, the administration of public affairs was naturally handed over and taken over, including through the negotiation of the assignment of new portfolios, and we consider, based on the existence and operation of modern principles of administrative law but also based on a certain flexibility and autonomy of the administrative system, affairs in the state are judiciously managed.

¹ Published in Of. M, Ist P., no. 767 of October 31, 2003. The Constitution of Romania 2003 is the republished form of the Constitution of Romania from 1991, with updated names and renumbering of articles, revised by Law no. 429/2003, approved by the national referendum of October 28-19, 2003, confirmed by the Constitutional Court Decision no. 3 of October 22, 2003.

² U.O.G. no. 57/2019 regarding the Administrative Code, published in Of. M, Ist P., no. 555 of July 5, 2019.

Methodology

The present paper proposed an interpretive approach (Jupp, 2010) of the general, special and fundamental normative framework in the matter of the powers of central and local public administration authorities and based on the prerogatives of power conferred by the decentralized public administration system and on the basis, including the the principle of administrative autonomy regarding the management of public affairs in the service of citizens from a certain geographical area, territorial competence or common interest. Also, concretely, we referred to certain administrative actions taken by the local authorities in the area of competence of Bihor county, which aimed at the achievement and completion of own or common objectives of the administrative region related to the proposed objectives.

We specify that these innovations that we have signaled in the field of administrative legal relations and administrative acts were and are possible thanks to a modern doctrine as well as a permissive legislation, which, although it confers freedom of action, limits arbitrariness and excess through rules and principles of political power, expressing the reflection of the Italian professor V. Ferrari who appreciated (Ferrari, 1987) as functions of law in society: "the function of social regulation, the function of dealing with declared conflicts and the function of legitimizing power." (Ferrari, 1987 *apud* Craiovan, 1997: 53).

Evaluation of initiatives and examples of good administrative practices

A component of the executive power as a way of organizing political power in the state, the administrative activity in Romania has its role in organizing the execution and concrete execution of laws, and the constituent legislator expressed that the Government ensures the implementation of the country's internal and external policy; however, in the specialized literature (Anghel, 2004 *apud* Vedinas, 2020) it was appreciated that the phrase itself is vague, lending itself to interpretations in different senses, but it certainly does not include the competence to employ the state, to contract in his name, and the author who reported this lacuna in the matter of constitutional provision considered (Anghel, 2004 *apud* Vedinas, 2020) that such a clarification is necessary in the fundamental law, with which other authors (Vedinas, 2020) disapproves it, arguing that the specific provisions and content of a Constitution are not similar to those of a law, in this case the Administrative Code, an organic law, in fact, which aims to regulate and clarify in detail the status and powers of an authority, concretely and for the present case.

Therefore, the two attributes from the political and administrative domains, externally and internally, are achievable, however, through the prism of the governance program accepted by the Romanian Parliament. The close connection between the activity of the (central) public administration and the executive power is given by its very purpose, written in art. 5 para. 1 lit. b) from the Romanian Administrative Code as "all the activities carried out, under the regime of public power, to organize the execution and concrete execution of the law and to provide public services, in order to satisfy the public interest" (national/general).

As modes of operation of an administrative system, at a theoretical level (Balan, 2003) a distinction was made between the centralized administrative system and the decentralized administrative system.

A centralized administrative system implies the concentration of all the administrative tasks of a country in the charge of the state, the performance of its tasks

being ensured by a hierarchical and unified administration, all decisions regarding administrative activities falling to the central bodies of the state administration. So, if in the state all the legal norms are applied throughout the entire territory from a single center, a complete centralization is achieved, *per a contrario* if, however, all the legal norms are applied and are specific only to certain administrative-territorial constituencies, it is a question of a complete decentralization. In a centralized system, the decision-making right is concentrated at the top of the administrative hierarchy, and the subordinate levels only transmit the problems of constituencies/administrative-territorial units to the competent body to solve them, which, in turn, will transmit the decision taken in the opposite direction and will execute the orders received. Within a centralized regime, only agents of the central state bodies act in the territory, being the right of the superior to exercise hierarchical control over the activity of the subordinate.

"Sometimes, the practical requirements have determined a softening of the centralized system, giving some services and civil servants of the state the right to solve themselves, within the administrative-territorial constituencies, the problems, which are no longer submitted to the center for solution." (Balan, 2003: 45). This manner in which the central administrative apparatus's powers are transferred in favor of subordinate institutions located in the territory is called administrative deconcentration.

The Romanian Constitution and the law (including the Administrative Code) establish, on the one hand, the administrative organization of the territory (in administrative-territorial units - ATU) and on the other hand, the location and role of public authorities within the administrative-territorial units. The organization of public administration as an activity is reflected in the structure of the public administration system, generally, the theory of administrative law addresses this issue, including from a practical point of view; the distinctions are important as they concern the way public affairs are managed and the achievement of the public interest, respectively if they are the competence of a single, state, centralized administration or will be managed disparately, at territorial and local level. Therefore, the basic principles of public administration that govern the centralized administrative systems - the principle of centralization and, respectively, the decentralized administrative systems - the principle of administrative decentralization are distinguished.

The distinction is more necessary from a theoretical point of view, in reality states use a centralized or decentralized regime only partially (in different proportions), so if a state is organized in such a way that the satisfaction of local or social interests is done through public services, depending directly by the central public authority and whose holders are appointed by it, that state is centralized, by centralization we mean the administrative regime in which specialized and local public authorities are appointed by the central public authority, being subordinate to it (Balan, 2003).

In its theoretical, practical but also the most rigorous form, centralization does not recognize the right of local communities to administer themselves, this right being only the prerogative of the state, only it, through its public officials and through its budget, assumes, for the entire national territory, meeting the requirements of general interest, even though constituencies or administrative-territorial units are organized and exist, but they are not recognized with any decision-making power, having, moreover, no legal personality; specific to this type of organization and management of public affairs is the fact that although the state recognizes local needs and particularities, decisions are taken

by central authorities and implemented by public workers and institutions that will only execute and put into practice the orders received.

According to art. 5 letter u) from the 2019 Romanian Administrative Code "deconcentration represents the distribution of administrative and financial powers by ministries and other specialized bodies of the central public administration to their own specialized structures from administrative-territorial units."

By virtue of administrative deconcentration, an important part of the central public administration is delegated to the territory, the affairs and public interest being carried out through officials appointed by the central administration at the local level; thus there is also a representation of the central public institutions at the administrative and territorial level, the staff vested with specific duties carry out the policy of the central administration. In concrete terms, deconcentration is a reduced form of the centralized system (Bălan, 2003) and thus the uniqueness of the competence to administer is renounced, establishing several entities to exercise, in a hierarchical and subordinated system, the same administrative power. The hierarchy of administrative powers is legitimately established by the central administrative authority. Deconcentration also consists in the existence, at the head of each administrative-territorial unit, of a representative of the central power and to recognize his own decision-making competence, but in the sense of respecting the governance program and specific activity objectives; the person with powers of representation of the central administrative body must, however, be in a relationship of subordination to the center, on the one hand, and in a relationship of collaboration and cooperation with the other decentralized public institutions.

Distinct and we appreciate, the most suitable for the current Romanian society in terms of the administration of public affairs and in the context of Romania's membership in the EU is the principle of administrative decentralization, based on which part of the decision-making power in administrative matters is transferred from the state administration, central to legal entities, distinct from the state but with decision-making power over the local community in the territory of the arrondissement district; as representative bodies of local communities, in a decentralized regime - elected by universal, equal, direct, secret and freely expressed vote by the population with the right to vote and having their domicile in the electoral constituencies corresponding to the special law on the subject - we appoint mayors, local councils and councils counties as collegial bodies as well as their presidents. We specify that local authorities have, under the law, decision-making power and their own financial resources, aspects also provided for in the Romanian Administrative Code, administrative decentralization presupposing the transfer of administrative and financial powers from the level of the central public administration to the level of the public administration from the administrative-territorial units, together with the financial resources necessary for their exercise. Also based on this principle, of administrative decentralization, but with even greater freedom of action, targeting only the local administration, distinct from the state one, represents the concept of local autonomy, exercised, of course, within legal limits; with origins also in the fundamental law of the country, article 120 par. 1 of the Romanian Constitution stipulates that the public administration of the administrative-territorial units "is based on the principles of decentralization, local autonomy and deconcentration of public services".

"The terminology used to evoke local autonomy knows different formulations, such as self-government, local powers, local independence, subnational authorities, local

authorities/municipalities, local government/local self-government, administrative-territorial units/municipalities" (Vedinas, 2020: 220).

The grouping of local collectivities, as a totality of natural persons domiciled in the administrative-territorial unit in relation to the public administration system, is done on the territorial criterion, which is a criterion for the organization of society, thus the public administration looks at the entire population of the country, applying to all the territory of Romania and in its territorial-administrative units.

Just as administrative decentralization recognizes the right of local communities to manage themselves (Balan, 2003), likewise by virtue of the legal personality they possess, local communities can have autonomous administrative initiatives that allow them to participate in the legal circuit in their own name - local autonomy being the last step of decentralization, also appreciated as a modern expression of the principle of administrative decentralization.

Autonomy does not mean, however, the independence of the local public administration bodies from the central bodies of the executive power, the latter exercising at the local level a certain type of control called by legal theorists and practitioners: administrative tutelage; the administrative guardianship control looking only at the legality of the acts, not their appropriateness.

We also appreciate that for the timely and rapid resolution of local affairs, which reality often requires, it is necessary for these authorities to have a competence that gives them autonomy over the public administration bodies of the state, justified otherwise by the institution of administrative autonomy.

Returning to the original idea of this article given to the political reality, namely with the rotation that happened in the government, the appointment and installation of a new prime minister who formed a new Cabinet and the departure of the original formula of the executive by the UDMR formation, combined with the development and acceptance of a new Governance Program, respectively for the period 2023-2024.

What was initiated and started through the NRRP (National Recovery and Resilience Plan) in the governance carried out in 2021 and 2022 is now continuing, through the objectives of the new Government being considered as a priority "the balanced and cohesive development of Romania, so that no region is left behind in terms of infrastructure development of transport ... being considered a vector in terms of increasing living standards, people's incomes and stimulating investments" (Government Program 2023-2024); a relatively new concept is thus approached, brought into discussion at the political and administrative level for an efficient implementation of public affairs and the realization of the common interest, the priority being the development of public infrastructure in all regions of Romania with the reduction of rural-urban disparity and development differences among the historical regions of Romania.

This is just an exposition of the facet of one of the objectives of the Government Plan and considering the multiplicity and complexity of the transport infrastructure issue taken as an example, in the actions undertaken at a given time by the local administrations of the county seat municipalities such as Timisoara, Arad, Oradea and Cluj-Napoca we noticed a concerted will in the four mayors with the aim of bringing back the success and importance in their activities (ebihoreanul.ro: The West ... and the rest! The mayors of Oradea, Timisoara, Arad and Cluj established Western Alliance to attract European funds more easily).

Conclusions

In our country, at the moment there is a complex normative framework that regulates the activity of the central, territorial and local public administration, which gives a multitude of possibilities and levers so that competent institutions with precise attributions can act and implement, from subordinate positions, cooperation, collaboration and administrative tutelage, public governance policies as well as regional and local ones; also, for the operative resolution of local affairs, the authorities have a competence that gives them autonomy over the public administration bodies of the state, using the structure and located in the perimeter of the administrative-territorial units established by law. Therefore, the organization and execution of laws in the most varied fields enables administrative bodies to create, legitimately and according to their own visions, their own approach in serving the public and common, general and/or private interest. We also appreciate that a certain celerity in making decisions and putting them into practice currently characterizes the state and dynamics of the Romanian administration.

The Governance Program for Romania for 2023-2024, with the new political configuration and the new prime minister, aims at an approach from the regional perspective of public affairs and services in order to support the unitary development of all the historical regions of our country "thus contributing to the objective of convergence with the economies of the more advanced states in the European Union through European funds, the National Local Development Program and the other programs that our country runs" (Government Program 2023-2024).

Author Contributions: All authors have read and agreed to the published version of the manuscript. All authors equally contributed to the creation and copy editing of this manuscript.

BIBLIOGRAPHY

- Tofan D. Apostol (2001) *A point of view in relation to the new regulation regarding the organization and functioning of the Government of Romania and the ministries in the P.L.R. no. 2/2001*, p. 55-70
- Vedinas Virginia (2020) *Administrative law. 12th Ed., revised and updated*, Publisher The Legal Universe, p. 150
- Balan Emil (2003) *Institutions of public law*, All Beck Publishing House, Bucharest, p. 41
- Iorgovan Antonie (2005) *Administrative law treaty*, Volume I, IVth ed., All Beck Publishing House, Bucharest, p. 144
- Anghel I. M. (2004) *Reflections on some texts from the Constitution revised in P.L.R. no. 2/2004*
- Jupp Victor (coord.) (2010) *Dictionary of social research methods, Polirom, Iasi*
- Ferrari V. (1987) *Funzioni del diritto, Saggio critico ricostruttivo*, Bari;
- Craiovan I. (1997) *General theory of law*, Military Publisher, 1997, p. 53.
- The West ... and the rest! The mayors of Oradea, Timisoara, Arad and Cluj founded the Alliance to the West to more easily attract European funds in Bihoreanul, 11 of December, 2018, <https://www.ebihoreanul.ro/stiri/vestul-si-restul-primarii-din-oradea-timisoara-arad-si-cluj-au-infiintat-alianta-vestului-ca-sa-atraga-mai-usor-fonduri-europene-145836.html>*

Governance Program 2023 – 2024, https://gov.ro/fisiere/pagini_fisiere/23-06-16-12-32-52Programul_de_Guvernare_2023-2024.pdf

THE IMPACT OF COVID 19 PANDEMY UPON ROMANIAN CIVIL SOCIETY AS REFLECTED IN THE NEWSPAPER „ROMÂNIA LIBERĂ”. AN OVERALL VIEW OF THE EVOLUTION OF PANDEMY IN ROMANIA AND ITS IMPACT IN THE YEAR 2021

Anca OLTEAN*

Abstract. *The paper intends to present the evolution of pandemy of Covid-19 during the year 2021 and its impact upon Romanian society as presented by the Romanian newspaper "România liberă". The online archives of the newspaper "România liberă" present the context in which the pandemy evolved in Romania during the years 2020-2022 with a focus on the year 2021, period which we researched for the present article. The issue of vaccination, the emergence of different varriants of the virus Covid 19, the isolation and endemic fear generated by the mass media campaign which helped and made the citizens aware by the emergence of this virus, were a few coordinates of evolution of public life in the context of pandemy. The restrictions imposed to the population including also the international travelling were bypassed by the fact that the majority of the population took the vaccine and in their case the resistance in front of new varriants of the virus was higher. It was a kind of hybrid interior war that we all passed through but to win the battle means in fact to be stronger than before as individuals. The article intends to present the internal and external context of the evolution of pandemy, with a focus on Romanian case.*

Keywords: *Pandemy, Covid-19, Romania, European states, vaccination, impact, civil society.*

Romania in the year 2021. We have a continuity of the analysis of pandemic in the review of *Romania liberă*, the research being a part of a greater analysis upon this newspaper during the year 2020-2022, considering the topic of pandemic view in Romanian society as reflected in the Romanian press. We tried to make a cronological press account of the debates and reflections upon the topic of pandemic in the year 2021, in order to make reader perceive the main ideas regarding the pandemic in *România liberă*. We present thus a cronical of the main issues of the time considering the pandemy of Covid-19.

The article “Premier League, periclitat de Covid-19” (“Premier League endangered by Covid-19”) (*România liberă*, January 4, 2021) , written by Cătălin Mihai, mentions that the staff of the 20 clubs from Premier League was tested with the view of Covid-19 and it proved that many people were infected. 131 of players and members of the staff were infected with Covid-19.

* Research assistant PhD, Institute of Euroregional Studies, University of Oradea, olteananca@hotmail.com

In the newspaper *România liberă*, in the article “Peste 92000 de persoane vaccinate anti-Covid în România” (“Above 92 000 of people vaccinated against Covid in Romania”) (*România liberă*, January 8, 2021) written by Eugen Cișmașu, there are revealed certain data collected by the National Institute of Public Health relating the issue of vaccination, namely 16 306 of people were vaccinated with the vaccine Pfizer BionTech in the last 24 hours, the the total number of vaccinnated people with Pfizer rised to 92 706, according to the data provided by the author.

In the journal *România liberă*, in the article written by RI online, „Ungaria prelungește restricțiile” (“Hungary maintains the restrictions”), (*România liberă*, January 8, 2021), it is asserted in a intervention to the radio that the restrictions generated because of Covid-19 will last until the pandemy is over. Until the date when the present article was written died of coronavirus 10440 of people, and were cured from this illness 186449 of citizens.

The article „Regina Elisabeta a II-a și prințul Philip au fost vaccinați împotriva Covid-19” (“Queen Elisabeth the second and prince Philip were vaccinated against Covid-19”) (*România liberă*, January 10, 2021) written by Redacția it is revealed that an international press agency provided this information. The author asserts that in times of pandemy the royal family isolated in Windsor. The royal family was vaccinated by a family doctor at their residence of Windsor.

The article „Încă un meci din Premier League amânat din cauza Covid-19” (“One more game from Premier League postponed because of Covid-19”) by RI online (*România liberă*, January 11, 2021) mentions the fact that the game AstonVilla-Tottenham was the fifth game postponed in the present edition of Premier League. This situation happend because the staff and the players of this football team were infected, to a great extend, by Covid.

In the newspaper *România liberă*, “Evoluția pandemiei. Cele mai mari rate de infectare sunt în București și Timiș” (“Evolution of the pandemy. The highest rata of infectations are in Bucharest and Timiș”) (*România liberă*, January 14, 2021), written by Mihai Diac it is drawn the attention that the Group of Strategical Communication (GCS) from the Government of Romania transmitted that the highest rate of infectation is in Bucharest and Timiș county. In January 14, 2021 there were confirmed 684.917 cases of Covid-19, but most of the patients were cured. (614.545).

The article “Bani suplimentari pentru medicii de familie și personalul medical implicat în campania de vaccinare” (“Supplementary funds for family doctors and medical personell involved in the campaign for vaccination”) (*România liberă*, January 16, 2021), written by Eugen Cișmașu, reveals that the minister of Health, Vlad Voiculescu declared that the campaign of vaccination is a great challenge for the following time. The author also gives the detail that the medical personel involved in the process of vaccination benefitted by payment for the working time.

In the article “UE își dublează contribuția la programul Covax” (“UE doubles its contribution to Covax programme”) (*România liberă*, February 19, 2021), written by RI online, it is described the fact that the chief of European Commission, Ursula von der Leyen, announced a contribution of 100 millions of Euro from the side of EU as humanitarian aid for the campaign of vaccination from Afrika. The Covax program will provide vaccinnes anti-Covid-19 for approx. 20% from the global population of over 200 of countries, asserts the author.

In *România liberă* in the article “Aproape 4000 de persoane infectate cu Covid-19 după deschiderea școlilor” (“Almost 4000 of infected people with Covid-19 after the opening of the schools”)(*România liberă*, March 10, 2021), it is mentioned that over 63000 of people working in the education system were vaccinated and the total number of vaccinated people in Romania until the data of March 10 was 123059, this figure representing over 35% from the total population.

In the article “România, în așteptarea accizelor, pentru debutul campaniei de vaccinare anti-Covid a copiilor” (“Romania waiting for the implementation of the taxes for the start of the campaign of anti-Covid vaccination of the children”) (*România liberă*, April 1, 2021), written by Eugen Cișmașu, it is revealed the fact the Pfizer company believe that the vaccine conceived by it is 100% safe and it is not danger to be administered to children. European and National Agencies that approve the medicines have to give their consent in this sense.

In the article from *România liberă*, “Germania propune beneficii pentru cei vaccinați și vindecați de Covid-19” (“Germany proposes benefits for the vaccinated and cured ones of Covid-19”) (*România liberă*, May 4, 2021) written by Cătălin Șerban it is mentioned the fact the the German state will grant facilities for people who got vaccinated and were cured later on of Covid-19. As a consequence, these people will have free access in the commercial centres because they present a lower risk of transmitting the illness to the others.

Vaccination is also compulsory if they are people who intend to travel between two or more countries. The author asserts that European Parliament just approved “Green Certificate Covid-19” while European Commission intended to create “Green Digital Certificate” and these certificates will attest that a person was vaccinated against Covid-19.

In the article of *România liberă* written by Cătălin Șerban, namely, “După vaccin Pfizer a găsit și o altă metodă de a combate coronavirusul. Când va fi posibil” (“After the vaccine, Pfizer found out also a method to combat coronavirus. When it will be possible”) (*România liberă*, May 15, 2021), the author Cătălin Șerban underlines that until the end of the year it will homologated the oral anticovid medicine Covid-19 and in the summer we will know already about the efficiency of this medicine.

In the article “4,3 milioane de vaccinați: România, în pas alert către atingerea targetului de imunizare” (“4,3 millions of vaccinated people: Romania, in alert going towards reaching the target of immunization”) (*România liberă*, May 29, 2021) by RI online, the author makes known the fact that the present article was written five months later after the start of the process of vaccination in Romania, so that that in Romania have been living 4,3 of persons who had received the first dose of vaccine. In several countries the idea of the marathon of vaccination had been adopted, such, for instance, in our neighboring country Republic of Moldova. Each county in Romania organizes by itself this “marathon of vaccination”, so the success of the action belongs to local factors.

In the newspaper *România liberă* in the article “Miercuri ar putea începe vaccinarea copiilor între 12 și 15 ani” (“Thursday could begin the vaccination of children between 12 and 15 years old”), (*România liberă*, May 31, 2021), the author speaks about the immunization of children that can start from June 2, 2021 using the vaccine Pfizer BionTech. The minors can be enrolled for vaccination on a platform, or the other alternative is that vaccination to be achieved without programming by visiting the centers of vaccination or the family doctors.

In the article from *România liberă* by online RL, namely “OMS: Eradicarea Covid-19 nu este o țintă rezonabilă în acest moment” (OMS: The eradication of Covid-19 is not a reasonable in this moment”) (*România liberă*, June 6, 2021), the author asserts his opinion that it is necessary to stop the evolution of this virus at global level. It is also possible to emerge new variants such as in Nepal. Until now, asserts the author, in the world arose 172 of millions of cases of ill people with coronavirus and the total number of deaths is 3,7 millions of people, shows the author.

In the newspaper *România liberă* written by Cătălin Șerban, in the article “În ce țară s-au ridicat toate restricțiile legate de coronavirus” (“In which country were released all the restrictions resulted because of coronavirus”) (*România liberă*, June 9, 2021), it is asserted that the Israeli minister of Health annulled the restrictions owned to the virus Covid-19 starting with the month of June 2021. At global level, asserts the author the cases of Covid-19 are decreasing in comparison with the first semester of the year. Starting with May 2021, the vaccinated tourists are allowed to visit Israel.

In the newspaper *România liberă*, in the article of Mihai Diac “Trump propune mai puține teste, pentru a găsi mai puține cazuri de coronavirus” (“Trump proposes fewer tests in order to find less cases of coronavirus”) (*România liberă*, June 21, 2021), the author mentions the fact that President Trump decided to reduce the rhythm of testing of Covid-19 in order to reduce the number of ill people of Covid-19 in a moment when the rate of infections in USA was really high. The author shows that, already, in United States, there are 2,2 millions of cases of coronavirus among whom 120.000 of deceased people.

In the newspaper *România liberă*, in the article written by Cătălin Șerban, namely “Date interesante despre Covid-19. Când a început să se răspândească de fapt” (“Interesting data on Covid-19. When the virus started to spread”) (*România liberă*, June 26, 2021), it is revealed the fact that the first case of SARS-Cov-2 was discovered in China in December 2019. It seems that infections with virus is possible that they had existed even before.

In the journal *România liberă*, in the article written by online RL, “Raport realizat de Institutul de Cercetare a calității vieții: Pandemia i-a dezbinat pe români” (“Report achieved by the Institute for Research of the Quality of Life: The Pandemy separated the Romanians”) (*România liberă*, June 27, 2021) it is revealed that Romania is tired after this country fought a year and three months with the virus Covid-19, and, in consequence it was published a report on pandemy and upon the vaccination campaign. In 2021, asserts the author, 52% of the total population was vaccinated. The elders and people with superior education are mostly in favor of vaccination. The author remarks that during the last year, in Romanian society, the degree of solidarity decreased.

In the article “Grecii protestează împotriva măsurilor anti-Covid-19 și a vaccinării obligatorii” (“The Greeks protest against the measures taken against Covid-19 and of obligatory vaccination”) (*România liberă*, July 15, 2021), it is asserted the Greek population of Athens came out in the streets in order to protest against the measures taken against the virus of Covid-19, namely against obligatory vaccination shouting that the vaccine is “poison”. Not only in Athens took place such manifestations, but also in Thessaloniki. The Greek government has also the intention to vaccinate all children until the age of 15 and another restriction was that, without the prove of vaccination, Greek citizens could not go to public locals.

The article “Biden a trecut la rugăminți: <<Vă rog, vă rog, vaccinați-vă>>” (“Biden started to implore people: <<Please, please, take the vaccine>>”) written by Online RL (*România liberă*, July 19, 2021), reveals that in the USA the number of illnesses with Covid-19 increased while the Delta varriant prevails in USA, in the condition that certain people did not take the vaccine. In this context, the president John Biden asked the American people to take the vaccine, explains the author.

In the newspaper *România liberă*, written by TNG, namely “Analiză: Europa devine prima regiune care depășește 50 de milioane de cazuri Covid-19” (“Analysis: Europe becomes the first region which bypass 50 millions of Cases of Covid-19”) (*România liberă*, July 21, 2021) it is explained the fact that since the beginning of the pandemy in the region emerged over 1,3 millions deceases because of the virus Covid-19. The author asserts that the most dominant and contagious varriant is Delta that has been identified in over 100 of countries in the world. Global economy and tourrism in this context knew a decay. 27% of the total cases of Covid-19 come from Europe and also 31% from the number of deceased persons, says the author.

In the journal *România liberă*, from July 24, 2021, written by Cătălin Șerban, namely “E oficial! Unde a ajuns varianta Delta a Covid-19 dominantă” (“It’s official! Where it become the varriant Delta of Covid-19 dominant”) (the author publish the article in the context of appearance of varriant Delta while World Health Organisation the European Centre of Prevention and Controll of Illnesses warns against the necessity to stop the expansion of Delta varriant). But people who were already vaccinated and this is the good news had lower chances to get ill with this new varriant.

In the journal *România liberă*, in the article written by TNG “Analiză: De ce plătește UE mai mult pentru noile vaccinuri anti Covid?” (“Analysis: Why EU pays more for the new vaccines anti-Covid?”) (*România liberă*, August 4, 2021) the author asserts that the price for the anti-Covid-19 vaccines increased, but less than in United States. According to Financial Times UE payed to Pfizer and Biontech 19,5 euro for every dose of vaccine anti-Covid-19, asserts the author. A vaccine Moderna costed 25,5 dollars/dose. The prices of these vaccines are expected to rise because of the increasing demand. The emergence of new varriants could determine that the existent vaccines not to be efficient enough to combat the virus.

In the newspaper *România liberă*, entitled “OMS se opune vaccinării obligatorii împotriva Covid-19” („OMS opposes to obligatory vaccination against Covid-19”) (*România liberă*, August 13, 2021) de RI online, it is mentioned that the experts of World Health Organization considers that the existent vaccines are not sufficient to stop the pandemy and measures of isolation and of wearing the mask in public places are important to be maintain in order to stop the expansion of the virus. At the moment when the present article was written, approximatively 4,4 billion vaccines were administered at the global scale, asserts the author.

In journal *România liberă*, in the article “Olanda, deschide universitățile, dar nu și cluburile de noapte” (“Netherlands opens the universities, but not the night clubs”) (*România liberă*, August 14, 2021), written by Adelina Toader, it is revealed the intention of Dutch government to open again the colleges and the universities. It seems that after a year and a half of online courses the students will start again the classes face-to-face. The rate of infection is in Netherlands of 105 cases from 100000 inhabitants. The author points out that the restrictions against Covid-19 would be elliminated in Netherlands in November.

The article “Bilanț Covid-19 din 17 august. Peste 500 de cazuri în 24 de ore” (“Account of Covid-19 from August 17. More than 500 of cases in the last 24 hours”) (*România liberă*, August 17, 2021) written by RI online, describes the fact the the Strategic Communication Group announced 544 new cases of coronavirus. Until the date when the article was written, on the Romanian territory, registered 1088053 cases of ill people with the new coronavirus. In Romania until the moment when the article was written, they were taken 8904549 tests RT-PCR and 2111404 of antigenic rapid tests.

In the article “Noua Zeelandă <<suflă și-n iaurt>> după ce a găsit un singur nou caz de Covid-19” (“New Zealand is taking protecting measures after it found a single case of Covid-19”) (*România liberă*, August 17, 2021), written by Cătălin Șerban, it is declared the fact that New Zealand entered in national lockdown, after a single case of Covid (an infection with Delta varriant) was discovered on its territory, according to the prime minister Jacinda Arden.

In the journal *România liberă*, in the article written by Online RL, “Peste 13000 mii de doze de vaccin anti-Covid 19 au fost administrate în ultimele 24 de ore” (“Over 13000 of doses of vaccine anti-Covid 19 were administered in the last 24 hours”) (*România liberă*, August 17, 2021) it is mentioned that since the beginning of the campaign of vaccination anti-Covid-19, since December 27, 2020, over 9.613.888 of doses were administered for 5.142.395 people in Romania.

In the newspaper *România liberă*, in the article “România va trimite 100 de mii de teste rapide antigen Covid-19 în Republica Moldova” (“Romania will send 100000 of rapid antigenic tests Covid-19 in the Republic of Moldova”) (*România liberă*, August 26, 2021), the author asserts that these tests will be taken in the Republic of Moldova with the help of General Inspectorate for Emergency Situations.

In the newspaper *România liberă*, in the article of Ivan Krastev and Mark Leonard, „Cum Covid-19 împarte Europa” (“How Covid-19 divides Europe”) (*România liberă*, September 2, 2021), it is asserted that all the crises hit Europe, but the issue of pandemy seems to bring Europe together.

In the article “Bilanț coronavirus 5 Septembrie-1242 cazuri noi, în ultimele 24 de ore” (“Bilance coronavirus September 5-1242 of new cases in the last 24 hours”) (*România liberă*, September 5, 2021), written by Redacția, the author shows that in the last 24 hours in Romania there were 1242 of new cases of coronavirus and until the moment when this article was written deceased 34.689 of persons in Romania because of Covid-19 while 10.760 of people ill of Covid were isolated to their residences and 2783 were isolated in state medical institutions.

In the newspaper *România liberă*, in the article written by Redacția, namely “Studiu: Cu cât sunt mai protejate de tulpina Delta persoanele vaccinate” (“Study: With how much are more protected by the Delta varriant the vaccinated persons”) (*România liberă*, September 11, 2021), the author points out that the vaccinated people are 11 times less likely to die because Covid 19 and 10 times less probable to be hospitalized. But, in time, the risk to take Covid-19, increased also for vaccinated people being 4,5 times less likely than for unvaccinated people to take the illness.

In the journal *România liberă*, in the article “<<Starea de calamitate>> prelungită cu un an în Filipine din cauza pandemiei de Covid-19” (“<<The state of calamity>> lasting a year more in Philippines because of the pandemy of Covid-19”) (*România liberă*, September 12, 2021), it is described that the president Rodrigo Duterte of the country

maintained a year more the “state of calamity” in Phillipine which last in Philippine from the beginning of the pandemy.

In the article “Johannis: Solicit unităților sanitare să acționeze prompt în acest al patrulea val al pandemiei de Covid-19” (“Johannis: I ask for sanitary units to act promptly in this forth wave of pandemy of Covid-19”) (*România liberă*, September 15, 2021), it is shown that President Johannis gave a flag to the Military University Hospital for Emergency „Dr. Carol Davila” to thank him for the fight carried on against the pandemic.

In the newspaper *România liberă*, in the article “Mai multe țări au renunțat la restricții și învață “să trăiască” cu coronavirusul” (“Several countries renounced to restrictions and learn <<to live>> with coronavirus”) (*România liberă*, Septembre 17, 2021) written by Redacția it is asserted that after a genuine battle with coronavirus, several countries started to adjust to it. After the invention of the vaccine, the restrictions diminished or ceased. In Denmark, after two doses of vaccine, it is considered that Covid-19 is a threat no more. The restrictions were forbidden also in countries such as Singapore, Thailanda, South Africa, Chile and the boundaries were slowly opened.

In the article “Cîțu, despre introducerea certificatului verde Covid-19” (“Cîțu, about the Romanians’ introduction of green certificate Covid-19”) (*România liberă*, September 17, 2021) by Redacția, it is revealed the fact that the prime minister Florin Cîțu, asserted that to introduce the green certificate concerning Covid-19 does not represent an infridgement of human rights. These green certificates will represent a pre-condition for any citizen for entrance in a public or private space in conditions when more than 3 people of 1000 are ill of Covid 19, is the opinion of the author.

In the article “Explozie de cazuri: 6789 în ultima zi, din care peste 1000 doar în București” (“Explosion of cases: 6789 of cases in the last day, from which above 1000 only in Bucharest”) (*România liberă*, September 21, 2021) written by Redacția, the author reveals that the total number of cases of patients ill with Covid-19 reached 1.158.841, among whom 1.082.701 were healed. The total number of test RT-PCR developed in Romania until that date was 9.418.799 and 2.921.127 rapid antigenic tests. In the red scenary (with a rate of infectations higher than 3%), there are the counties Ilfov (3,30), Satu Mare (3,33) and Timiș (3.09).

In the newspaper *România liberă*, in the article “Ministrul Sănătății : Vom avea și 20000 de cazuri de Covid-19 pe zi, la mijlocul lui octombrie” (“The Ministry of Health: We will have also 20000 of cases of Covid-19 dayly, in the midst of Octomber”)(*România liberă*, September 30, 2021), written by Redacția, is asserted that in the pick of wave 4 of the pandemy we will reach 20, 000 of cases of illnesses/day and these people will find no more a place in hospital because of their high number.

In the article “Incidența Covid-19 a depășit 8/1000 în Capitală” (“The incidence of Covid-19 bypassed 8/1000 in the capital”), written by Redacția (*România liberă*, Octomber 2, 2021), it is revealed the fact that the rate of incidence of the virus Covid-19, an average for 14 days, was 8,28 for 1000 of inhabitants according to the Direction of Public Health from Bucharest. A month before the figures ware lower, namely 0,88 from 1000, asserts the author.

In the journal *România liberă*, in the article written by Stancu Alexandru, namely “Speranțe noi în lupta cu Covid-19” (“New hopes in the fight with Covid-19”) (*România liberă*, Octomber 3, 2021), the author mentions the fact that it was invented a new pill anti-Covid 19 developed by Merck which reduces the risk of hospitalization of the patients with 50% and the name of this medicine is Molnupiravir.

In the article “România solicită ajutorul UE. Se cere achiziționarea unui medicament împotriva Covid-19” (“Romania asks for the support of EU. It is required the acquisition of a medicine against Covid-19”) (*România liberă*, October 5, 2021), the author Cătălin Șerban asserts the the medicine that Romania requires is named Tocilizumabun in the condition when the firm who produces this medicine asserted that it is in the impossibility to deliver this medicine until the end of 2021. But in part, this medicine was already procured by Romanians namely 6649 recipients for hospitals with severe ill people cases of Covid-19.

In the newspaper “România liberă”, in the article “A treia zi fără locuri libere la ATI pentru bolnavii de Covid-19” (“The third day without free seats at ATI for the ill people of Covid-19”, written by Redacția (*România liberă*, October 7, 2021) the author mentions that there is no more financing for the ill people of Covid-19, in the hospitals section from ATI. In Romania, in October 7, 2021, there had been reported 14 467 of new infections with Covid-19.

In the article “Șocant! Rata de incidență Covid 19 a trecut de 16 la mie” („Shocking. The Rate of incidence of Covid 19 passed by 16 to 1000”) (*România liberă*, October 16, 2021), written by Redacția it is mentioned that according to the Direction for Public Healthiness the rate of incidence of Covid reached 16,1 of cases for 1000 of citizens. The author offers for comparison the datas from a month before when the rate of incidence of Covid 19 was 1,93 for 1000 of citizens.

In the journal *România liberă* in the article written by Redacția (*România liberă*, October 19, 2021), entitled “Cât de eficient este vaccinul anti-Covid 19 și de ce există decese printre persoanele vaccinate” (“How efficient is the vaccine anti-Covid-19 and why exists cases of deceased among the vaccinated people”), the author reveals that the efficiency of the vaccines conceived against Covid-19 started to be put under question mark. There is a lack of trust of the people in the anti-Covid-19 vaccines. But as the author points out, people are more resistant in front of the new varriants of Covid-19 when they took the vaccine. By vaccination, the rate of mortality, decreased, is the opinion of the author and also the new varriants emerged with much more difficulty. At the date when the present article was written already, in Romania, there were 5,67 of million people vaccinated, namely 29, 4% from the total population.

In the article of *România liberă*, “Medicamentele Covid-19 în care își pun speranțele experții” (“The medicines Covid-19 in which the experts put their hopes”)(*România liberă*, October 31, 2021), it is mentioned the fact that the Pharma companies from the entire world makes medicines in order to complete the existant vaccines against Covid-19. Yet, it was not invented any medicine specific for Covid-19, asserts the author.

In the journal *România liberă*, in the article written by Redacția namely „Numărul deceselor asociate Covid-19 a depășit pragul de 5 milioane de morți” (“The number of deceased associated with Covid-19 bypassed the peak of 5 millions deceased”) (*România liberă*, November 1, 2021), the author shows that at the world scale over 5 millions of people died because of Covid-19 and the emergence of varriant Delta increased the number of cases of Covid. Another fact signaled by the author is the inequity of the access of different categories of people to vaccine. While the reachest countries vaccinates their citizens with the third dose, the poor countries can not provide not the least a single dose to all their citizens. The figures provided by the author are 1655024 of cases of ill people of Covid and, among them, 48073, of people deceased.

The article “Experții anunță finalul pandemiei în 2022, în timp ce cazurile de Covid-19 explodează în Europa” (“The experts announces the end of pandemic in 2022, while the cases of Covid-19 explodes in Europe”) (*România liberă*, November 4, 2021) written by Redacția, reflects the opinion of the author that the pandemic might end in 2022. But the reality often proves to be contradictory, as the number of cases of Covid-19 increased in several European countries. The Covid-19 will end up as an epidemic illness and societies will have to live with it. World Health Organization is worried that the people renounce fastly to prevention and think they are out of danger, which is not true. The author notices the emergence of Delta variant in countries such as Russia or Romania.

In the article “Germania a înregistrat un record de aproape 40000 de cazuri de Covid” (“Germany registered a record of almost 40000 of cases of Covid”) written by Redacția (*România liberă*, November 10, 2021), the author points out that in Germany emerged 40000 of new cases of Covid-19 according to the data provided by the Institute Robert Koch from Berlin. This is the most important rise of the number of cases, since the beginning of the pandemic, considers the author. Since the beginning of the pandemic, in Germany they were 4.844.054 of cases of infections with coronavirus. Almost 67% from the total population of Germany received all vaccines until the date when the present article was written, considers the author.

The article from *România liberă*, written by Redacția, “Franța a intrat în valul cinci al pandemiei de Covid-19” (“France entered in the fifth wave of the pandemic of Covid-19”)(*România liberă*, November 12, 2021), describes the fact that the French minister of Health Olivier Veran announced the entrance of France in the fifth wave of pandemic. In France, in the moment when the present article was written, the third dose of vaccine was compulsory for people over 65 years. Following the advice of advice of Emmanuel Macron, approx. 68.6% of the population of France received until November 2021, the vaccine. The total number of infections in France until that date was 7244040 of people.

In the newspaper *România liberă*, “OMS: Cazurile de Covid-19 scad în toată lumea mai puțin în Europa” (“OMS: The cases of Covid-19 decrease in all the world at least in Europe”)(*România liberă*, November 14, 2021), the author Stancu Alexandru mentions that in Europe, in the last week, decreased the cases of Covid-19 with 10% as it is revealed by the World Health Organization. At the global level, it exists 3,1 millions of new cases of covid while in Europe 1,9 cases of illnesses with Covid-19. The countries with the highest rate of Covid-19 mentioned by the author are: United States, Russia, Great Britain, Turkey and Germany.

In the journal *România liberă*, in the article written by Redacția namely “Pfizer a cerut autorizare de urgență pentru pastila anti-Covid 19” (“Pfizer asked for authorization for emergency for the pill anti-Covid 19”) (*România liberă*, November 17, 2021), it is mentioned the fact that a new pill anti-Covid-19 is ready to emerge on the market in United States. This new pill is named Paxlovid and has an efficiency of 89% in curing in patients. The medicine, asserts the author, must be administered in the first three days from the emerging of the symptoms of Covid-19 virus.

The article “Secretarul general al ONU nu vrea izolarea Africii Australe” (“The General Secretary of UN does not want the isolation of Africa Australis”) (*România liberă*, November 29, 2021), written by Cătălin Șerban mentions that the General Secretary of UN, Antonio Guterres, tried to isolate Africa Australis. In this areal there were not

sufficient vaccines against Covid-19 and thus different variants of Covid-19 can develop here. The author asserts that the Omicron variant was developed in the countries from Southern Africa. The most affected country by pandemic is Southern Africa and only 23,9% from its citizens are vaccinated.

In the article “Moderna anunță că vaccinurile sunt mai puțin eficiente în lupta împotriva Omicron” (“Moderna announces that the vaccines are less efficient in the fight against Omicron”) (*România liberă*, November 30, 2021), it is asserted that the Firm Moderna which produces vaccines against Covid-19 considers that that present invented vaccines are not efficient in the fight against the virus, especially in the case of Delta variant.

In the journal *România liberă* in the article entitled “Covid-19. Nu mai este niciun județ în scenariul roșu” (“Covid-19. There is no more county in the red scenery”) (*România liberă*, December 2, 2021), it is mentioned that during the last 24 hours, emerged 1149 of new cases of illnesses of Covid-19. The author provides the figures of the tests RT-PCR made in Romania that is 10 738 231 and 5318943 of rapid antigenic tests. Over 30 000 of persons were in state of isolation.

In the article “Omicron: Minimum 3 săptămâni pentru a cunoaște noua variantă Covid” (“Omicron: At least 3 weeks in order to know the new variant of Covid”) (*România liberă*, December 4, 2021) written by Laurențiu Moșoiu, the author asserts that the new tulpine of Covid 19 is Omicron. It is possible, in the opinion of the author, that the efficiency of the new vaccines to decrease in front of Omicron. This Omicron variant was identified until that date in 38 countries at the global scale.

The article “Danemarca raportează o creștere a numărului de cazuri Omicron” (“Denmark makes a report on rising number of cases of Omicron”) (*România liberă*, Decembre 5, 2021), written by Stancu Alexandru describes the fact that the number of cases of Covid-19 increased in all Europe. The new variant Omicron was firstly detected in Southern Afrika and because of this many countries imposed travelling restrictions with this zone. Another variant Delta caused the most numerous cases of infections, shows the author. The number of deceased persons is expected to increase later on in Europe and Central Asia because of the emergence of these new variants of Covid-19.

In the journal *România liberă*, in the article “Incidența Covid în București: 1 la mie” (“The incidence of Covid in Bucharest: 1% from 1000) written by Laurențiu Moșoiu (*România liberă*, December 11, 2021), the author asserts that this rate was provided by the Direction of Public Health of the city of Bucharest (DSPMB). On the date of October 22, 2021, in Bucharest was identified the highest rate of incidence of Covid-19, namely 16,54 cases from 1000 inhabitants, asserts the author while in United States the number of deceased persons with Covid-19 decreased with 14%. The conclusion of the author is that, at that time, Europe was the „epicentre” of pandemic.

2021 is the year where most of the population of Romania took the vaccines against Covid-19 and its variants. Although the eradication of the virus lasted longer, 2021 was a start for the improving the state of health of the Romanian, European and world citizens. The problems debated in the press reflect a difficult time, a battle for survival from the point of view of economic resources as well as health condition of the Romanian citizens in hostile times.

BIBLIOGRAPHY

- România liberă, Decembre 2, 2021, ***, “Covid 19. Nu mai este niciun județ în scenariul roșu” (“Covid 19. There is no more county in the red scenery”), <https://romanalibera.ro>;
- România liberă, May 31, 2021, ***, “Miercuri ar putea începe vaccinarea copiilor între 12 și 15 ani” (“Thursday could begin the vaccination of children between 12 and 15 years old”), <https://romanalibera.ro>;
- România liberă, July, 15, 2021, ***, “Grecii protestează împotriva măsurilor anti-Covid-19 și a vaccinării obligatorii” (“The Greek protests against the measures taken against Covid-19 and of obligatory vaccination”), <https://romanalibera.ro>;
- România liberă, August 26, 2021, ***, “România va trimite 100 de mii de teste rapide antigen Covid-19 în Republica Moldova” (“Romania will send 100000 of rapid antigenic tests Covid-19 in the Republic of Moldova”), <https://romanalibera.ro>;
- România liberă, September 12, 2021, ***, “<<Starea de calamitate>> prelungită cu un an în Filipine din cauza pandemiei de Covid-19” (“<<The state of calamity>>”) lasting a year more in Philippines because of the pandemy of Covid-19”), <https://romanalibera.ro> ;
- România liberă, September 15, 2021, ***, “Johannis: Solicit unităților sanitare să acționeze prompt în acest al patrulea val al pandemiei de Covid-19” (“Johannis:I ask for sanitary units to act promptly in this forth wave of pandemy of Covid-19”), <https://romanalibera.ro>;
- România liberă, Octomber 31, 2021, ***, “Medicamentele Covid-19 în care își pun speranțele experții” (“The medicines Covid-19 in which the experts put their hopes”), <https://romanalibera.ro>;
- România liberă, November 30, 2021, ***, “Moderna anunță că vaccinurile sunt mai puțin eficiente în lupta împotriva Omicron” (“Moderna announces that the vaccines are less efficient in the fight against Omicron”), <https://romanalibera.ro>;
- România liberă, December 2, 2021, ***, “Covid-19. Nu mai este niciun județ în scenariul roșu” (“Covid-19. There is no more country in the red scenery”), <https://romanalibera.ro>;
- România liberă, January 4, 2021, Cătălin Mihai, “Premier League, periclitat de Covid-19” (“Premier League endangered by Covid-19”), <https://romanalibera.ro>;
- România liberă, January 8, 2021, Eugen Cișmașu, “Peste 92000 de persoane vaccinate anti-Covid în România” (“Above 92000 of people vaccinated against Covid in Romania”), <https://romanalibera.ro>;
- România liberă, January 16, 2021, by Eugen Cișmașu, “Bani suplimentari pentru medicii de familie și personalul medical implicat în campania de vaccinare” (“Supplimentary funds for family doctors and medical personell involved in the vaccination campaign”), <https://romanalibera.ro>;
- România liberă, April 1, 2021, by Eugen Cișmașu, “România, în așteptarea avizelor pentru debutul campaniei de vaccinare anti-Covid a copiilor” (“Romania, waiting for the approbations of the start of the campaign of vaccination anti-Covid of the children”), <https://romanalibera.ro>;
- România liberă, January 14, 2021, by Diac, Mihai, “Evoluția pandemiei. Cele mai mari rate de infectare sunt în București și în Timiș” (“Evolution of the pandemy. The highest rata of infections are in Bucharest and Timiș”), <https://romanalibera.ro>;

- România liberă, January 3, 2021, by Diac, Mihai, “Noua tulpină a coronavirusului a fost găsită la un pacient internat în România” (“The new tulpine of coronavirus was found to a pacient internated in Romania”), <https://romanalibera.ro>;
- România liberă, January 14, 2021, by Diac, Mihai, “Evoluția pandemiei. Cele mai mari rate de infectare sunt la București și în Timiș” (“The evolution of pandemy. The highest rate of infectation are in Bucharest and in Timiș”), <https://romanalibera.ro> ;
- România liberă, June 21, 2021, by Diac, Mihai, “Trump propune mai puține teste, pentru a găsi mai puține cazuri de coronavirus” (“Trump proposes fewer tests in order to find less cases of coronavirus”), <https://romanalibera.ro>;
- România liberă, September 2, 2021, by Krastev, Ivan and Leonard, Mark, “Cum Covid-19 împarte Europa” (“How Covid-19 divides Europe”), <https://romanalibera.ro>;
- România liberă, Decembre 4, 2021, by Mușoiu, Laurențiu, “Omicron: Minimum 3 săptămâni pentru a cunoaște noua variantă Covid” (“Omicron: The least 3 weeks to knew the new varriant Covid”);
- România liberă, Decembre 11, 2021, by Mușoiu, Laurențiu, “Incidența Covid în București: 1 la mie” (“The incidence of Covid in Bucharest>1%1000”), <https://romanalibera.ro>;
- România liberă, June 6, 2021, by Online RL, “OMS: Eradicarea Covid-19 nu este o știință rezonabilă în acest moment” (“OMS: Eradication of Covid-19 is not a reasonable science in this moment”), <https://romanalibera.ro> ;
- România liberă, June 27, 2021, by Online RL, “Raport realizat de Institutul de Cercetare a Calității vieții. Pandemia i-a dezbinat pe români” (Rapport achieved by the Institute of Quality Research of life. The pandemy made Romanians quarell”), <https://romanalibera.ro>;
- România liberă, July 19, 2021, by Online RL, “Biden a trecut la rugăminți: <<Vă rog, vă rog, vaccinați-vă>>” (“Biden started to implore people: <<Please, please take the vaccine>>”), <https://romanalibera.ro>;
- România liberă, August 17, 2021, by Online RL, “Peste 13000 de doze de vaccin anti-Covid 19 au fost administrate în ultimele 24 de ore” (“Over 13000 of doses of vaccine anti-Covid-19 were administered in the last 24 hours”), <https://romanalibera.ro> ;
- România liberă, August 26, 2021, by Online RL, “România va trimite 100 de mii de teste rapide antigen Covid-19 în Republica Moldova” (“Romania will send 100 000 of rapid tests antigen Coivid-19 in the Republic of Moldova”), <https://romanalibera.ro>;
- România liberă, January 10, 2021, by Redacția, “Regina Elisabeta a II-a și prințul Philip au fost vaccinați împotriva Covid-19” (“Queen Elisabeth the second and prince Philip were vaccinated against Covid-19”), <https://romanalibera.ro>;
- România liberă, July 15, 2021, by Redacția, “Grecii protestează împotriva măsurilor anti-Covid-19 și a vaccinării obligatorii” (“The Greeks protests against the measures anti-Covid-19 and of obligatory vaccination”), <https://romanalibera.ro> ;
- România liberă, September 5, 2021, by Redacția, “Bilanț coronavirus September 5- 1242 cazuri noi, în ultimele 24 de ore” (“Bilance of coronavirus- September 5-1242 of new cases, during 24 hours”);
- România liberă, September 11, 2021 by Redacția, “Studii: Cu cât sunt mai protejate de tulpina Delta persoanele vaccinate” (“Study: With how much are more protected by the Delta varriant the vaccinated persons”), <https://romanalibera.ro>;

- România liberă, September 17, 2021, by Redacția, “Mai multe țări au renunțat la restricții și învață << să trăiască >> cu coronavirusul” (“Several countries renounced to restrictions and learn << to live >> with coronavirus”), <https://romanalibera.ro>;
- România liberă, September 21, 2021, by Redacția, “Explozie de cazuri: 6789 în ultima zi, din peste 1000 doar în București” (“Explosion of cases: 6789 of cases during the last day, among whom more than 1000 only in Bucharest”), <https://romanalibera.ro>;
- România liberă, September 15, 2021, by Redacția, “Johannis: Solicit unităților sanitare să acționeze prompt în acest al patrulea val al pandemiei de Covid-19” (“Johannis: I ask to the sanitary units to act promptly in this forth wave of the pandemy of Covid-19”), <https://romanalibera.ro>;
- România liberă, September 17, 2021, by Redacția, “Mai multe țări au renunțat la restricții și << învață >> cu coronavirusul” (“Several countries renounced to restrictions and learn << to live >> with coronavirus”), <https://romanalibera.ro>.
- România liberă, September 17, 2021, by Redacția, “Câtu despre introducerea certificatului verde Covid-19” (“Câtu, about the Romanians’ introduction of green certificate Covid-19”), <https://romanalibera.ro>;
- România liberă, September 21, 2021, by Redacția, “Explozie de cazuri: 6789 în ultima zi, din care peste 1000 doar în București” (“Explosion of cases: 6789 of cases in the last day, from which above 1000 only in Bucharest”), <https://romanalibera.ro>;
- România liberă, September 30, 2021 by Redacția, “Ministrul Sănătății: Vom avea și 20 000 de cazuri de Covid-19 pe zi, la mijlocul lui octombrie” (“The Ministry of Health: We will have 20000 of cases of Covid-19 daily, in the midst of octomber”), <https://romanalibera.ro>;
- România liberă, October 2, 2021, Redacția, “Incidența Covid-19 a depășit 8/1000 în Capitală” (“Incidence of Covid-19 bypassed 8/1000 in the Capital”), <https://romanalibera.ro>;
- România liberă, October 7, 2021, by Redacția, “A treia zi fără locuri libere la ATI pentru bolnavii de Covid-19” (“The third day without free seats at ATI for the ill people of Covid-19”), <https://romanalibera.ro>;
- România liberă, Octombr 16, 2021 by Redacția, “Șocant! Rata de incidență Covid-19 a trecut de la 16 la mie” (“Shocking! The rate of incidence of Covid-19 passed by 16 to 1000”), <https://romanalibera.ro>;
- România liberă, October 19, 2021 by Redacția, “Cât de eficient este vaccinul anti-Covid -19 and if exists deceases among the vaccinated people”), <https://romanalibera.ro>;
- România liberă, November 1, 2021, by Redacția, „Numărul deceselor asociate Covid-19 au depășit pragul de 5 milioane de morți” (“The number of deceased associated with Covid-19 bypassed the number of 5 millions of deaths”), <https://romanalibera.ro>;
- România liberă, November 1, 2021, by Redacția, “Numărul deceselor asociate Covid-19 a depășit pragul de 5 milioane de morți” (“The number of deceased associated with Covid-19 bypassed the peak of 5 millions deceased”), <https://romanalibera.ro>;
- România liberă, November 4, 2021, by Redacția, “Experții anunță finalul pandemiei în 2022, în timp ce cazurile de Covid-19 explodează în Europa” (“The experts announce the end of pandemy in 2022, while the cases of Covid-19 explode in Europe”), <https://romanalibera.ro>;

- România liberă, November 10, 2021 by Redacția, “Germania a înregistrat un record de aproape 40000 de cazuri de Covid” (“Germany registered a record of almost 40000 of cases of Covid”), <https://romanalibera.ro>;
- România liberă, November 12, 2021, by Redacția, “Franța a intrat în valul cinci al pandemiei de Covid-19” (“France entered in the fifth wave of the pandemy of Covid-19”), <https://romanalibera.ro>;
- România liberă, November 17, 2021 by Redacția, “Pfizer a cerut autorizare de urgență pentru pastila anti-Covid-19” (“Pfizer requested urgently authorization for the pill anti-Covid-19”), <https://romanalibera.ro>;
- România liberă, November 30, 2021, by Redacția, “Moderna anunță că vaccinurile sunt mai puțin eficiente împotriva Omicron” (“Moderna announces the the vaccines are less efficient against Omicron”), <https://romanalibera.ro>;
- România liberă, January 8, 2021, by RI online, “Ungaria prelungește restricțiile” (“Hungary maintains the restrictions”), <https://romanalibera.ro>;
- România liberă, January 11, 2021, by RI online, “Încă un meci din Premier League amânat din cauza Covid-19” („Another Game from Premier League postponed because Covid-19”), <https://romanalibera.ro>;
- România liberă, February 19, 2021, RI online, “UE își dublează contribuția la programul Covax” (“UE doubles its contribution to Covax programme”), <https://romanalibera.ro>;
- România liberă, May 29, 2021, by RI online, “4,3 milioane de vaccinați: România, în pas alert către atragerea targetului de imunizare” (“4,3 millions of vaccinated: Romania, in alert going towards to attract the target of immunization”), <https://romanalibera.ro>;
- România liberă, June 6, 2021, by RI Online, “OMS: Eradicarea Covid-19 nu este o țintă rezonabilă în acest moment” (“OMS: Eradication of Covid-19 is not a reasonable target in this moment”), <https://romanalibera.ro>;
- România liberă, August 13, 2021, by RI online, “OMS se opune vaccinării obligatorii împotriva Covid-19” (“OMS opposes to obligatory vaccination against Covid-19”), <https://romanalibera.ro>;
- România liberă, August 17, 2021 by RI Online, “Bilanț Covid-19 din 17 august. Peste 500 de cazuri în 24 de ore” (“Account of Covid-19 from August 17. More than 500 of cases in the last 24 of hours”), <https://romanalibera.ro>;
- România liberă, October 3, 2021, by Stancu, Alexandru, “Speranțe noi în lupta cu Covid-19” (“New hopes in the fight with Covid-19”), <https://romanalibera.ro>.
- România liberă, October 31, 2021, Stancu, Alexandru, “Medicamentele Covid-19 în care își pun speranțele experții” (“The medicines Covid-19 on which the experts rely on”), <https://romanalibera.ro>;
- România liberă, November 14, 2021, by Stancu Alexandru, “OMS: Cazurile de Covid-19 scad în toată lumea mai puțin în Europa” (“OMS: Cases of Covid-19 decrease in all Europe, at least in Europe”), <https://romanalibera.ro> ;
- România liberă, November 14, 2021, by Stancu Alexandru, “OMS: Cazurile de Covid-19 scad în toată lumea mai puțin în Europa” (“OMS: The cases of Covid-19 decrease in all Europe the least in Europe”), <https://romanalibera.ro>;
- România liberă, December 5, 2021, by Stancu Alexandru, “Danemarca raportează o creștere a numărului de cazuri Omicron” (Denmark makes a report on the rising number of cases of Omicron);

- România liberă, May 4, 2021, by Șerban, Cătălin, “Germania propune beneficii pentru cei vaccinați și vindecați de Covid-19” (“Germany proposes benefits for the vaccinated and cured ones of Covid-19”), <https://romanalibera.ro>;
- România liberă, May 15, 2021, by Șerban Cătălin, “După vaccin Pfizer a găsit și o altă metodă de a combate coronavirusul. Când va fi posibil” (“After the vaccine, Pfizer found out also a method to combat coronavirus. When it will be possible”), <https://romanalibera.ro> ;
- România liberă, June 9, 2021, Șerban, Cătălin, “În ce țară s-au ridicat toate restricțiile luate de coronavirus” (“In which country were released all the restrictions taken because of coronavirus”), <https://romanalibera.ro>;
- România liberă, June 24, 2021 by Șerban, Cătălin, “Date interesante despre Covid-19. Când a început să se răspândească de fapt” (“Interesting data on Covid-19. When the virus started to spread”), <https://romanalibera.ro> ;
- România liberă, July 24, 2021, de Șerban, Cătălin, “E oficial!Unde a ajuns varianta Delta a Covid-19 dominantă” (“It’s official! Where it ends the dominant varriant Delta of Covid-19”), <https://romanalibera.ro>.
- România liberă, July 24, 2021, Șerban, Cătălin, “E oficial!Unde a ajuns varianta Delta a Covid-19 dominantă” (“It’s official!When it become the varriant Delta of Covid-19 dominant”), <https://romanalibera.ro>;
- România liberă, August 17, 2021 by Șerban, Cătălin, “Noua Zeelandă <<suflă și-n iaurt>> după ce au găsiu un singur nou caz de Covid-19” (“New Zeeland is taking protecting measures after it found a single case of Covid-19”), <https://romanalibera.ro>;
- România liberă, October 5, 2021 by Șerban, Cătălin, „România solicită ajutorul UE. Se cere achiziționarea unui medicament împotriva Covid-19” (“Romania asks for the support of EU. It is required the acquisition of a medicine against Covid-19”), <https://romanalibera.ro>;
- România liberă, November 29, 2021, by Șerban, Cătălin, “Secretarul general al ONU nu vrea izolarea Africii Australe” (“The General Secretary on UN does not want the isolation of Africa Australis”), <https://romanalibera.ro>;
- România liberă, August 4, 2021, by TNG, “Analiză: De ce plătește UE mai mult pentru noile vaccinuri anti-Covid” (“Analysis: Why Eu pays more for the new vaccines anti-Covid?”), <https://romanalibera.ro>;
- România liberă, July, 25, 2021, article written by Adelina Toader, “Ministrul britanic al sănătății spune că populația trebuie să învețe să trăiască cu Covid-19” (“The British minister of Health says that the population must live with Covid-19”), <https://romanalibera.ro> ;
- România liberă, August 14, 2021, by Toader, Adelina, “Olanda, deschide universitățile, dar nu și cluburile de noapte” (“Olanda open the universities, but not the night clubs”), <https://romanalibera.ro>.

ADMINISTRATION OF ELECTION AND REFERENDUM PROCESSES IN THE REGIONS OF UKRAINE IN THE POST-WAR PERIOD: SECURITY AND LEGITIMATION CHALLENGES

*Yevheniya YURIYCHUK**
*Stanislav OPINKO***

Abstract. *As a result of Russian aggression, the electoral infrastructure of Ukraine was destroyed and needs to be restored and improved. Russian aggression not only created many new security and legitimacy challenges, but also actualized those problems that remained unresolved for a long time. Immediately after the end of the war, several election processes await Ukraine, so the objective of the paper is to identify potential threats and search for the most optimal model of administration of future election and referendum processes. During the research, the authors used a number of general theoretical methods and scientific approaches to the study of electoral/referendum legitimization of power and the issue of election administration. The paper contains a detailed analysis of the impact of the Russian aggression and martial law conditions on the post-war election and referendum processes, outlines key security and legitimacy challenges and possible ways to counter them. The results of the study make it possible to divide the main security and legitimacy challenges into three groups: 1) challenges of the election/referendum organization process; 2) threats of the Russian Federation interference in the election/referendum process; 3) challenges of ensuring the principles of democracy, transparency and openness of elections/referendum. The authors of the study proposed a number of practical recommendations that will allow eliminating/minimizing the negative effect of security and legitimization challenges.*

Keywords: *international election standards, internally displaced persons, electoral districts, electronic voting, information space, election manipulations.*

Introduction

Russian aggression against Ukraine created many threats and challenges for its political, economic, social systems and state administration, some of which will be revealed in the post-war period. One of the most urgent and difficult issues is the administration of election and referendum processes, which will need to be conducted to legitimize the legislature and political power at various levels.

* PhD (habilitate), Dr. of Political Sciences, Professor, Department of Political Science and Public Administration, Yuriy Fedkovych Chernivtsi National University, Chernivtsi, Ukraine, E-mail: y.yuriychuk@chnu.edu.ua

** PhD student, Department of Political Science and Public Administration, Yuriy Fedkovych Chernivtsi National University, Chernivtsi, Ukraine, E-mail: opinko.stanislav@chnu.edu.ua

During the first decades of the 21st century, Ukraine demonstrates examples of extraordinary elections connected either with protests against the falsification of their results (Orange Revolution, 2004), or with military actions (Russian-Ukrainian war, 2014 - present). Since the beginning of hostilities, a number of elections at various levels (presidential, parliamentary (2014, 2019), local (2015, 2020)) have been held in the territories controlled by Ukraine, which exacerbated the previously existing shortcomings of their administration and deepened the problem of procedural legitimation of authorities, especially at the regional and local levels. Political pressure and use of administrative resources, physical threats, attacks on participants in the election process, manipulation of voter opinion due to the demagogic influence of propaganda and agitation, and often direct bribery, insufficient or untimely funding, lack of necessary equipment, inaccurate or incomplete registration of voters in electoral registers, unreliable cyber protection of election documentation, voting results and other factors affect the election administration system and raise doubts about the legitimacy of the elected government.

The need to ensure the functionality of the election system, equal conditions of participation for all participants and other requirements of the democratic election process objectify the need to analyze these issues for their further resolution.

Objective: to identify probable issues and threats of the administration of future election and referendum processes in the context of their security and legitimation in post-war Ukraine and to outline ways to solve them.

Tasks:

- to find out the likely impact of Russian aggression and martial law conditions on election administration as an electoral institution regarding the main stages of the electoral process;
- to propose possible ways to solve issues and eliminate threats during elections and referendums.

Methodology. When conducting the research, a set of general theoretical methods was used: systemic one - to highlight the issues of the election process as a dynamic element of elections; comparative and factor analysis - for systematization, classification of factors that affect the administration of elections and referenda; of statistical analysis - to assess the state and subjects of election administration as a participant in democratic election processes. The theoretical and conceptual basis of the research was chosen: the minimal procedural conditions of R. Dahl's "polyarchy" (Dahl R.A., 1971), which relate directly to elections; requirements for compliance with J. Sartori's "electoral constitutionalism" (Giovanni S., 1997); Y. Yuriychuk's criteria and indicators of legitimization of power (Yuriychuk Y., 2012); principles of election/referendum administration governed by the International Institute for Democracy and Electoral Assistance (IDEA) (Beramendi V., 2008).

Literature review (latest scholarly sources).

Among numerous studies devoted to the administration of elections, the authors singled out the most important in terms of their democratization aspects for the states that were formed after the collapse of the socialist camp (Elklit J., 1999), (Pastor R., 1999). Studying the administration of post-war elections and elections in crisis periods, in special conditions, in general, has become the subject of research relatively recently (Birch S., 2008), (Birch S., 2011). The close attention of the authors was focused on the activities of

European structures in this area. In particular, to the activities within the framework of the Council of Europe's Project "Supporting Democratic Post-War Elections in Ukraine", which is currently being implemented as a part of the Council of Europe's Action Plan for Ukraine for 2023-2026 (Council of Europe, 2023), regulation of the use of information and communication technologies in the election process (Committee of Ministers, 2022), etc. It was also useful for the authors to study the experience of holding elections in Croatia, Bosnia and Herzegovina in terms of maintaining trust in the electoral process and the newly elected authorities. In particular, the introduction of an *independent model* of election management, in which members of electoral bodies are not representatives of the executive branch of government. Election administration bodies are financially independent, have their own budget, and are not accountable to the central bodies of executive power. Instead, they are accountable to other branches of government or the head of state (Catt H., 2014: 7-26). Such experience can be transferred to the Ukrainian soil, especially in view of the reform of decentralization of power. The research of Yu. Kliuchkovskiyi (Kluchkovsky Y., 2018) is the most significant in the context of observing the democratic principles of conducting elections in Ukraine. It should be noted that the adopted Election Code of Ukraine corresponds to its main recommendations (Verkhovna Rada of Ukraine, 2020b). The previous works of the authors (Yuriychuk Y., Komolov, A., 2022), (Yuriychuk Y., Antoniuk D., 2021), (Yuriychuk Y., 2012), (Yuriychuk Y., 2016) were useful for regulating the activities of the voter register, monitoring elections in crisis conditions, special conditions, and preventing the dangers of corruption. But debatable issues regarding the time, subjects, territory, organization, provision of the electoral process after the end of the Russian-Ukrainian war remain unresolved and require generalization and sensemaking. We suggest consideration of the following areas: 1) principles of election/referendum administration; 2) difficulties in organizing elections/referendum; 3) the influence of the Russian factor on the administration and course of elections; 4) openness, democracy and transparency of the election process.

1. Principles of election/referendum administration.

Administration of elections as a multi-stage process involves interaction 1) between the head of executive power (bodies) and candidates; 2) between managers and various actors who participate in voting and provide voters with information. To ensure a democratic election process, the administration is based on such principles as: civil control, political equality, constitutionality of government and individual freedom. The administrative bodies are primarily responsible for ensuring the integrity of elections, which can be ensured through:

- establishment of the rule of law to ensure human rights and integrity of elections;
- the ability to act independently of other institutions;
- creation of institutions and implementation of norms aimed at ensuring multiparty system and distribution of power, elimination of obstacles to ensure general and equal participation in political life, regulation of financing of political activities (Catt H., 2014: 7-26).

Election administration must comply with international standards of democratic elections contained in a number of international treaties, among which it is worth mentioning the Copenhagen Document (June 29, 1990) (OSCE, 1990b), and the Paris Charter for a New Europe (November 21, 1990) (OSCE, 1990a). Compliance of the elections/referendum with international ones is one of the main criteria for the

electoral/referendum legitimization of the authorities. In general, Y. Yuriychuk comprehensively investigates this issue, the scientist singles out the following criteria for the legitimization of power:

- compliance of the legal basis of elections and referenda with international and regional standards (conclusions are given by the Venice Commission);
- compliance of elections and referenda with international standards (through long-term and short-term observation by foreign states and international organizations);
- electoral activity (in accordance with acceptable levels of participation in democratic societies and legally established thresholds for decision-making);
- the presence, or rather the absence, of violations and conflicts in the election process (analyzed by the number of appeals to the ECHR).
- consolidation of democratization directions of development in the documents regarding foreign policy orientation of states (we analyze documents of foreign policy activity of states: concepts of foreign policy, national security, internal and external development, relations with international organizations) (Yuriychuk Y., 2012: 101-102).

2. Difficulties in organizing elections/referendum.

After the 2020 local elections, the Ukrainian Parliament arranged a working group to develop changes to the electoral legislation. Currently, the working group is developing changes to the legislation designed to solve problems that arose: 1) during the previous election processes; 2) as a result of Russian aggression.

One of the most difficult tasks is *ensuring the organization of election and referendum processes*. The departure of a large part of the electorally active population outside Ukraine and the increase in the number of internally displaced persons directly affects the electoral map of Ukraine. The role of the electorate of the western regions, which received the largest number of internal migrants, is being strengthened, which significantly changes regional electoral preferences. At the same time, any electoral and referendum processes in the southeastern regions will be accompanied by a rather low turnout, which will directly affect the process of legitimizing the government; the role of the foreign electoral district in these processes is growing extremely.

Difficulties arise around the formation of data of the State Register of Voters of Ukraine and the creation of a list of voters for voting. According to the report of the Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine for 2022, there are 4 867 106 internally displaced persons (IDPs) officially registered, but according to the experts' estimates, their real number may reach 7 million people, at the same time, more than 4 million refugees are officially registered in the EU (Ministry of Reintegration of Temporarily Occupied Territories, 2023), although, according to the UN, the number of Ukrainian refugees abroad has already exceeded 8 million people (UN, 2023).

The majority of Ukrainian refugees are adults, electorally active population, and according to the results of sociological surveys, 81.6% of Ukrainian refugees in Poland intend to take part in national elections in Ukraine (Opora, 2023a). In order to ensure the voting of voters abroad, the Central Electoral Commission creates a Foreign Electoral District, which consists of the constituencies created at diplomatic institutions of Ukraine. Under the current conditions, the creation of such districts will require extremely large financial costs and organizational efforts, which is further complicated by the lack of official data on the number of refugees abroad and their location. The solution to the issue may be the introduction of the electronic voting procedure, however, Ukraine lacks both

conceptual development on this issue and technical possibilities for its implementation. It is impossible to use the application “Diia (Action)” for this purpose, because, firstly, it is not sufficiently protected; secondly, the operation of the application does not allow ensuring the principle of secret voting; thirdly, the public lacks trust and skepticism towards such innovations. The influence of voters abroad is growing significantly; their votes may affect the final outcome of the elections, which, in turn, may affect the legitimacy of the election results within Ukraine.

Among the options for solving the problem of updating voter data, statesmen and experts see two possible options: the first is a population census, which requires significant financial and organizational resources. The second is updating and supplementing register data with the active participation of local self-government bodies (LB.ua, 2023). Weak physical security of voters’ personal data significantly undermines *trust*. Thus, during the occupation of the city of Kherson, the occupying forces seized the archives with the lists of voters of the Kherson region from the next presidential elections of 2019 (Ukrinform, 2022). Later, the Russian occupation administration used voters data during Russian pseudo-referendums and to put pressure on the local population.

Internally displaced persons actively influence local political processes and change the electoral map of many regions. For example, only 250 000 people are officially registered in Lviv region, and unofficially their number is 350-400 000 people (Lviv media, 2023), while the pre-war population of the region was almost 2 500 000 people (Statistics Ukraine, 2022: 7), almost 90 000 IDPs were officially registered in Chernivtsi region (Chernivtsi Regional Military Administration, (2023), which is about 10% of the pre-war population of the region (Statistics Ukraine, 2022: 7), about 350 000 IDPs live in Zakarpattia unofficially, only 150 000 are officially registered (Suspilne Media, 2023a), the population of the region exceeded 1 250 000 before the war (Statistics Ukraine, 2022: 7). At the same time, according to the results of sociological surveys, 77% of the interviewed IDPs do not plan to change their place of residence (Kyiv International Institute of Sociology, 2022).

Thus, IDPs turn into a significant electoral group in the regions, which makes up 10-15% of the total number of local voters, and which is able to influence the results of election and referendum processes in the regions. First of all, this affects the electoral map of the western regions of Ukraine, which, due to the better security situation, receive the largest number of IDPs, besides, the electoral preferences of the western regions and the southeastern regions, from which IDPs mainly come, traditionally differ. In turn, in the southeastern regions, even after the end of the war due to depopulation, electoral participation in the election and referendum processes, on the contrary, will significantly decrease, which also affects the next problem - the formation of electoral districts.

In Ukraine, the number of the population living in the territory is taken into account when *forming electoral districts*; however, under the conditions of depopulation and destruction of the de-occupied and front-line territories, it is necessary to reformat the electoral districts, in particular, to increase the number of districts in the western regions. Regarding the territories that were under Russian occupation for a long time, the security factor is also important. A popular opinion is the need to introduce a temporary ban on holding local elections in these territories, the question of which state body will determine these territories is controversial, it is likely that such functions will be transferred to the National Security Service (LB.ua, 2023).

The reformation of electoral districts directly affects the issue of the *electoral system*. The Electoral Code of Ukraine provides for the holding of parliamentary elections under the proportional electoral system with voting for open electoral lists in regional electoral districts (Verkhovna Rada of Ukraine, 2020b), the implementation of this system was one of the pre-election promises of the current government. As analysts of the civil network “OPORA” note: “This system is generally suitable, taking into account the possibility of voting in all regions of Ukraine, but Ukrainian political parties have not been active in the de-occupied territories for a long time, and the system of open lists with personalized voting is quite conflictual and therefore problematic for de-occupied territories” (Opora, 2022: 15). Due to the existing threats, politicians and experts frequently propose the return of the proportional system with closed lists for the next parliamentary elections. For the current government, changing the electoral system of parliamentary elections is risky, as it would mean abandoning its own political promises. In addition, civil society and the international environment will perceive such changes ambiguously.

The initiative to return the mixed system, which is being lobbied by people’s deputies elected in majority constituencies (LB.ua, 2023), is absolutely harmful and negative, and the thing is not only about the security factor. The majoritarian system of the relative majority (plurality), which has been operating in Ukraine for a long time, has proven itself from a negative point of view. In fact, such an electoral system made it possible to win elections with a very small number of votes, so the legitimacy of deputies elected in this way was always quite questionable. Also, in Ukraine, the majoritarian system is traditionally associated with voter bribery, taking into account that the population of Ukraine was economically and financially affected by the war, there are growing risks that voter bribery will become a fairly frequent phenomenon (Yuriychuk Y., Antoniuk D., 2021).

The issue of the composition of election administration bodies - election commissions of various levels as independent participants in the election process is closely related to the de-occupation of the territory of Ukraine and a possible change in the electoral priorities of various regions. Even before the beginning of the full-scale invasion, the Central Election Commission of Ukraine noted the low level of legal culture of the participants of the previous election processes and emphasized the need for “quality training of members of election commissions, referendum commissions, their experience and practical skills in organizing and conducting elections and referendums” (Verkhovna Rada of Ukraine, 2020a) to ensure consistent compliance with the provisions of the legislation of Ukraine and adopted a resolution on the establishment of the Center for Training Participants in Election Processes (Verkhovna Rada of Ukraine, 2020a). And this is a huge number of people. Only during the local elections of 2020, which were not held on the entire territory of the state, 26 324 people worked as part of the territorial election commissions, of which the CEC terminated the powers of 5 620 commission members (the fifth part) (Central Election Commission, 2021), for various reasons. A significant number of violations or inactivity of members of election administration bodies is primarily caused by low legal culture, corruption factors, etc. That is, there was both “improper behavior”, which is equated with administrative inefficiency, and “unfair behavior”, which is understood as “manipulation of election processes and results with the aim of replacing public interests with personal or party interests” (Birch S., 2011: 71-88). The number of lawsuits against electoral bodies causes distrust in the democratic process and undermines confidence in political institutions.

3. Influence of the Russian factor on administration and election process

Frequent cases of *collaboration of representatives of state and local authorities in temporarily occupied territories*, their involvement in the occupation and legitimization of the annexation of Ukrainian territories, particularly through the “referendum” procedure, forces to strengthen the security and legitimation components in the administration process. Following the commencement of full-scale invasion, the National Security and Defense Council of Ukraine, upon the recommendation of the Security Service of Ukraine, banned the activities of 12 pro-Russian parties in March 2022 (Verkhovna Rada of Ukraine, 2022). Currently, the Ukrainian Parliament is considering a draft Law No. 9081 and alternative drafts of Laws No. 9081-1 and No. 9081-2 (Verkhovna Rada of Ukraine, 2023), which propose legislative restrictions on the right of representatives of pro-Russian political forces to run for local and national electoral positions. Despite the necessity and importance of implementing such measures, experts and human rights defenders point out the weak legitimacy aspects of all these draft laws. The criteria used by the authors of the draft laws to limit passive electoral rights are controversial and do not conform to established democratic standards from the perspective of international norms (Opora, 2023b). This creates risks of negative evaluation of the Law by Western institutions and increases the likelihood of decisions restricting passive electoral rights being overturned by national courts and the European Court of Human Rights.

An important condition for countering *Russian influence on electoral processes* is the strengthening of transparency and accountability of party and election finances, the financing of Russian-loyal public organizations and mass media, whose activities will be focused on the delegitimization of the election process, is not excluded.

We should not forget about the security threats during the elections: the danger of landmines, the threat of terrorist acts, the increase in the amount of illegal weapons among the population, etc. All these factors require significant efforts before the elections and increased presence of national police officers on the day of the elections. Such initiatives, together with the complex security situation in the country, may be perceived ambiguously by the population, which will affect electoral participation.

4. Openness, democracy, and transparency of the electoral process

The priority task of administering post-war electoral and referendum processes is to ensure their *openness and transparency*, which is particularly relevant due to Ukraine’s European and Euro-Atlantic development vectors. One of the most debated issues is pre-election campaigning and ensuring candidates’ access to information resources. Currently, during the war, there has been a process of de facto “nationalization” of mass media, the establishment of additional prohibitions and regulations in the information space. These steps even during the martial law have been criticized by Western countries, including the German Ambassador to Ukraine, Anka Feldhuzen, who stated an unofficial call from EU countries: “Ukraine should remain democratic even during the war” (European Pravda, 2022). This particularly applies to the possible suspension of the telethon “Yedyni Novyny (Unified News)” and the restoration of pluralism in the media (European Pravda, 2022). Considering the controversial nature of the telethon’s work, it is important for the monopoly of “Yedyni Novyny” to cease after the end of the martial law.

Regulating information on the Internet is much more challenging, and lawmakers understand this issue clearly. As the people’s deputies note, the current legislation needs to be revised, in particular in the issue of countering “fake news”, attention should be paid

to social networks, especially anonymous Telegram channels (LB.ua, 2023). It should be emphasized that the problem of regulating the information space is further complicated at the regional level. This primarily applies to regions that were (or are still) under Russian occupation. The analysis of the information space of the Kherson region during the Russian occupation period demonstrated a significant increase in the influence of social media and particularly Telegram channels in the region's information space. One of the reasons for this was the physical pressure on local media during the occupation (Opinko S., 2022: 214-215). We anticipate that in the future, the role of Internet resources in Ukraine's national and regional information space will only continue to grow.

It should be pointed out that in many regions, not just those on the frontlines or under occupation, the infrastructure of broadcasting and access to the Internet has been affected due to the conflict. The physical restoration of the information space in Ukrainian regions is a necessary condition for ensuring citizens' access to information and opportunities for pre-election campaigning. Additionally, in certain regions, the signal of Russian television and radio broadcasting was present even before the start of the war. This situation was particularly observed in the Kherson region (Opinko S., 2022: 213). It is critically important, from a security perspective, to create the technical conditions to suppress these signals.

It is likely that even after the full-scale war ends, the Russian Federation will continue its information warfare against Ukraine, including attempts to interfere in electoral and referendum processes. Therefore, *protecting the information space* is crucial in the context of improving election administration. It is vitally important that steps taken to ensure the security of the information space do not turn into restrictions on freedom of speech and become tools of pre-election agitation by the ruling government.

Restricting access to state registers, in particular to the register of court decisions, is a dangerous trend. The authorities imposed a ban on several state registers at the beginning of the Russian invasion, and some registers partially resumed their operations after a while. Currently, several bills have been registered by parliamentarians proposing limitations on access rights to specific court decisions. Specifically, it is proposed to restrict access to cases of special public interest during the martial law and for one year after its end, increase powers to withdraw information from cases heard in open sessions etc (Suspilne Media, 2023b). These draft laws have faced a wave of criticism from civil society organizations and human rights defenders, who have called on elected officials to reject these proposals (Verkhovna Rada of Ukraine, 2023). In our opinion, such initiatives are highly questionable and pose a threat to ensuring transparency in elections, as the government may use them to restrict access to court cases related to challenging election results, which would negatively impact the legitimization of electoral processes.

Resolution of the above issues requires significant financial and administrative resources, as well as a considerable amount of time. The next parliamentary elections should be held at the end of October 2023, and presidential elections are scheduled for spring 2024, local elections should be held in autumn 2025. Most likely, immediately after the end of the martial law, Ukraine will face three electoral processes at once, therefore, it is necessary to think about solving the problems of election administration now. Representatives of the Central Election Commission of Ukraine underline that it takes at least six months just to enter data into the voter register (LB.ua, 2023).

In our opinion, there is a likelihood of attempting to conduct multiple parallel electoral processes. The Electoral Code of Ukraine in clause 4, article 3 clearly indicates

the impossibility of holding simultaneous parliamentary and presidential elections and the impossibility of holding national and regular local elections at the same time (Verkhovna Rada of Ukraine, 2020b), however, for the sake of political expediency, political forces in the parliament can make changes to the Electoral Code. The official reason for such changes will be the need to save financial and administrative resources in the post-war period. In addition, Clause 3 of Article 3 of the Electoral Code allows the simultaneous holding of national elections and extraordinary local elections (Verkhovna Rada of Ukraine, 2020b). The authorities can find quite a few reasons for announcing the latter, for example, the need to form local authorities in the de-occupied and front-line territories (in case local self-government is restored there).

Conclusions and Recommendations

Therefore, Russian aggression against Ukraine has not only created numerous new challenges and threats to the administration of electoral and referendum processes but has also brought to the forefront the problems that have accumulated over the past years. The majority of these challenges and threats can be divided into three groups.

The first group pertains to the *organization of electoral and referendum processes*. The failure to address these issues poses a risk of election and referendum disruptions, creating a lack of trust in the government due to the inability to conduct voting processes in line with democratic standards.

The second group involves *threats related to Russian interference* in elections and referenda. In addition to the obvious threat to national security, the participation of collaborators and representatives of pro-Russian political forces in elections (as members of election administration bodies, candidates, their proxies, official observers, authorized persons of political parties, and voters) will undermine trust in the electoral process among patriotic citizens and delegitimize the elections.

The third group concerns the challenges of *ensuring the democracy, transparency, and openness of the electoral process*. The strengthening of security measures, particularly in the media and social networks, during the administration of elections and referenda should not transform into a tool for unjustified restrictions on *participation in elections, conducting pre-election campaigns, and accessing public data*. Ensuring transparency is a necessary condition for both domestic and international legitimacy of the elections.

In conditions of extraordinary growth of regional influence on post-war electoral and referendum processes and changes in Ukraine's electoral map, public authorities need to take into account the new regional characteristics in the process of their administration. For the key political forces in the country, this will mean revising their own electoral strategies in national and local elections.

Recommendations

Elections and referenda should only be conducted after:

- the end of the martial law;
- the stabilization of the situation in all regions of Ukraine, the restoration of state administrations and territorial election commissions in the de-occupied territories;
- ensuring the protection of Ukraine's information space;
- prohibition of manipulation with the electoral system (proportional representation with open lists);
- conducting lustration regarding collaborationism;

- restoring broadcasting and internet access throughout the country;
- guaranteed presence of the opposition in Ukraine's information space and their ability to conduct campaign activities in all regions;
- registration of all political parties and organizing the State Register of Voters;
- repatriation of Ukrainian refugees from abroad within a legislatively established period;
- increasing the number of polling stations in the overseas electoral district;
- actively involving European non-governmental organizations and representatives of the Ukrainian diaspora in monitoring and observing elections abroad;
- creating conditions for conducting pre-election campaigning abroad;
- expertise from the Venice Commission regarding changes in laws related to the regulation of the media sphere, financing of pre-election campaigns, and combating collaborationism;
- involving international and Ukrainian organizations to ensure transparency and control over electoral and referendum processes.

BIBLIOGRAPHY

- Beramendi V., et al. (2008), *Direct Democracy: The International IDEA Handbook*, Stockholm, International IDEA, 257 p., <https://www.idea.int/sites/default/files/publications/direct-democracy-the-international-idea-handbook.pdf>
- Birch S. (2008), Electoral institutions and popular confidence in electoral processes: A cross-national analysis, *Electoral Studies*, № 27(2), p. 305-320, <https://doi.org/10.1016/j.electstud.2008.01.005>
- Birch S. (2011), *Electoral Malpractice*, Oxford, Oxford University Press, 224 p.
- Catt H., et al. (2014), *Electoral Management Design: Revised Edition*, Stockholm, International IDEA, 480 p., <https://www.idea.int/sites/default/files/publications/electoral-management-design-2014.pdf>
- Central Election Commission (2021), *2020 Report*, Accessed June 17, 2023, 67 p. https://cvk.gov.ua/wp-content/uploads/2021/02/Report_2020_web.pdf
- Chernivtsi Regional Military Administration (2023), *Almost 90,000 internally displaced persons are currently registered in Bukovina*, Accessed June 13, 2023, <https://bukoda.gov.ua/news/na-bukovyni-narazi-zareiestrovano-maizhe-90-tysiach-vnutrishno-peremishchenykh-osib>
- Committee of Ministers (2022), *Committee of Ministers' Guidelines on the use of information and communication technology (ICT) in electoral processes in Council of Europe member States*, Accessed June 03, 2023, https://search.coe.int/cm/pages/result_details.aspx?objectId=0900001680a575d9
- Council of Europe (2023), *Supporting democratic post-war elections in Ukraine*, Accessed June 03, 2023, [https://www.coe.int/en/web/kyiv/reform-of-the-electoral-practice-in-ukraine#{"54487300":\[\]}\]](https://www.coe.int/en/web/kyiv/reform-of-the-electoral-practice-in-ukraine#{)
- Dahl R.A. (1971), *Polyarchy: participation and opposition*, Yale University Press, 257 p.
- Elklit J. (1999), *Electoral Institutional Change and Democratization: You Can Lead a Horse to Water, But You Can't Make It Drink*, *Democratization*, Vol. 6(4), pp. 28-51

- European Pravda (2022), NATO Discusses Every Day How to Respond in Case of Nuclear Strike. Interview with German Ambassador, Accessed June 20, 2023, <https://www.euointegration.com.ua/eng/interview/2022/09/28/7147648/>
- Giovanni S. (1997), *Comparative Constitutional Engineering*, NYU Press, 217 p.
- James T. S., Alihodzic, S. (2020), When is it Democratic to Postpone an Election? Elections During Natural Disasters, Covid-19, and Emergency Situations. *Election Law Journal: Rules, Politics, and Policy*, Vol. 19, № 3, p. 344-362, <https://doi.org/10.1089/elj.2020.0642>
- Kluchkovsky Y. (2018), Principles of election law: doctrine understanding, status and prospects of legislative implementation in Ukraine, Kyiv, Vaite, 908 p.
- Kyiv International Institute of Sociology (2022), Local government and territorial organization of power (in the context of large-scale russian invasion), Accessed June 14, 2023, https://kiis.com.ua/?lang=ukr&cat=reports&id=1164&page=1&fbclid=IwAR3_yeP3uP435fFpSsOC9VV4CJ7hhlh2-WxNIB_YXmrAglYkjchizpM2Zu4
- LB.ua (2023), Post-war elections: when and under what rules? Accessed June 18, 2023, https://lb.ua/news/2023/03/27/550073_povoienni_vibori_koli_yakimi.html
- Lviv media (2023), Kozytskyi named the current number of displaced persons living in Lviv region, Accessed June 14, 2023, <https://lviv.media/lvivshchyna/65529-kozickij-nazvav-aktualnu-kilkist-pereselenciv-yaki-mkeshkayut-na-lvivshini/>
- Ministry of Reintegration of Temporarily Occupied Territories (2023), 2022 Report, Accessed June 10, 2023, 24 p. <https://minre.gov.ua/wp-content/uploads/2023/01/prezentacziya-za-2022-rik-5-nova.pdf>
- Opinko S. (2022), Security Analysis of the Information Space of the Kherson Oblast during the Russian Occupation, *Mediaforum: Analytics, Forecasts, Information Management Collection of Research Articles*, Chernivtsi, Vol. 10, 2022, p. 209-223
- Opora (2022), Scenarios of the first post-war national elections in Ukraine: conditions, challenges and recommendations, Accessed June 20, 2023, 52 p. https://pdf.usaid.gov/pdf_docs/PA00ZJDN.pdf
- Opora (2023a), Electoral mobilization: will Ukrainians who found refuge abroad go to the elections, Accessed June 11, 2023, <https://www.oporaua.org/article/vybory/24493-elektoralna-mobilizatsiia-chi-pidut-na-vibori-ukrayintsi-iaki-znaisli-pritulok-za-kordonom>
- Opora (2023b), OPORA's position on draft laws #9081 and alternative #9081-1 and #9081-2 (UPDATED), Accessed June 19, 2023, <https://www.oporaua.org/statement/parliament/24632-pozitsiia-opora-shchodo-zakonoproiektiv-za-9081-ta-9081-1>
- OSCE (1990a), Charter of Paris for a New Europe, Accessed June 04, 2023, <https://www.osce.org/files/f/documents/0/6/39516.pdf>
- OSCE (1990b), Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, Accessed June 04, 2023, <https://www.osce.org/files/f/documents/9/c/14304.pdf>
- Pastor R. (1999) The Role of Electoral Administration in Democratic Transitions: Implications for policy and research, *Democratization*, Vol. 6(4), p. 1-27
- Statistics Ukraine (2022), Number of Present Population of Ukraine, as of January 1, Accessed June 11, 2023, 84 p. https://ukrstat.gov.ua/druk/publicat/kat_u/2022/zb/05/zb_Chuselnist.pdf

- Suspilne Media (2023a), Second home: how Transcarpathia received forced migrants since the beginning of the full-scale war, Accessed June 12, 2023, <https://suspilne.media/349812-drugij-dim-ak-na-zakarpati-prijmali-vimusenih-pereselenciv-z-pocatku-povnomasstabnoi-vijni/>
- Suspilne Media (2023b), The authorities want to limit the right to access court decisions — human rights defenders, Accessed June 19, 2023, <https://suspilne.media/418317-vlada-hoce-obmeziti-pravo-na-dostup-do-sudovih-risen-pravozahisniki/>
- Ukrinform (2022), In the Kherson region, the invaders stole voter lists, Accessed June 12, 2023, <https://www.ukrinform.ua/rubric-regions/3511001-na-hersonsini-zagarbniki-vikrali-spiski-viborciv.html>
- UN (2023), Ukraine Refugee Situation, Accessed June 10, 2023, <https://data.unhcr.org/en/situations/ukraine>
- Verkhovna Rada of Ukraine (2020a), “About the Center for the Training of Electoral Process Participants”, Resolution on dated January 14, No. 4, 2022, Accessed June 18, 2023, <https://zakon.rada.gov.ua/laws/show/v0004359-22#Text>
- Verkhovna Rada of Ukraine (2020b), “Electoral Code of Ukraine Code”, on December 19, 2019 № 396-IX, Accessed June 21, 2023, <https://zakon.rada.gov.ua/laws/show/396-20?lang=en#Text>
- Verkhovna Rada of Ukraine (2022), “On the Decision of the Council of the National Security and Defense of Ukraine as of March, 18, 2022 On Suspending the Activity of some Political Parties”, Decree of the President of Ukraine on March 19, 2022 № 153/2022, Accessed June 21, 2023, <https://zakon.rada.gov.ua/laws/show/en/153/2022?lang=uk#Text>
- Verkhovna Rada of Ukraine (2023), Draft Law on Amendments to Certain Laws of Ukraine on Preventing the Disclosure of Certain Information in the Texts of Court Decisions, Accessed June 20, 2023, <https://itd.rada.gov.ua/billInfo/Bills/Card/41159>
- Yuriychuk Y., Komolov, A. (2022), The Impact of Global Pandemic Challenges on the Legitimacy of Election and Referendum Processes, *Modern Historical and Political Issues: Journal in Historical & Political Sciences*, Chernivtsi, Vol. 45, p. 205-214, <https://doi.org/10.31861/mhpi2022.45.205-214>
- Yuriychuk Y., Antoniuk D. (2021), Clientelism in the electoral process as a manifestation political corruption. Case of Ukraine, *Wschód Europy / Studia Humanistyczno-Społeczne • Восток Европы • East of Europe* vol. 7, 1, p. 101-118, <http://dx.doi.org/10.17951/we.2021.7.1.101-118>
- Yuriychuk Y. (2012), Electoral and referendum legitimization of power in the post-Soviet space: foreign policy aspects, Chernivtsi, 480 p.
- Yuriychuk Y. (2016), Indexation of measuring election confidence, II Interdisciplinary Scientific and Practical Conference «Modern society cooperation and partnerships», Warsaw.

A SOCIO-CONSTRUCTIVIST RETROSPECTION OF THE INTERNATIONALISATION AND OUTCOMES OF THE BOSNIAN WAR

*George Horațiu BONTEA**

Abstract. *This paper analyses the internationalisation process and its impact on the aftermath of the state-building of the Bosnian War by looking into aspects of ethnic tensions between the three constituent ethnic groups. The main framework of analysis is focused on the construction of ethnicity in Bosnia and Herzegovina by tackling the following research question from a socio-constructivist retrospection of the war events: "What were the major factors in the internationalisation of the Bosnian War and what were the outcomes of this process?". The major factors identified in this research work are primarily the reaction of the international community and especially the USA's conflict resolution, and on a secondary level, media attention and the humanitarian case with the failure of the peacekeeping safe zones in Srebrenica. In the end, there is an identitarian approach to the new political context in Bosnia and Herzegovina by criticising the formation of ethnically dependent state formation.*

Keywords: *Bosnia and Herzegovina, Dayton Agreement, conflict resolution, Bosnian War, ethnicity, socio-constructivism.*

1. Introduction and Research Design

The Western Balkans are the next stage in the process of European integration, and at the same time, the EU is playing a crucial role in the development of these nations' states. The most recent relevant event occurred when the European Council granted Bosnia and Herzegovina candidate status in December 2022. There are still numerous struggles to be overcome for the future of Europe, despite this historic moment and the entire evolution of relations between the European Union and the Western Balkans. The ongoing interethnic disputes are one of the key obstacles, and Bosnia and Herzegovina are an excellent illustration of the ethnic tensions within the Western Balkans.

Understanding the impact of the Bosnian War on the ongoing racial tensions in this Western Balkan state is even more crucial. The Bosnian conflict showed crimes mostly focused on racial conflicts amongst the three main ethnic groups and served as a model for the horrifying phrase "ethnic cleansing." The high level of internationalisation and the extensive academic discussion on how the world should respond to this issue were two other extremely unique aspects of this conflict.

Taking this situation in consideration my objectives for research are to analyse the construction of ethnicity in Bosnia and Herzegovina by consulting the specialized literature, analyse the internal situation within Bosnia and Herzegovina about politicized

* MA student International Relations, External Policy and Crisis Management at Faculty of European Studies (UBB), horatiu.bontea7@gmail.com

ethnicity during the Bosnian War, and to examine the primary players and the internationalisation of this ethnic conflict. My main research question focuses on the internationalisation of this conflict by asking "What were the major factors in the internationalisation of the Bosnian War and what were the outcomes of this process?". To tackle these objectives, I will also answer the following secondary questions: "How did ethnicity impact the stability of the domestic political order in Bosnia and Herzegovina?" and "What is the international community's perception of the ethnic situation as it was then in Bosnia and Herzegovina?".

In regard to the theoretical framework, I will have a socio-constructivist perspective, and as a result, identity and ethnicity will be crucial, as will the analysis of the construction of perceptions by the social actors. The methodology will put a lot of emphasis on the qualitative study of data from official documents, specialised literature, and public discourse. However, in this paper, it is important to outline the fact that discourse should not be defined only as discourse itself, but also as a postmodernist perspective where discourse deconstruction of socially constructed epistememes, and postmodernist analysis seeks to understand the underlying assumptions of the discourse.

Finally, the internalization of the conflict in Bosnia was a very complex event and scholars analysed this event from various perspectives from geostrategic, social, political, or economical and in order to delimit my work in this paper in the final part I will develop my limits of research in order to outline my contribution in this subject. To start with a conceptual delimitation with emphasis on the normative dimension of the European Union where I focus mostly on the EU as a normative actor. In the same note my analysis of the *acquis communautaire* is going to be from the perspective of the state-building concept with emphasis on the social component.

1. Historical Background of the Conflict

The confrontation between Bosnian armed forces and the Yugoslav army, afterwards known as the Republika Srpska army, in 1992 marked the beginning of the conflict in Bosnia and Herzegovina. However, the fact that the former Yugoslavia was split up into independent states led to a cold war between the two sides that should be examined in the context of the entire region of the Balkans. As soon as communism fell and independent views began to emerge in all the states that attempted to counter Serb nationalism, Yugoslavia began to disintegrate apart. In 1991, Macedonia obtained its independence peacefully, while Slovenia and Croatia fought harsh wars to claim their independence. The Bosnian nation was strengthened as it broke apart from Yugoslavia as the independence feeling gained ground. Bosnia and Herzegovina had an internal referendum in 1992 to decide their future, and the outcome was unambiguously in favour of independence. However, it is crucial to highlight that the majority of Serbs boycotted this poll, and those who did attend were either Bosnians or Croats (Godina, 1998, 409-422).

Before the examination of the major war events, in order to make sense of the pre-conflict stage, it is important to understand what was maintaining peace in Yugoslavia and Bosnia. By adopting a historical approach and examining the primary sources from a socio-constructivist perspective on identity, it is necessary to deconstruct the Yugoslavian entity in order to properly understand its impact, with emphasis on the idea of Yugoslavia as a federation. The initial version was the Kingdom of Yugoslavia, which was established in 1918 following the First World War on the basis of political and ethnic unification supported by the Serbs, Slovenians, and Croats (Malcom, 1994, 156-173). Because the

Austro-Hungarian Empire was the largest enemy of all the Slovenians, Croats, and Serbs at the time, the political authorities utilised their power to forge a stronger political entity while also capitalising on the changing international landscape. Was unity the major factor in the birth of Yugoslavia? Ethnicity could be argued to have played a significant role in the dissolution of Yugoslavia, especially in light of the fact that security was a deciding factor for unification and that the leaders had more or less politicised ethnicity to forge a stronger artificial political entity to protect their independence from outside forces. Although there are undoubtedly some similarities between them, such as a shared language and historical background brought about by the former Croat and Serb Kingdoms and their connections to that region, there are also significant differences, such as the religion practised by Bosnian Muslims.

The idea of Yugoslavia as the primary political body and the primary spokesperson for a number of ethnic groups was preserved when the Kingdom of Yugoslavia was transformed into the Socialist Federal Republic of Yugoslavia following World War II (Malcom, 1994, 193-212). The communist narrative maintained the federation of Yugoslavia throughout this time, which considerably decreased secessionism since communist party interests were given a higher priority than those of the six republics and their ethnic groups. The authoritarian rule of Tito, which allowed him to glorify his speeches and also supported Yugoslavian unity in identity, was a significant contributor to Yugoslavia's communist character. He eventually came to represent the unification of Yugoslavia in the collective mentality (West, 1995, 257-270).

Moving on to the crisis in Bosnia and Herzegovina, the primary causes of the war are another essential aspect of the conflict that needs to be thoroughly researched. The emergence of ethnic nationalism is an important element that needs to be explored in this part because it has contributed to the escalating conflict between Bosnians, Serbs, and Croats (Ramet, 2002, 203-245). The two key political figures that should be highlighted in order to observe their impact on the tense situation in Bosnia are Slobodan Milošević, the president of Yugoslavia at the time, and Alija Izetbegović, who would have been the first leader of Bosnia and Herzegovina as a separate political entity. Both were directly involved and arguably the main socio-cultural factors that influenced the rise of nationalist attitudes.

Slobodan Milošević became Serbia's first president in 1989, marking a significant shift in the federation's leadership from Josip Broz Tito, the Yugoslavian hero of the Second World War and the communist figure who strongly supported the unity of the six Balkan republics and the preservation of their national identities. He identified himself as a nationalist leader who, through a public discourse that was mostly based on mytho-historical analogies, emphasised the significance of Serbian culture in the development of the region (Morus, 2007, 1-19). He was a major advocate for Republika Srpska's independence and the growth of the Serbian population in Bosnia and Herzegovina in his quest to revive "Great Serbia". An ideological disagreement over the idea of Muslims in Yugoslavia is present along with the territorial struggle, such as the instance of Muslims in Bosnia or Muslims in Kosovo, which had its roots in the Islamization of these ethnic groups during Ottoman rule. The Serbian army and Milošević were the main military allies of Bosnian Serbs, and it is obvious that his political decisions played a significant role in the escalation of violence. Despite the fact that his trial did not directly convict him of the genocide of Bosnians, it is important to note that he and the Serbian army were the main military allies of Bosnian Serbs.

The first president of Bosnia as an independent republic, Alija Izetbegović (Karić, 2004, 181-189), was another significant player in the emergence of nationalism among Bosnians. Bosnia and Herzegovina, one of the six republics that made up Yugoslavia, was a very unique example because of its multiethnic population and the tiny percentage variations between its three major ethnic groups: Muslim Bosnians, Bosnian Serbs, and Bosnian Croats. Even throughout the fighting, his leadership was more focused on establishing a sovereign republic as seen by his well-known statement: "I would sacrifice peace for a sovereign Bosnia and Herzegovina, but for that peace in Bosnia and Herzegovina, I would not sacrifice sovereignty"¹. The Bosnian Muslims would have had a slight democratic advantage if their country had been independent, and they could have been able to form a political alliance with the Bosnian Croats to lessen the significant influence of Serbian politics. Again, in terms of ideology, Izetbegović formulated the Islamic Declaration in Sarajevo in his published works before becoming president. In this work, some scholars argued that Bosnia could, in Izetbegović's view, develop into an Islamic project that combines elements from the Muslim state approach with western-style democratic architecture. His ideology of Islam was contentious, and it might be argued that he gave Islamism a specific place in the definition of Bosnian identity in his public speeches.

By looking at these two leaders in a comparative manner, two grounds of contention can be identified: the political and cultural viewpoints of Bosnia and Herzegovina's territory and the status of Muslims in the Western Balkans. Izetbegović views Bosnia as an independent state for Muslim Bosnians, in contrast to Milošević who sees Bosnia as a component of his "Great Serbia" geopolitical ambition. The Muslim identity is constructed in a monstrous manner by the discourse of Slobodan Milošević with a populist link to the negative outcomes of Ottoman rule in the region. Alija Izetbegović portrays Muslim Bosnians as a unique cultural element in the region of the Balkans and the European continent and tries to build a bridge between the two cultures. Clearly, both leaders developed an ethnic nationalism through the political articulation of their identities and the support of their public discourse, which ultimately tragically resulted in identity politics and rising tensions between the communities.

With this framework for the conflict, the analysis of the main events in the Bosnian conflict could be extended. The Bosnian Croats announced de facto independence of the Republic of Herzeg-Bosnia prior to the state of Bosnia's independence in 1992, but it was not acknowledged internationally and instead developed into an autonomous area that was more akin to a state within Bosnia. Bosnia gained independence in 1992 after a resoundingly in favour referendum, however the Bosnian Serbs attempted to boycott the vote unsuccessfully and took the outcome into account. Due to the fact that Serbs lost their majority status in the new independent state, they proclaimed the Republika Srpska as their own independent state, which was only recognised by Yugoslavia (at the time composed only of Serbia and Montenegro). The Bosnian War was formally declared to have begun at this point, with the alliance of Bosniaks and Bosnian Croats fighting the Bosnian Serbs with the help of the Yugoslav army as its major rivals (Campbell, 1998, 261–281). Prior to discussing the major conflict between these two parties, it is crucial to make clear that for a brief period of time (from October 1992 to March 1994), the

¹ David Binder, "Alija Izetbegovic, Muslim Who Led Bosnia, Dies at 78", *The New York Times*, October 20 2003, <https://www.nytimes.com/2003/10/20/world/alija-izetbegovic-muslim-who-led-bosnia-dies-at-78.html>, accessed in March 4 2023.

Bosniaks were also engaged in conflict with the Bosnian Croats over their bid for full independence. The Washington Agreement (March 1994), which allowed for an even greater cooperation between Bosnians and Croats and the independence of Croat-populated territories in Bosnia and Herzegovina, marked the end of this period (Bloch-Elkon, 2007, 20-51).

The most important fight was the one against the Bosnian Serbs and Yugoslavian army. The military support coming from Slobodan Milošević was a key factor in the first phase of the war, and for the most part of the conflict, it assured constant victories and the expansion of the Serbian population. The results of this encounter were a humanitarian crisis with a significant number of international refugees and internally displaced citizens that were being occupied (mostly Bosnians) by Serbian troops. The Council of Security put into effect a number of resolutions with the main objectives of maintaining peace and safeguarding civilians as a result of these high levels of violence. After the UN reached a short-term agreement, the Yugoslavian army was forced to withdraw from Sarajevo, but it also resulted in the first wave of war crimes when Bosnians attacked a sizable contingent of Serbian forces in April 1992. This incident backfired, leading to an increase in the number of Serbian forces, more brutal attacks on Bosnians, and a more pronounced ethnic cleansing plan. The UN reaction continued to play the primary peacekeeping role, while NATO's participation in April 1993 by establishing a no-fly zone was arguably a very minimal response from the international community to the humanitarian disaster, which did not stop the violence against civilians (Costalli, 2014, 357-380). Six safe havens were established by the UN in June 1993 as part of an expansion of its protection of civilians (mostly dedicated to Bosnians who ran from the paramilitary troops of Bosnian Serbs).

In an effort to restore trade relations with the world economy and maybe lift the economic sanctions on his country, Milošević withdrew his support for the Republika Srpska in March 1994. The warring parties persisted in their hostilities and put on a bloodier show, which had terrible consequences for the humanitarian situation. In November 1994, President Carter is successful in reaching an agreement that sets a four-month a cease-fire. The war resumes when the ceasefire expires in February 1995. In their battles, the Bosnian Serbs began attacking even peacekeeping forces, and they may have even considered an endgame tactic of seizing control of UN safe zones in order to utterly destroy the Bosnians. The Srebrenica genocide, which occurred in July 1995, was the most tragic incident and the most horrifying catastrophe that Europe had ever witnessed since the end of World War II as a result of this approach. In order to conquer Srebrenica, Serbian forces killed an estimated 8000 Bosnian civilians while acknowledging that UN soldiers maintain their neutrality. As a result, the United Nations withdrew from Bosnia, and the United States assumed command of the operations and provided military assistance to Bosniaks and Bosnian Croats in an effort to weaken the Bosnian Serbs' offensive capabilities. They were successful in their counteroffensive and managed to tip the scales in their favour, compelling the Bosnian Serbs to discuss a peace agreement. The Dayton Agreement (Szasz, 1996, 301-316), which was signed in November 1995 and gave rise to a new governmental entity, put an end to the conflict. Republika Srpska and Bosnia and Herzegovina made up the Federation of Bosnia and Herzegovina, and the current borders are mostly divided along ethnic lines.

2. The Construction of the Three Constituent Ethnicities in Bosnia

Given the diversity of ethnic groups in this region, it is crucial to address the question of how it was possible for there to be such a rapid transition from peaceful coexistence to violence and even genocide. Ethnic tensions may be seen as the primary cause of the war in Bosnia and, in general, the disintegration of Yugoslavia. Due to the multiethnic situation in Bosnia and Herzegovina, where there is not just one ethnic group that is more prevalent in the nation but rather Bosnians are relatively close in proportional representation with Bosnian Serbs and in close relations with Bosnian Croats, the country is even more intriguing. In light of the manifestation of violence that is predominantly driven by ethnic hatred, it is important to comprehend the importance of identity in the Bosnian War and in Bosnia and Herzegovina. By analysing the organisational structure of the three major ethnic groups and their characteristics, such as history, language, or religion, this section of the research study aims to clarify the formation of identity in terms of ethnicity and how it develops as a result of social interactions amongst the actors involved.

The region of the Western Balkans, including Bosnia's territory, was raided in the 6th and early 7th centuries by the Early Slavs (Malcom, 1994, 1-27). The territory of Bosnia was occupied and populated in the latter part of the 7th century by "Serb" and "Croats" tribes, whose identities are still disputed by scholars. However, the general consensus chose to name them as such due to their contribution to the development of the Kingdoms of Serbs and Croats in the following centuries. Until the High Middle Ages, Bosnia was either part of the Serbian Kingdom or the Croat Kingdom. The battles between these two historical actors, which resulted in the development of Serb and Croat identities in Bosnia throughout time, provide a historical explanation for why Serbs and Croats make up such a substantial share of the country's population. Tvrtko, the country's first ruler, established Bosnia as an independent kingdom for the first time in 1367. This historical timeline could explain two very important realities in the status quo: again, the significant presence of the Serbs and Croats in the territory of Bosnia, and secondly, the narrative of an independent Bosnia lays on the first Bosnian King Tvrtko.

Due to the Ottoman Empire's expansion in the Balkans, Bosnia was occupied in 1463, shortening Bosnia's period of freedom. A sizeable portion of the population converted to Islam (Aščerić-Todd, 2015, 11-22) during the more than 400 years that the Ottoman Empire ruled Bosnia. Due to this historical experience, Muslim Bosnians (also called the Bosniaks) developed a distinctive identity from Serbs and Croats, still with a common historical background and part of the Serbo-Croatian language, family, but standing out due to a particular faith. In 1878, Bosnia and Herzegovina was occupied by the Austro-Hungarian Empire and officially annexed in 1909. As a result of Austrian-Hungarian meddling in domestic politics, a number of nationalistic sentiments were developed against the empire, reaching a peak in 1914 with the murder of Archduke Franz Ferdinand by Bosnian nationalist Gavrilo Princip (Malcom, 1994, 136-152), which is widely regarded as the primary catalyst for the outbreak of the First World War. The people of Bosnia gained a collective mindset to fight for their shared future as a result of their experiences under those two empires, and the three ethnic groups that shared a grievance were able to form vital social links.

As mentioned before, the formation of Yugoslavia had two important international factors that influenced the political organization of its federation. The Serbs, Slovenians, and Croats backed the establishment of the Kingdom of Yugoslavia in 1918 because of

political and ethnic union. In 1945 Yugoslavia was reindicated by Tito under the new form of Socialist Federal Republic of Yugoslavia following World War II. Since the Yugoslavian identity was largely based on the ideas of intellectuals from Serbia, Croatia, and Slovenia, it was difficult for the Bosniaks to accept Titoism and the communist narrative's attempts to establish a shared identity for all six countries and their population. Bosniaks developed a unique identity due to religious differences that was later acknowledged in the federal constitution as a distinct ethnicity and component of the Yugoslavian federation (Critchley, 1993, 434-447).

Without the leadership of Tito and the communist regime nationalist leaders openly advocated secessionism and independence for their states, undermining the federation of Yugoslavia. Due to the ethnic makeup of Bosnia, the case for Bosnia and especially Bosniaks was extremely difficult, and a state where Muslims made up only a small majority was not a long-term option. However, the tragedy of the Bosnian War was not only sparked by socio-cultural reality; it was also sparked by the identity politics supported by the political figures in Serbia and Bosnia.

Ethnicity was an important factor even in the conflict because the parts that fought in the war were divided in ethnic terms, with Bosniaks, Bosnian Serbs, and Bosnian Croats (Moro, 2012, 801-815). The emergence of new identities for Bosnian Serbs in contrast to Serbs from Serbia through the establishment of the political entity Republika Srpska was another aspect of the war that stood out obviously. The same case applies for the Bosnian Croats compared to Croats from Croatia with the short establishment of Herzeg-Bosnia. Although both ethnic groups had the option to emigrate to independent states or even engage in combat to seize those regions for Serbia and Croatia, Bosnia served as the singular component in their identity creation. The identities of Bosnian Serbs and Bosnian Croats are identical from a linguistic and religious perspective, but the territory of Bosnia and Herzegovina and the historical background of this region in the Western Balkans shaped a separate identity from the other two former republics that were part of Yugoslavia (Malešević, 2016, 1-22).

Aside from state formation, ethnicity was crucial to the ethnic cleansing strategy that resulted in acts of genocide, forced migration, popular memory, and trans-local identities in communities still affected by the Bosnian War (Halilovich, 2013, 79-110). Ethnic animosity played a major role in the Bosnian War's crimes, which included assaults on heritage sites and even the rape of Bosniak women (Helms, 2017, 612-634). The events of the war continue to have a profound impact on the collective memory and are passed on to younger generations that live in ethnic-centred communities.

Even in its response, the international community saw the crimes through the lens of interethnic conflict, with a focus on the Balkan discourse narrative (Hansen, 2006, 159-186). Due to western authorities' decision to keep Balkan leaders separate from incidents involving innocent citizens, the humanitarian response was inadequate. Prior to the Srebrenica catastrophe, the discussion of genocide was essentially nonexistent, and the violent outburst was characterised as a long-standing conflict between Balkan populations without taking into account the multiethnic history of the Bosnian situation.

In trying to find a more peaceful way to end the Bosnian war, the ethnic factor had a significant impact on even the post-conflict period. Bosnia and Herzegovina, where ethnic relations are projected into new political entities, has changed as a result of the Dayton Agreement. The Republika Srpska is the new autonomous player from the Federation of Bosnia and Herzegovina, the second new political actor, that specifies a

compromise between Bosniaks and Bosnian Croats. The Federation of Bosnia is composed of 10 independent cantons separated between regions with a majority of Bosniaks or Bosnian Croats, in addition to the division of Srpska from Bosnia as the state of the Bosnian Serbs. The political division and state-building per se of the current Bosnia and Herzegovina are mostly legitimised by ethnic tensions, with Republika Srpska representing the political will of Bosnian Serbs and the Federation of Bosnia and Herzegovina representing the political cooperation of Bosniaks and Bosnian Croats (Robinson, 2006, 237-252).

How long-lasting is this project, which merely keeps tensions high while the international community closely monitors it through the work of the Office of the High Representative, and what factor might make the situation more conducive to the cooperation of the three constituent ethnic groups? Even if there is no clear solution to this conundrum, one thing about ethnicity in Bosnia is undeniable: identity is not static; it regularly changes based on a variety of socio-cultural elements, from religious to political discourses to even regular interpersonal interactions between ethnic groups.

3. Internationalisation of the Bosnian War and Consequences of the State-Building Strategy

The internationalisation of this war and the key causes that contributed to the phenomena will be the main topics of the paper's final section. It is essential to establish if the Bosnian War was a conflict that attracted the attention of the international community before comprehending the factors that contributed to this process of internationalisation. The endeavour to halt the escalation of animosity between the three ethnic groups by reviewing the complete sequence of events during the war served as a representation of the involvement of international actors. More significant is the fact that this battle ended not because of internal issues but rather because of military backing from the United States for the coalition of Bosniaks and Bosnian Croats, which forced the Bosnian Serbs to the negotiating table.

The Daytona Agreement marks the end of the war and the creation of a federation that is divided among the three main ethnic groups that make up Bosnia and Herzegovina. This agreement, which is arguably the deciding element in the end of the conflict and its atrocities, also symbolises the cooperation of the international community in the conflict resolution of the Bosnian War. The relevance of the USA's post-conflict and conflict strategy, which is still in effect today with the Office of the High Representative serving as the Daytona Agreement supervisor, makes it evident that the answer to the issue of whether this sad occurrence has become an international crisis.

After having defined the internationalisation of the Bosnian War, all that is left to be understood is what the key elements were that may characterise Bosnia's use of violence as an international problem. The involvement of international organisations and nations in the Bosnian conflict's events is the first indication that this war is an internationalised conflict. The United Nations, NATO, the United States of America, and the nations that signed the Daytona Agreement will be the main topics of discussion in the consideration of this first factor.

The peacekeeping mission UNPROFOR was established on September 14 by a resolution passed by the UN Council of Security, which was the first international organisation to respond to this crisis in 1992. The forces' sole responsibility was to provide a peaceful political settlement, which was confined to the custom of peacekeeping (Tardy, 2014, 383–394). The majority of the occasions its mandate was extended were for

humanitarian purposes, such as the safeguarding of the distribution of aid or the creation of six safe zones on Bosnia and Herzegovina's soil. "A total of about 34,600 tonnes of relief supplies had been delivered to an estimated 800,000 beneficiaries in 110 locations throughout Bosnia and Herzegovina."² according to the UNPROFOR report. Taking into consideration the horrific events at Srebrenica, where more than 7,000 men were killed by Bosnian Serbs, from the standpoint of safeguarding people, it may be said that the humanitarian intervention failed because of the low response and military support of the safe heavens (Duffield and Stork, 1994, 18–23).

The military operation that enabled NATO to establish a no-fly zone was another direction of the United Nation's resolutions. From the standpoint of the anticipated outcomes, this military goal was undoubtedly accomplished, but efficiency should also be considered while posing the issue. Was it enough to establish a no-fly zone, taking into consideration the ethnic cleansing that was happening on the ground? Due to the conflicts between the belligerents, more than half of the population either became refugees or internalised, and this number is a blatant indication that a more direct strategy should have been used to guarantee a higher degree of human security in the Bosnian War.

Due to their military prowess as well as their hegemonic position in the international arena following the end of the Cold War, the United States of America was the most significant actor at the state level (Sobel, 1998, 250-278). With the signing of the Washington Agreement and the formation of an alliance between the Bosniaks and Bosnian Croats in 1994, USA involvement in the war was crucial for the survival in Bosnian side. Their negotiating role during the ceasefire, which regrettably did not endure long enough to result in a peace accord, was even more crucial. Their military assistance to the Bosniaks and Bosnian Croats during the Bosnian War, which resulted in significant defeats for the Bosnian Serbs and, ultimately, the signature of the Dayton Agreement, was, however, their greatest achievement.

The Dayton Agreement put an end to the conflict and attempted to forge a political environment that would benefit all three sides. All three ethnic groups were represented in the negotiation, with Alija Izetbegović as the representative of Bosnia and Herzegovina, Slobodan Milošević for Bosnian Serbs, and Franjo Tuđman for Bosnian Croats. The European Union, an international organisation with concerns about regional security and the possibility of European integration, as well as the states with very significant international and regional influence (the United States, France, the United Kingdom, Germany, and Russia), all witnessed the agreement. The sad events of the Bosnian War became an international issue because of all this involvement on a global scale, which prompted reactions from the international community.

The involvement of neighbouring states in the conflict and the media's focus on humanitarian crises and refugee flows were two more set of elements that accelerated the internationalisation of these conflicts. Firstly, the involvement of Serbia and the Yugoslavian army escalated the conflict and stimulated tensions with the Croats after the deconstruction of Yugoslavia. Milošević once again tried to promote his geopolitical ambitions of "Great Serbia" and in this process, he supported crimes against humanity in Bosnia and retreated just after the international pressure of sanctions and embargo. The media also reported on the human tragedies and the truth about the ethnic cleansing that

² "Former Yugoslavia – UNPROFOR", *UNPROFOR*,
https://peacekeeping.un.org/mission/past/unprof_b.htm, accessed in April 3 2023.

was taking place in Bosnia and Herzegovina (Sobel, 2003, 132-150). After the truth about the Srebrenica atrocity was made known, there was widespread pressure on western nations to take more harsh measures to put an end to these atrocities.

The resolution of disputes through internationalisation is, in the end, a crucial factor that must be taken into account. To set the stage for this discussion, it is important to note that the response from the international community was rather slow because it did not address the Yugoslavian army's involvement, which disrespected the sovereignty of the newly independent Republic of Bosnia and Herzegovina, which was then recognised as such. However, it also led to the conclusion that they lacked backing for the humanitarian case by taking a close look at the UN and its peacekeeping forces' poor response to humanitarian violence in the safe zones and the conflict in general. With the High Representative's function as an artificial democratic process that is still largely reliant on ethnic ties and cultural perceptions, it only serves to further politicize the ethnic problem. (Belloni and Ramović, 2019, 42-63)

4. Conclusions

In the first part of this paper, it has been outlined that the regional setting of the Western Balkans was crucial for the outbreak of conflict in Bosnia and Herzegovina. When analysing Yugoslavia as a federation, the artificiality of the Yugoslavian identity and how it was dependent on Tito's leadership and the communist narrative must be highlighted. Unfortunately, it was rather exclusive, especially for the Bosniaks, because it was created by intellectuals who were Serb, Croat, and Slovenian that neglected the Muslim identity. After the collapse of the Yugoslavian federation, nationalism occupied the ideological void left by the Yugoslavian identity and communist regime, thus eroding the peace among the six republics, and leading to their pursuit of independence. The new countries were highly related to their ethnicity, and with this new social reality, the case of Bosnia was unique due to the complex situation between the three main ethnic groups. When the war broke out, nationalism moved even more to the extreme and evolved into identity politics, which created the atrocities in the Bosnian War and gave birth to the tragic term "ethnic cleansing".

In the status quo, Bosnia has in the preamble of its constitution a direct reference to the three constituent ethnicities: Bosniaks, Bosnian Serbs, and Bosnian Croats. To have this element at the centre of your fundamental law as a political entity just highlights even more the ethnic tensions that are even now present in Bosnian society. If you consider that the three have a shared historical past and a common language, with the only difference being the religion in the case of Muslim Bosnians, it is very bizarre to define them as having distinct identities. The construction of identity and a political agenda influenced by identity politics were supported by the discourses of Serbian and Bosnian leaders. The main conflictual points appeared between Slobodan Milošević and Alija Izetbegović. The Bosnian leader emphasised the cultural enrichment of the Balkans region as a result of the Muslim community's presence while the Serbian leader focused on the adverse impact of Islam in the Balkans as a result of their connections to the Ottoman Empire. The second contention between them was about the Milošević's geopolitical ambitions of "Great Serbia" where Bosnia was just a part of its Serbian expansionism, and Izetbegović's future independent Bosnian Republic. The creation of Bosnian Serbs and Bosnian Croats as distinct identities from their homologous equivalents in Croatia and Serbia as a result of

the establishment of Republika Srpska and the Republic of Herzeg-Bosnia is another crucial feature of identitarian aspect.

In the end, it is crucial to conclude the answer to the research question raised at the beginning of this paper. The major factors of internationalisations were primarily the reaction of the international community and especially the USA's conflict resolution, and on a secondary level, media attention and the humanitarian case with the failure of the peacekeeping safe zones in Srebrenica. The internationalisation was supported by the intervention of international actors such as the United Nations, NATO, and even states, with the biggest support offered by the United States of America. The media's presentation of the crimes led to public outrage and social pressure on the Western authorities, which was one of a number of incidental circumstances that led to a secondary level of internationalisation of the Bosnian War. It is very important to outline the major role of the USA in the conflict resolution of this war, with the most important successes being the formation of an alliance between Bosniaks and Bosnian Croats with the signing of the Washington Agreement and the officialization of the end of the war with the Dayton Agreement. The consequences were positive in terms of the cessation of violent outbursts, but they came late and were weak in terms of protecting humanitarian instances. The international community has the tragic case of Srebrenica as a result of this weak response. While the Dayton Agreement put an end to the war, ethnic tensions persist in Bosnia and Herzegovina's new configuration. It merely serves to further politicise the ethnic issue by perpetuating the ethnic scenario with a High Representative who is still heavily dependent on ethnic ties and cultural perceptions.

BIBLIOGRAPHY

- Aščerić-Todd, I., (2015), “*Dervishes and Islam in Bosnia Sufi Dimensions to the Formation of Bosnian Muslim Society*”, Leiden, Brill, EPUB format.
- Belloni, R. and Ramović, J., (2019), “Elite and Everyday Social Contracts in Bosnia and Herzegovina: Pathways to Forging a National Social Contract?” in *Journal of Intervention and Statebuilding*, Volume 14, Issue 1, pp. 42-63, doi: <https://doi.org/10.1080/17502977.2019.1579160>.
- Bloch-Elkon, Y., (2007), “Studying the Media, Public Opinion, and Foreign Policy in International Crises: The United States and the Bosnian Crisis, 1992–1995” in *The International Journal of Press/Politics*, Volume 12, Issue 4, doi: <https://doi.org/10.1177/1081180X07307184>.
- Campbell, D., (1998), “MetaBosnia: narratives of the Bosnian War” in *Review of International Studies*, Vol. 24, No. 2, pp. 261-281, doi: <https://www.jstor.org/stable/20097522>.
- Costalli, S., (2014), “Does Peacekeeping Work? A Disaggregated Analysis of Deployment and Violence Reduction in the Bosnian War” in *British Journal of Political Science*, Volume 44, Issue 02, pp 357 – 380, doi: http://journals.cambridge.org/abstract_S0007123412000634.
- Costalli, S. and Moro, F., (2012), “Ethnicity and strategy in the Bosnian civil war: Explanations for the severity of violence in Bosnian municipalities” in *Journal of Peace Research*, Volume 49, Issue 6, pp. 801-815, doi: <https://doi.org/10.1177/0022343312453593>.
- Critchley, W., (1993), “The failure of federalism in Yugoslavia” in *International Journal*, Vol. 48, No. 3, pp. 434-447, doi: <https://www.jstor.org/stable/25734016>.

- Duffield, M. and Stork, J., (1994), “Bosnia is the Classic Case of Using Humanitarian Aid as a Smokescreen to Hide Political Failure” in *Middle East Report*, No. 187/188, pp. 18-23, doi: <https://doi.org/10.2307/3012590>.
- Godina, V., (1999), “The outbreak of nationalism on former Yugoslav territory: a historical perspective on the problem of supranational identity” in *Nations and Nationalism*, Volume 4, Issue 3., pp. 409-422, doi: <https://doi.org/10.1111/j.1354-5078.1998.00409.x>.
- Halilovich, H., (2013), “*Places of Pain: Forced Displacement, Popular Memory and Trans-local Identities in Bosnian War-torn Communities*”, New York, Berghahn Books, EPUB format.
- Hansen, L., (2006), “*Security as Practice Discourse Analysis and the Bosnian War*”, London, Routledge, EPUB format.
- Helms, E., (2017), “Rejecting Angelina: Bosnian War Rape Survivors and the Ambiguities of Sex in War” in *Slavic Review*, Vol. 73, No. 3, pp. 612-634, doi: <http://www.jstor.org/stable/10.5612/slavicreview.73.3.612>.
- Karić, E., (2004), “Alija Izetbegović (1925—2003)” in *Islamic Studies*, Vol. 43, No. 1, pp. 181-189, doi: <https://www.jstor.org/stable/20837336>.
- Malcom, N., (1994), “*Bosnia A Short History*”, New York, New York University Press, EPUB format.
- Malešević, S., (2016), “The mirage of Balkan Piedmont: state formation and Serbian nationalisms in the nineteenth and early twentieth centuries” in *Nations and Nationalism*, Volume 23, Issue 1, pp. 129-150, doi: <https://doi.org/10.1111/nana.12267>.
- Morus, C., (2007), “Slobo the Redeemer: The Rhetoric of Slobodan Milosevic and the Construction of the Serbian “People” in *Southern Communication Journal*, Volume 72, Issue 1, pp. 1-19, doi: <https://doi.org/10.1080/10417940601174660>.
- Ramet, S., (2002), “*Balkan Babel The Disintegration Of Yugoslavia From The Death Of Tito To The Fall Of Milosevic*”, Oxford, Westview Press, EPUB format.
- Robinson, G. and Pobrić, A., (2006), “NATIONALISM AND IDENTITY IN POST-DAYTON ACCORDS: BOSNIA-HERCEGOVINA” in *Journal of Economic and Human Geography*, Volume 97, Issue 3, pp. 237-252, doi: <https://doi.org/10.1111/j.1467-9663.2006.00517.x>.
- Sobel, R., (1998), “Trends: United States Intervention in Bosnia” in *The Public Opinion Quarterly*, Vol. 62, No. 2, pp. 250-278, doi: <https://www.jstor.org/stable/2749625>.
- Sobel, R., (2003), “International Public Opinion and the Bosnia Crisis”, Boulder, Lexington Books, EPUB format.
- Szasz, P. (1996), “The Protection of Human Rights Through the Dayton/Paris Peace Agreement on Bosnia” in *The American Journal of International Law*, Vol. 90, No., pp. 301-316, doi: <https://doi.org/10.2307/2203694>.
- Tardy, T., (2014), “United Nations Protection Force (UNPROFOR—Bosnia and Herzegovina)” in Koops, J., Tardy, T., MacQueen, N., Williams, P. (eds.), *The Oxford Handbook of United Nations Peacekeeping Operations*, Oxford, Oxford Academic, pp. 383–394, doi: <https://doi.org/10.1093/oxfordhb/9780199686049.013.37>.
- West, R., (1995), “*Tito and the Rise and Fall of Yugoslavia*”, London, Faber and Faber, EPUB format.

DYNAMICS OF REGIONALISM IN THE WESTERN BALKANS: A QUEST FOR REGIONAL IDENTITY

*Reina ZENELAJ SHEHI**
*Dragana KURTI***

Abstract. *Regionalism has become a prevalent feature of international affairs, however the process of regional cooperation and integration has not occurred uniformly across the globe. Despite the global trend, regionalism in the western Balkans is a nascent process that started mainly after the 2000s. This study aims to explore the driving forces in the establishment of various forms of regional cooperation in the Western Balkans and strives to understand to what extent cooperation at the regional level has produced a change in the nature of regional politics? The paper distinguishes between cooperation and integration.*

Findings primarily show that regionalism in the Western Balkans is promoted process mainly through the EU integration agenda. Out of 30 analyzed regional arrangements, 15 were developed during 2011-2022. This also coincides with EU credible enlargement criteria which conditioned membership to regional cooperation and reconciliation. The study concludes that regional initiatives are technical in nature and not sufficient to produce a regional community with an embraced regional identity.

Keywords: *cooperation, integration, interdependence, EU*

Introduction

While studying regionalism and the construction of identity, one might consider Western Balkans as a highly compelling and dynamic puzzle. First, it offers a story of fundamental and complex transformations that cannot be explained by a single paradigm model. The regional approach includes simultaneously processes of democratization as much as it includes nation and state building. Similarly, it unifies the processes of conflict transformation with Europeanization. Regional dynamics and developments in the Western Balkans pursue interesting trajectories that move from Balkanization with attempts to reach Europeanization (Jano, Dorian, 2008). There are drastic conceptual and normative differences among the two. Balkanization was internally developed, governed by supranational institutions and aimed at homogeneity in identity. Europeanization, on the other side, developed externally at the end of 1990s, pursued an integrated approach with the aim to produce regional politics that served to stability and cooperation. While there is an undisputed negative connotation to the term Balkanization, there are also

* Department of Political Science and International Relations, Epoka University, Albania, rzenelaj@epoka.edu.al

** Department of Political Science and International Relations, Epoka University, Albania, dkurti18@epoka.edu.al

relevant concerns to what extent the process of Europeanization has been capable of producing regional cooperation and furthermore integration. This article is particularly interesting to shed light on this aspect.

Regionalism and globalization has acted as both competing and compelling forces in international relations. On the one hand, while many argued that regionalism would wane as a result of globalization's power to connect sovereign states, others note that regionalism worked stronger in advanced capitalist countries as a logical consequence of globalization itself (Mittelman, James H, 1996). Among several models, the regional arrangements with the EC-EU and the evolution of the EU as a distinct institutional model had the main scholars' attention especially in terms of its capability to produce a new kind of 'civilian power' (Telo, Mario, 2007) and be recently a global voice in warfare times and hard power related crises (Costa, Oriol & Barbé, Esther, 2023).

Apart from imperial regionalism, both economic regionalism and post- hegemonic regionalism developed as a response to global changes and evolved according to global patterns, trends and agendas (Yalem, Ronald J, 1962). A number of domestic and systemic causes of new regionalism aim to explain features of new regionalism. Domestic wise, small states join or integrate politically in regional organizations to have more bargaining power in the international system or are pushed economically by different stakeholders to have access to a larger market. Successful cooperation agreements are expected to experience an internal functional spillover, yet neither the form nor the impact happens uniformly across regions (White, Brian; Little, Richard & Smith, Michael, 1997). What stands in common, however, is its potential contribution to world peace, human rights and democracy.

The Western Balkan countries are characterized by difficult economic conditions, unstable democratization processes and unresolved ethnic tensions. Given the wider socio-economic and political framework of the region and the fluid nature of regional cooperation itself, the article questions to what extent regional cooperation and regional integration initiatives have been able to produce politics at the regional level and furthermore contribute to the rise of a regional identity. The theoretical overview expects regionalism to take various dimensions and incorporates both state and market forces as of its key drivers. Yet, Europeanization strategy demands a tighter regional integration and cannot be fulfilled with some forms of cooperation arrangements. Thus, the article aims to explore all regional initiatives at different levels and natures in order to conclude the kind of regionalization that characterizes the Western Balkans so far, and furthermore to see how much the achieved, if so, level of regionalization has somehow transformed politics from national to regional representation.

1. Regionalism in Western Balkans

Western Balkans is a relatively new term and it includes most countries of the Former Socialist Federal Republic of Yugoslavia (SFRY) and Albania. The Yugoslav regional/national identity first appeared with the South Slavs between 1830 - 1860 and was consolidated later on with World War II when Josip Broz Tito, a communist, took control after winning the war against fascism (Connor, 1984). The distinctiveness of the former Yugoslavia was embedded in the heterogeneity of the languages, religions, ethnicities, and cultures of the member countries underneath the unification (Woelk, Jens, 2012). These divisions were evident during WWII which made the situation much more sensitive due to the ongoing tensions. Therefore the approach chosen had socialist features

and treated all ethnicities as equals and aimed to create as much interethnic interaction among groups. The goal was to unite the people under the Yugoslav identity and overcome the differences. (Jović , Dejan, 2009) analyzes this through the projects that were implemented under the “Brotherhood and Unity” principles where people from different backgrounds worked together to build public goods, an obligatory army, etc. According to the official census data of the population of Yugoslavia 5.4% of people identified themselves as Yugoslavs (Kukić, Leonard, 2022).

It was near the end of the 1980s that the former SFRY started facing issues that would later lead to its disintegration. The main reasons that led to the rise of nationalism were considered to be the economical crisis (Calic,Marie-Janin,2018) and religion (Alexander, Stella, 1983). Economically, the consequences of the Cold War were perceived as a collapse of the socialist dogma rather than as a shared interethnic struggle against the one enemy. It is this situation that provided ground for nationalists to point fingers at the other ethnic groups as responsible and became aggressive towards other ethnicities. Additionally, religious differences increased the gap between ethnic groups and pushed for nationalistic actions. Thus, nationalism and religion were stronger than ideology. This was reflected among Croats and Serbs who were connected to their religion rather than the Yugoslav identity. To quote the author: “churches set themselves up as the embodiment of the nation and its soul”. Similarly, in the case of Macedonia, a national church was needed to validate the “marks of a true nation”. (Ibid:5-6)

Additionally, the efforts to build a supranational identity to weaken nationalism failed due to the exhausted central government and nationalist rhetoric pushed forward by Serbian leader Slobodan Milošević who instilled fear and destroyed the trust among ethnic groups. The perception of brotherhood towards the other republics was replaced with a threatening disbalance of power and enemy image. The kind of stability maintained by Tito was destroyed by nationalistic leaders like Milošević and it is still inherited by the local elite in most Western Balkan countries. The widespread support for nationalism has led not only further away from regional identity but also has created discourses towards regionalism as it “threatens” national identity (Baskar, Bojan 2015).

The bloody wars brought forward a new identity for the region, the Balkans, which was a construct of the West to highlight the differences between “us and them” (Billig, Micahel, 1995: 78). The term Balkan takes different meanings based on history, culture, geography, language, perception, etc. These different meanings bring forward the political division of Europe consisting of Western Europe, Eastern Europe, and the Balkans. The countries part of the Balkan region have a common Ottoman and communist heritage reflecting lower levels of development and continuous disputes among one another which weakens them. People in this region are living with an identity that has negative connotations therefore, are directly influenced by the principles, perceptions, ideas, and values they attach to themselves as the less civilized region (Plantak, Martina & Paleviq, Edina, 2022). The concept “Balkan” is also used by portraying the other. For instance, for French people, the Balkans is associated with Nazi Germany, for Serbs it is Kosovo or for Bosnia it is Serbia. Some other traits associated with the term are corruption, inefficiency, and brutality (Žižek, Slavoj, 1999).

For the last three decades there have been several initiatives from the US & EU to transform the divisive politics into cooperative structures. What started as the ‘Balkan question’ transformed into a ‘European question’ (Rupnik, Jacques, 2011). The EU role transformed from a third party acting on security needs to a unity of final destination.

Beyond the EU's bilateral relations with countries in the Western Balkans, the regional framework for integration and cooperation was set in the Thessaloniki Summit in June 2003 (Everts, Steven & Keohane, Daniel, 2010). The summit signaled a formal agreement from EU member countries to the European Perspective of the Western Balkan countries and a dedication from leaders of Western Balkan countries to prioritize EU membership and pursue integration committed to regional cooperation.

Despite that, national politics is still highly prevalent. Nationalism has lost its glorification by the masses nonetheless political elites seem to be falling into the nationalistic loop often. The lack of transitional justice processes overall is considered as one of the reasons why the bloody past of the region continues to shape the societies becoming an obstacle to reconciliation and implementation of rule of law at the regional level (Baliqi, Bekim, 2021). This is also crucial in achieving regional integration and fulfilling Copenhagen Criteria in strengthening the Rule of Law (Szabo, Zsolt, 2021).

Given the deep and enduring identity politics that characterizes all countries of the region, the study asks to what extent has the EU regional integration approach contributed to a transformation of regional politics and formation of a regional identity.

2. Dynamics of Regionalism

Regionalism as a pervasive feature of international affairs became one of the forces challenging the traditional centrality of states in world politics but also complementing states in responding to challenges of globalization. From a theoretical perspective, regionalism has been characterized by three key dynamics: 1)management of independence, 2)management of interdependence and 3)management of internationalization (Best, Edward, and Thomas Christiansen, 2016). States voluntarily engage in regional arrangements often for the direct purpose of consolidating its identity and actorhood. This is typically the case when new-independent states need to settle down their relations between themselves, with the former power and often with the rival power Söderbaum, Fredrik, 2013). This perspective was particular in cases with former colonial relationships but still sits at the center of discussion for Kosovo and Bosnia in the context of the Western Balkans.

The logic of interdependence is more widespread particularly when market forces are the driving causes of regionalism. Regional arrangements work to manage economic and social interactions in order to ensure stability and market benefits. For instance, actors in the region institute a regional monetary fund to cope with global financial challenges or establish a regional civil protection mechanism to deal with common natural crises. During the last 3 decades, the economic situation of the Western Balkans has witnessed tremendous changes, considering also the change of political regimes that took place. New states have emerged, and newborn democracies and market economies are now in function with a Western orientation. As mentioned previously, in more generic terms, the definition of regionalism is quite disputed similarly, from the economist's perspective, the diversity of approaches and perspectives of regional cooperation and integration hasn't produced a commonly agreed definition. Others make a clear-cut interconnection between economic integration and the gradual abolition of national economic boundaries (Molle,William, 2002). In this framework, a certain period of time is required in order for the system to absorb the consequences of such a gradual abolition of economic borders. Economic integration entails the abolishment of discrimination among the economic subjects of the member states as well as the establishment of common policies (Pinder, John, 1969).

Other scholars support that “the outcomes of regional economic integration depend on the comparative advantage of members, relative to each other and relative to the rest of the world. Countries with a comparative advantage between that of their partners and the rest of the world do better than countries with an ‘extreme’ comparative advantage. Consequently, integration between low-income countries tends to lead to divergence of member country incomes, while agreements between high-income countries cause convergence (Venables, Anthony J, 2003).

Beyond it, the literature has expanded from the rationalist approach that emphasizes market cooperation to neofunctionalism and liberal institutionalists that see interdependence as a denominator of peace and security communities (Börzel, Tanja A, 2016). The simple abolition of economic barriers is not adequate to guarantee the movement of goods, services, and other sources. It is rather a simplified approach, which does not take into consideration a series of non-economic obstacles, including the language, principles, culture, perceptions, etc (Sklias, Pantelis, 2012). The same is the case concerning the political institutions as well as the level of political development among the nations concerned. Koutsoukis et. al. (2011) supports this position by arguing that culture and economy create a circuit of two-way inflows and outflows. On one side, the economy supplies culture with inflows, such as investment capital, capital equipment, technology, and specialized workforces. On the other side, culture, through the institutionalized system of redistribution of public revenues for social provisions and programs (state budget) and the effective operation of the rule of law state, transforms the above inflows of resources into social capital. It can be argued that the political economy of regional integration can only be comprehended as part of a holistic approach to capturing the different levels of political and economic development.

When it comes to managing internationalization, regionalism is seen both as a support or opposition to multilateral liberalization. The primary argument stands in how regional arrangements can assist states in accustoming to the effects of liberalization. On this side of the argument, the claim is that regional collective action is the only possible international response to globalization. As an opposing argument, critics claim that regionalism can also arise as a competing arrangement to multilateralism especially when countries might lose attention and interest in the multilateral system or in scenarios of international friction between competing blocks. Regionalism can produce internationalization better than globalization itself given the growing problems with global patterns of governance and with legitimacy and identity (Hveem, Helge, 2000).

Despite the divergences, different reasonings and systems of regionalization can be found within the same region. However, what drives the particularities of the regionalization process in the EU, subject of which are also Western Balkan countries, is the journey from a federal structure of integration to the gradual path towards an ever closer union. This approach follows the logic of constructivism theory in international relations that considers ideas, norms, identities and discourses as ideational drivers of regionalism (Saurugger, Sabine, 2013). What remains unclear and a subject of this research as well is the lingering question of whether regional integration acts as a prerequisite for the formation and development of regional identity. Or, do we expect and accommodate a weaker sense of community and common identity when we have functioning and prosperous cooperative regional arrangements without a necessary level of integration? Finally, are regional arrangements strong enough to construct a regional identity? The article aims to explore the listed research questions in the specific context

and nature of regional arrangements in the Western Balkans as aligned with their quest for Europeanization for the ultimate goal of understanding the extent they have produced a change in regional politics and constructed a regional identity.

3. Institutions, Actors & Areas of Regional Cooperation

We see the involvement of the EU in the Western Balkans taking a humanitarian role during the 1990s, afterwards in the promotion and involvement of the region in Community programs, and then the introduction to accession negotiations (Petričušić, Antonija, 2005). A cornerstone of the EU's approach towards the Western Balkans was the introduction of the Stabilization and Association process to promote stability and bring the countries close to EU integration. The visible shift from the stabilization agenda to the enlargement one reduced the ambiguity on the future of the region but also provided credibility to the EU to demand reforms and fulfillment of the conditionality criteria (Baliqi, Bekim 2021).

Even though the EU took a regional approach it is still confirmed during the Thessaloniki Summit that the progress of accession negotiations will be based on the "regatta principle"¹, meaning that the progress of individual countries will be taken into account. The process of SAA is perceived as a strategy to implement European values, principles, and standards in the region. The approach taken towards the Western Balkans is not completely unique as it has similarly taken place before with the Visegrad group- an initiative taken by the Czech Republic, Hungary, Poland, and Slovakia. The regional cooperation that took place here accelerated transitional changes and implemented reforms in countries that shared cultural, religious, and historical heritage. The countries eventually joined the EU and used the regional initiative to integrate faster in the EU.

Minic (2023) refers to regional cooperation in the Balkans as a peace strategy that would later on, transform into an instrument that would help the region to develop before it fully integrates into the EU. Regional cooperation is portrayed under the enlargement framework and it takes place as a precondition for reconciliation, security, stability, and prosperity in the region as well as for socio-economic development.

The EU has designed and projected regionalism in the Western Balkans through two main frameworks: The Instrument for Pre-accession Assistance (IPA) & the Berlin Process. IPA was designed to provide financial assistance through five channels : transition assistance and institution building, cross-border cooperation, regional development, human resource development and rural development. Total EU assistance in 2014-2020 counts up to €2.98 billion²

The European Commission covers 30% of all funds for regional initiatives and thus it remains the largest contributor in the region. National governments cover 20% of the funding, particularly in areas such as infrastructure development, education, and healthcare. The private sector covers less than 1% of funding regional initiatives in the Western Balkans, particularly in areas such as infrastructure development, energy, and

¹ Sarkic, Bojan 2011 Western Balkans: A regatta in stormy weather,, <https://www.euractiv.com/section/enlargement/opinion/western-balkans-a-regatta-in-stormy-weather/>, accessed March, 2023

² European Neighbourhood Policy and Enlargement Negotiations , Multi-country – financial assistance under IPA, https://neighbourhood-enlargement.ec.europa.eu/enlargement-policy/overview-instrument-pre-accession-assistance/multi-country-financial-assistance-under-ipa_en, accessed December, 12, 2023

telecommunications. Other external actors investing in the region consist of Russia, the United States, China, and Turkey that are appealed by the geopolitical position and vulnerability of the Western Balkans due to internal issues (Gugulashvilli, Ioannis N, 2022). However, Russia doesn't have a regional agenda as it focuses on bilateral agreements and the foreign policy it follows is the "divide and conquer" (Bieri, 2022). In the case of China, the Clingendael Report (2020) explores whether and how China engages with the Western Balkans primarily as a financier of infrastructure and a source of direct investment in the Balkan region and is not pursuing a common regional strategy, due to its focus predominantly on Serbia. Its main conditionality is to refrain countries from maintaining diplomatic ties with or providing any kind of political support to Taiwan. China's mere presence in the WB6 obstructs EU norm diffusion in political, economic, and security terms as it requires the full adoption and implementation of EU standards. Additionally, international financial institutions such as the World Bank, International Monetary Fund (IMF), and the European Bank for Reconstruction and Development (EBRD) provide funding for specific projects and programs in the Western Balkans.

The Berlin Process was the key structure through which six Western Balkan states and six EU member countries agreed to pursue regional integration, neighborhood cooperation and economic development. Officially, the process achieved to establish the regional economic area and a common regional market that aims to ensure free flow of goods and services. Beyond economic integration, the Berlin Process focused on establishing the first kind of regional institutions in areas of research, digitalization and furthermore reconciliation being RYCO, Western Balkan Funds and the Regional Cooperation Council (RCC). The three institutions are non-governmental in nature and rely on the integration of youngsters, researchers and universities as well as companies and civil society respectively. Tg-Web is an example of a voluntary, non-project-based platform of bottom-up cooperation of civil society, research and academic actors in Europe, with the mission to catalyze changes towards innovation on better territorial governance for the Western Balkans. The project aims to promote the extension of the Territorial Agenda 2030 implementation in the Western Balkan region. So far, it has organized 4 annual meetings and activated blog and research discussion³.

Key projects of RCC are youth lab, women empowerment, employment and social affairs as well as digital connectivity. As part of the connectivity agenda, 24 transport connectivity investment projects, 2 technical assistance projects in transport and 5 energy connectivity investment projects are implemented. Energy and digitalization are seen as soft measures to penetrate cooperation. On 12 July 2017 in Trieste, Italy, the heads of state of the six countries in the Western Balkans region (Albania, Kosovo, Macedonia, Montenegro, Serbia, and Bosnia and Herzegovina) endorsed the Multi-annual Action Plan (MAP) for the creation of a regional economic area in the Western Balkans as an important step before the countries in the region integrate into the European Union. MAP- REA is an example that focuses on strengthening connectivity in transport and energy and creating a digital space with a more integrated labor market to tap into new employment possibilities. Each of the six Western Balkan countries has appointed its own

³ The Western Balkan Network on Territorial Governance – a regional initiative for cooperation, <https://www.regionalstudies.org/news/blog-the-western-balkan-network-on-territorial-governance-a-regional-initiative-for-cooperation/>, accessed January, 20, 2023

MAP Coordinator, as well as a MAP Component Contact Point for each of the four components. The MAP coordinators will meet at least twice annually to review progress, which will “enable coordination at the regional level.

So far, RCC has activated a historic Roaming Agreement and implements the Additional Protocol on trade facilitation and Regional Investment Reform Agenda (RIRA) through individual-economy action plan.

Overall, the number of projects at the regional level more than doubled from 2010-2022 compared to the previous decade but lowered dramatically from 2021 onward. Regional cooperation operates almost at similar rates at state and non- governmental levels. Regional projects of an economic nature are higher than projects at other areas of cooperation with green agenda and transport related regional projects remaining the lowest.

The table below offers some summary data on initiatives undertaken as part of the EU promoted regional integration agenda.

Table 1. Percentage of initiatives based on Year Periods

Regional projects	Nr.	%
Before 2010	6/30	(20%)
2011-2020	15/30	(50%)
2021-2023	4/30	(13%)

Table 2. Percentage of initiatives based on profile of initiatives

Regional projects	Nr.	%
State based	16/30	53.3%
Non- governmental	13/30	43.3%
Education Institutions	1/30	3.3%

Table 3. Percentage of initiatives based on theme of initiative

Regional projects	Nr.	%
Economic	7/30	23%
Green Agenda & Transport	2/30	6%
Civil Society Empowerment	3/30	10%
Education & Research	4/30	13%
Media	4/30	13%
Rural Development	2/30	6%
Administrative Capacity	3/30	10%
Migration	1/30	3%
Regional Cooperation	4/30	13%

Apart from institutions, the Berlin Process has also been the leading framework through which a transformative rhetoric has been employed in relation to previous conflict experiences. Western Balkan countries have signed the Declaration on Regional Cooperation and Good Neighborly Relations⁴, Declaration on Missing Persons⁵, Declaration on War Crimes⁶ and agreed on a roadmap for a solution to SALW and their ammunition⁷. Despite the legal and the verbal rhetoric, the countries continue to face challenges of implementation. This failure is partly attributable to the lack of an agreement in mutual recognition of non-recognition of Serbia and Kosovo as well as Kosovo and Bosnia-Herzegovina. Confusion arises when the Berlin process is decoupled with other EU initiatives, such as the Kosovo-Serbia normalization process.”

4. Discussion & Conclusions

There is still a nuanced debate on what defines a region as scholars argue on the inclusive and exclusive criteria. Taking only the geographic perspective into consideration brings forward controversial arguments- one can see this clearly in the case of defining Europe. In the case of the Western Balkans, the regional perspective was addressed in the Thessaloniki EU-Western Balkans Summit 2003 where the region is considered as standing in the heart of Europe, surrounded from all sides by member states of European Union (Glenny Misha & Knaus, Gerald, 2003).

Baylis et al. (2020) analyze different dimensions of the implementation of regionalism depending on the level of interdependence it produces. Nevertheless, for member states being part of a region doesn't always result in enhancing the sense of shared values and identity, and regional self-awareness because it highly depends on the level and type of interactions. Different combinations of economic, social, political, and security issues are tackled by regional agreements which later on take the form of regional cooperation or regional integration. On a cooperation level, states jointly consult different issues and continuously keep each-other informed on developments while attempting to adopt a common stance in international bodies. The covered areas of issues don't need to be related to one another nor does this interaction affect the image or reputation of the member states as long as international obligations are respected and fulfilled. On a more advanced level of interaction, governments that are part of initiatives that aim for regional integration actively remove barriers among one another to create common rules for the region. Cooperation and integration are options that can be explored for various sectors that allow different degrees of delegation of power to supranational governance rather than being mutually exclusive approaches to regionalism.

⁴ EU-Western Balkans Summit, Tirana Declaration, 6 December 2022 <https://www.consilium.europa.eu/media/60568/tirana-declaration-en.pdf>, accessed March 15, 2023

⁵ European Union External Action, Declaration of President Aleksandar Vučić and Prime Minister Albin Kurti on Missing Person, https://www.eeas.europa.eu/eeas/declaration-president-aleksandar-vu%C4%8Di%C4%87-and-prime-minister-albin-kurti-missing-persons_en

⁶ https://neighbourhood-enlargement.ec.europa.eu/system/files/2020-09/ipa_2020-042-350.02-mc-eu_support_to_reconciliation.pdf, accessed March,25, 2023

⁷ Roadmap for a sustainable solution to the illegal possession, misuse and trafficking of Small Arms and Light Weapons (SALW) firearms and their ammunition in the Western Balkans , <https://www.seesac.org/f/docs/News-SALW/Roadmap-for-sustainable-solution.pdf>, accessed March, 25.2023

The Western Balkan region is made of countries that were once part of the former Yugoslavia and the distinctiveness of the former Yugoslavia was embedded in the heterogeneity of the languages, religions, ethnicities, and cultures of the member countries underneath the unification. The main reasons that led to the rise of nationalism and its disintegration were considered to be the economic crisis and religion. Hence, considering the bloody history and the differences among countries complicates the context and ability to initiate regional cooperation or integration. The key incentive for regional cooperation is the EU membership path. Western Balkans is also a terminology constructed by the EU that in a way includes the identification of the borders of the region and reflects the EU's interest for stability (Jano, Dorian, 2008). It also places the EU as the main actor in pushing forward the agenda of regional cooperation or integration in the Western Balkans. From a neoliberalism perspective, the EU aims expansion of the member states to better address specific issue areas based on its principles, norms, rules, and decision-making procedure (Krasner, Stephan D, 1992). Despite the EU's goal to bring the region closer, nationalistic policies of countries in the Balkan slow the process and these observations were made not long after the EU-Western Balkan Summit where the future of WB6 was said to be in EU⁸.

Regional arrangements in the Western Balkans have been technical in nature without targeting much of what the theory promises as incentives for regionalism. First, regional projects and initiatives in the Western Balkans were not effective in managing independence or sovereignty claims. Even the local experiment of the Open Balkans, an initiative led by Albania, North Macedonia, and Serbia, could not attract Kosovo, Bosnia Herzegovina and Montenegro who still have unresolved issues with Serbia. Despite the rhetoric of the Serbian government, -“the fact that we have differences relative to Kosovo [...] has nothing to do with the flow of goods, people, services and capital”, Kosovo is still not recognized by Serbia (Semenov, Andrej ,2022). Similarly, the role of Republika Srpska as a divisive entity and its close ties with Serbia, continue to endanger the stability of the fragile state of Bosnia.

When it comes to the second dynamic of regionalism, i.e. management of interdependence, negative images about the other due to past conflicts, have created obstacles to regional cooperation and integration, as they have made it difficult for countries to agree on common goals. Most countries in the region have experienced political instability, which makes it difficult to establish and maintain stable relationships with neighboring countries. This instability can be caused by issues such as corruption, weak democratic institutions, and economic challenges. The Western Balkans region has a relatively low level of economic development compared to other parts of Europe. This has also created challenges for regional cooperation and integration, as countries may have different economic priorities and may not be able to contribute equally to common projects.

Nationalism is another significant obstacle to regional cooperation and integration, as it has led to a focus on national interests rather than regional ones. Nationalistic policies and rhetoric gave rise to tensions between countries and hinder efforts to build trust and cooperation. Several countries in the Western Balkans region have unresolved border disputes or territorial disputes, which obfuscates trust and cooperation. Support for

⁸ Paddy Ashdown, The High Representative in BiH in an interview for BBC, 15 February 2004, <https://www.ohr.int/interview-paddy-ashdown-ic-high-representative-in-bihbbc-breakfast-with-frost/> accessed April, 10, 2023

accession to the EU has also fallen in 2022 for the first time since 2015. Citizens might use this tool as a way to demand other agenda than regional integration and thus, send messages to their elites who provided unconditional support from the West (Jakimovska, Katerina, 2023).

Finally, regional arrangements in the Western Balkans did not achieve so far to manage internationalization. Faced with the challenge of EU enlargement fatigue and the fear of delaying membership in the EU, the Open Balkans was introduced as a local and indigenous initiative to penetrate in the modern globalized system. Yet, as of July 2023, the PM of Albania declared that the project was over and they would return back to the agenda of the Berlin Process⁹. Findings showed that even if counted, the effects would be marginal as it includes only 3 member countries and as fundamentally it does not present anything new to previous EU-led projects (Kulo, Edis, & Novikau, Aliaksandr. 2023).

To conclude, regionalism in the Western Balkans has been successful in introduction especially market oriented initiatives and as such increase connectivity in the economic area but is far from producing a peaceful and stable regional community with an embraced common identity.

BIBLIOGRAPHY

- Alexander, Stella (1983). Religion and National Identity in Yugoslavia. Occasional Papers on Religion in Eastern Europe: Vol. 3 : Iss. 1. George Fox University. Retrieved from:
- Baliqi, Bekim. (2021). Lost in Integration–Perspectives for Regional Cooperation, Europeanization and Transitional Justice in the Western Balkans. *Der Donauraum*, 61(1), p, 23-32.
- Baskar, Bojan. (2015). Nacionalna identiteta kot imperialna zapuščina : uvod v slovensko etnomitologijo. Znanstvena založba Filozofske fakultete, Ljubljana.
- Baylis, J., and S. Owens Smith. "P.(eds) (2020). The globalization of world politics (8th ed.). Oxford University Press.
- Best, Edward, and Thomas Christiansen. "Regionalism in international affairs." (2016) *The globalization of world politics: an introduction to international relations*. Oxford University Press
- Bieri Mathias. (2022). The Western Balkans Between Europe and Russia. CSS Analyses in Security Policy. Accessed Apr 30, 2023, <https://css.ethz.ch/content/dam/ethz/special-interest/gess/cis/center-for-securities-studies/pdfs/CSSAnalyse170-EN.pdf>
- Billig, Michael. (1995). Banal nationalism. SAGE Publications.
- Börzel, Tanja A. (2016) "Theorizing regionalism." *The Oxford handbook of comparative regionalism* (2016) p. 41-63.
- Calic, Marie-Janin. . (2018). History of Yugoslavia. Purdue University Press.
- Connor, Walker. (1984). The national question in Marxist-Leninist theory and strategy (Vol. 6, No. 8). Princeton, NJ: Princeton University Press.

⁹ Euronews Albania, Did PM Edi Rama unilaterally decide to end Open Balkan initiative?<https://euronews.al/en/did-pm-edi-rama-unilaterally-decide-to-end-open-balkan-initiative/> accessed July 07.2023

- Ginieczki, Taylor. (2020). Constructions of Identity and War: A Reciprocal Relationship in Former Yugoslavia. *Oregon Undergraduate Research Journal*. ISSN: 2160-617X Retrieved from: blogs.uoregon.edu/ourj
- Ginieczki, Taylor. (2020). Constructions of Identity and War: A Reciprocal Relationship in Former Yugoslavia. *Oregon Undergraduate Research Journal*. 17. 19-28. 10.5399/uo/ourj/17.1.3.
- Ginieczki, Taylor. (2020). Constructions of Identity and War: A Reciprocal Relationship in Former Yugoslavia. *Oregon Undergraduate Research Journal*. 17. 19-28. 10.5399/uo/ourj/17.1.3.
- Glenny, Misha, and Gerald Knaus. (2003). *Thessaloniki and Beyond: Europe's Challenge in the Western Balkans*.
- Glenny, Misha, and Gerald Knaus. (2003) "Thessaloniki and Beyond: Europe's Challenge in the Western Balkans." <https://digitalcommons.georgefox.edu/ree/vol3/iss1/2>
- Hveem, Helge.(2000) "Explaining the regional phenomenon in an era of globalization." *Political economy and the changing global order* 2, p. 70-81.
- Jakimovska, Katerina (2023), "Crises and opportunities in the Western Balkans." *European View* 22.1, p. 76-84.
- Jano, Dorian (2008) "EU-Western Balkans relations: the many EU approaches." *The Journal of the International University Institute of European Studies (IUIES), Special Issue on 'The Mediterranean Beyond Borders: Perspectives on Integration'*, Bart Van Steenbergen, (ed.) 2.1, p.143-160.
- Jano, Dorian. (2008). From 'Balkanization' to 'Europeanization': The Stages of Western Balkans Complex Transformations. *Europe en formation*, (3), 55-69.
- Jović, Dejan. (2009). *Yugoslavia: a state that withered away*. Purdue University Press.
- Krasner, Stephen D.(1992) "Realism, imperialism, and democracy: a response to Gilbert." *Political Theory* 20.1 p. 38-52.
- Kukić, Leonard. (2022). The last Yugoslavs: Ethnic diversity and national identity. *Explorations in Economic History*, 101504. <https://doi.org/10.1016/j.eeh.2022.101504>
- Kulo, Edis, and Aliaksandr Novikau (2023), *The Open Balkan initiative: A step forward towards European integration or running on empty?.* *Journal of Contemporary European Studies*, p.1-13.
- Lukšić, I., Boskovic, B., Novikova, A., & Vrbensky, R. (2022). Innovative financing of the sustainable development goals in the countries of the Western Balkans. *Energy, Sustainability and Society*, 12(1). <https://doi.org/10.1186/s13705-022-00340-w>
- Mansfield, Edward D., and Etel Solingen. (2010). Regionalism. *Annual review of political science*, 13, 145-163.
- Mittelman, James H. (1996). Rethinking the new regionalism in the context of globalization. *Global Governance*, 2, 189.
- Oriol Costa & Esther Barbé (2023) A moving target. EU actorness and the Russian invasion of Ukraine, *Journal of European Integration*, 45:3, p.431-446, DOI: 10.1080/07036337.2023.2183394
- Petričušić, Antonija (2005) "Regional cooperation in the Western Balkans-a key to integration into the European Union." *Croatian Yearbook of European Law & Policy* 1.1, p. 213-233.
- Pinder, John. "Economic Integration And East-West Trade: Conflict Of Interests Or Comedy Of Errors?." *JCMS: Journal of Common Market Studies* 16.1 (1977): p.1-21.
- Plantak, Martina, and Edina Paleviq. (2022). "Banal Balkanism?" – Rethinking Banal Nationalism and Regional Identity in the Post- Yugoslav Media Space. *Journal on*

- Ethnopolitics and Minority Issues in Europe, 21(1), p. 1–22.
<https://doi.org/10.53779/JPVV3411>
- Rupnik, Jacques. (2011). The Western Balkans and the EU: the hour of Europe. *Cahiers de Chaillot*, 186.
- Saurugger, Sabine.(2013) "Constructivism and public policy approaches in the EU: from ideas to power games." *Journal of European Public Policy* 20.6 (2013): p. 888-906.
- Semenov, Andrej (2022), "Open Balkan: Objectives and Justifications." *Comillas Journal of International Relations* 24, p. 24-34.
- Sklias, Pantelis, Nikitas-Spiros Koutsoukis, and Spyros Roukanas.(2013) "Culture, politics and economics: dynamics, mechanisms and processes for sustainable development." *International Journal of Sustainable Society* 5.2, p. 133-145.
- Sklias, Pantelis.(2011) "The political economy of regional integration in the Western Balkans." *International Journal of Economic Sciences and Applied Research* 4.3, p. 21-37.
- Steven Everts & Daniel Keohane (2003) The European Convention and EU Foreign Policy: Learning from Failure, *Survival*, 45:3, 167-186, DOI: 10.1080/00396330312331343537
- Telò, Mario. (2007). Introduction: Globalization, new regionalism and the role of the European Union. *European Union and new regionalism*, 25-46.
- Venables, Anthony J.(2003) "Winners and losers from regional integration agreements." *The Economic Journal* 113.490 (2003), p. 747-761.
- White, Brian; Little, Richard & Smith, Michael (1997). Regions and regionalism. *Issues in world politics*, p. 69-89.
- Willem Molle, 2002. "Globalization, Regionalism and Labour Markets: Should We Recast the Foundations of the EU Regime in Matters of Regional (Rural and Urban) Development?", *Regional Studies*, Taylor & Francis Journals, vol. 36(2), p. 161-172.
- Woelk, Jens. (2012). Identity-Diversity and the Territorial Dimension in the Western Balkans. *L'Europe en Formation*, 363, 189-204. <https://doi.org/10.3917/eufor.363.0189>
- Yalem, Ronald J. "Regionalism and World Order." *International Affairs (Royal Institute of International Affairs 1944-)*, vol. 38, no. 4, 1962, p. 460–71. *JSTOR*, <https://doi.org/10.2307/2609570>. Accessed 19 July 2023.
- Žižek, Slavoj. (2019) 'You May!': the post-modern superego LRB 18 March 1999. London Review of Books. <https://www.lrb.co.uk/the-paper/v21/n06/slavoj-zizek/you-may!>
- Zweers, Wouter, et al (2020). China and the EU in the Western Balkans. Clingendael Report, 2020-08

LOCAL AND TRANSNATIONAL PARTNERSHIPS: EUROPEAN INSTRUMENTS FOR RURAL DEVELOPMENT

*Claudiu Gabriel BONACIU**

Abstract. *Accessing Partnership implemented Projects with EU non-refundable funds should be a priority for public local and national authorities and the private sector also. However, partnership projects, local/regional or transnational cooperation was not a fully used instruments by the public administration authorities in Bihor, and for that reason only, rural development suffered a stagnation process in so many aspects. For Bihor county, there were available at least two funding programs in the programming timetable periods from 2007 to 2013 and from 2014 to 2022, whose eligibility criteria was: partnership/cooperation and association.*

The question that we trying to answer here, using comparative analysis as a research method, is, how did the UATs local authorities in Bihor county took advantage of this available opportunities for local rural development?

Keywords: *cooperation, partnership, association, rural development*

1. Introduction & methodology

The development of the European rural area is achieved in the member countries through territorial cooperation objectives at transnational and local level, along with other objectives of Rural Development Policy and Cross-border Cooperation Policy. After 2007, immediately after our country's entry into the EU, Romanian ATUs had at their disposal non-reimbursable funds from the National Rural Development Program and the Cross-border Cooperation Program that could be used in parallel by both the public and private sectors for the development of rural communities. The measures provided for in the NRDP were financed through the European Agricultural Fund for Rural Development (EAFRD), they targeted the following types of beneficiaries: private and public, who could access non-reimbursable funds by writing projects at individual or association level. The measures that financed projects written individually by public beneficiaries, in the case of this study ATUs, targeted investments that covered the needs at the level of each ATU, and the implementation was the direct responsibility of the ATUs. In parallel with these measures, there were measures that accepted associative forms such as: Intercommunity Development Associations (IDAs), Local Action Groups (LAGs), producer groups (GPs) or agricultural cooperatives (CA) as type of beneficiaries.

The measures that financed the associative forms, regardless of the legal form above, targeted in particular investments in infrastructure, access roads, water, canal,

* PhD candidate, Babeş-Bolyai University, The Faculty of European Studies, Em. De Martonne st. 1st, Cluj-Napoca, Romania, E-mail: gabibonaciu@gmail.com

development of the local economy, development of short chains for capitalization of agricultural products, promotion of various forms of tourism, etc.

The Cross-Border Cooperation Programme has as main financing condition the existence of a cross-border partnership between entities located on both sides of the border, interested in rural development through this programme, financed by the European Regional Development Fund. The combination of the two programmes from the perspective of cooperation and partnership by the ATUs in Bihor County during the programming period 2007-2020 could have had notable results in the rural development process. And yet this did not happen, which raises at least two questions: what is the reason why ATUs did not opt for accessing funding at associative level or in partnership? Were the funding guidelines related to the two programs (PNDR, PCT) built to encourage or discourage the writing of projects by ATUs organized in associative forms? Methodologically, we aim to quantitatively analyze, by comparison, the number of projects implemented, through PNDR, by eight ATUs in Bihor County, as individual beneficiary and beneficiary by association, to analyze the content of the eligibility criteria provided in two measures of PNDR 2007-2013 and PNDR 2014-2020. The purpose of this research is to identify the barriers underlying the access to European non-reimbursable funds by ATUs organized in associative forms such as Intercommunity Development Associations.

In order to answer the research question, we propose the following levels of analysis from a methodological point of view: a) contextualization of forms of association financed by European funds; b) Quantitative and qualitative analysis of projects funded by associative forms through PNDR and those written in cross-border partnership through PCT; and c) generating recommendations on encouraging constructive associations between public entities, between public and private entities, between private entities, contributing to rural development.

The results of this study were determined on the basis of the research method, analysis of the content of documents, because one of the advantages of this method is that it allows the study of processes over a long period (Babbie, 2010: 451). And as research tools we used: comparative analysis in order to identify the causes affecting the rural development process (Duşa, 2014: 53). Thus, official databases were analyzed, comparative analyses of progress reports and selection reports, financing guidelines specific to measures, project implementation manual were carried out. In order to validate the results obtained from the comparative analysis, we conducted a field study and used the structured interview as a research technique (Chelcea, 2001: 130). It was carried out in eight neighboring ATUs in Bihor County, with common characteristics and needs.

The main research questions are: 1. Did the 8 ATUs in Bihor County represent an advantage the opportunity to write projects for financing with non-reimbursable funds as an associated beneficiary or individually? 2. Have the funding measures encouraged public beneficiaries to submit for funding several projects as individual beneficiaries or as beneficiaries organised in associative forms?

Contextualization of forms of association financed by European funds

The issue of cooperation and partnerships at local, transnational and cross-border level is approached in this scientific approach from the perspective of two development programs, part of the European planning tools. These are the National Rural Development

Programme and the Interreg Cross-border Cooperation Programme, both implemented in Romania since 2007.

National Rural Development Programme of Romania

As a general mandatory rule, in order to access financing with non-reimbursable funds through the National Rural Development Program, beneficiaries must implement the investment in rural areas,¹ and as a specific condition in the case of measures financing projects in cooperation or association, beneficiaries need to be organized in a form of association such as partnership.

In the field of European rural development, the most used forms of association between administrative-territorial units are Public Private Law Partnerships (PPDP), organized in the form of Intercommunity Development Associations (IDAs), and for cooperation between the public and private sectors, Public Private Partnerships (PPPs) are used, organized in the form of Local Action Groups (LAGs), and associations between individuals are generally NGOs.

Associative forms (PPDP) such as Intercommunity Development Associations² are set up by administrative-territorial units in order to better manage local resources or attract European funds for projects that serve not only the population of a single ATU (Garrofoli, 2002: 225-239). These associative forms can be established between ATUs with the same regional, county, municipal, communal administrative rank, but there are also mixed forms formed by local authorities with different administrative rank (Hulst, Montfort, 2007: 219). At the level of European Union states, the functioning of IDAs is regulated by specific laws, and the form of organization is different from state to state (Hulst, Montfort, 2009: 263-285). In the literature, the benefits of this form of association are supported by several authors. Approached especially from the perspective of private and public law, we find that IDAs can be administrative structures that can create their own development region, without the need for administrative reforms (Soare, 2018: 197). From a rural development perspective, IDAs are beneficial for small communities where there is a large number of responsibilities transferred from central to local level and where public services are fragmented or underfunded (Soare, 2020: 150). According to government data, in 2015 there were 391 ADIs registered in Romania, of which 26 in Bihor County (SGR, 2015). Unfortunately in Bihor County, through the National Rural Development Program, these "structures" were not a factor in attracting non-reimbursable funds. We will demonstrate this in Level II of this study.

Public Private Partnerships (PPPs) are set up to attract European funds through cooperation on various fields of investment (ENISA, 2017:18) between public and private actors, respectively non-governmental organizations, business associations, or companies, to carry out a project that produces positive effects on the labor market and local development (Institute for Public Policy, 2004: 14). At European Union level there is no

¹ In addition to this eligibility criterion, beneficiaries have to meet other eliminatory selection criteria, depending on the scope of the measures and sub-measures provided in the data sheets. Among them, we mention, to be public or private entities, legal entities of private law registered according to the legislation, to prove co-financing, etc.

² According to Law 215/2001, intercommunity development associations are cooperation structures with legal personality, private law and public utility, established by administrative-territorial units (in this case only between communes) for the joint implementation of development projects of zonal or regional interest or the joint provision of public services.

specific legal framework for PPPs at European level, but the essential aspects of this type of partnership have been detailed in the Green Paper on public-private partnership (CE, 2004). The most advanced countries in terms of using this type of partnership are Great Britain, which established in 1992 an institution subordinated to the Ministry of Finance, called the Private Finance Initiative (PFI). It covers a broad category of partnerships, such as full or partial involvement of private property in state-run activities or private financing initiative. In Germany, for example, there was PPP in sectors such as the construction of hospitals, schools or prisons and only partially in the construction of motorways (McQuaid, Scherrer, 2008: 13-16). In Romania, the existence of PPPs was reported in the early 1990s, being considered ad hoc structures at national level (Levai, 2012:243).

In the specialized literature, the advantages of PPP refer to: cost reduction by combining expenditures, which benefits the public sector in the sense that there is no pressure on local or national budgets, shorter implementation period, better quality of services provided to the population, (Marinescu, 2017), the possibility of the private sector to get involved in activities and areas reserved for the public sector (Murphy, 2008 :4). The main possible disadvantages would be: PPPs may entail higher long-term costs if the private partner participates financially through a loan (Colverson, Perera, 2011: 4), both actors must possess specific competences and capacities, and the number of entities sharing such capacities is limited, or disadvantages as regards private actors directly, i.e. the possibility for political-administrative decision-makers to change the rules overnight game (Moldovan, 2017: 75).

This category of Public Private Partnerships also includes Local Action Groups (LAGs). Under European rural development policy, LAGs have been financed by the Leader programme since 1991. Leader has been designed to support the development of rural areas, with a focus on facilitating an area-based, territory-based, bottom-up approach (Bosworth, Price, Hakulinen, & Marango, 2020:23). A fundamental objective of Leader was to encourage local actors to create links and connections between them through networking and cooperation. In this context, cooperation was able to develop on three levels:

1. **Local** - between actors from the same territory;
2. **National** - between actors from different geographical areas of the same state;
3. **Transnational** - between actors from across borders.³

Transnational partnerships at EU level were a mechanism timidly accessed by the LAGs selected for funding.

In the 2007-2013 programming period, the average take-up rate of the transnational cooperation mechanism across the 27 Member States was 14 cooperations. The most active states were Hungary, Finland and France, and at the bottom of the ranking were Romania, Bulgaria, Cyprus, Malta and Portugal. In the 2014-2020 programming period, there is an average rate of 14 cooperation across the 28 countries, slightly decreasing. This decrease may also be due to the fact that after Brexit in 2020, the UK did not report to the European Network for Rural Development the figures related to this mechanism. Instead, what can be seen with the figure above is that only Finland

³ In Romania, funding for cooperation activities was awarded through Axis 4 Leader, through specific measures in both programming periods: Measure 421 in 2007-2103 and Measure 193 in the programming period 2014-2022.

remains at the top of the ranking, and the place of Hungary and France is taken by Estonia and Germany. Countries such as Hungary and France that had the highest number of transnational projects are below the European average in 2014-2020.

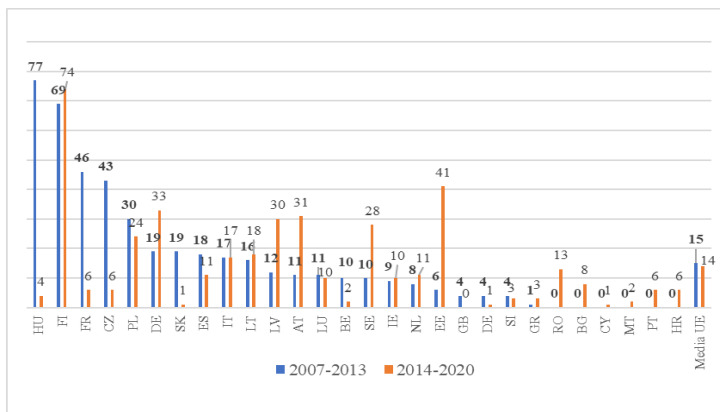


Figure 1. Comparison of the distribution of transnational cooperation projects, at EU level, financed under Axis 4 Leader, in the programming periods 2007-2013 and 2014-2020.

Source: Author's own interpretation based on data collected from the ENRD, available online https://ec.europa.eu/enrd/lag_en.html, site accesat în 17 Aprilie 2023

In this context, in Romania, through the National Rural Development Program of 2007-2013, in theory, special attention is paid to encouraging investments initiated by Intercommunity Development Associations, emphasizing the high role they have in the development of rural communities (PNDR, 2015: 93). In practice, things are totally different, the tendency identified within the analyzed NRDPs is to direct public beneficiaries to submit projects at individual level, which contradicts the principle of associativity in the European rural development policy. In the next programming period 2014-2020, among the beneficiaries of non-reimbursable funds through PNDR, associative forms of administrative-territorial units (PNDR, 2014: 176) are mentioned as eligible in the technical sheets of measures and submeasures, but without reference to the high role that IDAs have in rural development.

Cross-border Cooperation Programme

European territorial cooperation (ETC) is the objective of cohesion policy aimed at solving cross-border problems and jointly developing different territories. Most cooperation projects are financed by the European Regional Development Fund (ERDF) through three key components:

1. Cross-border cooperation,
2. Transnational cooperation and
3. Interregional cooperation (Gouardères, 2023: 1)

In the literature, cross-border cooperation is approached from several perspectives. Starting from the basic principle of cross-border cooperation, that of allowing local actors to find common solutions to similar problems in border areas (Ricq,2000: 10), so as to achieve goals related to increasing the quality of life, we observe a rapprochement with the principles of sustainable development. Researchers who have studied cross-border cooperation in relation to rural development believe that cross-border

cooperation programmes included in cross-border rural development strategies can operate in the development of road infrastructure, tourism and trade (Vaishar; Št'astná, Kramáreková, 2022: 13). In relation to the development role that cross-border cooperation can bring, we note that when this concept is based on common policies and programs, it can contribute to economic growth and balanced and sustainable development of border regions (Săraru, 2011: 88). Approached from the perspective of collaborative relations, this type of cooperation can be achieved in most areas, including regional, national and local authorities (Bărbulescu, Brie, Toderaş, 2015: 26). Researchers who have studied this concept from an identity perspective believe that cross-border cooperation strengthens the European spirit and identity among EU citizens, beyond their national-ethnic identities (Brie, Blaga, 2015: 225-273). One of the conclusions of a study focused on the importance of transnational institutions argues that local and regional administrative structures in border areas can create development associations or transnational corporations (Polgár, 2022: 33). In my opinion, these constructions, which have an economic role, can have positive effects on cross-border rural development only if they are created on the principle of public-private partnerships involving private actors.

The financing of a project with grant funding through the Cross-Border Cooperation Programme (PCT) is based on two eliminatory eligibility criteria: 1. Existence of a Partnership Agreement 2. The partnership shall consist of at least one eligible entity, based on both sides of the border, within the eligibility area of the programme. That last criterion is of major importance. Finding a suitable partner is not easy at all. For a cross-border cooperation project to be successfully implemented, eligible beneficiaries must find a partner with common objectives, managerial capacity, financial capital and experience in implementing EU-funded projects. This stage is very important in the process of pre-implementation of projects. The common point of the two programs, which interests us in this study, is that both accept for funding beneficiaries organized in different forms of association. Unlike the types of association defined in the NRDP, the association in the case of PCT is defined by a partnership agreement between public entities. During the 2014-2020 programming period, the following types of associations were included in the category of eligible beneficiaries: non-governmental organisations, microregional associations, Euroregions management organisations as well as European Groupings of Territorial Cooperation (EGTCs).⁴

Analysis of projects submitted by the associative forms financed by PNDR and PCT during 2007-2020 in eight communes in Bihor County.

In this study, we established as units of analysis four funding programmes: two rural development programmes and two cross-border cooperation programmes, from 2007 to 2020. And as variables, measures, funding guides, implementation manuals and types of eligible beneficiaries were determined. Based on the textual content analysis of the units of analysis, we assigned to the types of eligible beneficiaries, from the left column of the table below, the forms of association shown in the right column. This phase was followed by a second textual content analysis of funding guides and implementation manuals related to measures/objectives addressed to public beneficiaries. Through the

⁴ The full list of eligible beneficiaries under the Interreg Ro-Hu Programme 2014-2020 can be consulted on the official website of the programme, <https://interreg-rohu.eu/ro/beneficiari/>, website accessed on April 17, 2023.

comparative analysis of the variables in the table below, the following analyses of this study will be performed.

Table no. 1 Typologies of eligible beneficiaries under NRDP and Interreg, 2007-2013 and 2014-2020

Beneficiari eligibili	Forma de asociere	PNDR	PCT Interreg
1.Solicitant în cadrul unui parteneriat	GAL	da	da
2.Solicitant în cadrul unei asocieri	ADI	da	da
3.Solicitant Individual	-	da	nu

Source: Own interpretation based on data published in NRDP and Interreg Project Implementation Manual

The National Rural Development Programme of Romania is financed through the EAFRD financial instrument, and the measures *and* sub-measures *specific to each type of investment* are used as operational implementation mechanisms. These measures and submeasures were identical across the country, which is why we believe that this analysis



study can be applied at the level of any local administration in rural areas. For our study we selected eight neighboring ATUs located in Bihor county, namely: Aleșd, Aușeu, Borod, Bratca, Bulz, Magesti, Șuncuiuș and Vadu Crișului. Their selection was made on the basis of the following criteria:

- Communication axis at territorial accessibility level
- The tourist axis because it concentrates various tourist components⁵
- Territorial axis – complex relief, with two mountain areas
- Economic and social axis – existence of at least 2 areas declared disadvantaged.
- Demographic axis – mixed population⁶.

Map no. 1. Spatial location of analysis units

Source: Processing of the author based on the image taken by the online site https://ro.m.wikipedia.org/wiki/Fi%C8%99ier:Harta_jud_bihor_localitati.png, accessed 20 April 2023.

⁵ Natural resources, tourist services

⁶ The existence, besides the Romanian population, of Hungarian and Slovak ethnicities

Based on the comparative analysis, measures and sub-measures through which the objectives and priorities of the European rural development policy were financed through the NRDP, we identified two categories of measures. Measures addressed to individual forms of beneficiaries and measures addressed to forms of association.

Based on the comparative analysis and the correlation between numerical variables, the total number of measures, we see that in both periods PNDR is a program that determines public or private beneficiaries to submit individual projects.

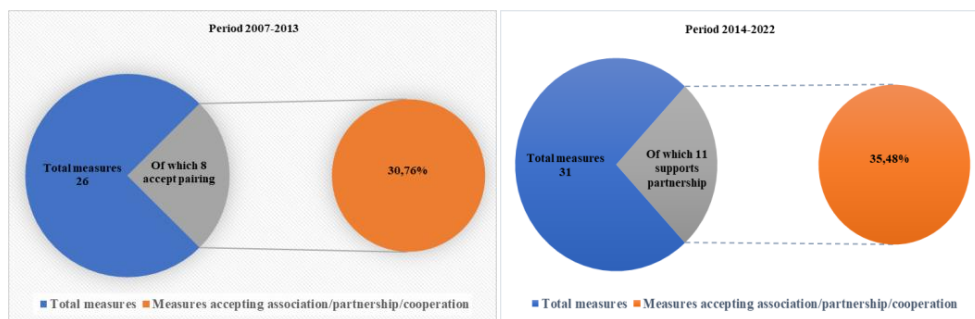


Figure 2. Comparison between the share of measures that accepted the association from the NRDP, in the periods 2007-2013 and 2014-2020

Source: Calculation and interpretation of the author based on the Rural Development Programs of Romania from 2007-2020, available on <https://www.madr.ro/dezvoltare-rurala.html>, accessed April 18, 2023.

Out of the 57 measures foreseen under the NRDPs, from the periods 2007-2013 and 2014-2020, only 19 measures could be accessed by the categories of beneficiaries organised in the form of a partnership or an association. We note that in both programming periods, the smallest share, 30.76% and 35.48%, respectively, is held by measures addressed to forms of association.

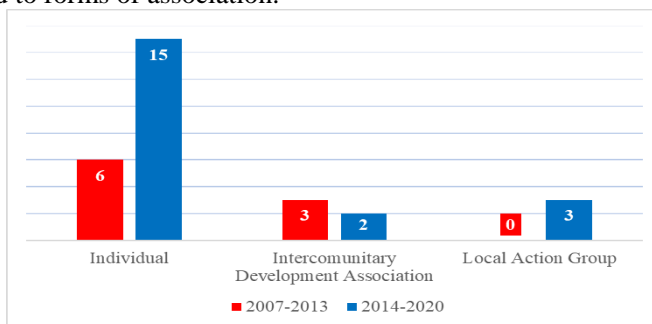


Figure 3. Comparison by type of applicant, between the preferences of the 8 ATUs in Bihor County, during the periods 2007-2013 and 2014-2020

Source: Calculation and interpretation of the author based on official data from the selection reports published by Afir for the periods 2007-2013 and 2014-2020, available on <https://www.afir.ro/rapoarte/rapoarte-feadr/selectie/>, Accessed April 18, 2023⁷

⁷ The analysis of the selection reports for both NRDP programming periods was carried out on the basis of official data published on the <https://www.afir.info/> website. As of September 2023 this

We go further and quantitatively compare the number of projects selected in the two programming periods, also according to the typology of eligible beneficiaries. Following the comparative analysis, we find that at the level of the eight analysis units, the largest number of submitted projects are those from *the individual typology*.

The number of individually submitted projects increased in the 2014-2022 programming period by 9 compared to 2007-2013. Let us further analyse the situation of Public-Private Partnerships and Private Law Partnerships. We notice, in Figure 3, an increase also in the case of projects submitted under a *Public Private Partnership – LAG*. If no project was funded in 2007-2013, three projects were financed in 2014-2020. In contrast, in the case of projects financed under an *association such as Intercommunity Development Associations*, there is a decrease, from 3 projects in 2007-2013 to only 2 projects in 2014-2022. We can accept these decreases only if we refer to the following two situations: 1. Out of the eight ATUs included in this study, only Bulz commune was a member of a LAG; 2. At the level of the eight ATUs included in the study, there were only 2 ADIs to which Auşeu, Borod and Vadu Crişului belonged.

If we refer to the eligibility criteria of measures that accepted forms of association such as LAGs and IDAs, we identify restrictions that disadvantage rural development on the principle of territoriality and associativity. My argument is based on the results of the content analysis of the mechanisms for selecting projects through NRDP, respectively of two measures from the two programming periods whose beneficiaries could be IDAs. The first measure identified and analysed was Measure 125 and Sub-measure 125a of the 2007-2013 programme period. A measure with a contradictory content from which it appears that when ADI associations are eligible for funding, it may become ineligible "if at least one of ADI's component municipalities has submitted or is planning for a sub-measure under Measure 125, the ADI applicant is ineligible for that sub-measure." (MADR, 2010: p.5). In other words, an ADI becomes ineligible for an investment that can serve a larger territory, compared to the investment of a UAT member of the ADI, but which has submitted an individual project at commune level and serves a smaller territory.

The second variable analysed is Sub measure 7.2, part of measure 7, of the 2014-2020 programme period. One of the eligibility criteria is restrictive, in my view, it affects the principle of territoriality as well as the possibility of integrated rural development. According to the funding guide, "... In order for the project submitted by an IDA to be included in the funding allocated for the mountain area, it is mandatory that all communes within A.D.I., beneficiaries of the project, be located and identified in the mountain area". (MADR, 2014: p.5). We derive from this criterion the fact that PNDR, instead of supporting local extraterritorial investments in disadvantaged areas, such as mountain areas, blocks access to financing without taking into account the purpose of associations. Principiul care a stat la baza constituirii de ADI la nivelul comunelor analizate nu a fost forma de relief, ci nevoile comune la nivel de infrastructură rutieră, apă, canal, turistică etc . On the other hand, none of the sub measures restricts access to funding for a commune that submits an individual project, although that ATU would be part of a LAG. In this context, we can say that forms of association such as PPPs, respectively LAGs are much more advantageous compared to those of PPDP type, IDAs.

site is no longer available, which is why we used the new address as a source, namely <https://www.afir.ro>

Now, after analyzing the NRDP and determining that the eligibility criteria are discriminatory compared to the forms of association, and the ATUs assign high importance especially to public partnerships of private law, I propose to proceed to the analysis of the Interreg Ro-Hu Cross-Border Cooperation Programme.

The RO-Hu PCT in both programming periods does not delimit the eligibility area between urban and rural. The eligibility area is limited to the neighbourhood level of 8 ATUs, 4 on each side of the Romanian-Hungarian border. From the first analysis, we find that, although there are no restrictions depending on administrative areas, the program was not attractive for ATUs in rural areas.

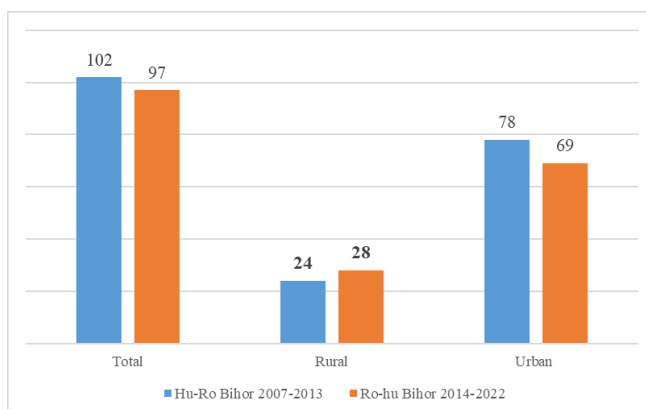


Figure 4. The distribution of the financing of cross-border cooperation projects according to the administrative organization, in the period 2007-2022, at the level of Bihor county.

Source: Own interpretation based on data collected from the list of projects funded by the Hu-Ro and Ro-Hu programs, available online <https://interreg-rohu.eu/ro/liste-cu-proiectele-finatate/> , accessed 18 Aprilie 2023.

The ratio between the total number of projects implemented in urban areas compared to those implemented in rural areas is very high. Out of almost 199 projects financed in the two programming periods, 52 were implemented in rural areas, i.e. 26.13%. In addition to the two types of association, ADI and LAG were eligible for funding, under a cross-border partnership, NGOs, microregional associations, Euroregions management organisations, European Groupings of Territorial Cooperation (EGTCs). At Bihor county level, forms of association such as ADI, compared to the total number of associations that implemented projects through the Interreg Programme, did not represent a large number, although they were eligible for funding without restrictions like those in the NRDP.

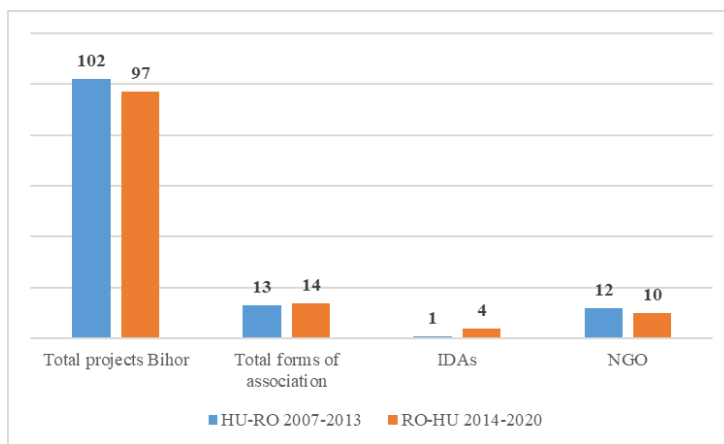


Figure 5. The difference between the number of projects submitted by IDAs and NGOs depending on the types of association

Source: Own interpretation based on data collected from the list of projects funded by the Hu-Ro and Ro-Hu programs, available online <https://interreg-rohu.eu/ro/liste-cu-proiectele-finatate/> , accessed 18 Aprilie 2023.

However, we note in the programming period 2014-2020, compared to the previous period, a slight increase in the representativeness of IDAs in the implementation of projects financed by Interreg⁸. In the 2007-2013 programming period, only one ADI applies for funding under the Hu-Ro programme, and in the next four such associations are registered.

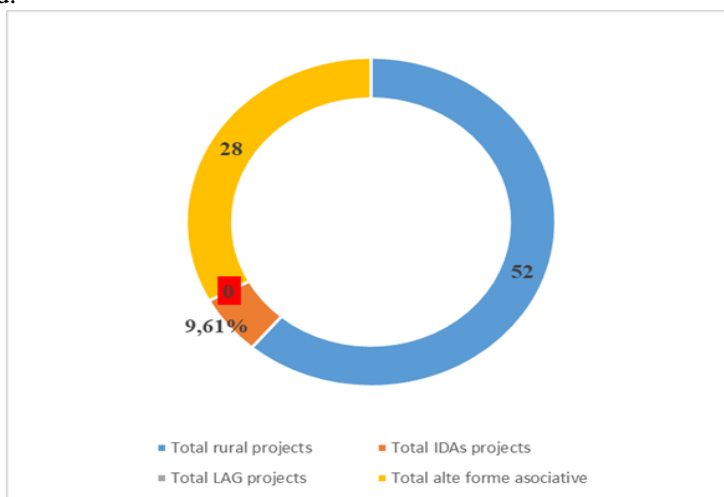


Figure 6 . Share of ADIs in relation to other associative forms financed by Interreg, at Bihor county level.

Source: Own interpretation based on data collected from the list of projects funded by the Hu-Ro and Ro-Hu programs, available online <https://interreg-rohu.eu/ro/liste-cu-proiectele-finatate/> , accessed 18 Aprilie 2023.

⁸ Out of the total 5 IDAs involved in Ro-Hu projects, only one association, namely the North-West Area Intercommunity Association based in Valea lui Mihai, implemented a project in the rural areas of Bihor County and no IDAs from the analyzed communes,

At the level of the analysis area of this study, two forms of association of ADI type were established, the Association of Borod – Plopiș – Așeu Communes and the Așeu-Vadu Crișului Intercommunity Development Association, but none of these associations access funding through the Interreg programme.

Out of the 52 projects implemented in rural areas, only five were submitted by forms of association such as ADI, and no draft LAGs, although the latter were also eligible⁹.

From the comparative analysis of quantitative data and textual content analysis of the two measures within PNDR, it appears that associative forms are less used as a tool for attracting European funds by ATUs in our research area. However, mayors from the analyzed ATUs consider that the most useful forms of partnership/cooperation for the implementation of investment and development projects in rural areas are IDAs and LAGs. This conclusion was determined based on the answers received from ATU representatives to the question from the field interview: *Which of the following forms of partnership/cooperation do you consider most useful for implementing development investment projects in your commune?*

The mayors from the eight ATUs included in the study had the option to choose a maximum of 3 forms of association from eight answer options provided. The forms of association were: Intracommunity Development Associations, Local Partnership, Cross-border Partnership, National Partnership, Local Action Group, and if they had other preferences they had the option to mention them.

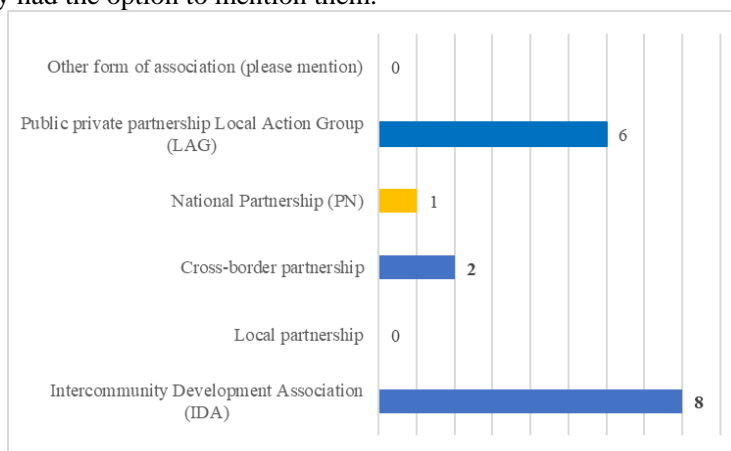


Figure 7. The most useful forms of association for the implementation of investment projects with European funding in rural area

Source: The author's interpretation based on the answers to the interview applied in the eight analysis units between March and April 2023.

The highest score is registered by IDAs, second by the LAG, and in third place is the cross-border partnership. The other forms of association, according to respondents, are not useful for implementing projects with European funds in the area they represent.

⁹ Provided they are part of a cross-border partnership.

Moreover, to the answers to the question: *"How important was/is the implementation of association/partnership projects for capitalizing on the development potential existing in your commune?",* are enlightening.

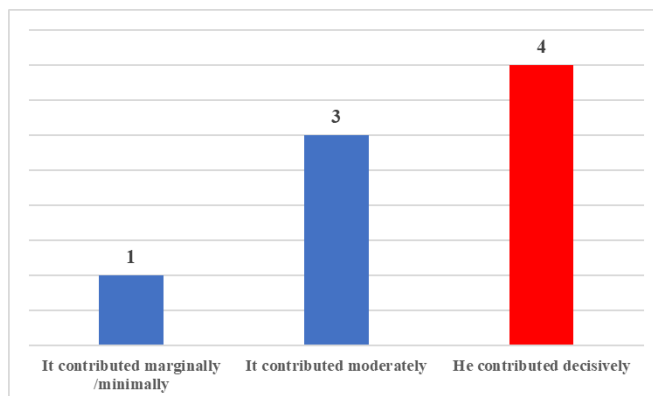


Figure 5. The importance of projects submitted in partnership for the implementation of projects in the analyzed rural areas.

Source: The author's interpretation based on the answers to the interview applied in the eight analysis units between March and April 2023.

Out of the eight mayoralities that participated in the interview, 4 consider that partnerships have contributed decisively to the implementation of rural development projects at local extraterritorial level. 3 municipalities considered partnerships to have a moderate role, and only one municipality considers partnerships to have had a marginal role in rural development.

Conclusions and recommendations

Following the results obtained with the help of the research method, content analysis and tools used, I believe that the research question of this study can be answered with the following statements:

- territorial administrative units did not implement partnership and association projects, because the project selection mechanisms for NRDP were restrictive;
- comparing by typology of eligible beneficiaries – individual, partnership or association, most projects were submitted individually by the analyzed ATUs because if they submitted as part of an association they were discriminated against by the eligibility criteria of the NRDP;
- comparing the total number of projects implemented in the form of LAG or ADI association under the two programs, PNDR and PCT Interreg, during the period 2007-2020, we can say that in the analyzed area of Bihor county the most favorable program for the forms of association is the Cross-border Cooperation Programme.

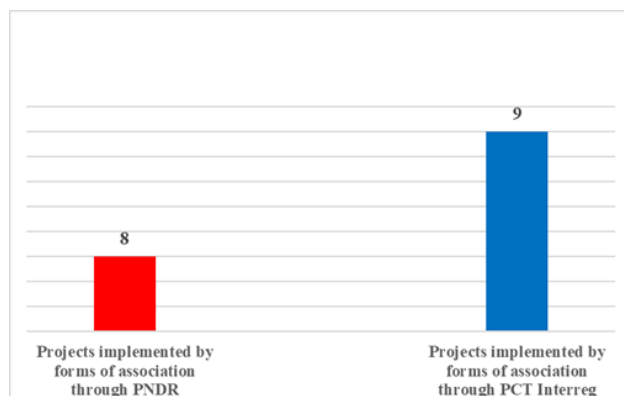


Figure 6. Comparison between the number of projects implemented in a form of association through PNDP and PCT, in Bihor, during 2007-2020

Source: Interpretation and calculation of the author based on official data published by MADR, available online on <https://www.madr.ro/pndr-2014-2020/implementare-pndr-2014-2020/situatia-proiectelor-depuse-2014-2020.html> and those published by MDRAP available online on <https://www.mdlpa.ro/pages/romaniaungaria>, accessed 29 April 2020.

Although the difference is only one project, it should be an additional argument for the Romanian authorities to rethink the NRDP for the next programming period so that both forms of association discussed in this study benefit from the same criteria. In this regard, I recommend the Managing Authority within MADR to create a special measure for projects applied by IDAs, separate from AXA IV Leader, which is for LAGs. In order for the Interreg PCT to be more accessible in rural areas, I recommend the Managing Authorities within MDRAP to create an eligibility area category, namely for *cross-border partnerships in rural areas*. The 2 programming periods have ended and association and partnership projects are missing in rural areas, which leads us to the general conclusion that an innovative approach is needed to European rural development instruments and mechanisms.

BIBLIOGRAPHY

- Babbie, Earl (2010), *Practica Cercetării Sociale*, Polirom, Iași, p.451
- Bărbulescu, Iordan Gheorghe (coordonator); Brie, Mircea, Toderaș, Nicolae, (2016), *Cooperarea transfrontalieră între România și Ucraina, respectiv între România și Republica Moldova. Oportunități și provocări în perioada 2014-2020*, Institutul European din România, București, p. 26
- Bosworth, Gary; Price, Liz, Hakulinen, Ville and Marango, Susan, (2020), *Rural Social Innovation and Neo-endogenous Rural Development*, în Eugenio Cejudo Francisco Navarro, editori, *Neoendogenous Development in European Rural Areas*, Springer, Cham, p. 23.
- Brie, Mircea; Blaga, Daniela,(2015), *Identity rematch in the European space*, în *Cultural Diplomacy at the East and West Borders of the European Union*, Editura Universității din Oradea, p. 225-273
- Cătălin-Silviu Săraru, (2011), *Considérations sur les accords de coopération transfrontalières entre les unités administratives-territoriales limitrophes des zones*

- frontalières de la Roumanie et les structures similaires dans les pays voisins”*, Curentul Juridic, București, p. 88.
- Chelcea, Septimiu, 2001, *Tehnici de cercetare sociologică*, Școala Națională de Studii Politice și Administrative, București, p. 130.
- Colverson, Samuel; Oshani, Perera, (2011), *Sustainable Development: Is There a Role for Public-Private Partnerships? A Summary of an IISD Preliminary Investigation*, International Institute for Sustainable Development Policy Brief, disponibil la adresa http://www.iisd.org/pdf/2011/sust_markets_PB_PPP.pdf , accesat în data de 15 Aprilie 2023.
- Comisia Europeană, (2004), *Green Paper on public-private partnerships and Community law on public contracts and concessions*, Brussels, disponibil pe <https://eur-lex.europa.eu/legal-content/RO/TXT/?uri=LEGISSUM:l22012> , accesat în data de 18 Aprilie 2023.
- Dușa, Adrian (2014), *Elemente de analiză comparativă*, Tritonic, București, p. 53.
- European Network for Rural Development, https://ec.europa.eu/enrd/lag_en.html , site accesat în data de 17 Aprilie 2023.
- Garofoli, Gioacchino (2002), *Local Development in Europe: Theoretical models and international comparisons*, European Urban and Regional Studies 9, p. 225-239.
- Gouardères Frédéric (2023), *European territorial cooperation*, available on https://www.europarl.europa.eu/ftu/pdf/ro/FTU_3.1.5.pdf, site accessed on 18 April 2023.
- Hulst, Rudie; Montfort van André, (2007), *Inter-Municipal Cooperation in Europe*, Springer, Dordrecht, p. 178.
- Levai, Codrina Mihaela (2012), *Aspecte teoretico-practice privind parteneriatul public-privat în Uniunea Europeană*, Acta Universitatis George Bacovia. Juridica, vol. 1, nr. 1. 2012, p. 243.
- Marinescu, Cristian (2017), *Parteneriatul public-privat în România și în Uniunea Europeană*, CECAR Business magazin, Nr. 24-25, București, disponibil pe <https://www.ceccarbusinessmagazine.ro/printeaza-articolul-2240/>, site accesat în data de 17 Aprilie 2023.
- McQuaid Ronald W; Scherrer, Walter (2008), *Public Private Partnership in the European Union: Experiences in the UK, Germany and Austria*, Uprava, anul VI, nr. 2., Lubliana 2008.
- MADR (2014), *Programul Național de Dezvoltare Rurală pentru perioada 2014-2020, versiunea oficială I – 1 iulie 2014*, București, p. 176, disponibil pe https://www.madr.ro/docs/dezvoltare-rurala/programare-2014-2020/PNDR_2014_-_2020_01.07.2014.pdf, site accesat în data de 10 Aprilie 2023.
- MADR (2010), *Ghidul solicitantului Măsura 125*, București, 2010, p. 6, în secțiunea FEADR PNDR 2007-2013, disponibil pe <https://www.afir.info/>, accesat în data de 20 Aprilie 2023.
- MADR (2014), *Ghidul solicitantului pentru submăsura 7.2*, București, 2014, p. 5, în secțiunea FEADR PNDR 2014-2020, disponibil pe <https://www.afir.info/>, accesat în data de 20 Aprilie 2023.
- MADR (2015), *Programul Național de Dezvoltare Rurală 2007-2013 versiunea septembrie 2015*, București, p. 93, disponibil online pe <https://www.madr.ro/pndr-2007-2013.html> , site accesat în data de 10 Aprilie 2023.

- MADR (2015), *Programul Național de Dezvoltare Rurală 2007-2013, versiunea septembrie 2015*, București, p. 93, disponibil pe <https://www.madr.ro/pndr-2007-2013.html>, accesat în data de 10 Aprilie 2023.
- Moldovan, Octavian, 2017, *Parteneriatul public-privat în România: O oportunitate ratată*, Revista Transilvană de Științe Administrative, Cluj-Napoca, p.75
- Murphy, T.J., *The Case for Public-Private Partnerships in Infrastructure*, 2008, Canadian Public Administration, vol. 51, nr. 1, pp. 99-126.
- Polgár, István, *Romanian-Hungarian Cross Border Cooperation and the Impact on Transnational Institution Building and EU Fund Absorption*, în *Analele Universității din Oradea, Seria Relații Internaționale și Studii Europene*, Universitatea Oradea, p. 33, disponibil pe https://analerise.igri.ro/resurse/reviste/2022/Anale_2022.pdf#page=23, accesat în data de 20 aprilie 2023.
- Rudie Hulst; André van Montfort, Arto Haveri, Jenni Airaksinen și Josephine Kelly, (2009), *Institutional Shifts In Inter-Municipal Service Delivery*, Springer, Public Organ Rev 9, p. 263–285, <https://link.springer.com/article/10.1007/s11115-009-0085-8#citeas>, site accesat în data de 10 aprilie 2023.
- Secretariatul General al Guvernului, (2015), *Lista asociațiilor de dezvoltare intercomunitară, actualizată la nivelul lunii iulie, 2015*, București, <https://data.gov.ro/dataset/asociatii-de-dezvoltare-intercomunitara/resource/97ea986f-5a35-49a0-881e-bc84c1e69a34>, site accesat în data de 17 Aprilie 2023.
- Vaishar, Antonín; Št'astná, Milada, Kramáreková, Hilda (2022), *Moravian–Slovak Borderland: Possibilities for Rural Development*, Sustainability 14, no. 6, Basel, disponibil pe <https://www.mdpi.com/2071-1050/14/6/338>, site accesat în data de 15 Aprilie 2023.
- Vlad C. Soare, (2018), *Regimul juridic aplicabil asociațiilor de dezvoltare intercomunitară în România*, în A.U.B., seria Drept, p. 197.
- Vlad C. Soare, (2020), *Asociațiile de dezvoltare intercomunitară. Un hibrid instituțional între dreptul public și dreptul privat*, Hamangiu, București, p.150.

EVALUATING POLYCENTRIC DEVELOPMENT IN A CROSS-BORDER SETTING. DATA TREASURE HUNT AT THE ROMANIAN-HUNGARIAN BORDER

*Cosmin CHIRIAC**

Abstract. *There is a rich speciality literature built around polycentricity and related concepts, that has for years covered mainly European case studies. However, there is a growing interest towards Chinese case studies as well, which bring in interesting quantitative approaches. Nevertheless, the geographic location covered by these studies is not at the centre of this research, but it provides diversity. From the point of view of the scale, this study focuses on the regional level.*

The methodological approach in this study tackles the research topic from two angles. Firstly, a quantitative and qualitative literature review is put together with the purpose of identifying relevant research methods for polycentric development and the data they require. Secondly, the available official data sources for Romanian and Hungarian local territorial units are identified and analysed, with the purpose of creating an inventory of available data on both sides, viewed in parallel. The study is concluded by discussing whether the data collected in this inventory is appropriate for polycentric development research methods used in existing speciality literature.

Keywords: *polycentric development, cross-border areas, Romanian-Hungarian border, statistical data, spatial data*

1. Introduction

Polycentric development is a popular topic in the speciality literature, covering various scales and research fields. However, as we will show in the following pages, the research rarely extends to international settings, even though polycentric development is strongly linked with EU objectives and programmes.

In this paper, the focus falls on trying to understand how difficult it is to measure polycentric development in a cross-border setting, thus attempting to widen the perspective through which this topic is usually viewed. Considering that the European Union pushed for polycentric development, with varied intensity in time, which also sparked a lot of interest from the academia, the focus doesn't really appear to extend to international contexts (one example is that of Medeiros, 2014).

Extensive literature is dedicated to the effects that the successive enlargements of the European Union (EU) had on the territories that were once divided by hard borders (for details on the topic see Horga and Brie, 2010). On the one hand, there is freedom of

* PhD Lecturer, Department of International Relations and European Studies, University of Oradea, e-mail: cchiriac@uoradea.ro

movement but, on the other, these territories may still be separated from other points of view: obviously administrative, but also cultural, social, legislative or economic.

On the face of it, there are at least two ways in which border areas could evolve. Either “naturally”, directed by everyday activities of people and companies or, through the implication of governing bodies from all administrative levels but also through the support given by EU programmes (see more on the different levels of cooperation in Toca, 2012). Most probably, there’s a bit of both.

To clarify more on the context of the current study, the Hungarian-Romanian border is an internal one but, it became one rather recently (2007). Thus, there’s a differentiation to be made between internal borders of older EU states and those of the newly added ones, or, to put it bluntly, between Old and New Europe (for details see Toca and Czimre, 2016). Nonetheless, 50 years of cross-border cooperation in the EU lead to institutionalized cross-border regions across the EU (Brunet-Jailly, 2022, p. 9). Still, the question is whether soft borders lead to more polycentric territorial structures. Both bottom-up and top-down perspectives could be analysed, still, this paper is just a starting point for future research focusing on research methods and data required for polycentric development research at the regional level.

It feels a bit redundant to present details about polycentricity, mainly because many have done so already, though the study needs a theoretical background to stand on, so these clarifications are needed. They are included in the second section of this paper, which discusses the research goal and process.

Certain authors already summarized research methods used in the analysis of polycentricity, at one or multiple scales (Kramar and Kadi, 2013, p. 186) however, I feel a more extensive effort is needed to better understand the entire process and a lot of interesting methods were proposed lately.

2. Research Goal and Process

The goal of this paper, as already mentioned, is to understand whether there are data available, that could be useful in identifying and analysing polycentric regional structures at the Romanian-Hungarian border. In a larger context, the same goals could apply to other border areas, however, there is a large degree of specificity in this research that could raise issues when one would want to transfer the findings of this study to other border areas. Especially when it comes to the availability of statistical data, which is richer in some countries and poorer in other countries of the EU.

The research process on which this paper is based tackles the topic from two angles, each one with its own dedicated section. The first angle is that of the existing speciality literature, which is also the more extended section. How are polycentricity or polycentric development measured? Are there any specifics that we must consider? From what perspectives is polycentric development analysed: economic, social, environmental, more than one, all at once? What kind of data is used to measure polycentricity or polycentric development? The second angle is that of the available data that official institutions provide. What are the potential data sources? What kind of data do they provide and for what territorial units? Do they provide the data needed to assess polycentricity or polycentric development? In the end, the two perspectives should meet in the middle to provide a clearer picture regarding the possibility of assessing polycentric development at the Romanian-Hungarian border. I will elaborate on both in the following paragraphs.

As the academic scene is currently flooded with research papers of all kinds, it gets increasingly hard to filter out speciality literature that is not relevant to a research topic. Citation numbers do not necessarily serve as a good criterion to filter out relevant papers, especially in the case of recently released ones. Thus, to identify relevant papers I relied on two academia platforms that provide access to various speciality literature databases: Web of Science and Scopus. I tried out various keywords related to the research topic, to refine the search results, trying to limit, as much as possible, without affecting the end-results, the size of the qualitative analysis of the identified research papers.

The keywords used to identify relevant research in the platforms mentioned above are *polycentricity* and *polycentric*. This should cover a lot of the relevant research as it should also include papers that discuss *polycentric development* or *polycentric urban regions*. I left out polycentrism, mainly because it refers more to the theoretic side of polycentricity but also because papers discussing it usually also refer to *polycentricity*. As the current research refers to the regional scale, the speciality literature referring to intra-urban polycentricity have been eliminated even though some interesting research methods are proposed, that could, potentially, be applied at the regional scale as well, with slight changes.

Polycentricity crosses over multiple fields, some irrelevant to the research topic presented in this paper¹, while others closely related and hard to separate². The selected literature was limited to the fields of Regional Studies, Spatial Planning and Geography, which usually research the more practical aspects of polycentricity.

There are certain aspects of polycentricity that must be discussed before further details are given regarding the research process. Though trivial, it must be stated that polycentricity, in opposition to monocentricity, refers to the distribution of influence, power, functions, economic development etc., to different nodes of an area. It must be stated that, in this paper, the words *centre* and *node* will be used interchangeably, when referring to the elements that make up a polycentric structure.

Since one of the objectives of the European Union is social, economic and territorial cohesion, and since we are focused on cross-border areas, in the case of this research the nodes are usually individual urban areas, usually delimited by administrative limits but also by population density or other spatial means, or as functional urban areas (FUA), which are usually identified through multiple criteria (for details on this concept, see European Spatial Planning Observation Network (ESPON), 2005, p. 53). We are not excluding speciality literature, regardless of the way in which the nodes are identified.

There are two aspects of polycentricity that most studies consider: morphological and functional (relational). Morphological polycentricity normally refers to the size and/or distribution of the centres within an area. Functional polycentricity usually refers to the relations between centres. To clarify, if functions of an urban area are analysed, only within nodes, without considering relations to other nodes, functional polycentricity is not being analysed. However, some studies consider separately the morphology (size, though

¹ Just to name a few that are far away from our point of interest: Political Science, Pharmacology, Medicine, Law amongst many others.

² Mainly Urban and Regional Studies, Territorial or Spatial planning and Geographical Studies. Some also fall into the sphere of Political Science or International Relations, discussing polycentric development from the perspective of EU policies, though, it is assumed that they don't necessarily step towards the more practical aspects of polycentric development.

they are not entirely equivalent), the distribution, the function, and the connectivity of the nodes within an area, when polycentricity is discussed (European Spatial Planning Observation Network (ESPON), 2005, p. 5; Bański and Czapiewski, 2015, p. 305). Once again, we are not excluding any studies regardless of the way in which they consider the aspects of polycentricity.

Before moving towards identifying criteria to narrow down the list of relevant papers, a clean-up process was necessary, to eliminate duplicates. This is an unavoidable step whenever speciality literature databases are used to identify relevant papers using multiple keywords. There were several criteria used to narrow down the list of relevant speciality literature. As already mentioned, the field of study is one of them. The language in which the study was written is another one, which is a limitation of this research as relevant papers might be left out, but that is a limitation that many times is impossible to avoid. Further on, through a qualitative analysis of the abstracts, or of the sections of the papers that discussed the methodological details, only papers considering the regional, national, or international scale, and that use quantitative research methods to analyse polycentric development were selected. Studies dedicated to the polycentricity of metropolitan areas or city-regions were also excluded, even if these are structures that evolve outside of the main administrative unit. However, considering that they still concentrate development around one central point, or in a more or less contiguous area, they are not considered relevant for our research especially because the Romanian-Hungarian border doesn't include extremely evolved similar territorial structures. Further on, the data used to characterize the centres (or nodes), or the relations between them, were analysed based on research method (statistical, spatial) and whether they represent morphological or functional aspects of polycentricity, including distribution and connectivity aspects.

Though they may provide some interesting research methods and points of view, studies that try to identify polycentric patterns in very narrow aspects of urban or regional areas, such as the distribution of public services in an area (e.g.: Decoville and Klein, 2020), are excluded as this study is concerned with a wider view of polycentric development, more in line with the objectives of the European Union, even if, sometimes, a very specific indicator is used to analyse it.

Changing angles, when it comes to the available data that could be used in polycentric research of cross-border areas, only data offered by official institutions from both sides of the border are considered. Thus, the analysis is, somewhat, limited. Still, there's merit in it as a starting point for future research that would consider evaluating polycentricity in an international context, including that of cross-border cooperation. Once again, the available data is analysed based on the scale of the territorial unit they represent, covered period, and whether they are useful to assess morphological or functional polycentricity. This constitutes another section of its own. The findings of the two sections are summarized in the Conclusions.

3. Literature Review Findings

There are several points of view through which the speciality literature was analysed: the objective of each identified research method, the way the type of nodes was defined and their type, the scale of the analysed area, the perspective - morphologic or functional - and the data that was used to analyse polycentricity.

Evaluating polycentricity must be done by covering two essential aspects, or steps: *defining the nodes* and *assessing the level of polycentricity of the nodes*. Thus, the nodes that make up the territorial structure being analysed must be either identified or selected. If they are selected, the criteria used in the process depends either on the purpose of the study and what territorial units are relevant as nodes in the context of the analysed territory (Meijers, 2008, pp. 1319, 1320 discusses the importance of nodes in the analysed area), or on the selected research method, or on both. When they are not selected directly, a multiple or single criteria research method is used. This is especially true for FUAs, but not only. Once this first step is complete, polycentricity must be measured somehow. This step depends heavily on whether the research focuses on a more restricted perspective (e.g.: economic, social, territorial, etc.), or on a wider one (e.g.: regional development).

The nodes that are used in polycentric development research are delimited either by administrative limits or by using other criteria such as built-up area contiguity or more complex, combined indicators. These two alternatives, in the order in which they were mentioned, amount to top-down and bottom-up approaches, respectively (Shu et al., 2020, p. 180). Local administrative units of diverse types (cities, towns, rural settlements) or higher scale administrative units, such as provinces or counties, could be used as nodes, delimited by their administrative borders. On the other hand, functional urban areas, metropolitan areas, or other such constructs are seldom identified through more complex methods, even if in the end they are delimited by administrative limits (Tache and Tache, 2016, p. 75). Other methods at the regional or national scale include Exploratory Spatial Data Analysis (ESDA) with additions (Shu et al., 2020), or methods that rely on population numbers or densities (Yang, Song and Lin, 2015; Servillo and Paolo Russo, 2017), implying an elevated level of granularity for the basic territorial unit, or even more complex methods that rely on polarization capacity to identify and classify nodes (Schvab et al., 2015).

A few methods that rely on the territorial distribution of settlements are also used to identify nodes in regional structures. One approach is to use the Pareto index of urban size distribution based on the nocturnal value of nighttime light brightness (Zou, Lu and Cheng, 2019). Another one is to rely on road infrastructure spatial data to evaluate travel times (European Spatial Planning Observation Network (ESPON), 2005; Tache and Tache, 2016) and yet another one is to visually identify and classify built up areas into different classes of centres (Feng et al., 2018).

One of the most common ways of analysing polycentric development is through the *rank-size distribution*, which, most often than not, only uses the number of inhabitants within each node to be able to identify polycentric structures (Häznern and Jirgena, 2013; Brezzi and Veneri, 2015; Malý, 2016; Cardoso, 2018; Nikolopoulos, Gkouzos and Papadaskalopoulos, 2018; Sat, 2018b, 2018a; Živanović et al., 2019, 2021; Möck and Küpper, 2020; Han et al., 2022; Bac, 2023). This method is mostly used to measure the morphological aspect of polycentricity, even if it can also be used to measure functional aspects if the research design is constructed in an adequate manner. For example by applying the rank-size distribution method to nodality and centrality values of employment (for details see: Burger and Meijers, 2012). However, one downside is that it says nothing about the distribution of the centres in the analysed area so it will not uncover very diffused or concentrated polycentric structures, which I find to be an important aspect of polycentricity.

Another frequently used method to reflect on morphological polycentricity is the urban primacy index. It calculates the dominance of the prime city, so it gives little detail about the size of the other cities or towns and, if the distribution is relevant, it can't be used on its own (Nikolopoulos, Gkouzou and Papadaskalopoulos, 2018; Sat, 2018b, 2018a; Živanović *et al.*, 2019). Still on the morphological side, the Herfindahl index is also used to measure polycentricity (Meijers, Hoogerbrugge and Cardoso, 2018; Caset *et al.*, 2022).

Most studies focusing on functional polycentricity rely on commuting or travel data, but also on employment data and firm locations, however, there's a lot more diversity regarding the methods used to evaluate it, though, an interesting alternative is to infer polycentricity from geotagging data (Zhang *et al.*, 2016). From the perspective of interactions between the local administrative areas, provided that sufficient travel and commuting data is available, various network characteristics can be analysed to identify polycentric urban structures (Taylor *et al.*, 2009; Tissandier, Quang and Archambault, 2013; Dadashpoor, Afaghpoor and Allan, 2017). Yet another alternative is the creation of flow maps based on employee home-work location data, however, this is data that is rarely available in most countries (Nielsen and Hovgesen, 2005). Commuting matrices analysed through a basic gravity model are also proposed to assess the functional polycentricity of an area (Champion and Coombes, 2016).

Other, more complex methods, usually considering both morphologic and functional aspects of polycentricity are also proposed. They either rely on compound indexes through which centres can be classified or analysed (e.g., polarization index) (Peptenatu *et al.*, 2012) or various characteristics of the region may be analysed to identify polycentric structures (Lamovšek, Drobne and Žaucer, 2008; Medeiros, 2014; Tache and Tache, 2016). The data used in such instances include population numbers, commuting and employment data, revenues, expenses, statistics reflecting territorial features such as buildings or available public services, amongst others, thus trying to provide a more detailed picture of the territory.

Though I tried to cover as much as possible of the available speciality literature, this account of proposed research methods used to evaluate and identify polycentric structures at the regional or national level is not exhaustive. However, the identified research methods and corresponding data provide a rich spectrum of possibilities, especially in a regional context.

4. Statistical Data Availability

As it can be noticed, throughout the previous chapter, both statistical and spatial analysis methods are used in the measurement of polycentricity, regardless of the perspective (morphological or functional). However, the focus in this chapter falls on statistical data, considering that the necessary spatial data is not such an issue, these days, and that spatial data, on its own, can offer a limited view in terms of functional polycentricity.

Considering that the scale of analysis is regional, in an international context, the most important aspect to consider is the basic analysis units or, to put it in a polycentric context, the nodes or centres of the territorial structures. Fortunately, Romania and Hungary have a very similar administrative hierarchy, though Hungary has recently added an additional level which took over centrally administrative tasks from the local government (Hajnal, Kádár and Kovács, 2018, p. 431). Still, the lowest local

administrative units, have a similar territorial make-up. They consist of cities, towns and communes, made up of one or more settlements. For a high degree of freedom in the research process design, it would be best to collect data at the lowest territorial level possible, and the local administrative unit provides a sufficient level of detail for analysing polycentric territorial structures at the regional scale. For this same reason, Eurostat, which relies on national statistical offices to collect data, is excluded as it only offers data for cities or FUAs, which excludes smaller settlements and lacks a sufficient level of granularity and coverage (Database - Cities (Urban Audit) - Eurostat, no date).

In terms of data sources, the statistical offices of Romania and Hungary are the first to consider. The national statistical office of Hungary has very little information available at the lower local level, most of the provided data covering the regional level which is not at all useful for the purpose of this paper. The national statistical office of Romania has a richer set of data available for the lower local administrative level covering multiple topics (population, economy, employment, infrastructure endowment and so on), however, the timeframe varies.

Both countries offer alternative data sources. Romania offers the eDemos data base that provides data for the lower local administrative units. However, though it declares to provide data for a rich set of indicators, for various time frames, it fails to do so. On the Hungarian side, the National Regional Development and Spatial Planning Information System offers statistical data from multiple official sources, though many are available for different, and sometimes, very limited timeframes, some only covering the last two years.

Under these conditions, collecting and matching statistical data for use in polycentric development analysis at the Romanian-Hungarian border is not an easy task, especially if functional aspects are relevant.

The only dataset which can be obtained without issues on both sides of the border quantifies the number of inhabitants. Everything else seems to be hard to match either because they cover varying timeframes, because similar topics are collected through indices that can't be matched or because they are simply not available on both sides. Thus, analysing the evolution of a cross-border area through official statistical data, not only from the perspective of morphological polycentricity but looking at relational aspects as well, by using the same research design, seems close to impossible at the Romanian-Hungarian border. A more static view may be achievable, but still, not covering a wide enough context that is needed for a regional perspective.

5. Conclusions

After an extensive analysis of existing speciality literature covering a few related fields of study, it can be concluded that there are quite a few options to uncover and measure polycentric territorial structures.

As it can be noted, rank-size distribution is one of the most used methods, though, used on its own, offers no details about the distribution of nodes in the analysed area, still, through a careful research design, relational aspects can be uncovered.

The methods used to analyse territorial structures from a polycentric perspective are usually adaptations of existing methods used in regional science, geography and other related fields. Spatial analysis offers quite a few options as well.

When it comes to the selection of nodes, depending on the scale of analysis, a cross-border setting could be problematic, especially if the administrative hierarchy of

neighbouring countries is different, thus limiting the conclusions that can be reached. That is not the case of the Romanian-Hungarian border. However, it is better to start the analysis at the highest granularity possible and the FUAs would not provide a sufficient level of detail.

As was shown, it is possible to analyse morphologic aspects of polycentricity in the study area, though, through official statistical data, functional aspects can't really be analysed. Thus, further efforts are needed to uncover other ways to analyse, in a broader manner that's suitable for regional cross-border research, the evolution of the network of settlements in a cross-border setting.

BIBLIOGRAPHY

- Bac, T.C. (2023) 'The nexus between spatial structure and labour income: evidence from Vietnam', *Regional Studies, Regional Science*, 10(1), pp. 294–311.
- Bański, J. and Czapiewski, K. (2015) 'A vision of the polycentric development of the Mazovia region in Poland', 67, pp. 301–321.
- Brezzi, M. and Veneri, P. (2015) 'Assessing polycentric urban systems in the OECD: Country, regional and metropolitan perspectives', *European planning studies*, 23(6), pp. 1128–1145.
- Brunet-Jailly, E. (2022) 'Cross-border cooperation: a global overview', *Alternatives*, 47(1), pp. 3–17.
- Burger, M. and Meijers, E. (2012) 'Form Follows Function? Linking Morphological and Functional Polycentricity', *Urban Studies*, 49(5), pp. 1127–1149. Available at: <https://doi.org/10.1177/0042098011407095>.
- Cardoso, R.V. (2018) 'Localising urbanisation trajectories: Comparing the emergence of second-tier urban regions in Europe (1890–2011)', *Urban Research & Practice*, 11(3), pp. 223–246.
- Caset, F. *et al.* (2022) 'Mapping the Spatial Conditions of Polycentric Urban Development in Europe: An Open-source Software Tool', *Geographical Analysis*, 54(3), pp. 583–598.
- Champion, T. and Coombes, M. (2016) 'Is Pennine England becoming More Polycentric or More Centripetal? An Analysis of Commuting Flows in a Transforming Industrial Region, 1981–2001', in *Urban Transformations: Centres, Peripheries and Systems*. Routledge, pp. 73–80.
- Dadashpoor, H., Afaghpoor, A. and Allan, A. (2017) 'A methodology to assess the spatial configuration of urban systems in Iran from an interaction perspective', *GeoJournal*, 82, pp. 109–129.
- Database - Cities (Urban Audit) - Eurostat* (no date). Available at: <https://ec.europa.eu/eurostat/web/cities/data/database> (Accessed: 27 August 2023).
- Decoville, A. and Klein, O. (2020) 'Polycentrism and the accessibility of public facilities to the population. The example of the Grand Duchy of Luxembourg and Belval', *European Planning Studies*, 28(4), pp. 653–671.
- European Spatial Planning Observation Network (ESPON) (2005) 'ESPON 111: Potentials for polycentric development in Europe'.
- Feng, Y. *et al.* (2018) 'Spatiotemporal characterization of megaregional poly-centrality: Evidence for new urban hypotheses and implications for polycentric policies', *Land Use Policy*, 77, pp. 712–731.

- Hajnal, G., Kádár, K. and Kovács, É. (2018) 'The Public Administration in the EU 28: Hungary', in *The Public Administration in the EU 28*. Luxembourg, pp. 424–461. Available at: https://ec.europa.eu/social/BlobServlet?docId=19954&langId=en&usg=AOvVaw3pRihy8ESk_iNVdqrVPSl&opi=89978449 (Accessed: 26 August 2023).
- Han, S. *et al.* (2022) 'Do polycentric structures reduce surface urban heat island intensity?', *Applied Geography*, 146, p. 102766. Available at: <https://doi.org/10.1016/j.apgeog.2022.102766>.
- Häznerners, J. and Jirgena, H. (2013) 'Polycentricity measures and regional disparities', in *Annual 19th International Scientific Conference Proceedings*, p. 201.
- Horga, I. and Brie, M. (2010) 'Europe Between Exclusive Borders and Inclusive Frontiers', *Studia Universitatis Babeş-Bolyai / Studia Europaea*, pp. 63–86.
- Kramar, H. and Kadi, J. (2013) 'Polycentric city networks in Central-Eastern Europe: Existing concepts and empirical findings', *Geographia Polonica*, 86(3), pp. 183–198.
- Lamovšek, A.Z., Drobne, S. and Žaucer, T. (2008) 'Small and medium-size towns as the basis of polycentric urban development', *Geodetski vestnik*, 52, p. 2.
- Malý, J. (2016) 'Impact of polycentric urban systems on intra-regional disparities: A micro-regional approach', *European Planning Studies*, 24(1), pp. 116–138.
- Medeiros, E. (2014) 'Territorial cohesion trends in Inner Scandinavia: The role of cross-border cooperation—INTERREG-A 1994–2010', *Norsk Geografisk Tidsskrift-Norwegian Journal of Geography*, 68(5), pp. 310–317.
- Meijers, E. (2008) 'Measuring Polycentricity and its Promises', *European Planning Studies*, 16(9), pp. 1313–1323. Available at: <https://doi.org/10.1080/09654310802401805>.
- Meijers, E., Hoogerbrugge, M. and Cardoso, R. (2018) 'Beyond polycentricity: Does stronger integration between cities in polycentric urban regions improve performance?', *Tijdschrift voor economische en sociale geografie*, 109(1), pp. 1–21.
- Möck, M. and Küpper, P. (2020) 'Polycentricity at its boundaries: consistent or ambiguous?', *European Planning Studies*, 28(4), pp. 830–849.
- Nielsen, T.A.S. and Hovgesen, H.H. (2005) 'Urban fields in the making: new evidence from a Danish context', *Tijdschrift voor economische en sociale geografie*, 96(5), pp. 515–528.
- Nikolopoulos, P., Gkouzos, A. and Papadaskalopoulos, A. (2018) 'Morphological polycentricity in Southern Europe: evidence at the national level', *Theoretical and Empirical Researches in Urban Management*, 13(4), pp. 73–93.
- Peptenatu, D. *et al.* (2012) 'The efficiency of polycentric development strategies in the context of economic crisis. Case study - the development of Southwest Oltenia region - Romania', *Bulletin of Geography. Socio-economic Series*, 17(17), pp. 117–125. Available at: <https://doi.org/10.2478/v10089-012-0012-6>.
- Sat, N.A. (2018a) 'Monocentric or polycentric? Defining morphological structure of NUTS-2 regions of Turkey from 2000 to 2016', *Geographica Pannonica*, 22(1).
- Sat, N.A. (2018b) 'Polycentricity in a developing world: A micro-regional analysis for morphological polycentricity in Turkey.', *GeoScape*, 12(2).
- Schvab, A. *et al.* (2015) 'Spatial Profile of poverty. Case study: the North-Eastern development region in Romania', *Transylvanian Review of Administrative Sciences*, 11(45), pp. 201–216.
- Servillo, L. and Paolo Russo, A. (2017) 'Spatial trends of towns in Europe: the performance of regions with low degree of urbanisation', *Tijdschrift voor economische en sociale geografie*, 108(4), pp. 403–423.

- Shu, X. *et al.* (2020) 'Defining functional polycentricity from a geographical perspective', *Geographical Analysis*, 52(2), pp. 169–189.
- Tache, A. and Tache, M. (2016) 'A Methodology for the Evaluation of Functional Urban Areas in Romania', *Romanian Journal of Geography/Revue Roumaine de Géographie*, 60(1).
- Taylor, P.J. *et al.* (2009) 'The UK space economy as practised by advanced producer service firms: Identifying two distinctive polycentric city-regional processes in contemporary Britain', *International Journal of Urban and Regional Research*, 33(3), pp. 700–718.
- Tissandier, P., Quang, T.T.P. and Archambault, D. (2013) 'Defining polycentric urban areas through commuting cohesion in France', in *Methods for Multilevel Analysis and Visualisation of Geographical Networks*. Springer, pp. 189–206.
- Toca, C.-V. (2012) 'Different territorial levels of Romanian-Hungarian cross-border cooperation'.
- Țoca, C.-V. and Czimre, K. (2016) 'Cross-border Cooperation at the EU Internal and External Borders', *Cross-border Cooperation in Europe between Successes and Limits*, p. 7.
- Yang, J., Song, G. and Lin, J. (2015) 'Measuring spatial structure of China's megaregions', *Journal of Urban Planning and Development*, 141(2), p. 04014021.
- Zhang, W. *et al.* (2016) 'Using location-based social media to chart the patterns of people moving between cities: The case of Weibo-users in the Yangtze River Delta', *Journal of Urban Technology*, 23(3), pp. 91–111.
- Živanović, V. *et al.* (2021) 'Concept of polycentricity—the differences between development policies and spatial reality', *Zbornik radova Geografskog instituta "Jovan Cvijić"*, SANU, 71(1), pp. 75–90.
- Živanović, Z. *et al.* (2019) 'Urban System in Serbia—The Factor in the Planning of Balanced Regional Development', *Sustainability*, 11(15), p. 4168.
- Zou, Y., Lu, Y. and Cheng, Y. (2019) 'The impact of polycentric development on regional gap of energy efficiency: A Chinese provincial perspective', *Journal of Cleaner Production*, 224, pp. 838–851.

III. SECURITY VERSUS OPENNESS OF BORDERS. SOCIAL, CONFESSIONAL AND CULTURAL DIFFERENCES BETWEEN COMMUNITIES

Mariana BUDA - *Languages and Western Balkans - The Context for the New Reality in UE*

Svetlana CEBOTARI, Victoria BEVZIUC – *The Russian-Ukrainian War. The Repercussions on Ukraine and The Republic of Moldova.*

Dragoş DĂRĂBĂNEANU, Ionuţ Mihai OPREA - *Migration in the Context of Globalisation. Social Aspects and Difficulties in the Bihar-Hajdu Bihar Border Area*

Mircea Ioan MATEI – *The Relevance of OSCE Special Monitoring Mission to Ukraine in the Context of the Conflict*

Florentina CHIRODEA, Ioana BORDEIANU – *Border Security Challenges in the Context of the Ukrainian War*

Cristina EJOVA – *International Political-Legal Regulation of Cooperation for Countering Terrorism in Europe*

Svetlana CEBOTARI, Anatoli BUZEV – *The Rights of Refugees from Ukraine in the Republic of Moldova*

Mircea BRIE - *Linguistic Individuality in the Republic of Moldova and North Macedonia: an Identity Border as a Political Foundation of National Construction*

LANGUAGES AND WESTERN BALKANS – THE CONTEXT FOR THE NEW REALITY IN EU

*Mariana Viorica BUDA**

Abstract. *In present, 4 countries from the Western Balkans have attained the status of EU candidate countries and other two the status of potential candidates. However, there are not so many researches regarding how the official languages of these countries will be incorporated as languages of the EU. Therefore, this article's purpose is to make an overview regarding the new reality in the UE in the context of a possible enlargement of the EU with the Western Balkans countries. This paper is literature-based that examines the current state of the languages spoken in Western Balkans and their relationship with the EU's language services.*

Keywords: *linguistic diversity, enlargement and languages, linguistic policy, Western Balkans, linguistic identity*

The Western Balkans, a region situated at the crossroads of Europe, has long captivated scholars, policymakers, travellers with its rich history, cultural heritage and also natural landscapes. The region comprises countries such as Albania, Bosnia and Herzegovina, Croatia, Kosovo, Montenegro, North Macedonia and Serbia. The term Western Balkans is used generally by the institutions of European Union to refer to the Balkan area that includes countries that are not members of the European Union (European Commission, 2008:2, Bieber, 2012:3). The counter part of the term, the Eastern Balkans, is not very used, as Romania and Bulgaria are already parts of the European Union. Regarding Croatia, which is member of the EU from 2013, the country left the Western Balkans for the European Union once the adhesion (Bieber, 2012:3). Exploring the general landscape of the Western Balkans, they showcase a blend of diverse cultures, ethnicities and also languages.

This article aims to provide a general overview regarding the linguistic landscape of the Western Balkans, by exploring its challenges and the futures prospects. In the first part we will explore the languages of the Western Balkans and its cultural background. Then, we will analyse the necessity of the preservation of the linguistic diversity by exploring the linguistic identity of the countries in the Western Balkans. In the third part we will explore the multilingualism, European policies and the new reality of the European Union once these countries members of the Union, if they will be accepted or if they will fulfil with the adhesion criteria.

* Lecturer PhD, University of Oradea, Faculty of History, International Relations, Political Sciences and Communication Sciences, Department of International Relations and European Studies, Romania. Contact details: mbuda@uoradea.ro, mariana.buda@yahoo.com

1. The linguistic landscape of the Western Balkans

The Western Balkans is known for its linguistic diversity, with various languages and dialects spoken in the region. These include Albanian, Bosnian, Croatian, Macedonian, Montenegrin, Serbian and several minority languages (Friedman, 2011:275). By studying these languages, researchers and linguists contribute to their preservation and documentation, which is crucial for maintaining the cultural identity and ensuring the continuity of these linguistic traditions.

According to Encyclopaedia Britannica, the majority of the languages spoken in the Western Balkans belong to the Indo-European language family. This family is one of the largest language families in the world and includes several branches, some of which are represented in the region. The languages spoken in the Western Balkans are part of the Slavic language group, the South Slavic branch with its two subgroups Bosnian-Croatian-Montenegrin-Serbian-Slovene and Bulgarian-Macedonian (Browne, Ivanov, 2023). Another language spoken in the Western Balkans is Albanian, which is the only spoken Illyrian language in the world (Hamp, 2023).



Fig 1: Western Balkans and its languages

Source: <https://davidsbeenhere.com/2015/01/02/languages-balkans/> Accessed May 23, 2023

The objective of this part of our paper is to explore the linguistic landscape of the Western Balkans, focusing on the languages of this diverse region. By delving into the linguistic dynamics, we aim to gain a deeper understanding of the contemporary situation, of the language policies and the role of language in identity formation within the Western Balkans.

As illustrated in Figure 1, the region currently comprises seven countries: Albania, Bosnia and Herzegovina, Croatia, Kosovo, Montenegro, North Macedonia and Serbia. Each of these countries has a different official language, which means that the Western Balkans is not a region stranger to multilingualism.

According to European Commission (2021a), the official languages spoken in the countries from the Western Balkans are: Albanian in Albania, Bosnian, Croatian and

Serbian in Bosnia and Herzegovina, Croatian in Croatia, Albanian and Serbian in Kosovo, Montenegrin in Montenegro, Macedonian and Albanian in North Macedonia and Serbian in Serbia (European Commission, 2021), as it can be seen in figure 2.

Country	Official language
Albania	Albanian
Bosnia and Herzegovina	Bosnian Croatian Serbian
Croatian	Croatia
Kosovo	Albanian Serbian
Montenegro	Montenegrin
North Macedonia	Macedonian and Albanian
Serbia	Serbian

Fig. 2: Official languages in Western Balkans
Source: Hoyte-West, A. (2021), p. 45-46

The region of Western Balkans has a complex political history reflected in its sociolinguistic situation. Within the entire Balkans, linguists recognize that the years of language contact have led to a series of common grammatical features between the languages spoken here, even if they are not linguistically related (Friedman, 2020:7).

The South Slavonic languages from the Western Balkans spoken as official languages in the respective countries are descendent from the Old Church Slavonic (Browne, Ivanov, 2023). Serbian and Croatian were standardised as related but convergent languages in the nineteenth century and during Yugoslav period they were merged into the Serbo-Croat language, which was considered a multipolar language and the common language of communication for the Yugoslav federation. Immediately after the fall of Yugoslavia and the end of the conflicts, the independent nations that emerged were desirous to have their own languages recognized. Therefore, the Serbo-Croat language separated into three tongues, very different but related. These tongues were Bosnian, Croatian and Serbian (Hoyte-West, A. 2021:48).

After the referendum regarding the Montenegro’s separation from Serbia in 2006, Montenegro declared Montenegrin as its own language and as a separate version of Serbo-Croat. Despite some minor differences in grammar and vocabulary, the four languages, Bosnian, Croatian, Serbian and Montenegrin, remain highly mutually intelligible (Hoyte-West, A. 2021:48).

Regarding the Macedonian language, it was officially recognized during the existence of the Republic of Yugoslavia. This language is closely related to Bulgarian (Friedman, 2020:9), but this linguistic similarity between the two languages is a subject of continuing controversy. Even if Bulgaria has recognised the fact that Macedonian is a separate language to Bulgarian since 1999, there still remained some disagreements on the topic. A Treaty of Friendship was signed in 2017 between the two countries, but despite this, some linguistic issues have come on the force again (Hoyte-West, A. 2021:49).

The Albanian language is the only non-Slavonic language from the official languages from Western Balkans. Linguists classify this language as a multipolar language and unique from a sub-group of the Indo-European languages. As mentioned

before, the Albanian language is an Illyrian language (Hamp, 2023). The Albanian language is official language in Albania, co-official in North Macedonia and also has official status in some municipalities from Montenegro. Last, the Albanian is also one of the two official languages of Kosovo, together with Serbian.

This linguistic landscape is a proof of the fact that the region has a rich and complex history of languages marked by the presence of different civilizations and cultural influences over the centuries. Understanding the languages spoken in this region provides insights into the historical and cultural heritage of the area.

Finally, the Western Balkan languages, which include Bosnian, Montenegrin, Croatian, Serbian, Macedonian, and Albanian, form a rich and complicated linguistic context. Despite their shared historical roots and geographical proximity, these languages have evolved into different entities, each with its own distinct traits and qualities. Despite their individualization, they share linguistic commonalities and mutual intelligibility, indicating the region's connectivity and common roots. Recognizing and enjoying the Western Balkans' linguistic variety is critical for understanding and embracing the cultural richness and identities of the groups who occupy this lively and diverse region.

2. The linguistic identity of Western Balkans

It can be easily noticed that the linguistic landscape of the Western Balkans is complex, with overlapping and intermingling influences. Historical events, political changes and contact between different linguistic groups have resulted in language variations and dialects.

It's not easy to speak about identity in a region where there was a millennium of byzantine domination, followed by approximately 500 years of Turkish, Venetian and Habsburg domination (Woelk, 2012:189). This region is a part of Europe which definitively wants to be part of the European Union and who believes in its own identity, even if it was not always this way.

Contrary to other European nations, the creation of the Socialist Federal Republic of Yugoslavia, followed other principles and valued other things than the rest of the nations. The major principle behind establishing this new state was Yugoslavism, in which people throughout Yugoslavia were united in "brotherhood and unity" (Woelk, 2012:190). Rather than language, the fundamental uniting force among constituent peoples was a feeling of common Yugoslav identity. This was the first unifying force for the people living in the actual Western Balkans.

Anthony Hoyte – West, an independent researcher from United Kingdom, argues in his article from 2021 named *The western Balkans and EU multilingualism: A focus on translation and interpreting* the fact that the complexities of the Western Balkans represent an excellent case study regarding the national identity (Hoyte-West, A. 2021:45). His explanation concerns the historical background of the region. Thus, the Ottoman Empire was the dominant power in the region for many years, but in the nineteenth century, various linguistic and ethno religious groups from the Balkans began to cultivate their independence. If we speak about the countries in the Western Balkans, Serbia, Montenegro and Albania, they obtained the independence in 1804, 1878 and in 1912 respectively. Regarding parts of Croatia and parts of Serbia, they remained under the Austro-Hungarian rule during the nineteenth and twentieth centuries. Also, the Habsburgs extended their empire by annexing the formerly Ottoman province of Bosnia – Herzegovina. Then, the horrors of First World War began (Hoyte-West, A. 2021:46). In

the period between the two world wars, Albania continued as an independent kingdom, but the territory of other modern six nations from the Western Balkans, together with Slovenia, formed part of the called Kingdom of Serbs, Croats and Slovenes that later became Yugoslavia. After the Second World War, both Albania and Yugoslavia became communist republics and Yugoslavia became a multi-ethnic and a multilingual federation. The fall of the Communism in the Eastern part of Europe led to significant changes in Central and Eastern Europe. Particularly in Yugoslavia, the disintegration of the multi-ethnic federation and the independence of its republics led to severe bloody conflicts and political conflicts that are present including nowadays (Hoyte-West, A. 2021:47).

It is important to note that while the Ottoman and Austro-Hungarian Empires left linguistic traces on the Western Balkans, the extent of their impact varied across different regions and linguistic communities. The degree of language influence depended on factors such as the duration of imperial rule, proximity to imperial centres, and the intensity of cultural and administrative interactions (Woelk, 2012:191-193).

Overall, the Ottoman and Austro-Hungarian Empires contributed to the linguistic evolution in the Western Balkans through vocabulary enrichment, administrative terminology, and the development of standardized languages. Their influences, along with other historical factors, have shaped the linguistic diversity and complexity that can be observed in the region today.

Language serves as a fundamental marker of ethnic and national identity in the Western Balkans, playing a pivotal role in shaping individual and collective senses of self. Within the region, different languages are closely associated with specific ethnic groups, such as Serbian, Croatian, and Bosnian for Serbs, Croats, and Bosniaks respectively. These languages are not only vehicles of communication but also symbols that reflect historical, cultural, and social dimensions of ethnic identity. Moreover, language variation, including dialects and regional variations, reinforces the distinct identities of various ethnic communities. Language's significance goes beyond ethnic boundaries and extends to the realm of national identity, as it plays a vital role in nation-building processes.

Language embodies the collective aspirations, cultural heritage, and historical narratives of a nation, thereby becoming an emblematic element in the construction of national identity. Nonetheless, the influence of language reaches beyond identity formation, as linguistic divisions have at times accentuated ethnic boundaries and led to conflicts. Language also acts as a vehicle for cultural expression, enabling the transmission of traditions, values, and literary heritage. While language is a significant marker of ethnic and national identity, it is essential to acknowledge that identity formation is multi-dimensional, incorporating factors like history, religion, geography and shared experiences.

A major contribution regarding the research on language in the Western Balkans is the work of Greenberg Robert which provides an overview referring to the intersection of language, politics and culture in the region. His research focuses on the language as a maker of national identity in nation state formation in the former Yugoslav republics and his main hypothesis states that the birth of new standard languages in the Balkans since 1991 was a direct result of the nationalist policies in Croatia, Serbia, Bosnia and Herzegovina and Montenegro (Greenberg, 2008). The work of Greenberg is important as it examines the region of the Western Balkans, a region where the language assumed a significant role in building the national identities. The author examines the history of the Serbo-Croatian language, which was the official language for four countries and analyses

the result from the “dead” of this language and the “birth” of its successors, Serbian, Montenegrin, Croatian and Bosnian (Čavoški, 2018:73; Greenberg, 2008).

According to Greenberg, from 1991, the three main successor languages to Serbo-Croatian-Bosnian, Croatian and Serbian, have created their new identities. He mentions that the Croatians have put big efforts in order to create a “pure” Croatian, free of all Serbian influences. On the other part, the Bosnian has focused their efforts on creating a Bosnian language full of Turkish and Arabic borrowings. In Serbia and Montenegro the linguists have debated the future of the Serbian successor language, questioning issues like the alphabet, the orthographic rules or which dialect should have official status (Greenberg, 2008). But, it seems that despite all efforts, the establishment of distinct ethno-linguistic identities has been problematic for all languages.

In one of its studies about the Western Balkans, Robert Greenberg mentions that, actually, in former Yugoslavia, the language issues have long been a reflection of inter-ethnic tensions, but at the same time a catalyst for deepening the inter-ethnic animosities (Greenberg, 2008). So, the linguistic identity played a very important role in crystallizing the national identity in the Western Balkans. After the collapse of Yugoslavia in 1991, the fact that the Serbo-Croatian language was broken and splited in two, has resulted in what some analysts have considered to be absurd and unnatural. It was proven that this act was highly emotional and it was a politically sensitive topic for everybody. Greenberg says that, in Western Balkans, “the last two decades were characterized by an increased competition among the Serbs, Croats and Muslim Slavs for the populations of ethnically mixed regions. The official concern was for the language rights of ethnic kin residing outside the borders of their home republic. This concern was strongest within Serbian linguistic circles” (Greenberg, 2008).

Despite all efforts of all parts, it was not possible to establish a distinct ethno-linguistic identity and that’s why, a nearly identical dialect has been chosen as an official one. This dialect extends from northwest Montenegro to several parts of Croatia, most of Bosnia-Herzegovina and the west part of Serbia. This dialect served as the basis for the joint literary language of Serbs and Croats. After Yugoslavia’s breakup, this dialect became the basis for standard Bosnian and Croatian languages, but it’s also recognized as one of the two dialects of standard Serbian (Greenberg, 2008).

Another research on the topic of identity by language is made by Sito-Sučić Daria who examines how new linguistic identities have become an integral part of national identities. Her research is based on the thesis that one nation identifies with one language and one territory. This is an earlier research on post-conflict language policy. She mentions that the language identity in Western Balkans became a highly emotional issue for the people in the states of former Yugoslavia. This aspect has become much politicized too because the linguists were not asked their opinion when the nation states appeared. She actually says in her study regarding the languages in Western Balkans that “From the point of view of internal language history, which refers to language structure, the language spoken in Serbia-Montenegro, Croatia, and Bosnia-Herzegovina is a single language, because differences among its spoken varieties in those countries make up no more than 3 percent to 7 percent of total lexicon. Native speakers do not need interpreters to understand each other. However, from the point of view of external language history, which refers to the broader context that influences language development, such as socio-political and cultural determinants, Serbian, Croatian, and Bosnian can be regarded as separate languages if the people who speak them so decide” (Sito-Sučić, 1996). In other

words, the experts, that are the linguists, were not involved in the process of separation of languages in Western Balkans.

Another study referring to languages and identity in the western part of the Balkans is the study made by Bugarski in 2012 and which explores the role of language in constructing collective identities, but as well as playing a role in establishing and modifying ethnic boundaries in relation with political borders. In his study, Bugarski examines the historical and dialectological developments of the languages spoken in the region in order to identify changes in ethnic and linguistic boundaries within the context of Balkan nationalism. In this study, despite the fact that the language was used as a weapon during the conflict, the author mentions that the national languages from the Western Balkans, the Serbian, the Croatian, the Bosnian and the Montenegrin, nevertheless remain a viable linguistic entity (Bugarski, 2012: 219).

Summarizing, the existing studies and researches regarding the topic of languages in the Western Balkans and the identity of the people living in the region is limited to the discussion of the intersection of politics and standard languages. There is a gap referring to the correlation between languages and the future integration of the Western Balkans in the European Union or how will be the new reality of the European Union if Albania, Macedonia, Montenegro and Serbia will be members of the European Union.

The language is very important in the establishment of state and national identities in contemporary Europe. Language has become an essential marker of national identity because it may be used to distinguish one ethnic group from others or to improve communication within one ethnic group.

3. Multilingualism, linguistic policies and the European Union

For the European Union “the Western Balkans consists of Albania, Bosnia and Herzegovina, North Macedonia, Montenegro, Kosovo and Serbia. All have a perspective to accede to the European Union and hence are also called 'enlargement countries'” (European Commission). However, given the political implications of this status, this has not been a smooth road for any of the countries mentioned above. In terms of future developments required for the potential candidate countries to satisfy the EU's criteria, vast political, legal, economic and public administration reforms would be required (European Commission, 2021).

For the moment, only Croatia has satisfied the Copenhagen criteria and acceded to the organisation in 2013 as the most recent member. For the other countries, there are agreements concluded with Bosnia & Herzegovina and Kosovo on one part, and Albania, Montenegro, North Macedonia and Serbia have all now been recognised as EU candidate countries on the other part (European Commission, 2021).

Given the fact that each of this four candidate countries has their own official language, respectively Albanian, Macedonian, Montenegrin and Serbian, some scholars paid attention to linguistic aspects of the Europeanization process. For example, an interesting approach can be seen in the study made by Svetlana Jakimovska in 2013 regarding the *Standardization of the Macedonian and French Legal Terminology as a Pre-Condition for a Successful Implementation of Euro-Atlantic Integrations*. The aim of her study is to represent the characteristics of terminology standardization in France and to compare to the terminology standardization in the Republic of Macedonia in order to point out the flaws and the possibilities of the overcoming (Jakimovska, 2013: 115). Her study has written in order to have a successful translation and to standardize the terms used in

Macedonian regarding the field of law. Another study referring to the translations in European Union is the one written by Čavoški Aleksandra in 2018 about the *Legal Language and EU Integration – The case of the Western Balkans*. Her approach refers to the translations of legal texts and legislation into the relevant languages once the Western Balkans countries will be part of the European Union, as well as other important aspects such as the provision of relevant terminological and linguistic database. Actually, Čavoški's study, by examining legal language and legal translation within the European Union accession process, argues that nation state formation and ethnic conflict had little impact on legal languages and cultures which remained very similar in the four candidate countries from the Western Balkans after the fall of Yugoslavia. Even more, through an analysis based on neo-functionalist theory of EU integration, Čavoški's paper explains how legal translation, though not a part of the EU enlargement strategy, becomes a vehicle of further EU integration as a result of political spill-over. The paper concludes that the four countries of the Western Balkans can be viewed as a particular and unique region resulting from a shared legal language and culture which may have potential implications for the EU's policy of multilingualism (Čavoški, 2018:70).

Even if there are studies regarding the terminology and the legal language once the Western Balkans countries will be part of the European Union, there are not so many studies regarding the integration of the new official languages of the European Union into the language services of the Union. On the subject, the only study that we have found is the one made by Hoyte-West Anthony in 2021, titled *The western Balkans and EU multilingualism: A focus on translation and interpreting*. His study focuses on examining current translation and interpreting provision for Albanian, Macedonian, Montenegrin and Serbian within the language services of the European Union. Also, specific attention is focused on the availability of relevant translator and interpreter training options (Hoyte-West, 2021:43).

The road to EU membership requires candidate countries to meet various standards, from legal, political, economic point of view. But, it is very important to note that the EU's multilingualism policy has also a role to play in this process and this is because of the fact that the EU, such as other international organizations like United Nations or NATO, subscribes to the concept of linguistic equality which means that the official language or languages of each member state also become official languages of the whole organization (Hoyte-West, 2021:43). It is not easy to determine the exact number of the EU's translation and interpreting services, because each organization maintains their own data, but we know the fact that, in addition to translators and interpreters, a range of other linguistically-trained staff, for example lawyer-linguists, proof-readers and language editors are also required in the language services of the European Union (European Personnel Selection Office, 2023).

If the four candidate countries will be full members of the European Union, the recruitment of translators and interpreters will not suffer significant changes (Hoyte-West, 2021:52), as the services of the European Union are used to enlargements and to add languages to the series of official languages. The staff is recruited by competitive examinations, also known as concours. In addition to the tests that are part of the recruitment process, the candidates for translation are required to sit two translation tests into the mother tongue: one from English, French or German and the other one from any current EU official language. For the interpreters, they must hold a degree in conference interpreting or minimum a year of professional experience in conference interpreting; the

tests consist of consecutive and simultaneous interpreting exercises from at least two official languages of the European Union (European Personnel Selection Office, 2023).

The majority of the EU institutions use also freelance translators for the majority of the institutions. Actually, for translations into non-EU languages, such as the languages of the four candidate countries, this is the way that relevant linguistic needs are managed. For freelance interpreters the recruitment process is different. The interpreters must hold a degree or professional experience in conference interpreting, but they have to pass an inter-institutional accreditation test that demonstrates their ability to interpret in both simultaneous and consecutive modes from at least two languages into their mother tongue. The admission to the testing procedure is competitive and the profiles of desired language combinations are published each year (European Personnel Selection Office, 2023).

The tests for EU and non EU languages take place periodically. For example, regarding the accession of the Western Balkans countries, tests for Albanian interpreters were scheduled for April 2020, but they have been postponed due to the pandemic (European Commission, 2020). A very important aspect to be considered is the fact that in terms of candidates for the inter-institutional freelance interpreting tests, currently candidates offering very similar languages, as for example interpreting from Danish into Swedish, or from Czech into Slovak are not admitted. Regarding the tests for the upcoming countries, it can be assumed that similar restrictions would be also applicable (Hoyte-West, 2021:54). Thus, with Croatian already an EU official language, in the future, and respecting the current EU multilingualism policy, it is possible that there will also be separate booths for Serbian and Montenegrin languages.

Regarding the translators training, the European's Commission' Directorate for Translation works with institutions across Europe via the European Master's in Translation. Despite its name, this entity does not offer any degree, but is rather a consortium of universities offering high-quality courses which satisfy entry criteria (European Commission, 2023). The membership is also open to institutions operating in candidate countries, but no members from Albania, Montenegro, North Macedonia or Serbia have been recorded until now, thing that they will have to do last until 2024 (Hoyte-West, 2021:54). However, EU officials from the Croatian and Slovenian translations units have delivered professional training on translating the *aquis communautaire* for linguists from the four candidate countries from the Western Balkans. Anyway, this activity is separate from the translators training courses that usually are available at universities in all four countries (Hoyte-West, 2021:55).

To summarize, this overview of the intersection between the Western Balkans and the EU multilingualism, demonstrates that the integration of the official languages of Albania, North Macedonia, Montenegro and Serbia into the translation and interpretation directorates of the European Union will not pose significant logistical problems. However, the similarities between the former Serbo-Croatian languages may require some accommodation at practical level. It is clear that the cooperation in the field of translator training is an area for development for all four languages regarding their inclusion in the European directorates for translators. However, it is very important to remember the fact that a country's EU candidacy is first of all a political act and the state of affairs can change at any time.

With these various languages spoken by members of different ethnic groups, the Western Balkans have been no stranger to multilingualism throughout their history. Despite this historical fact, the application of the multilingualism policy is a different

reality that will touch the region once the countries will be accepted as full members. The new linguistic reality formed into the European Union will be the territory for deeper analysis and researches in the field. Though multilingualism policy is one of founding principles of the European Union, the Western Balkans region certainly will provide the opportunity for the EU to rethink also its approach to legal translation, if and when the countries in the region will accede.

Bibliography and references

- Bieber, Florian (2012), *The Western Balkans are Dead—Long Live the Balkans! Democratization and the Limits of the EU* in *Unfinished Business: The Western Balkans and the International Community* by Vedran Džihic & Daniel S. Hamilton (eds), Ed. Center for Transatlantic Relations SAIS
- Bugarski, Ranko (2012), *Language, identity and borders in the former Serbo-Croatian area*, *Journal of Multilingual and Multicultural Development*, 33:3, 219-235, DOI: 10.1080/01434632.2012.663376
- Browne, Wayles and Ivanov, Vyacheslav Vsevolodovich (2023, May 25). *Slavic languages*. Encyclopedia Britannica. <https://www.britannica.com/topic/Slavic-languages>
- Čavoški, Aleksandra (2018), *Legal Language and EU Integration – The case of the Western Balkans*, *International Journal of Language and Law*, vol 7. Accessed May 28, 2023, <https://www.languageandlaw.eu/jill/article/view/52/35>
- European Commission, *Enhanced EU engagement with the Western Balkans*, 2021, Accessed May 20, 2023 https://neighbourhood-enlargement.ec.europa.eu/enlargement-policy/enhanced-eu-engagement-western-balkans_en
- European Commission, *Western Balkans: Enhancing the European perspective*, 2008. Accessed May 20, 2023 http://ec.europa.eu/enlargement/pdf/balkans_communication/western_balkans_communication_050308_en.pdf
- European Commission, *Western Balkans*, Accessed May 28, 2023, https://research-and-innovation.ec.europa.eu/strategy/strategy-2020-2024/europe-world/international-cooperation/western-balkans_en
- European Commission (2023), *Centre of Interpretation*, Accessed May 20, 2023, <https://knowledge-centre-interpretation.education.ec.europa.eu/en/universities>
- European Personnel Selection Office (2023). Accessed May 25, 2023, <https://epso.europa.eu/en/search/node?keys=language>
- Greenberg, Robert (2008), *Language, Identity and Balkans Politics: Struggle for Identity in the Former Yugoslavia*, Global Europe Program. Accessed May 25, 2023, <https://www.wilsoncenter.org/publication/216-language-identity-and-balkan-politics-struggle-for-identity-the-former-yugoslavia>
- Friedman, V. A. (2020) “*Language Issues in former Yugoslav Space: A Commentary*”, *Aegean Working Papers in Ethnographic Linguistics*, 2(2), pp. 6–22. doi: 10.12681/awpel.22594, Accessed May 27, 2023
- Friedman, Victor A., (2011) *The Balkan languages and Balkan linguistics* in *Annual Review of Anthropology* 40: 275-291
- Jakimovska, Svetlana, (2013), *Standardization of the Macedonian and French Legal Terminology as a Pre-Condition for a Successful Implementation of Euro-Atlantic*

- Integrations*. Balkan Social Science Review, 1, 115-127. Accessed May 25, 2023
<https://js.ugd.edu.mk/index.php/BSSR/article/view/584/560>
- Hamp, Eric P. "Albanian language". *Encyclopedia Britannica*, 5 May. 2023,
<https://www.britannica.com/topic/Albanian-language>. Accessed 13 July 2023.
- Hoyte-West, A. (2021). *The western Balkans and EU multilingualism: A focus on translation and interpreting*. Thesis, 10 (1), 43-65. Accessed May 25, 2023
https://www.researchgate.net/publication/352877092_The_western_Balkans_and_EU_multilingualism_A_focus_on_translation_and_interpreting
- Sito-Sučić, Daria (1996). *The Fragmentation of Serbo-Croatian into Three New Languages*. *Transition*, 2(24), 10–13. Accessed May 27, 2023,
<https://govori.tripod.com/daria.htm>
- Woelk, Jens (2012), *Identity-Diversity and the Territorial Dimension in the Western Balkans* in *Europe en formation*, 2012/1, no. 363, Editions Centre international de formation européenne. Accessed May 27, 2023, *Identity-Diversity and the Territorial Dimension in the Western Balkans* | Cairn.info

THE RUSSIAN-UKRAINIAN WAR. THE REPERCUSSIONS ON THE UKRAINE AND THE REPUBLIC OF MOLDOVA

*Svetlana CEBOTARI**
*Victoria BEVZIUC***

Abstract. *The invasion of Ukraine by the Russian Federation is shaping up to be one of the most important wars since the end of World War II. The Russian-Ukrainian war is not just a regional war, it is the war that marks the rupture in the relations between Russia and the West, it is the war that will have profound repercussions both for Europe and for the whole world. The Russian Federation's military aggression against Ukraine brought Moscow's actions back into the spotlight of the international community. The repercussions of the war in Ukraine will remain the subject of discussion for many years to come in the speeches of Western leaders, but it will also become an area of scientific research. The invasion of Ukraine by the Russian Federation conditioned not only metamorphoses in the system of international relations, but also caused economic losses to the whole world, especially to Ukraine, which became the epicenter of the conflict.*

The objective of this article is to highlight the repercussions of the unjustified invasion of the Russian Federation on Ukraine on all dimensions: economy, infrastructure, transport, health, education, etc.

Keywords: *war, impact, losses, Russian Federation, Ukraine.*

Introducere

The war launched by the Russian Federation against Ukraine tends to become one of the most important military conflicts since the end of World War II. The Russian-Ukrainian war is not just a regional war, it is the war that marks the brake in relations between Russia and the West, it is the war that will have profound repercussions for both Europe, as well as for the whole world. More than three decades after the collapse of the Soviet Union, the Russian Federation's military aggression against Ukraine has brought Moscow's actions back to the attention of the international community. The war in Ukraine, as well as its consequences on the international relations system, will remain a topic of discussion for many years to come in the speeches of Western leaders, will also become an area of scientific research. The invasion of Ukraine by the Russian Federation has conditioned not only metamorphoses in the system of international relations, but also

* Svetlana CEBOTARI, doctor habilitat în științe politice, profesor universitar, Departamentul Relații Internaționale, Facultatea de Relații Internaționale, Științe Politice și Administrative, Universitatea de Stat din Moldova, e-mail: svetlana.cebotari11@gmail.com.

** Victoria BEVZIUC, doctor în științe politice, lector. Departamentul Științe Politice și Administrative, Facultatea de Relații Internaționale, Științe Politice și Administrative, Universitatea de Stat din Moldova, e-mail: victoria.bevziuc@usm.md.

conditioned economic losses on the whole world, especially Ukraine, which has become the center of the conflict.

In order to better understand the consequences of the invasion of the Russian Federation in Ukraine, there is a need to make a brief analysis of the losses suffered by Ukraine on all dimensions: energy, economic, infrastructure, transport, education, culture, etc.... Thus, using the data provided by the report, Second Ukraine Rapid Damage and Needs Assessment -RDNA2 ” („ *Ukraine's second rapid assessment of damage and recovery needs* ”) developed at the initiative of the Government of Ukraine, the World Bank Group, The European Commission and the United Nations we could outline an integral picture of the losses accumulated by Ukraine during the first year of the war 2022-2023. The Report also becomes a tool and a basis for coordinating efforts with international partners and will also help accelerate the country's more efficient reconstruction process. Report „ *Ukraine's second rapid assessment of damage and recovery needs* ” presents the conclusions on Ukraine's losses from 24 February 2022 to 24 February 2023 and provides for the assessment, reconstruction and recovery of Ukraine's economy in the short, medium and long term ” (*За рік повномасштабної війни*).

The consequences of the war on Ukraine

The unjustified war of the Russian Federation in Ukraine had a strong impact on all spheres of activity: economy, energy sphere, social, medicine, transport, infrastructure, education, ecology... For a better understanding of the consequences of war, as well as for the presentation of an integral picture with reference to the situation in Ukraine during a year, there is a need to make a multidimensional analysis of the impact of the war in Ukraine.

a) Economic dimension

Since February 2023, the total amount of damage to Ukraine's infrastructure due to Russia's invasion of Ukraine has been \$ 143.8 billion. According to project experts „ *Russia will pay* ”, losses in areas such as infrastructure, education, energy, transport, trade and health care continue to increase (*Презентовано звіт щодо збитків України*). The continued aggression of the Russian Federation throughout 2022 and early 2023 increased the volume of damage caused by missile strikes on the country's infrastructure, especially in the energy sector, as well as the bombing of cities to the Southern and Eastern Ukraine (*Звіт про прямі збитки ...*, 2022: 4). According to the data presented by the Deputy Minister of Community Development, Territories and Infrastructure of Ukraine Oleksandra Azarkhina and the head of the Agency for Reconstruction and Infrastructure Projects, Mustafa Nayem, the assessment of direct physical damage are activities of the Good Governance Fund project „ *Development of the government's ability to assess war losses and damage and reconstruction needs* ”, which was implemented by the Kiev School of Economics in cooperation with Abt Britain and with the support of the British government (UK Aid). The evaluation was carried out within the National Council for the Recovery of Ukraine from the Consequences of War together with the Ministry of Community Development, Territories and Infrastructure, the Ministry of Health, Ministry of Reintegration in cooperation with other relevant institutions such as the Ministries and the National Bank of Ukraine (*За рік повномасштабної війни*).

Since the beginning of the large-scale Russian military invasion, the total amount of damage to Ukraine in relation to residential and non-residential real estate, other

infrastructure has amounted to over \$ 143.8 billion. The largest share in the total volume of direct losses belongs to residential buildings (37.3% which amounts to USD 53.6) and infrastructure (25.2% or USD 36.2 billion). Cumulated direct losses from the destruction and damage of public sector facilities (social objects, educational, scientific and health institutions, cultural buildings, sports objects, administrative buildings, etc.) amounts to approximately \$ 13.69 billion. In the first weeks of the war, at the end of February and the beginning of March, combat operations took place in 10 regions of the country. Since early March 2023, hostilities have continued in Kharkov, Lugansk, Donetsk, Herson and Zaporizhzhia. Thus, according to the estimates made in 2023, the most affected regions in Ukraine are: Vinnytsia (529 million USD); Volynska (25 million USD); Dnipropetrovsk (2.045 million USD); Donetska (32.217 million USD); Jytomyrska (750 million USD); Zakarpatska (14 million USD); Zaporizhzhia (10.528 million USD); Ivano-Franki; Kirovohradska (330 million USD); Lugansk (17,681 million USD); Lvivska (171 million USD); Mykolaivska (6,326 million USD; Odessa (555 million USD); Poltavska (263 million USD); Rivnenska (79 million USD); Sumy (2,968 million USD); Ternopil'ska (53 million USD); Harkiv'ska (31,206 million USD) Herson'ska (7.310 million USD); Cherkasska (130 million USD); Chernivtsi(68 milioane USD); Chernihiv'ska(6,364 million USD); Kiev (1.19 million USD). In the context of the analysis of the conditioned damage to the war, we can mention that the most affected cities in Ukraine are: Maryinka, Mariupol, Irpin, Kharkov, Chernihiv, Severodonetsk, Lysychansk, Vugledar, Sumy, Rubizhne, Izyum, Mykolaiv, Bakhmut, Volnovakha. A final assessment of the amount of damage and destruction to Ukraine's education by Russia will only be possible after the end of hostilities on the territory of Ukraine (*Зем про прями збитку ...*).

Analyzing the impact of the war on the economic sector, we can see that it has affected the financial dimension of the country, especially affected the Ukrainian banking system. Customer business has also been affected. The direct losses in the financial sector, including real estate damage, are amounted to \$ 44 million. At first, banks had to reduce branch activity in the occupied territories, where there were threats to staff safety. According to the Financial Stability Report, at the beginning of March 2022, only 21% of departments worked in / or near battle zones. In the context of shares in the occupied areas of Ukraine, the ownership of banks was also affected. According to the results of bank surveys conducted by the NBU, since December 2022, the residual value of banks' property, which was lost, destroyed or lost control, are amounted to \$ 26 million. In the occupied territories, the banks were robbed by Russian troops. By early May, the amount lost due to robberies are amounted to 470 million UAH (*ibidem*).

a) Housing Fund

The amount of damage from the destruction of the housing fund exceeds USD 53.6 billion. In total, more than 150,000 residential buildings were damaged or destroyed, including private buildings (*ibidem*). The active bombing of missile and artillery cities is a component of the top military tactics of the Russian Federation, which leads to the significant destruction of the housing fund in cities, especially in those near the front line. According to data from February 2023, as a result of Russia's hostilities, more than 50% of the housing stock was damaged or destroyed. This requires not only the restoration of individual buildings, but also the complete restoration of cities, the development of new urban planning documentation and other measures. The housing fund in cities such as: Mariupol, Kharkov, Chernihiv, Severodonetsk, Rubizhne, Bakhmut, Maryinka,

Lysychansk, Popasna, Izyum and Volnovakha was most affected. Thus, according to the preliminary estimation, 90% of the housing fund in Severodonetsk was damaged. In cities such as Bakhmut and Maryinka, intact buildings are almost unearthened. At the same time, the number of damaged residential buildings (both multi-storey buildings and individual buildings) is increasing due to continued active hostilities in the territories of Kharkov, Luhansk, Donetsk, Zaporizhzhia, Herson and the temporary occupation of part of Ukraine, as well as in the rest of the country due to regular missile attacks. According to preliminary data from the regional military administrations, as of February 24, 2023, the total number of objects destroyed or damaged from the housing fund is about 153,860 buildings, of which 136,000 are private houses (individual); 17.5 thousand - multi-apartment buildings; 0.3 thousand - homes. The total area of damaged or destroyed objects is 83.1 million square meters, which represents 8.2% of the total area of the housing fund of Ukraine. 1.3 million households (were also destroyed or approximately 3.2 million citizens were left homeless). According to the preliminary estimation, the value of direct losses for the housing fund is \$ 53.6 billion. In addition, according to preliminary data, it was destroyed or damaged by hostilities (630 administrative buildings, of which: 580 are buildings of state and local bodies; 50- administrative services centers). The value of losses for administrative buildings is approximately USD 0.54 billion (*Звіт про прями збитки, 2022: 7-8*).

In addition to the housing stock, companies were destroyed, amounting to \$ 11.3 billion values. Tens of thousands of small private enterprises were damaged or destroyed. The real number is probably higher, as no data are provided on the damage to companies in the territories temporarily occupied by the Russian Federation. Currently, in Ukraine, companies can be divided into two groups: the first group of companies is the one accidentally destroyed or „ for the company ” during the bombing of military units and populated areas, and the second group - intentionally destroyed, as part of the strategic blows with targeted missiles (*ibidem: 14*). According to the Ukrainian Council of Shopping Centers (UCCS), 329 shopping centers were affected, of which 8 were destroyed and 18 were damaged. The amount of direct losses suffered by shopping centers as a result of military operations is \$ 402 million.

a) infrastructure

In second place in terms of the amount of damage caused is the center of the infrastructure. According to the estimation, during a year of war, infrastructure losses are estimated at \$ 36.2 billion (*За рік повномасштабної війни ...*). Analyzing the damage to Ukraine during 2022-2023, it is worth mentioning that 223,400 cars worth \$ 3.1 billion (*ibidem*) were destroyed or damaged during the war . Infrastructure objects have become key targets for attacks by the Russian military. In particular, in the first weeks of the war, Russian troops carried out massive attacks on aviation infrastructure, military, civilian and military-civil or dual aerodromes. The railway and road infrastructure objects also became a target of fire during artillery attacks and, secondly, due to the fact that Russian tanks moved actively on Ukrainian roads during the entire period of military aggression. In particular, the roads in the Northern part of Ukraine, those in Belarus, where the conquest of Kiev was attempted, were affected.

Since the beginning of hostilities in Ukraine, at least 126 stations have been damaged and civil aerodromes. According to preliminary estimates, the total volume of infrastructure losses in Ukraine amounted to \$ 36.2 billion. The approximate length of roads that have been damaged as a result of rocket attacks and as a result of the movement

of tanks is about 25,100 km. According to the Ministry of Infrastructure, the greatest damage to road infrastructure was done in the Chernivtsi region, Kiev, Sumy, Harkiv Region.

The preliminary estimation shows that the level of damaged roads (state and local, as well as municipal 17 roads) ranged from 0% to 95% and represented on average about 10% of the total roads in the regions that were occupied by the troops of the Russian Federation or where combat operations took place. In the conditions of war, separate road and bridge restoration works were carried out. Thus, the passage of 78 artificial structures on roads of state importance in 2022 (was restored, especially in the Kiev regions (20), Chernivtsi (20) and Kharkov (17) and 2 from the beginning of 2023 (3 more bridges are in operation). Also, in 2022, 2.2 thousand km of state roads (including approximately 612 km in Harkivska were cleaned, 588 km in Mykolaiv and 516 km in the Kiev region) (*Звіт про прямі збитки інфраструктури: 18*).

With the beginning of the war, the Ukrainian railway clearly demonstrated its role as an object of critical infrastructure, contributing to the free evacuation of millions of Ukrainian citizens (as well as a large number of businessmen) who were found in the war zone; and also, for the delivery of critical materials and equipment in these regions. Under the conditions of the war, the Ukrainian railway became an active target for Russian bombings and attacks. According to the preliminary estimation, total direct losses of the railway are estimated at \$ 4.3 billion (*ibidem: 19*).

The aviation industry began to suffer losses due to military aggression just before hostilities began. Thus, on February 12, 2022, global insurance companies informed Ukrainian carriers about the termination of aircraft insurance due to the great threat of invasion of Russia. This led to the cancellation of flights of international air carriers to Ukraine. With the beginning of hostilities, airspace above Ukraine was instantly closed, and the Air connection was interrupted. At the same time, Russian troops began active missile attacks on all key airfields in Ukraine, trying to deprive it of its ability to provide air defense. As a result, 19 out of 35 aerodromes were damaged, including 12 civilians and 7 dual-use aerodromes (excluding military airfields). Some airfields have been bombed repeatedly. As in the case of the road situation, detailed information on the state of the damage / the possibility of repairing the aerodromes in most airports can only be established as a result of technical examinations, which in turn, are possible only after the end of active hostilities. However, according to preliminary calculations, the amount of damage to the aviation industry (airports, aerodromes, aviation equipment) is about \$ 2.14 billion (*ibidem*).

The losses to port infrastructure and related businesses are estimated at \$ 496 million. This estimate includes both port infrastructure and inland water transport facilities, which were destroyed following the war. In total, at least four properties have been destroyed or damaged since the beginning of the war: the grain terminal in the port of Mykolaiv „ Nika-Tera ”, the ports of Mariupol, Berdyanska and Skadovska are still occupied. Although they were liberated, the ports of Kherson, Mykolaiv and the port of Olvia are not yet operational. Due to the blockage of the bottom, the Dnieper River is not navigable (*ibidem: .20*).

The losses to postal operators are estimated at \$ 13 million. The amount is calculated based on data from Ukrposhta and Nova poshta. Since the beginning of the war, several hundred post offices have been destroyed or damaged, dozens of terminals / depot and vehicles, as well as a large number of packages for which operators are financially

responsible. The total direct losses of telecommunications operators are estimated at USD 566 million (*ibidem*: 21).

The documented direct losses from the destruction of health units amount to USD 1.8 billions. In total, since the beginning of the war, at least 1,216 health institutions have been damaged or destroyed. These include hospitals, polyclinics, dental clinics, consulting and diagnostic centers, medical offices, paramedic and midwifery positions, outpatient, rehabilitation and health centers, laboratory centers and blood storage centers, commercial buildings of health institutions. The damage to health units represents about 1.2% of the total cost of Ukraine's losses. By types of health care units. More than half of the direct losses of the health industry are concentrated in two regions-Donetsk and Kharkov (*ibidem*: 8, 9).

Under the conditions of the war, the direct costs of healthcare have also increased. According to experts, by the end of winter in 2023, the value of trade losses had increased to \$ 2.6 billion, and the medical industry has suffered infrastructure damage of another \$ 100 million, so the total direct losses of this sector are estimated at \$ 1.8 billion. At the same time, in the latest calculations, KSE project experts „ Russia will pay ” estimated losses for industry and businesses from \$ 13 billion in December 2022 (*За рік повномасштабної війни*).

a) agriculture, land resources and forest fund

Starting with February 24, 2023, the amount of direct losses suffered in the agro-industrial field of Ukraine was \$ 8.7 billion. The assessment of direct losses of the agro-industrial complex and agricultural infrastructure includes the following main components: loss of agricultural machinery; loss of lifts and granaries; animal losses; loss of perennial crops due to damage to plantations; losses in the field of beekeeping; loss of finished products due to their damage and theft. The largest loss is the destruction of agricultural machinery, worth more than \$ 4.65 billion. The second category of losses is those conditioned by the thefts of the Russian military, the total cost of which is estimated at 1.87 billion USD. The storage infrastructure for agricultural products has suffered significant losses. The total capacity of the destroyed granaries reaches 8.2 million tons, and the capacity of the damaged barns reaches 3.25 million tons of storage capacity. The cost of rebuilding destroyed facilities is estimated at \$ 1.33 billion (*Звіт про прямі збитки інфраструктури*: 15, 16

b).ecological dimension

According to the results of the first year of the war, the value of the damage caused to the forests of Ukraine amounts to USD 4.5 billion (*За рік повномасштабної війни*). According to Zoë Environment Network, the total area of forest fires in the territories where active hostilities took place is about 298,000 hectares. According to calculations of the Statistical Service of Ukraine - the area of forest plantations that has been destroyed is about 5270 hectares. Forest losses due to fires are estimated at over 82.9 million cubic meters of wood with an estimated value of \$ 4.5 billion (*ibidem*). Russia's military aggression has also led to a number of dangerous impacts on all components of the environment: atmosphere, soils, landscapes, waters, vegetation, fauna. The main danger to the environment in the conditions of military operations is related to the risk of pollution as a result of the damage of industrial enterprises and infrastructure following the blows with ammunition. Among the many industrial enterprises that have suffered damage and can condition damage to the environment, the most environmentally dangerous are those in Chornobyl, Zaporizhzhya, Khmelnytskyi, Rivne and nuclear power

plants in Southern Ukraine, Kiev, Dnipro, CHE Kremenciuk, Dnistrovsk and Kakhovskaya, thermal power plants, chemical and metallurgical enterprises, mines, oil refineries, enterprises, storage of petroleum products, etc. The damage to infrastructure and disconnection from the energy source of coal mining enterprises, as well as systemic mine drainage shutdown and, in some cases - flooding of mines will condition surface water pollution, floods and pollution of nearby areas.

In the context of the analysis of the damage caused by Russian military operations in Ukraine, the degree of soil pollution is also worthwhile. The risk of soil damage in war zones is enormous. Since February 24, 2022, there have been repeated violations of hydraulic structures, water supply and drainage systems and objects. In total, since 1 March 2023, due to hostilities, 1,220 cases of interruption of work and accident situations have taken place in at least 629 industrial plants, 27 enterprises and other critical infrastructure objects that could lead to environmental pollution. As a result of military maneuvers, the construction of fortifications, explosions, it has been complicated to manage waste, especially in areas populated along front lines. According to Zoë Environment Network data, 188,000 square kilometers of soil are at risk of damage or pollution. Also, as a result of the bombings, 105,000 square kilometers of soil were contaminated (*Звіт про прями збитки інфраструктури : 2*).

The combat operations on the territory of Ukraine have led to significant pollution and damage to the fund of nature reserves. There were 393 nature reserves and objects of the Emerald network in the battlefield, which represents more than a third of the entire fund of Ukraine's nature reserve. In total, after the aggression, about 46,000 square kilometers of objects were destroyed. The biggest risks are related to forest fires that occur as a result of ammunition explosions or combat actions. In addition, significant forest areas have been damaged due to military maneuvers and ammunition explosions. According to Zoë Environment Network, 298,000 hectares of forest were destroyed. Also, in the battle zone, 1,438 thousand hectares of plains were destroyed as a result of grass fires, which together with the burning of oil and petroleum products caused significant air pollution. Thus, according to estimates, due to hostilities in Ukraine, 5.5 million tons of pollutant emissions were thrown into the atmosphere: nitrogen oxides, carbon monoxide, non-methane volatile organic compounds, sulfur oxides, substances in the form of solid particles in suspension: lead, cadmium, mercury, arsenic, chrome, copper, nickel, selenium, zinc; dibenzo-para-dioxins and polychlorinated dibenzofurans. The damage caused by emissions of air pollutants amounts to nearly \$ 25.8 billion, of which \$ 15 billion is damage from forest fires, \$ 10 billion - damage from grass fires, \$ 752 million - damage from the burning of oil and petroleum products (*ibidem: 28*).

The beginning of the war paralyzed virtually many aspects of environmental protection. The destruction of the environmental protection system in the fighting areas has led to the loss of information about the state of the environment, the monitoring of the environment is not carried out on a part of the occupied territories, ecosystem services and measures to improve and reduce the state of the environment are not provided, no systems for the purification of gas emissions are implemented. In order to reduce the negative impact of war damage on the environment, immediate measures need to be taken to protect and restore ecosystems in the affected areas. Such measures may include land rehabilitation, restoration of forest plantations, purification of water resources, disposal of ammunition and mines, as well as pollution prevention measures (*ibidem*).

b) Education system

The field of education is one of the most affected. As a result of the fighting, 3,170 educational institutions were destroyed. Of these, almost 1,500 are secondary education institutions, 909 are preschool institutions, and 528 are higher education institutions. At the end of February 2023, losses in education reached \$ 8.9 billion (*За рік повномасштабної війни ..*). In addition, the educational process in many regions has been stopped or online education has been completed. This has forced the state to reduce spending on education from the state budget, to direct some of the money to the most urgent needs such as defense, disaster relief and increased social needs. In total, as a result of hostilities, at least 915 objects of the educational infrastructure were destroyed and 2,165 were damaged. The educational institutions whose damage is assessed also include preschool institutions (kindergartens), secondary (school), pre-university (faculty and technical schools), higher education (institutes, universities, academies) and specialized education. The main losses in the field of education refer to middle schools, preschools and vocational schools. The military operations active in the 11 regions of Ukraine have caused heavy losses from the destruction and damage of educational institutions in Harkiv, Donetsk, Chernivtsi, Zaporizhzhia and Kiev, 1,497 schools and 909 kindergartens were destroyed. The areas of Volyn, Zakarpattia, Ivano-Frankivsk, Poltava, Ternopil and the Chernivtsi regions were less affected. Also, under the conditions of the war, the scientific infrastructure suffered losses. According to preliminary estimates, 117 real estate objects and 34 institutes of the National Academy of Sciences of Ukraine were destroyed, damaged or removed for the needs of the Armed Forces of Ukraine. The losses to the scientific institutes of the National Academy of Sciences of Ukraine amount to USD 7.8 million (*ibidem*).

j) energy sector

The damage to the Ukrainian energy sector through massive rocket strikes by Russia since October 2022 has conditioned direct losses on the energy sector amounting to \$ 8.1 billion. The increase in losses occurred in relation to the damage previously caused to nuclear energy, as well as in connection with the updating of calculations on damage to natural gas transmission installations. The amount of direct losses caused to the agro-industrial complex and land resources is USD 8.7 [*ibidem*]. The electricity generation and transportation sector suffers the most from Russian military aggression. The Russian Federation continues to carry out targeted and large-scale attacks on objects, which ensure the production, transport and distribution of electricity. During the first year of the war there was a large-scale invasion of all thermal power plants controlled by Ukraine (TES), hydroelectric power plants (HEP) and also, on 13 thermal power plants (CHP). In addition, the largest nuclear power plant in Europe, the Zaporizhzhya plant (capacity of the nuclear power plant was more than 10% of the entire capacity of the Ukrainian energy system before the Russian invasion) remains under Russian occupation, maintaining limited control by SE „ NAEK Energoatom ”. The occupied nuclear power plant does not supply electricity. The state provides its internal needs in the Ukrainian energy system, as well as in diesel generators (*Звіт про прямі збитки інфраструктури: 23*).

Also on the territories occupied by the Russian Federation after February 24, 2022, the TPPs were located in Vugleghirska, Zaporizhzhya and Luhansk, and the Kurakhivska TPP is surrounded by fierce battles. Kakhovskaya, which also suffered significant damage, remains busy as a result of bombings by Russian troops. Renewable electricity producers (RES) also suffer significant losses. According to the Energy Charter Secretariat, 13% of solar generation capacity is located in the occupied territories,

and 8% of solar batteries have been damaged or destroyed; about 80% of the generation of wind energy was partially damaged due to bombings; 2% of bioenergy capacity is in the Russian occupation zone. At least 4 plants focused on biogas energy production have suffered as a result of bombings. The continuation of active hostilities on a large part of Ukraine's territory, as well as the massive bombing by the Russian Federation, also led to the deterioration and destruction of electricity transmission and distribution objects. The value of direct damage caused by the Russian invasion affected the electricity transmission system. It is estimated that the value of losses in the energy sector reaches 2 billion USD, and that of distribution companies - over 350 million USD. In the first months of the invasion, the Russian Federation destroyed oil and oil processing and storage facilities. Thus, 30 oil deposits of different sizes and levels of modernization were destroyed, as well as fuel that was stored in them. According to the estimate, the direct losses caused to the fuel storage sector amount to almost 260 million USD. In addition, the aggressor repeatedly fired at the large oil refineries that were active - Shebelinsky (Harkivsk region) and Kremenchuk (Poltava region) (*ibidem*:24).

i) social protection

The war in Ukraine had direct consequences for society. Its effects have aggravated the situation of the population both economically and socially. Wars have the effect on society of unrest in all sectors, causing disorder and chaos in the country. Do wars also cause psychological disorders, physical violence (¿*Cuáles son mains in the guerra?*). The main consequence of the war in Ukraine is the loss of human lives and the humanitarian crisis associated with the multitude of besieged and displaced people. Russia's invasion of Ukraine is a major humanitarian crisis affecting millions of people and conditions a severe economic shock whose duration and magnitude are uncertain (*Guerre en Ukraine ..*). Beyond the humanitarian catastrophe, the war that takes place near the borders of the Republic of Moldova has profound economic consequences, not only for the two countries (MIRCA C). Tens of thousands of Ukrainians continue to leave their country daily as a result of the war. On March 28, 2022, the number of refugees reached 3.86 million - according to data provided on the same day by the United Nations Refugee Agency (Municipality S).

As a result of hostilities, the social system has suffered, especially destroyed or damaged social security institutions, children's camps and orphanages, boarding schools, asylum rehabilitation institutions for the homeless. Damage to social services infrastructure amounts to \$ 0.2 billion. Areas with the greatest destruction in the social sphere are located in Kiev and in the following regions: Kyivska, Donetsk, Dnipropetrovsk, Jytomyr, Zakarpattia, Zaporizhzhya, Lugansk, Mykolaiv, Sumy, Odessa, Kharkov, Herson, Chernivtsi. The destroyed objects in the social sphere are located in Luhansk, Donetsk, Zaporizhzhia, Kiev, Mykolaiv, Sumy, Harkiv, Hherson, Cernihiv and Kiev (*Звіт про прямі збитки інфраструктури*).

As a result of Russian aggression, the number of people in need of social assistance has increased significantly. According to the Pension Fund of Ukraine, in 2022 payments were financed to 32.9 thousand people who became disabled after the war, 33.5 thousand people who were fired from military service due to disability, as well as 21,900 family members who lost their family supporter. In total, these categories of citizens have been allocated 5.1 billion hryvnia. During a year of war, millions of Ukrainians were forced to become internally displaced persons or to migrate abroad. According to the Ministry of Social Policy, the number of internally displaced persons during the

imposition of martial law increased to 5 million people, of whom more than a third needed help to stay. The total expenditure for 2022 for the payment of the housing allowance was over UAH 50 billion. The largest number of people moved from territories where active fighting took place, namely from; Donetsk region - 526.1 thousand people, Harkiv region - 461.9 thousand people, Dnipropetrovsk region - 448.3 thousand persons, Kiev region – 334 thousand of people and the city of Kiev - 374.1 thousand people. In March 2022, more than 500,000 people moved out to the country. On February 1, 2023, the number of displaced persons reached 4.86 million (*ibidem*).

1) Culture

Since the beginning of the Russian invasion, the sphere of culture has experienced the great losses in the entire history of independent Ukraine. For each country, culture is the basis of self-determination of each state. The destruction of cultural objects, such as museums, historic buildings, monuments and works of art by prominent people, are a very painful blow to Ukrainians, because with the destruction of every cultural object is lost a part of the history of Ukraine and the Ukrainian people. Due to the high intensity of hostilities in the Eastern and Southern Ukraine, as well as regular missile attacks and bombing throughout the territory, most cultural and sports institutions have stopped working. As a result, 12.5 million inhabitants in at least 6 regions of the country (Donetsk, Zaporizhzhya, Lugansk, Mykolaiv, Kharkov, Herson) regions have lost access to services, another 13 million people in 7 regions are limited in receiving them. The losses of national cultural heritage are difficult to assess not only physically but also because of their cultural value. The 1954 Hague Convention, to which Ukraine acceded in 2020, obliges countries to refrain from hostile acts of an act against cultural values during an armed conflict (*ibidem*: 8).

Thus, according to the registers of the national cultural heritage of Ukraine, there are approximately 15,500 objects of cultural heritage, of which about 1.2 thousand are objects of national significance and 14.3 thousand - local. These objects are arranged according to eight types: historical, architectural, archeological sites, landscape, objects of monumental art, objects of urbanism / urbanism, garden and park art objects and science and techniques. Among the biggest losses of this war on the cultural front are Sviato-Uspenska Sviatohirska Lavra, which is included in the register of UNESCO monuments, the museum of Hryhoriy Skovoroda, author of world-renowned philosophical and artistic works and even a collection of Scythical gold, which was found by archaeologists in the 1950s. In addition, significant other important cultural and religious objects were destroyed, including Mykolayivskyi Palace of Culture „ Ship ”, Mariupol Dramatic Theater, Kharkov National Academic Opera and Ballet Theater M.V. Lysenko, the Museum of Antiquities in Chernihiv, the Kharkov building „ Slovo ” and more. Since the beginning of Russia's military aggression, according to documented losses, Ukraine has suffered the damage of 348 religious objects, 703 houses of culture / palaces of culture, 82 museums, 157 hotels/restaurants and 8 sports stadiums, which are largely located in 14 regions countries: Dnipro, Donetsk, Jytomyr, Zaporizhzhya, Kiev, Luhansk, Lviv, Mykolaiv, Odessa, Sumy, Kharkov, Hherson, Chernivtsi and Kiev. Since September 1, the share of direct damage to the infrastructure of the spheres of culture, religion and tourism has been \$ 2.2 billion. In total, since the beginning of the war, at least 1,800 cultural objects, 348 cult buildings, 343 sports objects, 164-tourism (*ibidem*: 9-13) were damaged or destroyed.

The impact of the war in Ukraine on the Republic of Moldova

With a border of more than 1,000 kilometers with Ukraine, the Republic of Moldova was also affected by the war launched by Russia on February 24, 2022. The emergence of war in Ukraine has a direct impact on the Republic of Moldova. If we make an analysis of the damages conditioned by the emergence of the war brought to the Republic of Moldova, practically they are present on both dimensions: economic, energy, social, etc. In order to see the consequences of the war on the Republic of Moldova during 2022-2023, there is a need to highlight the impact of the war on the most affected spheres:

a) economy

According to the statements made by the director of Expert-Grup, Adrian Lupușor, immediate and medium-term effects of the war in Ukraine on the economy of the Republic of Moldova are manifested:

- suspension of several supply chains of the Republic of Moldova with food products, including from the basic package;
- suspension of imports of raw materials for processing industries, for example the furniture industry ;
- continuous increase in energy resource prices;
- the need to adapt companies, identify other sources of imports;
- increasing transport and logistics costs;
- inflationary effects.

The Republic of Moldova was severely affected by the Russian invasion of Ukraine. If we refer to the data provided by the National Bank of Moldova, under the conditions of the war in Ukraine, the Republic of Moldova was severely affected. Thus, it should be noted that in the first half of 2022, inflation rose from 18.52% in February to 33.55% in August 2022. This automatically generated a wave of price increases for products and services that were deeply reflected in living standards for the citizens of the Republic of Moldova, but it has also severely affected the confidence of foreign investors to bring their money to this country. In addition, exports to Eastern markets were also affected, access to them being hampered or even blocked by the war (*Necșuțu M*). Also, analyzing the effects of the war on the Moldovan economy, it is also worth noting that given that the fighting actions will be extended, according to forecasts made by representatives of the United Nations Development Program in the Republic of Moldova, in the future every second citizen risks becoming poor, and more than 30 percent of the population could live below the poverty line. Also, according to estimates, the economic achievements of the last years obtained by the Republic of Moldova could be affected (*If the war in Ukraine is prolonged ...*).

a) energy field

Being a state without its own energy resources, the Republic of Moldova over 30 years has been practically dependent on imports of fossil fuels and electricity (*Addressing the impact of the energy crisis*). Russia's attack on the energy system in southern Ukraine has also been felt in full in the Republic of Moldova, through massive disconnections of currents in the districts of Cimișlia, Balti, Straseni, Hâncești, Leova, Cahul, Falesti, Sangerei, Ungheni, Briceni. Since Soviet time, the energy systems of the Republic of Moldova and Ukraine have been interconnected, that is why the critical situation in Ukraine has caused the automatic disconnection of the line through which it is supplied with electricity and the Republic of Moldova. Since October 10, Ukraine has not supplied

us with electricity, due to massive attacks by the Russian army on energy infrastructure. And since November 1, the Cuciurgan Power Plant on the left bank of the Dniester no longer provides us with electricity. Thus, Romania became the main electricity supplier of the Republic of Moldova, covering 90 percent of consumption (*Russia's strongest attack on the energy system*).

Due to the 80 percent energy dependence of the Republic of Moldova on the Cuciurgan Power Station in the Transnistrian region, Moscow has been under pressure for three decades, Chisinau. The war in Ukraine, including the energy crisis, has a direct impact on the energy security of the Republic of Moldova, highlighting a multitude of vulnerabilities and state incompetences present in the energy sector (*Cebotari S., Iovu E.*). Considering that the energy sector of the Republic of Moldova has been ignored for 30 years, an alternative source for the country would be the restoration and implementation of the natural gas delivery project through the Iași-Ungheni-Chisinau gas pipeline. Despite the fact that this pipeline would cover part of the supply needs and which will not influence the gas price, however, it is an alternative, and will minimize dependence on Russian Federation gas.

We highlight the same situation in the case of electricity, maintaining dependence on the Russian Federation through energy exported from the secessionist region (supplied with Russian gas), and interconnection with international suppliers would minimize this dependence, bypassing the region controlled by the Russian Federation. In this sense, the Republic of Moldova and Romania will develop a joint action plan in case of energy crisis, providing a series of measures for the supply of electricity and natural gas: providing each other with alternative fuels for the production of thermal energy 29 of central heating and electricity and heat systems in cogeneration (*Ursula von der Leyen thus provides*), harmonizing national to European energy legislation.

The European Commission, in the context of the war launched by the Russian Federation in Ukraine, is ready to provide support to Ukraine, the Republic of Moldova and Georgia to ensure reliable and sustainable energy, ensuring the emergency synchronization of the electricity networks of Ukraine and the Republic of Moldova with the European continental network (REPowerEU: joint action at European level). The Republic of Moldova has been connected to the European energy network ENTSO-E (March 2022) (*Republic of Moldova and Ukraine*), protecting itself from the perspective of energy security and minimizing the dependent influence on the secessionist region of the country. The beginning of the electrical interconnection between Romania and the Republic of Moldova, will be possible after the construction, equipment and commissioning of a 500Mw Back-to-Back station in Vulcanesti and a 330kV line to Chisinau that will allow the import of a larger amount of electricity from Romania. Also, part 2 of the Moldova-Romania electricity interconnection project involves the development of 400 kV lines Iași-Ungheni-Strășeni and the 400 kV Bălți-Suceava line (*Ministry of Foreign Affairs and European Integration*).

Although interconnection to the European energy system is crucial for the development of the country's energy sector, the natural gas market is currently a priority. Thus, the expansion of the Iași-Ungheni-Chisinau gas pipeline is possible through the implementation in parallel with the interconnection made at the Romanian electricity market (*Energy interconnection with the EU*). In this context, the Republic of Moldova will be able to diversify both its sources of delivery of natural gas networks and electricity. In this way, the Republic of Moldova has the chances to reduce its electrical

dependence on the secessionist region and that of the natural gas of Gazprom. In the context of the war in Ukraine and the energy crisis, international assistance to the Republic of Moldova, in order to overcome the situation created was crucial in relation to the dependency options submitted by the Russian Federation. The integration carried out in the European energy space has contributed to reducing the dependence on the secessionist regime, but also on the Russian Federation. Thus, maintaining relations with European partners in providing security support in the field accelerated the reorientation of the Republic of Moldova to the European energy system.

d) The socio-political dimension

The emergence of the war in Ukraine also affected the socio-political dimension of the country. Thus, the refugee crisis and the aid provided to refugees in Ukraine by citizens and authorities, are a challenge to society in the Republic of Moldova. Since February 24, 2022, about 688,000 refugees from Ukraine have crossed the territory of the Republic of Moldova. The Republic of Moldova currently hosts more than 80,000 refugees from Ukraine, more than half of whom are children. Thus, on the territory of the Republic of Moldova, refugees from Ukraine have full, free and non-discriminatory access to healthcare services. At the same time, the authorities of the Republic of Moldova have ensured that general education institutions in the country provide opportunities for all children from refugee families in Ukraine to participate in the educational process (*Situation in the Republic of Moldova*).

e) ecological dimension

Given that armed fighting is in the immediate neighborhood of the Republic of Moldova, the ecological system of the country is subject to a high degree of danger. According to the statements of the environmentalist Alecu Reniță, it is very complicated to comment on the scale of the ecological catastrophe, which was generated by the war in Ukraine. The situation in the Republic of Moldova depends on the duration of the war, but also on the distance at which the fighting actions take place. Being in the immediate neighborhood of the conflict zone, we are subject to direct danger . Currently, there are all the premises to consider that the environment is subject to unprecedented pollution. It will take years to document the immense damage to the environment right after the war. Also, according to some experts, until the onset of a large-scale ecological catastrophe, at least at regional level, is just one step. Dangerous substances released by weapons of mass destruction poison the air. Depending on the wind currents, however, poisonous particles could travel hundreds or thousands of kilometers, including the territory of the Republic of Moldova. These are most harmful to health due to the high speed and ease with which they reach the blood. At the same time, the analyzes show that, following the bombing of industrial sites, gas stations, refineries, massive leaks of harmful elements in the ground and water take place.

The closest and fastest impact we can detect is air quality. Although the Republic of Moldova is testing not many parameters, radiation, the European states have reported an overrun of PM10 particles (n.red. particles smaller than about 10 micrometers) in connection with the takeover of the Chernobyl plant and then the Zaporozhia plant by the Russian military forces (*We have work for 30 years*).

Conclusions

Analyzing the impact of the Russian Federation's invasion of Ukraine, it should be noted that the direct losses to Ukraine for a year of war are estimated at over \$ 411 billion . Although the losses of the Republic of Moldova compared to those of Ukraine are relatively small, the effects of the war on the country's economy are enormous. The real estimates of the losses caused by the invasion of Russia in Ukraine, as well as their impact on the Republic of Moldova will be possible only at the end of the war. We are currently present at the conduct of combat actions on the territory of Ukraine, actions that have a direct impact on all areas of activity: economy, energy sphere, transport, infrastructure, ecology and agriculture, education and culture of both states. The greatest loss of Ukraine, however, is the citizens of the country, especially of children who are the future of any state. The consequences of the war will resonate for many years to come, but their liquidation largely depends on strengthening the joint efforts and capabilities of states, including the Western states for the purpose of removing damage conditional on the invasion of Russia in Ukraine.

BIBLIOGRAPHY

- Abordarea impactului crizei energetice în Republica Moldova. <https://www.undp.org/ro/moldova/projects/abordarea-impactului-crizei-energetice-republica-moldova>
- „Avem de lucru pentru 30 de ani.” Iuliana Cantaragiu despre impactul războiului, incendiile și taxa de mediu. <https://www.moldova.org/avem-de-lucru-pentru-30-de-ani-iuliana-cantaragiu-despre-impactul-razboiului-incendii-si-taxa-de-mediu/>
- Cebotari S., Iovu E. *Securitatea energetică a Republicii Moldova în contextul războiului ruso-ucrainean* https://ibn.idsi.md/sites/default/files/imag_file/p-27-30_0.pdf
- Cel mai puternic atac al Rusiei asupra sistemului energetic din Ucraina s-a simțit și în R. Moldova. Care au fost localitățile afectate. <https://tvr Moldova.md/article/79bc576e82205836/cel-mai-puternic-atac-al-rusiei-asupra-sistemului-energetic-din-ucraina-s-a-simtit-si-in-r-moldova-care-au-fost-localitatile-afectate.html>
- ¿Cuáles son las principales consecuencias de la guerra? El caso de Ucrania. <https://www.accioncontraelhambre.org/es/principales-consecuencias-guerra-ucrania>
- Dacă războiul din Ucraina se va prelungi, în 2023 fiecare al doilea cetățean riscă să ajungă sărăc, iar 30% din populație ar putea trăi sub pragul sărăciei. <https://tvr Moldova.md/economic/daca-razboiul-din-ucraina-se-va-prelungi-in-2023-fiecare-al-doilea-cetatean-risca-sa-ajunga-sarac-iar-30-din-populatie-ar-putea-trai-sub-pragul-saraciei/>
- Guerre en Ukraine : Conséquences économiques et sociales et implications pour les politiques publiques. <https://www.oecd-ilibrary.org/sites/f111a540-fr/index.html?itemId=/content/publication/f111a540-fr>
- Interconectarea energetică cu UE: Rețeta pentru diminuarea dependenței față de regiunea transnistreană și Rusia.* <https://www.expertgrup.org/ro/biblioteca/comentarii/item/1255-interconetarea-energetica-ue-deniscenusa&category=5>

- MIRCA C. *Consecințele economice ale războiului dus de Rusia în Ucraina, în discuții la Punctul pe Azi*. <https://tvr Moldova.md/article/16b983f3212f3849/consecintele-economice-ale-razboiului-dus-de-rusia-in-ucraina-in-discuti-la-punctul-pe-azi.html>
- Municio S. El impacto y las consecuencias de la guerra de Ucrania. <https://euroefe.euractiv.es/section/exteriores-y-defensa/infographic/el-impacto-y-las-consecuencias-de-la-guerra-de-ucrania/>
- Necșuțu M. Analiză: Ce impact au avut primele șase luni de război în Ucraina asupra Republicii Moldova. <https://anticoruptie.md/ro/special/analiza-ce-impact-au-avut-primele-sase-luni-de-razboi-in-ucraina-asupra-republicii-moldova>
- Războiul din Ucraina va arunca economia moldoveană în recesiune, crede Adrian Lupușor, Expert-Grup*. <https://moldova.europalibera.org/a/ucraina-impact-economie-moldova/31750973.html>
- REPowerEU: acțiune comună la nivel european pentru o energie mai accesibilă din punctul de vedere al prețurilor, mai sigură și mai durabilă*. https://ec.europa.eu/commission/presscorner/detail/ro/ip_22_1511
- Republica Moldova și Ucraina – conectate cu succes la rețeaua europeană de energie electrică!* <https://realitatea.md/republica-moldova-si-ucraina-conectate-cu-succes-la-reteauaeuropeana-de-energie-electrica/>
- Situația din Republica Moldova, prezentată la Reuniunea de toamnă a Adunării Parlamentare a OSCE de către deputatul Igor Chiriac*. <https://multimedia.parlament.md/situatia-din-republica-moldova-prezentata-la-reuniunea-de-toamna-a-adunarii-parlamentare-a-osce-de-catre-deputatul-igor-chiriac/>
- Ursula von der Leyen o asigură pe Maia Sandu că Republica Moldova nu va rămâne fără gaze*. <https://www.digi24.ro/stiri/externe/ursula-von-der-leyen-o-asigura-pe-maia-sandu-carepublica-moldova-nu-va-ramane-fara-gaze-1714285>
- Презентовано звіт щодо збитків України, завданих РФ за рік війни: деталі*. <https://yur-gazeta.com/golovna/prezentovano-zvit-shchodo-zbitkiv-ukrayini-zavdanih-rf-za-rik-viyini-detali.html>
- За рік повномасштабної війни росія завдала збитків інфраструктурі України на майже \$144 млрд. https://kse.ua/ua/about-the-school/news/za-rik-rovnomasshtabnoyi-viyini-rosiya-zavdala-zbitkiv-infrastrukturi-ukrayini-na-mayzhe-144-mlrd/?fbclid=IwAR17vxJbqNYf_Aa4qL_kPDvj27qYW2RQ9G_OoKJeZrCpo8SZ-DojuUF34zU
- Звіт про прямі збитки інфраструктури від руйнувань внаслідок військової агресії росії проти України за рік від початку повномасштабного вторгнення. Березень 2023. 50 p. https://kse.ua/wp-content/uploads/2023/03/UKR_Feb23_FINAL_Damages-Report.pdf?fbclid=IwAR3pTI7uOVqw1f_A65HhBjC7CJvxVWiygOh-AzzS--al_tKJe65Jkxre54Y

MIGRATION IN THE CONTEXT OF GLOBALISATION. SOCIAL ASPECTS AND DIFFICULTIES IN THE BIHAR- HAJDU BIHAR BORDER AREA

*Dragoş DĂRĂBĂNEANU**
*Ionuţ-Mihai OPREA***

Abstract. *The article starts from a diagnostic study carried out by the Department of Sociology and Social Assistance in 2020, regarding the phenomenon of migration in the Bihor - Hajdu-Bihar cross-border region. The research that is the basis of this article is a group interview conducted with people in high positions of the institutions involved in the management of the phenomenon of migration at the western border of Romania. From this research, data was obtained related to a series of problems that appear as a result of efforts to secure the border: the situation of illegal migration and human trafficking in the cross-border area; the situation of cross-border transit; social phenomena involved in the cross-border traffic; movement of labor force and migration. In this context, we aim to describe and explain aspects related to the phenomenon of regionalization and the construction of European identity. We want to show whether the existence of borders in the European Union represents a positive, negative or neutral phenomenon in the context of efforts to build European identity. This identity represents the main landmark in the relationship between citizens and the community space, a fact that contributes very strongly to the future of the European Union and to the predictability of this global society development.*

Keywords: migration, globalization, cultural networks, border area, public institutions

Introduction

Potitically, a country is called a state; sociologically, a country can be considered a national society. One of the social phenomena that produce significant changes in national societies is migration. There are many causes of migration that start from the social status of the citizen. As a rule, people with a high social status are less willing to migrate. There are times, however, when social events cause this rule to be disregarded. For example, the war in Ukraine, the events in Syria or the confrontations in Afghanistan have led to a slight intensification of the migration phenomenon, with no connection to the social status of the individual (Albarosa 2023). In periods when national societies are not affected by extreme social events, migration manifests itself with a reduced intensity, but remains a constant social phenomenon. In these contexts the perception of social status and the perceived social support are motivations that determine the migration phenomenon (Novara 2023). From the perspective of national societies receiving migrants, there are often manifestations of resistance to changes in social structure. The motivation for this resistance is often linked to the fear that the intensification of migration

* PhD lecturer professor, University of Oradea, Oradea, Romania ddarabaneanu@uoradea.ro

** PhD associate professor, University of Oradea, Oradea, Romania ioprea@uoradea.ro

will lead to economic imbalances. Migrants are perceived as a real threat in this respect (Verbena 2021). Migrants in turn end up being exposed to certain stressors that they did not anticipate and that are not of concern to citizens in the host societies. Adaptation to a new culture, understanding and acceptance of social norms, changes related to economic condition and living standards compared to those around them, low level of social support compared to the place of origin, are the most important aspects felt by migrants (Berry 1997, Garcini 2016) . As a result, an almost hostile perception of the new social space arises. Against the background of these social perceptions we can conclude that migration is a source of social conflict and therefore there is a strong interest, especially on the part of societies receiving immigrants, in monitoring, controlling and limiting this phenomenon.

Robert Putnam introduces the term *hunkering down*, which represents a decrease in the degree of ownership of shared problems and a decrease in social participation (Putnam 2007). This phenomenon is manifested both in migrant groups and in the social environments of destination. Although the perspectives are very different, the outcome is the same. The migration phenomenon is a source of amplification of the *hunkering down* processes. Migrant status is not a guarantee of positive experiences or social progress, on the contrary. In most cases, the first years of the settlement period are characterised by frustrating experiences and the failure to fulfil many personal projects. Migrants tend to idealize the destination society, their expectations are oriented towards living standards, personal comfort and professional fulfilment. These expectations are a result of the perception that migrants have of their socio-professional category as a social status in the destination environment. In other words, if the individual has worked as a teacher in their home environment, they will initially make an analysis of the standard of living and professional status that a teacher enjoys in the destination environment. But, as the famous saying goes, "the reckoning at home does not match the reckoning at the fair". The quest to maintain professional status in the host environment often encounters substantial obstacles that are difficult to overcome. This is why in many cases migrants are forced to accept professional positions that are inferior to those they had in their home environment. This leads to a heightened sense of disappointment and often to a more modest lifestyle than anticipated. In this way a certain hostility to the new social environment and to professional networks that impose a series of conditions and regulations emerges (as an attitudinal pattern). This hostility manifests itself at a behavioural level precisely through what Putnam calls *hunkering down*, a phenomenon that generates social atomisation and segregation.

On the other hand, the entrenched citizens of destination societies perceive the arrival of migrants in the labour market as an intensification of competition that generates competitiveness. The greater the demand for jobs, the greater the demands on employers and the lower the benefits for employees. Migrants thus become a threat to old citizens, which in most cases is justified. As a result, strategies are formed to marginalise migrants, a phenomenon which, in the context of tendencies to become permanent, leads to social segregation and even discrimination. In the end, the many cases that fall into this pattern make the status of migrant an inferior, undesirable one. Expectations of lifestyle and professional status are not met, and this fosters the emergence of a pattern of behaviour that generates immediate profits: criminal behaviour. The phenomenon of crime, in combination with migration, exponentially increases social segregation and, what is even worse, to some extent justifies it, at least in the public eye. Public opinion in turn

determines the political agenda. Laws and measures to combat the phenomenon of migration are thus being introduced, which have the effect of putting migrants in an unfavourable light. The real purpose of combating migration is to accumulate electoral capital and not to solve social or economic problems. Moreover, there are few situations in which migrants can be seen as sources of significant social and economic problems. On the contrary, the willingness to work, which is characteristic of the migrant status, makes a positive contribution to the functioning of economic mechanisms.

One on top of the other, as long as migration is a source of political capital and public image enhancement, it induces a negative perception at the social level. This is why the institutions involved in migration processes tend, in response to public demand, to regard migrants as a permanent source of crime. In Europe, the first contact with the phenomenon of migration, from an institutional point of view, is made by the border police of each Member State, which carries out its activities in agreement with the European Border and Coast Guard Agency (Frontex). Subsequently, the institutions with immediate responsibility for the situation of migrants are the municipalities of the border towns. Our study is a presentation of how these institutions relate to the migration phenomenon and an overview of the problems they face.

Methodology

The article is based on the study regarding migration in Bihor - Hajdu-Bihar cross-border region within The ROHU 183 SAFE BORDER, SAFER LIFE Project and it was devised by a research team of the Faculty of Social Humanistic Sciences of the University of Oradea, of which the authors were part. The objectives of the project are the development of a framework for cross-border inter-institutional cooperation in the Bihor-Hajdú Bihar area meant for the improvement of integrated migration management, the elaboration of a diagnosis regarding migration in the Bihor-Hajdú Bihar cross-border area and the intensification of information actions addressed to those affected by migration.

In this context, we conducted a focus group with the participation of representatives of institutions working on migration issues. The focus group participants are specialists in the field of migration, which carry out activities within the investigated zones: experts from the Territorial Inspectorate of Oradea Border Police; experts from the Police Inspectorate, Bihor County; experts from the Passport Service; Municipalities experts and one expert from University of Oradea. Focus groups analysis was conducted in the following directions: theme of Analysis; content analysis (identifying topics and related sub-topics); nonverbal analysis; analysis of the accuracy (to the object, answer avoided, incomplete answer, evasive, did not answer) and analysis of the spread.

Results and discussions

Analysis of the themes according to the opinions expressed by the participants

Analysis of question number 1: "Please express your opinion about the incidence of the following migration phenomena you are experiencing":

Illegal migration is a phenomenon that affects the social life and economy of countries that are on the path of illegal migration. Temporary labor migration is a big minus for the country's economy, which suffers from the lack of its own labor force. The small border traffic is beneficial for those living in the border area. Trafficked persons, for prostitution or begging, are a phenomenon that has grown, but which can only be stopped with the involvement of the authorities. The country, from which the persons involved are

involved, in this case Romania, has to lose in terms of image and security, outside the borders, being criticized by the other states of the European Union. Drug trafficking is an illegal manifestation, growing in Romania, with negative effects, especially among young people. The measures put in place to stop this phenomenon should be stronger and the fight against it should be a sustained effort on the part of all parties involved.

Analysis of question number 2: "What difficulties do you face regarding the migration phenomenon?" Regarding the difficulties encountered, regarding the migration phenomenon, the lack of specialized personnel was noted, especially at the internal border, but also the lack of specific means of the Border Police. In connection with the social consequences of the migration phenomenon, it was discussed that the majority of the people who cross the border in search of their work, are especially young. With finding a new job outside the country's borders, they leave their children in the care of the family left at home, be it 1st grade or older relatives.

Analysis of question number 3: "How do you think the situation could be improved and what do you think should be done?"

Territorial Inspectorate of Oradea Border Police: Provision with specific equipment and means, but also staff supplementation.

Bihar County Police Inspectorate: Jobs for young people

Analysis of question number 4: "What do you think about maintaining the access roads to the border points?" Improving this situation and the related strategies that could be undertaken are: The access roads to the border crossing points are generally well maintained, well above the average of other roads. Problems at the border points are caused by the buildings sometimes in comparison, the cleanliness, the green spaces, etc., many of them being deplorable compared to those of the neighboring authorities.

Analysis of question number 5: "What do you think about the fluidization of traffic in border areas?" Traffic flow in border areas: A good thing for those who cross the border daily. The traffic in the border areas has normal values, exceptions being those in which they are more crowded.

Analysis of question number 6: "What do you think about the effectiveness of checks and waiting times at the border?" Operations of checks and waiting times at the border: The checks are carried out according to the agreements signed between the two states. Waiting times are traffic dependent. The access roads to the border points are not maintained, with pits, without markings. The Borșului road is occupied for entire kilometers, on the first lane, by the trucks, which park for hours at a time, due to the agglomeration at the border and the slow working pace of both the Hungarian and Romanian bodies. It is necessary to raise the parapets between the driving directions, so that, if a car or truck is damaged, traffic is blocked for hours. Also, the lack of trash cans on the edge of roads and public toilets, etc. Another negative aspect is related to the higher waiting time at the border crossing points on the Hungarian side for the thorough control of cars and travel documents.

Analysis of question number 7: "What do you think about illegal immigration control?" Illegal immigration control: There is still much work to be done at this internal border. The control of illegal immigration could be improved by equipping the border guards and those from the police stations in the border areas with specialized equipment of the latest generation.

Analysis of question number 8: "What do you think about the attitude of the Border Police personnel (Romanian and Hungarian)?" Attitude of Border Police

personnel: It should be a more tolerant attitude on both sides. The attitude of the personnel from the Border Police could be improved by their participation in different communication courses, networking activities, etc., because, sometimes, the way to interact leaves it to be desired.

Analysis of question number 9: "What are the problems faced by children and families of the people left behind when one or more family members are leaving for work abroad?" Family problems caused by migration (problems faced by children and families of persons left at home, when one or more family members are leaving for work abroad): Drugs and the possibility of their involvement in illicit acts. The most common problems are the lack of parental control over children and the failure to comply with the rules regarding the crossing of the border with minors.

Analysis of question number 10: "List some problems you face in your work regarding the migration phenomenon." Professional problems (problems you face in your work regarding the migration phenomenon): We face the lack of specific equipment, the lack of equipment and the lack of personnel; Extremely high traffic values, especially during holidays, holidays or holidays (Border Police); Lack of labor force in localities bordering the border area; Increasing the vulnerability of children with parents who went to work abroad; the aging and vulnerable population, with high risk of victimization in the border areas (County Police Inspectorate). Crowding in the Passport Service during the holidays due to the fact that many of those who go abroad to work return during the holidays, holidays or holidays and want to change their passports, both for them and for minors (Passport Service). I found that at the Passport Service a period of time could not pay the fees for issuing passports at the on-site machine. Due to the crowding during the holidays, it is almost impossible to get your passport, because the waiting time is very high; some citizens do not respect the order numbers and the programming done online; in the building it is very crowded and the smell is very bad (University).

Content analysis (identifying topics and related sub-topics)

Table 1. main problems faced by public institutions in the Bihar - Hajdu Bihar border area

Illegal migration	Operations of checks and waiting times at the border
Temporary labor force migration	The attitude of the Border Police personnel
Trafficked people	Family problems caused by migration
Drug trafficking	Professional problems
Weights encountered and tracked	
Traffic flow	

Nonverbal analysis

The participants expressed interest in the topics discussed; they behaviorally approved the importance of these topics and the need to identify problems or strategies to optimize activities related to the migration phenomenon. Even though at the beginning they had tendencies of circumspection and analysis, as the evolution of the group interview showed more and more openness towards each other. Mr. Oprea played an important role in this direction, spreading several jokes, which relaxed the atmosphere and blessed the participants. The gesture was generally moderate, and the body's position was in line with the rigors of an official meeting at an interinstitutional level.

Table 2. Analysis of the accuracy

Question number	Participant 1 (City Hall)	Participant 2 (Border Police)	Participant 3 (Bihor County Police)	Participant 4 (Passport Service)	Participant 5 (University of Oradea)
Q1	to the point	did not answer	did not answer	did not answer	to the point
Q2	answer avoided	to the point	incomplete answer	evasive	incomplete answer
Q3	evasive	to the point	incomplete answer	to the point	to the point
Q4	to the point	to the point	to the point	to the point	evasive
Q5	incomplete answer	to the point	evasive	to the point	to the point
Q6	incomplete answer	answer avoided	evasive	incomplete answer	answer avoided
Q7	to the point	answer avoided	to the point	incomplete answer	to the point
Q8	to the point	did not answer	to the point	answer avoided	to the point
Q9	evasive	did not answer	did not answer	answer avoided	to the point

The representative of the City Hall was involved with full answers in the context of questions Q1, Q4 and Q8, where it was about the incidence of migration, traffic fluidity at the border and social problems arising in the context of the migration phenomenon. On the other hand, the respondent representing the border police had complete descriptions of the difficulties that arise in connection with the migration phenomenon, ways to improve the situation in relation to migration, measures to facilitate the flow of traffic, the operability of checks and waiting times. The representative of the EU police gave detailed descriptions to questions related to the attitude of border police staff and the problems faced by children and families of those who go abroad to work. The guest from the passport service did not show a decisive interest in any of the issues discussed in the group interview. During this time the participant from the University of Oradea showed the most involvement in terms of the issues discussed.

Table 3. Analysis of the spread

	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9
Participant 1 City Hall)	X	-	-	X	-x	-x	X	X	-
Participant 2 (Border Police)	-	X	X	X	X	-	-	-	-
Participant 3 (Bihor County Police)	-	-x	-x	X	-	-	X	X	-
Participant 4 (Passport Service)	-	-	X	X	X	-x	-x	-	-
Participant 5 (University of Oradea)	X	-x	X	-	X	-	X	X	X

Legend: X - to the point; -x - incomplete answer; - - evasive or did not answer

Conclusions

The harmonization of values and the process of cultural homogenization are among the European Union's greatest challenges. Efforts to ensure intercultural cooperation lead to the formation of cultural networks (Brie, 2012). The phenomenon of migration generates uncomfortable situations and contexts, especially for national groups of developed countries in the European Union. The perspective of understanding

migration is very important, this phenomenon is a vital issue in the context of cultural homogenization. The main obstacles to cultural homogenization are language and religion, but especially language. There is a secular tendency to preserve and impose the language of the ethnic group that can assert itself socially. In Transylvania in the 19th century the Diet of Sibiu (1863-1864) adopted the law on equal rights and the use of three national languages (Hungarian, German and Romanian) in the administration (Polgár, 2014). This law would have transformed Transylvania into a multinational social space that could become the center of European construction. However, it was immediately challenged by the Parliament in Budapest and promulgated, and this led to tensions and conflicts over a long period of time, with echoes to these days. What was once considered a patriotic act and heroism, from the perspective of the European Union appears today as an obstacle.

In all this context we consider that the analysis of migration as a form of initial manifestation (events in border territories) represents a methodological model in the effort to monitor and control social problems in general. The phenomenon of migration becomes even more acute as it is the main reason why Romania missed the moment of integration into the Schengen area in 2023. The phenomenon of migration brings with it a number of serious problems, such as trafficked people, drug trafficking, family problems caused by migration, professional problems, traffic flow or labor market problems. All these make it difficult to form the cultural networks necessary for the consolidation of the global social space and form a phenomenon of resistance of social groups in the context of interactions with other social groups. Public perception is reinforced by the perspective and action of state institutions dealing with migration. Migration is seen at the social level as one national society exporting its problems to another national society. This is confirmed by institutional activities and their ideological positioning. Institutions actually confirm what people believe about what migration brings.

Our study shows how interventions on the problems created by migration are carried out in a public manner, transformed into a public service. We thus wish to draw attention to the fact that formalizing and personalizing actions to alleviate the problems caused by migration (through public institutions) is a negative and damaging practice because it discourages the formation and functioning of cultural networks. The functionality of cultural networks depends on positive representation of national groups in relation to each other. This is not possible in the context where one cultural group sees and believes that trafficked people, drug trafficking, family problems or labor market problems are due to another cultural group, with whom they should practically be part of the same cultural network.

The abolition of borders does not solve the problems caused by migration, but in a way, it hides them; not from the point of view of combating them (which can be even more effective without borders), but more from the point of view of public perception. With no borders, crime is no longer represented as an ethnic characteristic, but rather as a personal responsibility. This change is almost impossible in the current context. Even after the disappearance of borders, it will take a long time, perhaps even decades, before the mentality of a generation will prove retrograde and be abandoned. In other words, the delay in fully integrating the non-Schengen countries into the European Union is an obvious hindrance and weakness of the global society promoted by the European Union.

Author Contributions: All authors have read and agreed to the published version of the manuscript. All authors equally contributed to the creation and copy editing of this manuscript.

BIBLIOGRAPHY

- Albarosa E., B. Elsner, Forced Migration and Social Cohesion: Evidence from the 2015/16 Mass Inflow in Germany, *World Development*, Volume 167, 2023, 106228, ISSN 0305-750X
- Berry, J. W. (1997). Immigration, acculturation, and adaptation. *Applied psychology: an International Review*, 46, 5–68.
- Brie, Mircea; Polgar, Istvan; Chirodea, Florentina. Cultural Identity, Diversity and European Integration. Introductory Study, apărut în *European Union: identity, diversity and integration. Supplement Analele Universității din Oradea, Seria Relații Internaționale și Studii Europene*, Oradea, 2012.
- Garcini, L. M., Murray, K. E., Zhou, A., Klonoff, E. A., Mayers, M. G., & Elder, P. (2016). Mental health of undocumented immigrant adults in the United States: A systematic review of methodology and findings. *Journal of Immigrant & Refugee Studies*, 14, 1–25. <https://doi.org/10.1080/15562948.2014.998849>
- Novara C., M.J. Martos-Méndez, L. Gómez-Jacinto, I. Hombrados-Mendieta, L. Varveri, C. Polizzi, The influence of social support on the wellbeing of immigrants residing in Italy: Sources and functions as predictive factors for life satisfaction levels, sense of community and resilience, *International Journal of Intercultural Relations*, Volume 92, 2023, ISSN 0147-1767
- Polgár, I. The Phenomen of Migration and Integration of Minorities in the European Union in *Migration and European Integration of Minorities*, ed. István Polgár, Ioan Horga, Mircea Brie, (Saarbrücken: Lambert Academic Publishing, 2016), 9-11.
- Polgár, I. (2014). Ethnical and Confessional Diversity and Cohabitation in the Ethnic Borderlands of Romania and Hungary between 1867-1920. *Eurolimes*, (18), 225-230.
- Putnam, R.D. (2007), *E Pluribus Unum: Diversity and Community in the Twenty-first Century* The 2006 Johan Skytte Prize Lecture. *Scandinavian Political Studies*, 30: 137-174. <https://doi.org/10.1111/j.1467-9477.2007.00176.x>
- Schmidt A. E., J. Bobek, S. Mathis-Edenhofer, T. Schwarz, F. Bachner, Cross-border healthcare collaborations in Europe (2007–2017): Moving towards a European Health Union?, *Health Policy*, Volume 126, Issue 12, 2022, P 1241-1247
- Toca, C. V. (2014). Romanian-Hungarian cross-border cooperation at various territorial levels, with a particular study of the Debrecen-Oradea Eurometropolis (*European G. Eurolimes*, (Supplement), 1-208.
- Verbena, S., Rochira, A., & Mannarini, T. (2021). Community resilience and the acculturation expectations of the receiving community. *Journal of Community Psychology*, 49(2), 390–405. <https://doi.org/10.1002/jcop.22466>

THE RELEVANCE OF OSCE SPECIAL MONITORING MISSION TO UKRAINE IN THE CONTEXT OF THE CONFLICT

*Mircea Ioan MATEI**

Abstract. *The research is aimed at impartially analysing the role of the Organization for Security and Cooperation in Europe, Special Monitoring Mission to Ukraine taking into consideration international standards and level of achievements. Will be mentioned both positive and negative aspects, with an emphasis on what has not been achieved according to the tasks enshrined in the Mandate. The approach will be pragmatic and objective, with a focus on facts recognized by both sides. The purpose of the research is not only to analyse, but also to expose the best methods of approaching situations/conflicts through soft power methods, to be applied following a prior analysis of the cultural and social environment in which the events occur. In particular, what did the monitors on the ground achieve through peaceful approach, or what should have been achieved, despite some divergent top level political decisions.*

Mixed Research Methodology was used to conduct the research regarding the relevance of the mission, with a focus on quantitative method, also some aspects of qualitative method were used. As tools for research, have been used offline surveys and observations of the focus-group discussions. The questions targeted a specific group of people, closed-ended questions were chosen due to time constraints and availability of users. Analytical research was used for evaluation of facts and information relative to the research being conducted. The research question in this case: "What was the relevance of the OSCE SMM to Ukraine"

Keywords: *war in Ukraine, crisis, monitoring mission, peacekeeping*

1. Monitoring missions – definitions and concept

Monitoring missions stem from peacekeeping missions, while the most prominent actor in the world is the United Nations, an intergovernmental organization with goals in maintaining international peace and security, achieving international cooperation through dialogue facilitation, develop friendly relations among nations and reasoning that an impartial presence on the ground can ease tensions between conflicting players and create an open door for political negotiations between the parties (Handbook on United Nations Multidimensional Peacekeeping Operations, 2003: 10-11). The need for peacekeeping started in May 1948, shortly after the creation of the United Nations (as of 24 October 1945.) At that time, it was the first peace keeping mission and it was called *The United Nations Truce Supervision Organization*. The UN Security Council called for a cessation

* "Babeş-Bolyai" University, Cluj Doctoral School "Paradigma Europeana" Cluj, Romania, E-Mail: eu_matei_mircea@yahoo.com

of hostilities in Palestine and decided that the truce should be supervised by the UN Mediator, with the assistance of a group of military observers (<https://untso.unmissions.org/background>). The mission was meant to monitor ceasefires, supervise armistice agreements, prevent isolated incidents from escalating in the Middle East (<https://peacekeeping.un.org/en/mission/untso>).

Beyond the current situation on the ground, a monitoring peacekeeping mission must have the purpose of a de-escalating effect, which can be solved or mitigated if certain conditions are met.

Some of the main conditions should take into consideration that both parties must confirm and agree to the presence of the peacekeepers/monitors and are willing to cooperate with them. Both parties in a particular dispute agree to accept a cease-fire (regardless of their commitment or not). A clear physical separation should exist between the sides, at least de facto, regardless of whether “borders” are officially recognized. The peacekeepers must be perceived to be impartial and must find the leverage to put pressure on the sides, whenever they violate the agreement.

Basic principles of peacekeeping mention **consent of the parties** which requires commitment from the sides, as well as a political acceptance of the specific mandate (*Principles and Guidelines, Peacekeeping Best Practices*, United Nations Peacekeeping Operations 2018: 18). Impartiality is crucial for any kind of peacekeeping operation, either monitoring or enforcement, nevertheless it should not be mistaken for neutrality or inactivity. Credibility plays a major role, especially in the very first beginning of the mission, as there are several factors such as political unrest, civil society reluctance, propaganda, collapse of state structures, which will affect long term expectations. As well, credibility plays a role not just for worldwide opinion, but also for member states who are contributing to the budget. Last, but not least, the focus should be on people and their fundamental human rights.

There’s rather big difference between monitoring missions (not armed) and enforcement missions (armed). Unarmed international monitors in the conflict zone are perceived as civilians and this aspect should trigger a signal to the sides that cease fire must be respected at least while the monitors are present on the ground. Indeed, it looks like having human shields on the field, but peace keeping in war zones comes also with risks. On the other side, armed peacekeepers can easily be mistaken for “armed opponents” and be shot at. Peacekeepers are tools of diplomacy, part of bilateral agreements between parties that have been in conflict and are protected by that agreement, regardless of their nationality. They operate on the ground as an expression of their neutrality, aspect which gives them acceptability. Whenever they are used for enforcement, they lose their neutrality and the mission needs to set additional security measures to grant their protection.

Outcome and impact

The study seeks to raise awareness regarding OSCE’s monitoring mission in Eastern Ukraine, as well to emphasize key aspects which prevented the mission to achieve its purpose. To have an objective perspective from reliable sources, a standard anonymous survey has been launched among former OSCE employees for the best outcome. It is well known that people who take part into anonymous surveys tend to be more honest and keener to deliver authentic responses. As well, time constraints were taken into consideration, therefore the ten questions were simple and to the point. The target

audience was former employees, both local staff (Ukrainian nationals) and international monitoring officers (of the 57 member states). Initially it was set to seek answers from at least fifty former employees, though eventually the numbers went up to 151 employees. It was a fact that reluctance of the participants was drastically reduced considering the study took in consideration their right to privacy. The survey was a starting point for some future detailed analyses and offered the opportunity to the target group to reply and actively submit comments and concerns.

This research might help to improve further OSCE missions to Ukraine, as well could be used for any other similar missions worldwide.

2. The motivation and role of the special monitoring mission in Ukraine

Established as of 21 March 2014 (OSCE Permanent Council Decision No. 1117, PC Journal No. 991, Agenda item 1, 2014: 1-6) the OSCE Monitoring Mission was a response to the illegal annexation of Crimea and the conflict in Eastern Ukraine. The mission is aimed at monitoring the security situation throughout Ukraine, establishing facts, and providing impartial reporting on developments mainly in conflict areas, facilitating dialogue between the parties of the conflict and supporting infrastructure repairs. Altogether the mission comprised 1300 members (local staff and internationals), out of which more than 800 were international monitors (OSCE <https://www.osce.org/special-monitoring-mission-to-ukraine-closed>). Clearly it was the most important international actor on the ground for eight years, until the Russian invasion of 24 February 2022, not just in Donbas region where the conflict was ongoing, but throughout Ukraine. While it seized ground operations in Ukraine after the invasion, it continued to function until the end of Mandate on 31 March 2022. A consensus regarding the continuation of the mission was not reached, as Russia enforced its veto right not to extend the mission.

The mandate of the mission covered the entire territory of Ukraine. While headquarters of the mission was in Kyiv, the monitoring teams worked in ten largest cities of Ukraine: Chernivtsi, Dnipropetrovsk, Donetsk, Ivano-Frankivsk, Kharkiv, Kherson, Kyiv, Luhansk, Lviv and Odessa. The mission comprised hubs and patrol bases in Donetsk and Luhansk Regions. Most of the international monitors were deployed in the two large Monitoring Teams in Donbas: Luhansk Monitoring Team comprising Severodonetsk Hub (Govt. controlled) and Luhansk Hub (non-Government controlled); and Donetsk Monitoring Team with Donetsk Hub (non-Government controlled), Mariupol Hub (Government-controlled) and Kramatorsk Hub (Government-controlled).

Among the basic tasks of the mission, there were some other additional tasks crucial for promoting the Mandate on the ground, such as:

- Supporting the delivery of humanitarian assistance in the areas where international organizations were allowed, as well ensure close cooperation with them.
- Implementing contact points and assigning liaison officers to coordinate infrastructure repairs along the contact line or in the grey zone.
- Assigning liaison officers to coordinate between the sides and implement cease fire regime, or any other windows of silence for activities near the contact line.
- Assisting with disarmament, disengagement of designated areas and demobilization.
- Promoting respect for fundamental human rights and investigate alleged violations.

- Facilitating exchange of prisoners, casualties, payment of utilities, or any other ad hoc tasks.

The monitoring on the ground was generally done by international patrols formed of several monitors, usually at least three nationalities for impartiality purposes, mostly by vehicles (armoured in the war zone and soft skin outside of war zone). The patrols were performed based on patrol plans issued by Operations and Planning Department and cleared by Security Division, in line with the Mandate and Team Leader's recommendations.

Team's reporting department was in charge of collecting reports from patrols on both sides, and the final Team's report would be sent to the Team Leader for clearance before being sent to Kyiv Head Office Reporting Division.

Human dimension department was in charge of collecting issues regarding fundamental human rights, as well issues regarding infrastructure repairs.

Border teams oversaw monitoring official and de facto borders with Russian Federation and any other aspects which occurred near the border.

Media and Political departments were in charge of media monitoring and any other events related.

Security department was in close cooperation with Operations department and Team Leader and was responsible for patrol plans, evacuation routes, contingency planning, coordination with medics (first aid providers).

There were also liaison officers in charge of coordination with commanders on the ground regarding cease fire agreements, windows of silence for different activities (usually infrastructure repairs in the grey zone or contact line), any other activities which related direct interaction with commanders on the ground.

Local staff made a tremendous difference as they were used as translators, drivers, admin assistants, human resources assistants, etc. In particular, translators were the main dialogue facilitators, as they were the ones to deliver the message of the monitors regarding the Mandate.

Paramedics were contracted through external companies and were part of daily patrols on the contact line. They were also responsible for delivering monthly first aid trainings to the monitors and local staff.

3. Major aspects of the crisis in Ukraine since 2013, which impacted OSCE mission – timeline of events

- 21 November 2013: Ukraine's President Yanukovich suspends trade and association talks with the EU, opting to revive economic ties with Russia. Protests begin in Kyiv's Independence Square (Maidan). This event triggered international concern.

- December 2013 – February 2014: Anti-government protests continue, with some turning violent.

- 21 February 2014: President Yanukovich and opposition leaders sign an EU-mediated peace pact that includes plans for presidential elections before the end of the year.

- 22 February 2014: Ukraine's parliament votes to impeach President Yanukovich and he flees the country.

- 27 February 2014: Dozens of pro-Russia gunmen seize government buildings in the Ukrainian peninsula of Crimea and raise the Russian flag. The move comes a day after President Putin put Russia's military on high alert.

- 8 March 2014 - Warning shots are fired as a team of international military observers is turned away from entering Crimea. The Organisation for Security and Co-operation in Europe (OSCE) reports no injuries.

- 21 March 2014: President Putin signs a law formalising Russia's takeover of Crimea from Ukraine. (Walker, Nigel, 2023: 6)

- 21 March 2014: OSCE Permanent Council establishes the deployment of Special Monitoring Mission to Ukraine, comprised of international monitoring officers, with mandate to reducing tensions, fostering peace, stability, and security; to monitoring and supporting the implementation of all OSCE principles and commitments (OSCE, 991st Plenary Meeting, PC Journal No. 991, Agenda item 1, Decision 1117)

- **March 2014** – demonstrations by pro-Russian and anti-government groups took place in the Donetsk and Luhansk regions of Ukraine, commonly referred to as "Donbass", following the 2014 Ukrainian revolution and the Euromaidan movement. These demonstrations, which followed the annexation of Crimea by the Russian Federation, were part of a wider group of competing pro-Russian protests in southern and eastern Ukraine and escalated into an armed conflict between the Ukrainian government and separatist forces of the self-proclaimed states Donetsk and Luhansk People's Republic (DPR and LPR).

- 11 May 2014 - "Self-rule" independence referendums are held in Ukraine's easternmost areas, Donetsk and Luhansk. Ukraine calls the vote a "criminal farce" and Western countries also condemn the vote.

- 7 April 2014 - Pro-Russian protesters seize regional government buildings in the Ukrainian cities of Donetsk, Luhansk and Kharkiv, calling for a referendum on independence by 11 May. (Walker, Nigel, 2023: 14)

- 17 April 2014 - At talks in Geneva, Russia, Ukraine, the US and the EU say they have agreed steps to "de-escalate" the crisis in eastern Ukraine. Three people are killed when Ukrainian security forces fend off a raid on a base in Mariupol, the first violent deaths in the east.

- 5 July 2014 - Separatist rebels abandon the cities of Sloviansk and Kramatorsk and some smaller, towns, in the north of Donetsk region, to concentrate on the battle for Donetsk city.

- 17 July 2014: Malaysia Airlines flight MH17 is shot down over eastern Ukraine with the loss of 298 lives. A 15-month investigation by the Dutch Safety Board (DSB) later finds the plane was hit by a Russian-made Buk missile; OSCE monitors were the first internationals present on the spot allowed by pro-Russian rebels.

- 12 May 2014: Pro-Russia separatists in Ukraine's easternmost areas, Donetsk and Luhansk, announce landslide victories in referendums on "self-rule". Ukraine and Western countries condemn the vote.

- 1 September 2014 - Ukraine says 700 of its men have been taken prisoner as pro-Russia rebels advance in the east.

- **September 5, 2014 - The Minsk Protocol (I)**, was a ceasefire agreement for the Donbass region of Ukraine signed by the representatives of Ukraine, the Russian Federation, the Donetsk People's Republic (DPR) and Luhansk People's Republic (LPR). It was signed after discussions in Minsk, Belarus, under the auspices of the OSCE.

Outcome: The agreement followed to several previous attempts to stop the fighting in Donbass implemented an immediate, but temporary ceasefire. However, it

didn't manage to stop the exchange of fire and troops movements in Donbass. The following representatives signed the document: Swiss diplomat and OSCE representative Heidi Tagliavini, former president of Ukraine (July 1994 to January 2005) and Ukrainian representative Leonid Kuchma, Russian Ambassador to Ukraine and Russian representative Mikhail Zurabov, rebel heads Alexander Zakharchenko and Igor Plotnitsky.

- 2 November 2014 Pro-Russia separatists hold elections in the two self-proclaimed people's republics in the Donetsk and Luhansk regions in eastern Ukraine. The elections are denounced as "illegitimate" by the West.

- 24 January 2015: A series of rocket attacks leave 30 people dead and many more injured in the city of Mariupol in eastern Ukraine. OSCE monitor investigated the case: *At approximately 09:15hrs on 24 January, the SMM in government-controlled Mariupol heard at its location incoming massed Multi-Launch Rocket System (MLRS) attacks from a north-east direction, consisting of an extremely heavy barrage lasting 35 seconds. The SMM conducted a crater analysis and its initial assessment showed that the impacts were caused by Grad (122mm) and Uragan (220mm) rockets (* <https://www.osce.org/ukraine-smm/136061>).

- **February 12, 2015 - Minsk II Protocol was signed in Ukraine.** After negotiations in Minsk (Belarus), which lasted all night, the leaders of Russia, Ukraine, Germany and France reached a new ceasefire agreement that could have ended the conflict in eastern Ukraine. The agreement, which was reached after 16 hours of talks, set out a plan for a permanent ceasefire in the coming days, release of prisoners of war, constitutional reform in Ukraine granting self-government to certain areas of Donbas and restoring control of the state border to the Ukrainian government, as well as a longer-term plan to address broader political concerns until the end of 2015. While fighting subsided following the agreement's signing, it never ended completely, and the agreement's provisions were never fully implemented (Package of measures for the Implementation of the Minsk agreements, Minsk, 12 February 2015).

- March 7, 2015 - In apparent compliance with the terms of the Minsk II ceasefire protocol, the armed forces of Ukraine, together with pro-Russian separatist militias, initiated the withdrawal of all weapons with a calibre larger than 100mm from the border areas of Donbass. As always, the withdrawal was itself subject to competing demands; while the Ukrainian military announced it would likely complete the removal of heavy weapons within hours of the official deadline, the rebel spokesman announced that pro-Russian forces had completed a full extraction "ahead of schedule"; however, there has been no independent verification of both parties' claim. The whole process was monitored by OSCE members.

- January 9, 2017 - Following a visit to eastern Ukraine, OSCE Chairperson-in-Office and Austria's Foreign Minister Sebastian Kurz called for a change in the European Union's sanctions tactics against Russian Federation. He is calling on European leaders to start lifting sanctions against Russia in exchange for "any positive development" in the Ukraine crisis.

- 23 April 2017 - an OSCE/MSM patrol consisting of six members and two armored vehicles was driving near Pryshyb (34 km north-west of Luhansk), controlled by "LPR" rebels, on a secondary road previously used by the SMM. At 11:17, one of the SMM vehicles (second row), with three members on board, was badly damaged by an explosion, possibly after encountering an anti-tank mine. As a result, a male paramedic died (the first ever recorded casualty), while the other two members of the patrol (a man

and a woman) were taken to the Luhansk Regional Hospital for further medical examinations. The event led to the implementation of strict security measures that prohibited the access of international monitors to unpaved and/or dirt roads, thus limiting the monitoring process.

- December 27, 2017 - a major prisoner exchange took place in the Donbas region for the first time in two years. Initially, the parties agreed to an exchange of 74 for 306. Russian-backed militants released 73 prisoners instead of 74. Ukrainian negotiators handed over 233 people to the "DPR" and "LPR" instead of 306. The difference of the number is because some people simply refused to go to the other side (one woman refused to return to government-controlled territory and several prisoners refused to return to territories temporarily occupied by the rebels). The transfer was carried out under the careful coordination of the OSCE.

- 31 August 2018 - Alexander Zakharchenko, the leader of a Kremlin-backed separatist republic in eastern Ukraine is killed in a blast close to his official residence in Donetsk. He had been appointed prime minister of the so-called Donetsk People's Republic (DNR) in November 2014. The OSCE documented the incident: *At 17:27 on 31 August in Donetsk city, the SMM heard an undetermined explosion less than 200m north-north-east from the Mission's residence on Pushkina Boulevard. The explosion occurred in Separ restaurant located in a park next to 13 Pushkina Boulevard. The Mission saw that the area around the restaurant had been fenced off. A senior member of the armed formations told the SMM that in the explosion Alexandr Zakharchenko had suffered fatal injuries, another member of the armed formations had been severely wounded and nine other people had sustained injuries. SMM staff was not harmed* (OSCE Spot Report - <https://www.osce.org/special-monitoring-mission-to-ukraine/392300>)

- December 15, 2018 - St. Sophia Cathedral in Kyiv. The council voted for the union of Eastern Ukrainian Orthodox churches as well as parts of the Orthodox Church with the Patriarchate in Moscow, through their representatives, based on complete canonical independence. All members merged into the Orthodox Church of Ukraine, representing at the same time an act of exit from the influence of the Orthodox Church with the Patriarchate in Moscow. The event was also part of OSCE reports.

- 7 September 2019: Russia and Ukraine exchange dozens of prisoners captured in the wake of Moscow's annexation of Crimea and intervention in the Donbas. It is the first prisoner exchange since 2014.

- 23 February 2022 - Ukraine prepares its population for the prospect of a devastating war, with the parliament voting to approve a state of emergency decree, allowing authorities to "impose curfews and restrictions on movement, block rallies and ban political parties and organisations". The decree will begin on 24 February and last for 30 days. Airports in the eastern Ukrainian cities of Kharkiv, Dnipro, and Zaporizhzhia close their air space, and the nearly 3 million Ukrainians still in Russia are told to leave the country as soon as possible.

- 24 February 2022 - In an early morning address (just before 3am, UK time) on Russian state television, President Putin announces Russian forces will carry out "a special military operation" in Ukraine. Ukraine's President Zelenskyy then makes an urgent national address, introducing martial law, while urging people to remain calm. Ukraine's airspace is also closed. Zelenskyy decrees a full military mobilisation against the Russian military action, as he criticises the West and says Ukraine is being left on its own to fight Russia. OSCE Spot Report: *Based on information from the Monitoring*

Teams as of 19:30 23 February 2022. All times are in Eastern European Time. Since the early hours of 24 February, at various locations across Ukraine, the SMM observed a severely deteriorated security situation. The Mission heard multiple explosions, including multiple launch rocket system fire. The SMM saw military aircraft overflying Kherson and Kyiv cities. The Mission recorded a spike in shelling in government-controlled areas of Luhansk region. In various locations across Ukraine, the SMM saw fewer people in the streets and long queues at shops, pharmacies, ATMs and petrol stations. (OSCE Special Monitoring Mission to Ukraine (SMM) Daily Report 43/2022 issued on 24 February 2022 [EN/RU/UK])

4. Brief description of pros and cons of the OSCE, SMM to Ukraine:

Pros:

Presumably, the mission provided independent, impartial, and comprehensive source of information on the situation in Ukraine, including violations of the ceasefire, human rights abuses, **facilitation of infrastructure repairs** and other issues related to the conflict. I would emphasize facilitation of infrastructure repairs, as it was one of the most positive and fruitful activities considering the benefits of several million people living in occupied territories of Lugansk and Donetsk. As a particular situation, one of the common issues was the shelling of water pipes coming from Government controlled side to non-Government controlled territory of the so-called “Lugansk People’s Republic”. Those water pipes were delivering water to more than one million citizens residing in the rebel-controlled territory; therefore, the lack of infrastructure repairs could have led to humanitarian disasters.

The mission helped to reduce tensions and build trust between the parties to the conflict by facilitating communication and dialogue at ground level. It was not the case at higher levels, as there was little to no political will from the sides to solve the conflict. It played a critical role in holding all sides accountable for their actions, including violations of international humanitarian law; acted as a mediator between the sides, developing and maintaining close cooperation and communication with commanders on the ground.

The presence of international monitors, in particular OSCE observers on the ground, acted as a deterrent to violence and encouraged compliance with ceasefire agreements, specifically. The mission contributed to promoting the rule of law and human rights in areas affected by the conflict, though with limited effects on separatist regions.

Cons:

The OSCE SMM was not authorized to take any enforcement actions, and its reports and recommendations were not binding; obviously, an enforcement mission having armed peacekeepers would have impacted in a different way all the sides, as well it could have reduced security of its members, opposed to what others might thought.

The mission's work was often hampered by access restrictions (especially on non-Gvt. side), lack of cooperation from the parties to the conflict, and security risks (ex.: driving on unpaved roads, crater analysis, etc).

The mission has been criticized by some parties to the conflict, who accused it of bias and of being too soft on violations committed by the Ukrainian side; on patrol level,

the facts were described almost as they occurred based on impartial analysis, however, at top level Reporting Department, the information was not fully shared, or dismantled.

The mission's activities were costly, and its budget was dependent on the goodwill of OSCE member states; the largest contributor was USA.

The OSCE SMM has not been able to prevent or stop the conflict, which has claimed thousands of lives and caused significant displacement and humanitarian suffering; unfortunately, it was up to the sides to cease hostilities.

Veto right – Russia decided to veto the extension of the Mandate and refused to contribute to the budget, consequently the mission ceased its operations.

The permanent rotation for short periods of time of commanders on the ground hindered cooperation, facilitation, or cease fire implementation; it was not easy to establish good cooperation through discussions and talks at ground level by planning weekly meetings in office with commanders on the ground, as they would rotate frequently, and some of them were quite reluctant in any talks with OSCE due to retaliation from higher hierarchy.

5. Survey regarding the relevance of the mission

Purpose: to reach a general perspective regarding the relevance of the mission

Target audience: at least 50 former OSCE SMM members (international monitors and local staff)

Results: by the time results were collected, 151 people have completed the survey.

Due to time constraints, close-ended questions have been addressed to assess the general view of former employees of OSCE SMM in the most objective manner, regarding the relevance of the mission. The survey was completely anonymous, which triggered increased willingness to complete. Post survey observations have been collected in private. The focus group was formed of people with higher education (University or higher). The platform used was Survey Monkey.

First question was a mild one meant to smoothly start the survey and to establish the residence of respondents, more 25% of them were from Ukraine, 35% from European Union countries and 39% from non-EU countries. Keep in mind that OSCE is comprised of 57 member states, including Russia. It can be observed that a large portion of the respondents are Ukrainian, showing extensive interest in this survey.

Second question tried to acquire the employee's former job location, Donbas region, away from Donbas, or both options. Almost 63% of respondents mentioned their job was in Donbas region, while away from Donbas only 15%. Both options were ticked by 22% of the people interviewed. Clearly the vast majority had experienced life in Donbas, which provides the survey with increased accuracy.

Third question was regarding their personal opinion on the situation in Ukraine, before and after the Russian invasion, altogether 149 respondents. For this question the distribution of answers showed 92 pro-Western choices before invasion and 88 after invasion. Regarding pro-Russian choices, 9 of them were before invasion, and 0 (zero) after invasion. Almost 28% of the respondents chose to be neutral (41 of them).

Fourth question was regarding the overall relevance of the Special Monitoring Mission. A majority of 55% mentioned "Low relevance, did not have the expected results", while 45% responded "Major relevance, especially with regards to monitoring human rights in non-Government controlled areas". It is curious that majority of former

employees, directly paid by the mission, expressed their negative opinion regarding the relevance of the mission.

The fifth question comprised five choices and asked people to mention what the largest impact the Mission had made. Most choices mentioned infrastructure repairs as the main aspect, 92 choices, Security Dimension collected 60 choices, dialogue facilitation got 40 choices, human rights dimension got 39, while “no impact at all” was chosen by 23 respondents. It was clear that according to the majority of the respondents, infrastructure repairs was a crucial task in the management of the conflict, detrimental to the political focus of the mission on counting cease-fire violations or reporting restriction of movement.

Sixth question focused on security department. More than 27% of the respondents mentioned low security standards regarding security of its staff, 46% mentioned average standards, while only 26% mentioned high standards. Clearly there were some flaws in the security department, considering the large percentage of respondents who mentioned low security standards, which should not have been accepted in that specific environment and considering the level of the mission. It is worth mentioning that evacuation process of OSCE Staff in Ukraine as of 24 February was rather a failure than a success, considering it was not timely prepared, it failed to evacuate all staff from occupied areas (some of them were forced to take alternate routes through Crimea-Russia-Georgia-Turkey and eventually EU). It is unacceptable that a mission with high standards was so slow in reaction and decision making to fully evacuate its staff, either by flawed mission policy, or by lack of accountability in clear and quick decisions. All international staff made it out of the conflict area, unfortunately some local staff could not make it and were eventually arrested by separatists.

The eighth question is related to the previous one and emphasizes one of the most important aspects in the mission, the management of the evacuation after the Russian invasion which clearly stated that more than 52% of respondents assessed it as precarious. Almost 38% of the responders mentioned that SMM took some measures, tough with some delays, while only 9% of the responders replied that SMM took all the measures to safely evacuate its staff.

Ninth question mentioned a critical aspect which clearly proves that the majority of the surveyed considered the presence of the mission as a positive factor regarding limitation of civilian losses. A percentage of almost 74% mentioned that the SMM had an impact on the number of civilian casualties, while being present in the East (Donbas). It is a fact that without any mediator in that area, the sides would attack each other unhindered and the number of civilian casualties would dramatically increase, with limited to no repercussions towards armed forces.

Tenth and last question was a multiple-choice question meant to clarify what would be the steps forward and what else can be improved in case of continuation of the mission or even a new deployment. The main aspect to be considered was improvement of security policy towards staff, totalling 104 choices, executive powers scored 83 choices, dialogue facilitation scored 77, human dimension scored 73, payment aspects scored 41 choices, increased budget scored 33, armed mission members scored 18, while 5 choices mentioned nothing should be changed. It was obvious that the focus was the safety and security policy of its staff, which clearly needs improvement and a different approach, otherwise the increased payment only would not trigger any interest to

Post survey observations

Some of the responders agreed to provide some more comments and remarks. Some of them mentioned that the mission had no plan, opposed to the fact that UN, EU missions have a CONOPS (concept of operations), in particular what Headquarters would like to achieve, with an OPLAN (operational plan) to be further developed on that specific direction; eventually all breaks down into Mission Implementation Plan. Other opinions mentioned how could the mission assess its impact and effect, with nothing to assess itself against, which turned into a practical failure. As well there were some opinions who clearly stated that employment process at the top was rather flawed, as people assigned did not have the expertise or willingness to cope with the challenges (a particular saying was “lions led by donkeys, once again”). There was some comparison with EUMM Georgia and mentioned that lessons learned should be taken into consideration. Another comment stated that HQ complained and asked for more monitors, more money and more staff, though they could not provide a clear outcome of their actions. Eventually, one more last comment was that “the inertia of people working to promote themselves and keep their jobs was far greater than getting them to do them”.

Conclusions

One clear aspect is that the mission was relevant in terms of fundamental human rights, and a bit less relevant regarding political willingness to draw concise decisions regarding what was agreed on paper. Despite the mission succeeded to tick some aspects regarding monitoring the situation and fundamental human rights issues like facilitation of infrastructure repairs, it has failed to deliver greater impact in terms of cessation of hostilities, dialogue facilitation, safety, and security of its staff. It was quite difficult to come up with innovations within the confines of the Mandate, to deliver adapted solutions against all odds and political constraints, but not impossible. Some aspects that could have been improved apart from political decisions taken in the Head Quarters should be establishing contacts with parties to the conflict at all levels, including commanders on the ground, developing strategies to implement cease fires agreements even at the lowest level, improving dialogue facilitation with ground level commanders, especially with de facto separatist authorities, increase of presence in social media with clear description of the Mandate and participation in social events in the conflict areas.

BIBLIOGRAPHY

- PC.DEC/1117 Organization for Security and Co-operation in Europe 21 March 2014
Permanent Council, 991st Plenary Meeting PC Journal No. 991, Agenda item 1
- Walker Nigel, (2023), Research Briefing, Conflict in Ukraine: A timeline (2014 – present), House of Commons Library, p. 6-38
- United Nations Peacekeeping Operations, Principles and Guidelines Peacekeeping Best Practices, Section Division of Policy, Evaluation and Training Department of Peacekeeping Operations United Nations Secretariat, Approved by J.-M. Guéhenno, USG/DPKO
- Approved on 18 January 2008
- United Nations Department of Political and Peacebuilding Affairs, September 2022,
GUIDANCE ON MEDIATION OF CEASEFIRES

<https://www.osce.org/special-monitoring-mission-to-ukraine-closed> accessed on 12-13.04.2023

Package of measures for the Implementation of the Minsk agreements, Minsk, 12 February 2015

<https://peacekeeping.un.org/en/mission/untso> accessed on 14.04.2023

<https://untso.unmissions.org/background> accessed on 15.04.2023

BORDER SECURITY CHALLENGES IN THE CONTEXT OF THE UKRAINIAN WAR

*Florentina CHIRODEA**
*Ioana Lucia BORDEIANU***

Abstract. *The EU and its Member States are currently working on concrete measures to guarantee Europe's security and strengthen the EU's external borders. The war between Russia and Ukraine has created several challenges for border police forces and border security, in general, mainly at the external borders of EU. The recent global threats such as the increase of illegal immigration, the high risks of terrorism and cross border criminality and the war itself created the essential need for exchanging cross-border information in order to prevent, detect, and investigate cross border criminality across Europe and the neighbouring countries. FRONTEX Agency closely monitors the EU's external borders. It also works with Member States to quickly identify and address any security threats at external borders. The Border Guard and the Coast Guard at European level support: managing migration more effectively, safeguarding the principle of free movement of persons, improving EU internal security etc. Strengthening the EU's external borders and cooperation with third countries are some of the concerns expressed by the new EU strategy regarding the Security Union, for the period 2020-2025. The paper is focusing on different issues related to organised crime and security threats aiming at finding out solutions in the context of Frontex operational responses which is serving those multiple purposes to better respond and tackle wide range of threats encountered at the EU external borders.*

Keywords: *border security, managing migration, security threats, cooperation, security union*

Introduction

The EU regularly participates in political dialogues and cooperation actions with countries inside and outside the EU and with different international and European organisations and agencies, such as Frontex, to address common security challenges. To this end, the EU relies on the support of its network around the world, responsible for representation in the interests of the European Union and its citizens abroad. This system makes it possible to counter internal security threats before they reach EU territory. It also, ensures that measures to combat crime and terrorism are taken into consideration, in a consistent and coherent way, focusing on the EU's external policies. At the European level there are important actions concentrated on the benefits of closer cooperation in security and defence. Naturally the EU is also heavily involved or leading in many external policy

* Associate Professor, PhD., Department of International Relations and European Studies, University of Oradea, e-mail: fchirodea@uoradea.ro

** PhD., Head of Department of Foreign Languages and Socio-Humanistic Sciences, "Avram Iancu" Border Police School of Training Agents Oradea, e-mail: ioanabordeianu@hotmail.com

areas of deep interest and benefit to the EU. Whether it is security, climate change, development policy or humanitarian assistance to name the most prominent, the countries have traditionally supported - even strongly encouraged - and benefitted from the EU's added value.

The EU has several types of instruments at its disposal for cooperation with third countries in security. These include political instruments (dialogues, action plans and strategies bilateral and regional security strategies), legal instruments (international conventions on terrorism, drugs, organised crime or corruption), financial support and capacity building under cooperation instruments. In this regard, in our opinion, transborder security of the EU can be described as a shared responsibility of the Member States and Frontex. The external borders of the EU are its common borders and, as such, they require joint actions of the relevant national authorities, EU bodies and institutions, and the Union as a whole. To continue the legacy of Frontex, the institution of the European Border and Coast Guard Agency served to establish the legal instruments of the Schengen Area. The main function of these instruments is to ensure an effective response to threats at the external borders of the Union.

The Russian war on Ukraine has shattered long-held views that war is not part of the past, on the European continent. The new security situation has sparked debates in capitals all over Europe on security and defence arrangements, policies and strategic orientation. While it has become commonplace to argue that the EU has made substantial progress on European defence cooperation since 2016, the return of war to Europe has given Member States the strongest push in decades to make progress on common European security and defence. The Versailles Declaration promised significant progress and all eyes subsequently turned to the defence - focused European Council meeting in May 2022, to see whether EU leaders would take the first steps to live up to these expectations.

Even though the war in Ukraine is a catastrophic event, criminals always try to take advantage, exploiting people with vulnerabilities for financial or other gain. The Crime Triangle¹ identifies three factors that promote a criminal offense: desire to commit a crime; a suitable target of the criminal's desire; and an opportunity for the crime to be committed or the absence of control. A conflict or conflict zones strengthens at least two of these factors: victim and opportunity. This study will focus on a number of key threats and areas that are being exploited and influenced by crime as of today. The purpose of the study is to highlight these key threats and the main border security challenges in the context of the Ukrainian war.

In the period of 2020 to 2025 there was pictured a new EU Security Union Strategy by the European Commission (European Commission, 2020a). This is having as main priority the area where the EU can bring plus value to support Member States in fostering security in Europe in order to ensure security in the physical and digital environment. Its most important challenges are: focusing on combating organised crime; preventing and detecting hybrid threats; increasing the resilience of critical infrastructure; combatting terrorism; promoting cybersecurity and fostering research and innovation. There are 4 strategic priorities for action at EU level, according to the program set out for 2020 – 2025 (European Commission, 2020b: 6-26):

1. *A future-proof security environment.* In order to implement the strategy, the European Commission will put forward new EU rules on the protection and resilience of critical infrastructure, will promote stepped up public-private cooperation, identified the

need for Joint Cyber Unit as a platform for structured and coordinated cooperation, will continue building and maintaining robust international partnerships;

2. *Tackling evolving threats.* The Commission will revise the EU rules against cybercrime and will explore measures against identity theft, looking further to enhance law enforcement capacity in digital investigations, having a different approach to artificial intelligence, big data and high-performance computing in relation to security policy. It will focus on actions such as terrorism, extremism or child sexual abuse, under a framework ensuring the respect of fundamental rights. The Commission is going to set out a strategy for a more effective fight against child sexual abuse online. There is also going to be an EU approach on countering hybrid threats, from early detection, analysis, awareness, building resilience and prevention to crisis response and consequence management – mainstreaming hybrid considerations into broader policy-making, in close cooperation with strategic partners, notably NATO and G7.

3. *Protecting Europeans from terrorism and organised crime.* There are two concepts to focus on while implementing a better protection of Europeans which are focusing on anti-radicalisation, firearms trafficking and cooperation with non-EU countries. While fighting terrorism and organized crime the essential steps would be to strengthen border security. “Organised crime comes at huge costs for victims, as well as for the economy, with €218 to €282 billion estimated to be lost every year. Key measures include an Agenda for tackling organised crime, including trafficking in human beings for next year. More than a third of organised crime groups active in the EU are involved in trafficking illicit drugs. The Commission is today putting forward a new *EU Agenda on Drugs* to strengthen efforts on drug demand and supply reduction, and reinforce cooperation with external partners”¹. Criminal organisations treat migrants and people in need of international protection as a commodity. The Commission emphasized, in the new *EU Action Plan against migrant smuggling* the importance of “focussing on combatting criminal networks, boosting cooperation and support the work of law enforcement” (European Commission, 2021).

4. *A strong European security ecosystem.* There are going to be applied key measures like strengthening Europol's mandate for a better link between the judicial and law enforcement authorities and further developing Eurojust. It is going to be of the utmost importance to work with partners outside of EU and cooperate with Interpol. The creation of a European Innovation hub for internal security and implementing the basic knowledge on security threats and solutions on combating them can have a real impact on society's resilience. Therefore, the *European Skills Agenda*, adopted on 1 July 2020, supports skills-building throughout life, including in the area of security.

Regarding protecting Europeans from terrorism and organised crime, both EU agencies and national authorities are collaborating with Frontex on issues related to cross-border crime having in common the goal of making European Union safer and more secure. Fighting crime in EU, under Frontex umbrella take into consideration not only tackling cross-border crime, but also identifying criminal threats: “in its operations, Frontex targets not just migrant smuggling or trafficking in human beings, but also other serious crimes that affect the security of the EU and its people, ranging from the smuggling of drugs, firearms, stolen cars and counterfeit goods to document fraud and environmental

¹ For more information see official site of the Frontex Agency available at <https://frontex.europa.eu/what-we-do/fighting-crime/cross-border-crime/>

crime” (Frontex, 2023a). Cross-border crime threats has a complex character and requires a comprehensive operational response at the borders – which mean that the first filter must stop illegal activities before they harm EU citizens. Law enforcement is firmly embedded in Frontex’s operational response. All joint operations contain the element of cross-border crime counteraction. Frontex takes part in international operations in order to focus on serious and organised crime. These operations are coordinated under the umbrella of the European Multidisciplinary Platform Against Criminal Threats - EMPACT (Council of the EU, 2023: 6-7).

Also, weapon trafficking has a huge impact on society and it is considered a global threat, being a major security concern for EU authorities, because of its impact in the organized crime area. The Handbook on Firearms for Border Guards and Customs Officers and Frontex - VEGA Handbook are the result of Frontex actions in order to assist national border guard authorities in their fight against organized crime. Frontex has cooperated with specialised UN agencies and NGOs for many years, preparing handbooks for border guards on how to detect potential victims and seek further assistance. The Frontex VEGA Handbook: ”Children Concept is a valuable resource resulting from Frontex's comprehensive approach to children at risk on the move” (Frontex, 2023a). The main interest of Frontex is to ensure that the external borders remain safe and secure, so in order to achieve this goal, The Agency is developing effective strategies and tools for countering the threats posed by foreign terrorist fighters and one tool on supporting this is the Common Risk Indicators, which we actively identifying and assessing the risk of suspicious travel by potential foreign terrorist fighters.

In this context, we have structured the paper in such a way as to validate or invalidate the following research hypothesis: the functioning of Frontex is supported, not only by the institutions of the European Union, but also by Member States; the support given by the Agency to the Member States is relevant in the context in which the regional security challenges have intensified as a result of the war in Ukraine. To this end, we will first carry out a brief diachronic analysis of the mission entrusted by the institutional bodies of the European Union to the Agency, respectively the strategies and instruments through which Frontex ensures the fulfilment of the objectives it has undertaken, data being collected from the official documents of the EU institutions and from the press releases issued by the European bodies and by Frontex. The second part of the study focuses on the identification in the documents of data relating to the various actions coordinated by the Agency or in which Frontex took part, in order to add quantitative arguments to the hypotheses formulated.

FRONTEX and organized Crime at the External Borders

The European Border and Coast Guard Agency has started to support EU Member States and Schengen associated countries in protecting the external borders of the EU's free movement area since 2004. Being established as an important agency of the European Union, Frontex is funded by the EU budget. Apart from that Frontex is also supported from the financial point of view by contributions from Schengen associated countries. So therefore, it is planned that by 2020, the agency will have around 1,000 staff. The staff working for the agency will be will be seconded from Member States (almost a quarter) and it is programmed that the seconded officers will return to their jobs in their own countries after their tenure at Frontex ends.

Since 2004 Frontex has developed a lot and in 2016, the Agency expanded and evolved to become the European Border and Coast Guard Agency, and its role broadened from migration control to border management, focusing on IBM (integrated border management), and meanwhile its increasing responsibilities in the fight against cross-border crime were both transformed and enlarged. Frontex is nowadays recognised as being one of the important pillars that gives the European Union's area of freedom, security and justice not only support but also future stability. Among other responsibilities Frontex's Management Board is efficiently controlling the functions, establishes the budget and verifies its execution, ensures transparent decision-making procedures are in place (European Parliament and Council of the EU, 2016).

Frontex's Management Board is composed of representatives of the heads of the border authorities of the 27 EU Member States that are signatories of the *Schengen acquis*, plus two members of the European Commission. Representatives from Ireland, Iceland, Liechtenstein, Norway and Switzerland are also invited to participate in Management Board meetings. Also, Frontex is an operational agency being able to deploy more than 1 500 officers from Member States throughout the EU at any given time for different types of missions. Even more, to increase its capacity to follow up on new situations, Frontex's Situation Centre, which monitors external borders, now operates 24 hours a day, seven days a week. The agency is also providing training for specialized courses in different domains of specific work.

Frontex collaborates closely with national authorities and EU agencies, including Europol, to prevent and to stop cross-border crime and make European Union safer and more secure area². In its field operations, Frontex agency targets not only migrant smuggling or trafficking in human beings, but also other crimes that affect the security the EU and its people, ranging from the smuggling of drug, firearms, terrorism, foreign terrorist fighter's situation, stolen cars and counterfeit goods to document fraud and environmental crime etc. Many different criminal networks engage in multiple criminal operations simultaneously, and they are adding many criminal activities to their portfolio of "services" and also collaborate with networks involved in organised crime.

The multinational environment and the complex character of cross-border crime threats at the European level require a comprehensive operational response and measures at the external borders – the first filter to stop illegal activities before they harm EU citizens and EU internal security. For this reason, efforts to combat organised crime by EU Member States, partnership countries, non-EU partners and Frontex at the EU's external borders need to be based on SWOT analyses and in this account the risk analysis and criminal threats are very important. EU Member States have the support of the agency on both technical and operational assistance to reinforce their capacity. The support means

² In the Regulation (EU) 2016/1624 (11), it is stated that "...the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union should therefore be expanded. To reflect those changes, it should be renamed the European Border and Coast Guard Agency, which will continue to be commonly referred to as Frontex. It should remain the same legal person, with full continuity in all its activities and procedures....", and at the Article 6, it is stipulated that "the European Border and Coast Guard Agency shall be the new name for the European Agency for the Management of Operational Cooperation at the External Borders of the Members States of the European Union established by Regulation (EC) No 2007/2004. Its activities shall be based on this Regulation...." (European Parliament and Council of the EU, 2016)

a large area of issue to be fulfilled such as expertise, training, advice on appropriate technological tools or launching operational response, law enforcement, joint operations etc.

Frontex is the EU agency that coordinates its cross-border crime related activities with the support of the Member States and a number of European and international organisations. In January 2023, more than 13,200 irregular border crossings were detected at EU's external borders, down 12% from a year ago in large part due to poor weather conditions on some sea routes, preliminary figures compiled by Frontex showed. In 2022, the agency reported around 330,000 irregular border crossings at EU's external border, the highest number since 2016 (Frontex, 2023b). Also we have the following "key developments: 13,200 irregular border crossings detected in January; 43% of all irregular entries occurred via the Western Balkans; 49% increase in the Central Mediterranean in January; Nationals of Afghanistan, Cote d'Ivoire, Guinea and Syria most frequently reported (Frontex, 2023b).

According to the Agency, the top migratory routes is: the Western Balkans route, which continued to account for the largest number of all the crossings (43% of the total in January), although the situation compared with last year remains largely unchanged (5% decrease year-on-year); the Western African and the Western Mediterranean routes saw the biggest drops in detections in the first month of the year, 82% and 49% respectively, mainly due to harsh weather conditions affecting departures; meanwhile, the Central Mediterranean route saw the largest increase of detected irregular migrants compared to the same month of last year. The total number rose by half to 4,500, but the migrants on this route continue to depart from Tunisia, Libya and Türkiye (Frontex, 2023b).

Among the topics discussed by Frontex analysts there are subjects like the impact of the war in Ukraine, general migratory situation, cross-border crime, document fraud, terrorism, returns, etc. Both cross-border crime and irregular migration phenomenon were mostly affected by the war in Ukraine and are influencing a lot the international environment. But there are other key risks affecting European Integrated Border Management and there are other factors that will affect EU's border management include the highly impact of the COVID-19 pandemic, climate change and the use of irregular migration as a hybrid threat.

In matters of cooperation, Frontex cooperates mainly with the European Commission, the European External Action Service, EASO, Europol, the Fundamental Rights Agency, Eurojust, the European Union Satellite Centre, the European Maritime Safety Agency and other European and international institutions, bodies, offices and agencies and third countries under the relevant working agreements. Some of the key achievements of Frontex are: reduced vulnerability of the external borders based on comprehensive situational awareness Frontex Situation Centre – real-time and near-real time monitoring; safe, secure and well-functioning EU external borders; sustained European Border and Coast Guard capabilities; implement and support European integrated border management to ensure safe and well-managed EU external borders; reinforce the external dimension aimed at multiplying Frontex operational impact through cooperation with the European Commission and EEAS, as well as through partnership with Member States, EU entities, third countries and international organisations; develop an upgraded management system aimed at ensuring accountability, regularity and legality of all Frontex activities (Frontex, 2021).

Frontex is assessing, approving, and coordinating proposals for joint operations and is also piloting projects put forward by the Member States. The agency is putting its technical resources at the disposal of Member States participating in joint operations or pilot projects and is assessing the results of joint operations. Frontex is also conducting analyses of the results with a view to enhancing the quality, coherence and efficiency of future operations and projects and is co-financing operations and projects.

While comparing Frontex budget (see Table 1) we realize that from 2005 at a budget of 122,222 euros for staff members, the agency moved to a bigger buget of 377,000 euros in 2022. As a general view upon the agency started from 5.5 million euros and enlarged it to 754 million euros in only 17 years.

Table 1. Agency staff and budget between 2005 and 2020

Year	Budget (€ m)	Staff	Budget per staff member (€)	Year	Budget (€ m)	Staff	Budget per staff member (€)
2005	5.5	45	122,222	2014	93.4	311	300,322
2006	19.2	70	274,286	2015	143.3	309	463,754
2007	42.1	128	328,906	2016	251	365	589,041
2008	70.4	181	388,950	2017	302	488	618,852
2009	88.3	226	390,708	2018	320	643	497,667
2010	92.8	294	315,646	2019	333	750	444,000
2011	118.2	304	388,816	2020	460	1223	376,124
2012	89.6	303	295,710	2021	543	1513	358,890
2013	94	302	311,258	2022	754	2000+	377,000

Source: own synthesis of data published by Peers (2018), European Commission (2019a), Frontex (2015, 2021b and 2022f), EPRS (2019)

As we can see the year of 2015 was a year of reference for the agency its buget becoming bigger, almost double. The new Agency was proposed by the European Commission on 15 December 2015 to strengthen Frontex, widely seen as being ineffective in the wake of the European migrant crisis (European Commission, 2015). Support for the proposal has come from France and Germany, with Poland and Hungary expressing opposition to the plan, concerned by the perceived loss of sovereignty (BBC, 2015; Robinson and Spiegel, 2015). In the present time the agency is not a new body, and it doasn't replace Frontex but it has the same legal personality. The operational capabilities of Frontex are mostly seen in the joint operations and pilot programmes at the external air, land and sea borders and till 2027 the Agency will have "10,000 strong standing corps of border guards", which "will give Member States the support where and when they need it to better manage their external borders" (European Commission, 2019b).

Border Security Challenges – Organized Crime at the Border with Ukraine

Since from the beggining of the war in Ukraine, EU Justice and Home Affairs agencies (CEPOL, EIGE, Frontex, EMCDDA, EUAA, EUROJUST, EUROPOL, FRA, EU- LISA) have been supporting the EU Member States and institutions in responding to

the conflict and have been helping people affected by the war. It was published a joint paper on the contributions to the EU's solidarity with Ukraine by the EU Justice and Home Affairs network publishes which is highlighting a broad spectrum of activities undertaken by nine EU Agencies: producing reports and analyses; identifying key fundamental rights challenges and ways to overcome them; supporting Ukrainian and Moldovan authorities; supporting investigation of international crimes; supporting EU national authorities; providing information and support to those displaced from home; contributing to the enforcement of EU sanctions (JHAAN, 2023). "The JHAAN connects nine EU Agencies active in the field of freedom, security and justice. Together, the agencies contribute to the implementation of the EU's objectives on migration, asylum and external border management, the fight against organised crime, drug trafficking and terrorism, gender equality and respect for fundamental rights. They also facilitate the functioning of EU IT systems, contribute to EU activities on drugs and drug addiction and deliver law-enforcement training" (Frontex, 2022a).

These nine agencies play an important role in providing support to people affected by the war, by contributing to the implementation of political decisions made at the European level. The network is also assisting Member States and other countries, and, in particular persons displaced from Ukraine. Also, Frontex continues to provide support to EU Member States affected with the migratory flows, as well as the neighbours. The agency activated a crisis response mechanism and provides regular updates to the Member States and the EU institutions on the situation at border crossing points, facilitate border crossings, monitors refugee flows to support awareness and border control activities. In this support, Frontex provided hundreds of standing corps officers and equipment to help improving border checks at the borders with Ukraine. "The agency had about 500 standing corps officers working along the eastern border from Finland to Romania, including more than 350 officers working at the EU-Ukraine borders. Our support for Ukraine is not waning. In January, Frontex and the State Border Guard Service signed a grant agreement worth 12 million euros to support Ukrainian border officers in performing their duties" (Frontex, 2023c).

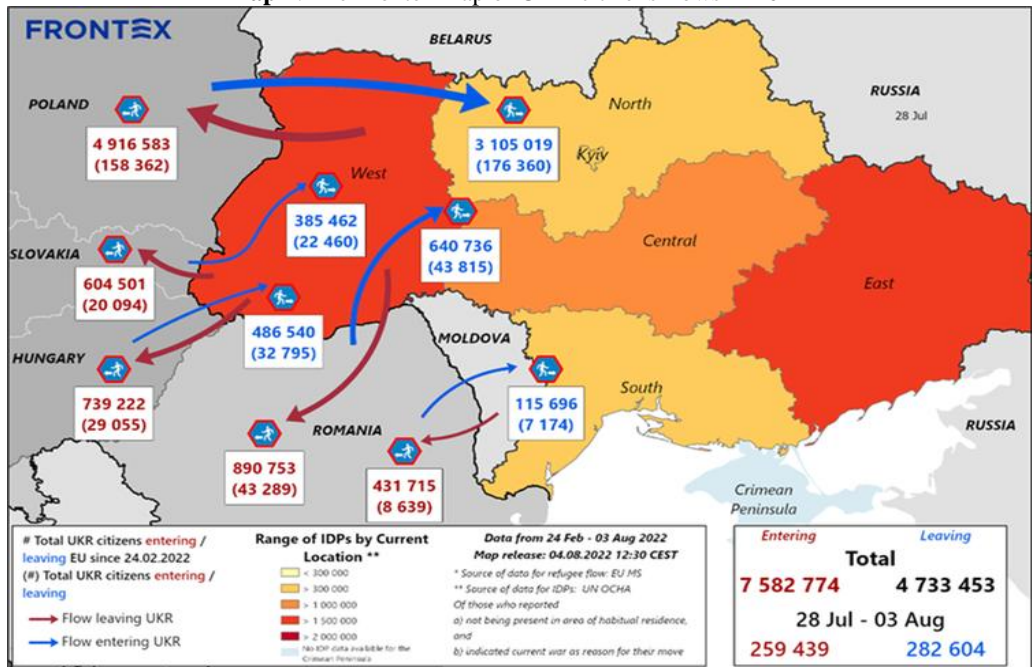
A broad spectrum of activities will be covered by JHA Agencies and the most important might include: information provision-related activities and support; producing targeted analytical products and reports; supporting the authorities of Ukraine and Moldova; identifying key fundamental rights challenges and ways to overcome them; providing operational support to investigations of core international crimes allegedly committed in Ukraine; providing operational support to national authorities, with a particular emphasis on Member States bordering Ukraine and Moldova; contributing to the enforcement of EU sanctions (JHAAN, 2023: 2).

An international operation to crack down on serious transnational crime at EU's eastern land borders was led by Frontex between 27 September and 8 October, 2023. A joint operation Joint Action Day Finestra focusing on excise goods and other illegal commodities smuggling, migrant smuggling and associated document fraud was led by Frontex and Romanian authorities. In the operational field there were brought together authorities and officers from 13 countries and 7 European agencies and international organisations. This action had some specific purposes as: identifying criminal networks behind the smuggling of excise goods, related document fraud and tackling cross-border criminality, exchanging information and strengthening cooperation between EU Member States and other participating countries (Ukraine and Moldova) and sharing best practices.

They resulted, *inter alia*, in the detection of 36 million illicit cigarettes, 2360 kg of tobacco, 160,000 litres of alcohol as well as 6000 litres of mineral oil; 32 smugglers were arrested (Wahl, 2022).

As an example, out of the operation, JAD ARKTOS 2 was coordinated by Frontex, Latvia and Finland. The operation was carried out in November 2020 (37 million cigarettes, worth €12.9 million, 1.8 tonnes of tobacco, 130 litres of alcohol and 3 500 litres of fuel were seized). Ğ JAD HANSA was led by Lithuania and the UK, and the operation involved customs officers from 15 EU member states. It took place in November 2020 (17 arrests, 67 million cigarettes worth €35.8 million, 10 vehicles and 2.6 tonnes of tobacco were seized). €30.5 million of revenue loss prevented. A clear majority of the seized cigarettes – 88 % – were “illicit whites” from Belarus. Ğ JADs SPOOKS III and SPOOKS IV was led by Belgium; the operations were carried out in June/July 2020 and in November/December 2020 - 4 shipments with 30 pallets of vodka seized; revenue loss prevented: €120,000; investigations regarding 116 similar export shipments initiated (Council of European Union, 2020 and Frontex, 2023d).

Map 1. The Frontex map of UKR citizens flows in 2022



Source: Frontex, Ukraine: Flows across external borders stabilize over summer, News Release, 08.08.2022, available at <https://frontex.europa.eu/media-centre/news/news-release/ukraine-flows-across-external-borders-stabilise-over-summer-3gxpnO>, accessed in May 2023

According to news release from the 8th of August 2022, there were 7.6 million Ukrainian nationals that had entered the EU from Ukraine and Moldova since the beginning of Russia’s invasion in February. 4.7 million Ukrainians had been recorded exiting the EU towards Ukraine during the same period. According to statistics many more Ukrainians for example in July 2022, exited towards Ukraine (1.17 million) than

entered the EU (1.16 million), meanwhile in June, 1.09 million Ukrainians entered and 1.11 million exited the EU (see the map below).

But flows from Russia and Belarus had remained on the same level as in previous weeks in July, 2022 - between 28 July to 3 August, 11,148 Ukrainian nationals arrived in the EU from Russia and Belarus. 4,002 Ukrainians entered the two countries from the EU during the same period. The number of internally displaced people (IDPs) remains high, IOM data from July estimates the number of IDPs in Ukraine as 6.64 million, more than in June (6.27 million) but down from 7.1 million in May. 1.6 million of them are estimated to be in the western Ukraine. "Enduring numbers of IDPs may have a long-term impact on the flow of refugees. Conflict intensification in the south or any other new fronts could further increase the number of IDPs and of people seeking refuge in the EU" (Frontex, 2022b). Frontex continues to monitor the situation at the external borders and sent between July and August 2022, 259 officers to countries neighbouring Ukraine to support national authorities with border control.

Frontex led an international operation named EMPACT Joint Action Day (JAD) Danube, and focused on combatting the smuggling of migrants, fighting trafficking in human beings and document fraud. The operation took place in Central and South-Eastern Europe and Frontex worked together with the Austrian authorities, 13 countries, Europol, Eurojust and INTERPOL. The result of the action that lasted for a week had a very good impact: the authorities managed to arrest 82 people smugglers and identify two cases of trafficking in human beings involving three children, there were 89 fraudulent documents, 26 stolen cars detected, and INTERPOL confirmed 35 hits in its global databases, including six red notices for internationally wanted persons. Europol has performed 947 crosschecks against its databases of operational information contributed by the participating countries. A coordination centre was set up in Vienna and the action was organised under EMPACT, the European Multidisciplinary Platform Against Criminal Threats. It tackled the most important threats posed by organised and serious international crime affecting the EU. EMPACT strengthened intelligence, strategic and operational cooperation between national authorities, EU institutions and bodies, and international partners. The participants were Albania, Austria, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Moldova, Montenegro, North Macedonia, Poland, Romania, Serbia, Slovakia, Slovenia, Eurojust, Europol and INTERPOL (Frontex 2022c).

In Operation Mobile the focus was on stripping stolen cars to transport parts, ampers, boat engines targeted by thieves across Europe and new "chophouses". The action led to the seizure of 522 stolen cars and various car parts and boat engines, as well as the discovery of four so-called chophouses where stolen cars were quickly stripped into parts that can then be smuggled across the borders. It mostly focused on the detection of stolen cars and car parts, but as these crimes often go hand in hand with other criminal activities, it also targeted people smuggling and related document fraud and the results were the following: 522 stolen cars, 275 car parts, 7 stolen boats, 7 stolen boats engines, 110 fraudulent documents, 91 people smugglers. At the Operation Mobile 5 was involved 18 EU Member States (Austria, Bulgaria, Croatia, Czech Republic, Denmark, France, Greece, Germany, Italy, Latvia, Lithuania, The Netherlands, Poland, Portugal, Romania, Slovakia, Spain), 6 Non-EU countries (Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, Serbia) and some agencies and organisations - Frontex, Europol, INTERPOL, CELBET (Frontex, 2022d).

Frontex agency also coordinated an international operation against cigarette smuggling, document fraud, migrant smuggling and smuggling of firearms at EU's external borders. Joint Action Days (JAD) Finestra 2, was co-led by the Romanian and Moldovan authorities and took place in December 2022. Other organisations, including EUROPOL, EU's Anti-Fraud Office (OLAF), Southeast European Law Enforcement Centre (SELEC) and INTERPOL, were also on board. A cooperation centre with officers from participating countries was set up in Chisinau, Moldova. As a result of the operation, authorities seized 2.3 million cigarettes, more than 3 tonnes of raw tobacco, 15 fraudulent documents, identified 40 people smugglers and arrested 2 persons wanted by INTERPOL. In addition, law enforcement officers also recovered illicit firearms, pyrotechnics, counterfeit goods, anabolic products, drugs and a number of stolen vehicles (Frontex, 2023d).

Regarding migratory flows, Frontex provides daily updates to Member States and EU institutions on the situation at border crossing points and monitors refugee flows to facilitate border crossings and support evacuation corridors. For example, between 24 February and 3 May, 5 644 775 refugees fled Ukraine towards the EU. Polish and Romanian borders continue to observe the highest traffic: 3,131,297 to Poland; 378,511 to Slovakia; 581,039 to Hungary; 509,164 and 1,044,764 to Romania (Frontex, 2023c). There were currently 520 standing corps officers working along the Eastern border from Finland to Romania. This includes 362 officers working at the EU-Ukraine borders. To support Moldova which is currently facing unprecedented number of arrivals of refugees, Frontex deployed 73 officers. And they sent 4 officers to Finland, 37 officers to Estonia, 23 to Latvia, 94 to Lithuania, 26 to Poland, 56 to Slovakia and 207 to Romania (Frontex, 2023e).

Till 4th May 2022, Frontex supported the organisation of 17 humanitarian return flights helping 725 non-EU citizens fleeing the war. This included 698 people on four charter flights and 27 people returned via 13 scheduled flights. Humanitarian voluntary return flights were carried out from Poland to Armenia, Azerbaijan, Kyrgyzstan, Tajikistan and Uzbekistan in cooperation with the relevant embassies. Frontex agency is constantly monitoring the external borders of the European Union, delivering updates and alerts to EU Member States and Schengen Associated Countries, the European Commission and other agencies. The agency's Situation Centre works 24/7 to collect and analyse information that are used by Member States and EU bodies for decision-making (Frontex, 2022e).

Conclusions

From the analysis of the previously presented data, we can state that the first research hypothesis is validated, the establishment of Frontex, renamed in 2016 European Border and Coast Guard Agency, is a strategic decision of the decision-making forums in Brussels, the abandonment of internal borders, a logical continuation of the integration process and a defining stage in the implementation of the principle of freedom of movement in the EU, not being possible without its securitization of external borders and Schengen apathy (Neal, 2009).

During 2005 - 2016, its activity was not very well financed, if we also take into account personnel employee, we can support the statement Gen. Brig. Ilkka Laitinen, one of the executive directors Frontex, that the Agency was of "medium caliber". Even if Frontex has had enough financial independence in terms of the missions carried out, it worked without direct Operational power, always relying on other parties for its final implementation programs" (Laitinen, 2008). After the migration crisis of 2015, the role played by Frontex in management may have substantially changed how the Agency was

perceived, it being reformed and receiving full power in coordinating the actions of the commune (Leonard and Kaunert, 2022). The application of Regulation (EU) 2016/1624 tripled its budget for border control and surveillance operations, respectively for search and rescue, from the data presented, the need for Frontex collaboration with the authorities can be observed national, especially in making the reserve of 1,500 officers.

Even if some objectives have been partially fulfilled, the Agency is developing continuously, but the pace is too slow and the horizon of distant time when a force of 10,000 EU border guards will be reached, make certain portions of the external border of the European Union cannot be covered. If we add the reluctance of Member States to cede national sovereignty in the field of border control, the professionalization of smugglers and the creation of alternative routes for migrants (Bossong, 2019), we understand that Frontex missions will be partially fulfilled due to the lack of consensus and the lack of a European authority in the field of asylum.

The introduction of the Entry-Exit System is forcing European society to get ready for a revolution in travel. But Frontex is going to play a central role after the launch of ETIAS and both these changes will help in having a safer and smoother travel across the EU's external borders. Only by working together the two parties, Frontex and EU Member States, sharing resources and expertise, we can say that the security of our countries and the protection of our citizens is going to be ensured. Fulfilling his moral and legal obligations in order to provide protection to those in need, safeguarding of core values, observing the fundamental rights of everyone are going to be issues to be interested while Frontex is the main agency in charge with protection of the external borders. In this order, to implement one of the fundamental principles of the EU, the free movement of people within its borders and to be able to enjoy the benefits of the Schengen area, "it is essential to safeguard its external borders. Internal free movement must be balanced with the need to protect our citizens and maintain the security of our countries. This is why it is essential that we cooperate closely and effectively at the European level to address these challenges. Frontex continues to provide technical and operational assistance to affected Member States, especially as we face unprecedented challenges at our borders. At the same time, we will continue to help taking care of those seeking protection in the EU" (Frontex, 2023e). Looking safely to the future transformations we can say that many millions of travellers are crossing the EU's external borders every year and their numbers will increase in the future. So therefore, border checks will encounter significant transformations in the coming years, both to effectively safeguard the EU's external borders and to improve the border crossing experience for travellers. Biometrics is one of the fields expected to significantly contribute to the attainment of these goals. In this context, some of Frontex interests will be in maximising future benefits of biometrics technology in border management while minimising its risks and ensuring full compliance with the existing legal, ethical and technological constraints, therefore the second hypothesis is also validated.

BIBLIOGRAPHY

BBC online edition (2015), *Migrant crisis: EU launches new border force plan*, 15 December 2015, available at <https://www.bbc.com/news/world-europe-35093827>, accessed in May 2023;

- Bossong, Raphael (2019), *The Expansion of Frontex. Symbolic Measures and Long-term Changes in EU Border Management*, SWP Comment, No. 47/2019, available at https://www.swp-berlin.org/publications/products/comments/2019C47_bsg.pdf, accessed in May 2023;
- Council of the European Union (2020), *Facilitated Illegal Immigration. 2020 Results and Excise Fraud*, available at <https://www.consilium.europa.eu/media/50206/combined-factsheets.pdf>, accessed in May 2023;
- Council of the European Union (2023), *Council Conclusions on the Permanent Continuation of the EU Policy Cycle for Organised and Serious International Crime: EMPACT 2022+*, available at <https://data.consilium.europa.eu/doc/document/ST-7100-2023-INIT/en/pdf>, accessed in May 2023;
- European Commission (2015), *A European Border and Coast Guard to protect Europe's External Borders*, Press release, 15 December 2015, available at https://ec.europa.eu/commission/presscorner/detail/en/IP_15_6327, accessed in May 2023;
- European Commission (2019a), *EU budget 2020: Commission focuses its proposal on jobs, growth and security*, Press release, 5 June 2019, available at https://ec.europa.eu/commission/presscorner/detail/en/IP_19_2809, accessed in May 2023;
- European Commission (2019b), *European Border and Coast Guard: Stronger EU borders with a new standing corps of 10,000 border guards*, press release, 17 April 2019, available at https://ec.europa.eu/commission/presscorner/detail/en/IP_19_2166, accessed in May 2023;
- European Commission (2020a), *EU Security Union Strategy: connecting the dots in a new security ecosystem*, Press release, 24 July 2020, available at https://ec.europa.eu/commission/presscorner/detail/en/IP_20_1379, accessed in May 2023;
- European Commission (2020b), *Communication from the Commission to the European Parliament, The European Council, The Council, The European Economic and Social Committee and The Committee of the Regions on the EU Security Union Strategy*, Brussels, 24.07.2020;
- European Commission (2021), *Communication from the Commission to the European Parliament, The European Council, The Council, The European Economic and Social Committee and The Committee of the Regions. A renewed EU action plan against migrant smuggling (2021-2025)*, Brussels, 29.09.2021;
- EPRS - European Parliamentary Research Service (2019), *Frontex budget*, available at <https://epthinktank.eu/2014/02/18/graphics-on-legal-affairs/frontex-budget-2/>, accessed in May 2023;
- European Parliament and the Council of the European Union (2016), *Regulation (EU) 2016/1624 of the European Parliament and the Council on the European Border and Coast Guard*, 14 September 2016, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R1624>, accessed in May 2023;
- Frontex (2015), *Amended Budget 2015 N3*, available at https://frontex.europa.eu/assets/Key_Documents/Budget/Budget_2015_N3.pdf, accessed in May 2023;
- Justice & Home Affairs Agencies Network (2023), *Joint paper on JHA Agencies' contribution to EU Solidarity with Ukraine*, available at <https://frontex.europa.eu/assets/Publications/>

- JHAAN/JHAAN_Joint_paper_on_JHA_Agencies_contribution_to_EU_solidarity_with_UA.pdf, accessed in May 2023;
- Laitinen, Ilkka (2008), "Frontex. An Inside View", in *EIPAScope*, no.3/2008, p. 31-34;
- Leonard, Sarah; Kaunert, Christian (2022), "The Securitization of Migration in the European Union: Frontex and its Evolving Security Practices", in *Journal of Ethnic and Migration Studies*, Vol. 48, Special Issue: The Spiralling of the Securitization of Migration in the European Union, p. 1417-1429;
- Neal, Andrew W. (2009), "Securitization and Risk at the EU Border: The Origins of FRONTEX", in *Journal of Common Market Studies*, Vol. 47, Issue 2, p. 333-356;
- Peers, Steve (2018), *The next phase of the European Border and Coast Guard: towards operational effectiveness*, EU Law Analysis online platform, 8 october 2018, available at <http://eulawanalysis.blogspot.com/2018/10/the-next-phase-of-european-border-and.html>, accessed in May 2023;
- Robinson, Duncan; Spiegel, Peter (2015), "EU border guard proposal wins wide support", in *Financial Times*, on-line edition, 18 December 2015;
- The European Border and Coast Guard Agency – Frontex (2021a), *Consolidate Annual Activity Report 2020*, Frontex Publishing House, Warsaw, Poland;
- The European Border and Coast Guard Agency – Frontex (2021b), *Budget 2021 VOB*, Frontex Publishing House, Warsaw, Poland;
- The European Border and Coast Guard Agency – Frontex (2022a), *EU Justice and Home Affairs agencies present concrete actions in support of Ukraine*, News Release, 23.08.2022, available at <https://frontex.europa.eu/media-centre/news/news-release/eu-justice-and-home-affairs-agencies-present-concrete-actions-in-support-of-ukraine-Nxy0be>, accessed in May 2023;
- The European Border and Coast Guard Agency – Frontex (2022b), *Ukraine: Flows across external borders stabilize over summer*, News Release, 08.08.2022, available at <https://frontex.europa.eu/media-centre/news/news-release/ukraine-flows-across-external-borders-stabilise-over-summer-3gxpno>, accessed in May 2023;
- The European Border and Coast Guard Agency – Frontex (2022c), *82 people smugglers arrested in a Frontex-led operation*, News Release, 15.07.2022, available at <https://frontex.europa.eu/media-centre/news/news-release/82-people-smugglers-arrested-in-a-frontex-led-operation-l67wRA>, accessed in May 2023;
- The European Border and Coast Guard Agency – Frontex (2022d), *Operation Mobile 5 – race against time*, News Release, 31.10.2022, available at <https://frontex.europa.eu/media-centre/news/news-release/operation-mobile-5-race-against-time-h4mCIN>, accessed in May 2023;
- The European Border and Coast Guard Agency – Frontex (2022e), *Ukraine: Frontex support to Member States*, News Release, 04.05.2022, available at <https://frontex.europa.eu/media-centre/news/news-release/ukraine-frontex-support-to-member-states-PAEQqq>, accessed in May 2023;
- The European Border and Coast Guard Agency – Frontex (2022f), *Budget 2022. VOB*, Frontex Publishing House, Warsaw Poland;
- The European Border and Coast Guard Agency – Frontex (2023a), *Tackling cross-border crime*, available at <https://frontex.europa.eu/what-we-do/fighting-crime/cross-border-crime/>, accessed in May 2023;
- The European Border and Coast Guard Agency – Frontex (2023b), *EU's external borders in 2022: Number of irregular border crossings highest since 2016*, News Release,

13.01.2023, available at <https://frontex.europa.eu/media-centre/news/news-release/eu-s-external-borders-in-2022-number-of-irregular-border-crossings-highest-since-2016-YsAZ29>, accessed in May 2023;

The European Border and Coast Guard Agency – Frontex (2023c), *Frontex stands with Ukraine*, News Release, 24.02.2023, available at <https://frontex.europa.eu/media-centre/news/news-release/frontex-stands-with-ukraine-koMhlh>, accessed in May 2023;

The European Border and Coast Guard Agency – Frontex (2023d), *3 tonnes of tobacco, 2 million cigarettes seized at EU's external borders*, News Release, 04.01.2023, available at <https://frontex.europa.eu/media-centre/news/news-release/3-tonnes-of-tobacco-2-million-cigarettes-seized-at-eu-s-external-borders-KZGOMv>, accessed in May 2023;

The European Border and Coast Guard Agency – Frontex (2023e), *2022 in Brief*, Frontex Publishing House, Warsaw, Poland;

Wahl, Thomas (2022), *Operation Finestra at EU's Eastern Borders*, EUCRIM online platform, 17 January 2022, available at <https://eucrim.eu/news/operation-finestra-at-eus-eastern-borders/>, accessed in May 2023;

INTERNATIONAL POLITICAL-LEGAL REGULATION OF COOPERATION FOR COUNTERING TERRORISM IN EUROPE

*Cristina EJOVA**

Abstract. *The undeclared and unprovoked war of the Russian Federation in Ukraine has substantially changed the list of dangers to international security. After the end of the Cold War, the main danger was determined by international terrorism, expressed primarily through the actions of transnational organizations. The conflict in Ukraine has brought nuclear weapons back to the forefront (similar to the bipolar period), which complements conventional weapons. However, attention to terrorist movements should not be reduced, expressed primarily through cells that consist of a few individuals, lone wolves, and the amplification of state terrorism. In this sense, the phenomenon of terrorism remains an important subject from both a theoretical and political-legal standpoint, including the elaboration of a synthesis definition. The article will highlight the the issue of international political-legal regulation of cooperation for countering terrorism in Europe comprehensively, exploring various specific components of the process of countering terrorism within the complex activities of the Council of Europe, European Union and OSCE.*

Keywords: *international terrorism, international cooperation, international organizations, combating terrorism, prevention of terrorism.*

1. Introduction

The danger posed by international terrorism requires all international actors to collaborate efficiently, not only within the structures of the United Nations, as the primary factor in countering terrorism, but also through close regional cooperation that takes into account the specific characteristics of certain territories and regions, as well as the traditions and particularities of the people's mindset. Thus, there is still an opportunity to argue for the contemporary characteristic of institutional collaboration in the fight against the dangers of international terrorism, including outside of the United Nations. In this context, regional cooperation in countering the threat of terrorism is extremely relevant.

This is based on multiple factors, including: the close proximity of participating states, which must establish compromises in the situation created; the existence of regional terrorism threats, which stimulate the need for collective monitoring of state borders, as well as the fight against drug trafficking and illegal arms trafficking, which represent the material base of terrorist group activities; the need for periodic organization of anti-terrorism maneuvers and coordination of military and law enforcement activities,

* Republic of Moldova, Chisinau, Moldova State University, Faculty of International Relations Political and Administrative Sciences, Department of International Relations, PhD in Political Sciences, Associate Professor, cristina.ejova@usm.md

which allow for the organization of counter-terrorism operations (Dorohina, Kseniya 2019: 47).

Furthermore, within regional organizations, with the approval of the respective state authorities, it is possible to coordinate anti-terrorism activities more efficiently. This stimulates the swift adoption of political decisions based on the consensus of all member states in the respective region, in accordance with the norms of international law, without coordinating these actions with the control bodies operating under the auspices of the UN.

The creation and activity of regional international organizations are regulated by Chapter VIII of the UN Charter, "Regional Arrangements," as well as by the statutes of the respective organizations. Article 52 of the United Nations Charter provides for the regulation of the establishment of "regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the Organization (United Nations Charter, Chapter VIII: Regional Arrangements)."

The constant threat to the international community posed by international terrorism persists, even in the context of the intensified efforts of the international anti-terrorism coalition. In the contemporary stage, no state is safe, and in this context, it cannot individually counter the terrorist threat.

The basis of the common anti-terrorism fight should be the strict respect of the international law norms, which represents the regulatory role of interstate collaboration in this important field, for adjusting the joint effort in creating and consolidating an institutional system for countering terrorism, and for consistently carrying out respective activities with a political-legal character. Terrorism poses a serious threat to democracy in Europe, and the awareness of this imminent danger obliges Europeans to unite their efforts in countering it. European political institutions are fiercely fighting to prevent and eliminate the socio-economic premises of international terrorism, the root causes and problems that contribute to its spread.

In order to prevent the danger of terrorism, such important European organizations of the highest level as Council of Europe, European Union and OSCE act as an official platform for updating existing issues in the field, guiding states towards strengthening international collaboration to counter terrorism and expanding optimal and effective practices to fight against it.

2. Council of Europe's Involvement in Combating Terrorism

Under the auspices of the Council of Europe, a considerable number of international political and legal acts are being developed and adopted in the field of counterterrorism. The Council of Europe was founded in 1949 and is the oldest intergovernmental organization in Europe, with 47 member states. For over forty years, the Council of Europe has helped to develop and reinforce key legal standards to prevent and suppress acts of terrorism. Taking a comprehensive approach, the Council of Europe works to help member States fight terrorism more effectively by strengthening and improving their national legislation, as well as facilitate international co-operation (Combating terrorism. Council of Europe counter-terrorism, 2023).

Unlike the European Union, the Council of Europe cannot issue binding laws, but it has the authority to ensure compliance with conventions and strategies ratified by EU

member states, as well as with separate international agreements reached by European countries on various topics.

At the present stage, the Council of Europe plays an important role in achieving regional and international cooperation in the fight against terrorism. Since its establishment, the Council of Europe has been defending human rights, the rule of law, and pluralistic democracy, and by supporting the need to fight terrorism, which rejects these fundamental values. Generally, the Council of Europe has been dealing with this issue, particularly since the 1970s.

As a regional organization, the Council of Europe aims to ensure the implementation of UN Security Council Resolution 1373 (2001), by providing a forum for examining and adopting regional norms and best practices, as well as assisting member states in improving their capabilities in the fight against terrorism. In addition, the Council of Europe has strengthened cooperation with other international organizations dealing with this issue, namely the EU, OSCE, and UN (Boriba s Terrorizmom deyatel'nost' Soveta Evrop, 2016).

A series of international treaties aimed at combating terrorism have been adopted within the Council of Europe, including the European Convention on the Suppression of Terrorism in 1977, the Protocol amending the Convention in 2003, the European Convention on the Prevention of Terrorism in 2005, the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism in 2015, the Action Plan on the fight against violent extremism and radicalization leading to terrorism in 2015, Council of Europe Counter-Terrorism Strategy 2018-2022; Council of Europe Counter-Terrorism Strategy (2023-2027), etc. Council of Europe counter-terrorism framework also includes a number of issue-specific recommendations and guidelines that provide member States assistance on how to introduce tools for prevention, enforcement, or adjudication that are specific to particular issues. These include the recently developed Recommendation CM/Rec(2022) on the use of information collected in conflict zones as evidence in criminal proceedings related to terrorist offences and Guidelines on the links between terrorism and transnational organized crime (Recommendation CM/Rec (2022)8 of the Committee of Ministers to member States on the use of information collected in conflict zones as evidence in criminal proceedings related to terrorist, 2022).

The aim of the European Convention on the Prevention of Terrorism of 2005 is to prevent terrorism by the treaty parties and to activate efforts to eliminate its negative impact on the defense of human rights, particularly the right to life. Additionally, it aims to strengthen the efforts of member states to prevent terrorism: (1) by criminalizing certain actions that may lead to the commission of terrorist offences, namely: public provocation, recruitment, and training; (2) by strengthening cooperation in the prevention field both domestically (national terrorism prevention policies) and internationally (changing existing extradition and mutual assistance mechanisms and additional methods). Article 4 of the European Convention establishes rules related to forms of international cooperation in the prevention of terrorism. This convention established criminal liability “for certain acts that may lead to the commission of terrorist crimes, in particular, public provocation, recruitment and training”. In addition, the principle of *dedere aut judicare* (“extradite or prosecute”) was also enshrined in it.

No less important is the regulatory act adopted in 2015, the “Action Plan on the Fight against Violent Extremism and Radicalization.” Its main task is to work on the

prevention of terrorism, including the prevention of radicalization in prisons. The document also highlights the need to combat lone-wolf terrorists.

In 2018, the Committee of Ministers of the Council of Europe adopted the Council of Europe Counter-Terrorism Strategy for the period from 2018 to 2022, which is based on prevention, prosecution, and protection, including assistance to victims. The purpose of the strategy is to unite both regional and global efforts to prevent and combat terrorism by developing standards aimed at creating effective and human rights-compliant norms regulating cooperation between member states of the Council of Europe (Council of Europe Counter-Terrorism Strategy (2018-2022), 2018).

The provisions of the Strategy also relate to the prevention of incitement to terrorism, the prohibition of its propaganda, and the prevention of recruitment of supporters of terrorist organizations on the Internet. In preparing this strategy, the Committee of Ministers adopted three resolutions on three important issues on the counter-terrorism agenda: “Protection of victims of terrorist acts” (2017), “Special methods of investigating terrorist acts” (2017), and “Combating lone actor terrorism” (2018). The strategy proposes a number of measures, the implementation of which should be carried out over a period of four years. The strategy is planned to be reviewed every 18 months with the possibility of adjustments proposed by member states of the Council of Europe, thus taking into account new events and challenges in the field of terrorist threats and advancing towards the goal with a constant update of the counter-terrorism agenda in the work of relevant international organizations and forums.

In 2022, the Committee of Ministers of the Council of Europe adopted Recommendation CM/Rec(2022)8 of the Committee of Ministers to member States on the use of information collected in conflict zones as evidence in criminal proceedings related to terrorist offences. The Recommendation prepared by the Committee on Counter-Terrorism (CDCT) provides guidance to member states regarding the possible use of information collected in conflict zones in national criminal proceedings, provided that such information was collected in accordance with the rule of law and in full compliance with human rights standards established by the European Convention on Human Rights.

The Recommendations note that access to potential crime scenes in conflict zones is highly restricted, and opportunities for investigations by civilian actors are practically non-existent. Therefore, information collected by military personnel, intelligence services, and, if necessary, other sources (such as non-governmental organizations, media outlets, or private companies) that do not act as law enforcement agencies may be of great value as potential evidence in national courts (Recommendation CM/Rec (2022)8 of the Committee of Ministers to member States on the use of information collected in conflict zones as evidence in criminal proceedings related to terrorist, 2022).

The events of recent years clearly demonstrate the necessity of fighting terrorism through the joint efforts of all member countries of this organization. In order to promote international activities in the field of combating the threat of terrorism, as well as taking into account the need for further strengthening of counter-terrorism measures collectively implemented by the member states of the Council of Europe, the Committee of the Council of Europe on Counter-Terrorism has prepared a Strategy for Combating Terrorism for 2023-2027, which is a continuation of a series of measures taken in the previous Strategy (Council of Europe adopts new counter-terrorism strategy for 2023-2027, 2023). The main objective of the Strategy for Combating Terrorism for 2023-2027 is to strengthen efforts to combat terrorism in Europe and beyond by eliminating not only

manifestations of terrorism, but also its root causes and driving forces in the current geopolitical situation. The strategy also aims to combat the growing threat of violent extremism in Europe, the surge of abuses of new technologies for messaging, recruitment and training of terrorists, as well as the nexus between terrorist acts and violations of the laws of armed conflict, witnessed in recent times in the context of Russian Federation aggression against Ukraine. The Strategy also notes that the terrorist threats associated with ISIL/ISIS or “Al-Qaeda” have decreased in recent years, but effective and comprehensive means must be found to prevent their resurgence (Council of Europe adopts new counter-terrorism strategy for 2023-2027, 2023). The strategy also envisages 24 actions targeted at strengthening preventive, repressive and protection capacities of national authorities through the development of a set of binding and non-binding legal standards, analytical reports, and model tools.

To coordinate legal activities in the field of counterterrorism, the Council of Europe has established an *intergovernmental body* - the Committee on Counter-Terrorism (CDCT), formerly called Committee of Experts on Terrorism – CODEXTER (2003-2017). Based on the principles of prevention, prosecution, and protection, the CDCT has the task of developing adequate and practical legal instruments, such as recommendations and guidelines, for member states to consider and apply in the fight against terrorist activity. The CDCT provides a platform for country profiles on the legislative and institutional situation of counterterrorism in member states and contributes to the exchange of best practices and the promotion of effective implementation of Council of Europe instruments applicable to the fight against terrorism. Additionally, to ensure that all member states’ efforts to combat terrorism fully respect human rights and the rule of law, the CDCT and the European Court of Human Rights (ECtHR) provide a periodically updated information sheet on ECtHR cases related to terrorism (*Council of Europe Counter-Terrorism Committee (CDCT)*, 2017).

The analysis of the aforementioned documents shows that the Council of Europe bodies clearly recognize that terrorism is one of the most serious threats to international security and that the fight against it should become a central issue of European policy. The Strategy for Combating Terrorism for 2023-2027 accurately identifies the problematic issues related to the fight against terrorism at the current stage, which require international efforts, and the results that are expected to be achieved through the implementation of the provisions of the Strategy will undoubtedly have a significant positive effect on the issue of combating terrorism.

3. EU as a Global Actor in Counter Terrorism Fight

One of the main priorities of the European Union in ensuring security is the successful fight against international terrorism, preventing and repelling terrorist attacks. The EU’s activity plays a central role in developing the political and legal foundations of the European security system against terrorist threats, as one of the main objectives of the European Union is to create an area of freedom, security and justice. The experience of European integration in the fight against terrorism, where the principle of collective resolution of all problems is clearly expressed, is important in the global anti-terrorist cooperation system and therefore requires study and analysis.

Anti-terrorism legislation is a central component in the system of measures for preventing terrorism in the EU. However, it does not replace the provisions of the national law of EU member states. The priority objective in this field is to develop common

standards for the fight against terrorism, as well as to ensure uniform application of international legal means of regulating anti-terrorist activities within the EU.

Currently, the EU's anti-terrorism legislation consists of two key components: measures to harmonize criminal law and complex activities to combat terrorism financing. Both directions have been developed in the course of implementing international anti-terrorism standards, which, in turn, were a result of the global community's response to the intensification of terrorism in Western countries. The main impetus for the development of EU anti-terrorism legislation should be considered the events of September 11, 2001, terrorist acts in Madrid in March 2004 and in London in July 2005, and the intensification of terrorist activity in 2015-2016 in EU member states (Vojnikov, Vadim, 2019: 123).

Faced with the phenomenon of terrorism, the European Union has been systematically developing various political and legal documents of different forms and content for more than 20 years. This allows its member states, who are the main players in the fight against terrorism, to implement and coordinate their counter-terrorism policies in line with the EU, and consequently issue their national legislative acts based on them (Alfyorova, Elena, Zaharov, Timofej, 2021: 38).

The process of developing legislation on counterterrorism within the EU began after the terrorist attacks in New York on September 11, 2001. Immediately after these events, on September 21, 2001, the European Council agreed on a plan of action to combat the terrorist threat within the EU – the “Plan of Action on Combating Terrorism.” In addition to the action plan, framework decisions were developed on combating terrorism and sanctions against it, expanding Europol's mandate, launching Eurojust, and introducing a single European arrest warrant. The framework decision provides a general definition of the term “terrorism” based on UN norms.

The process of development of a common counter-terrorism policy became especially intensive after the terrorist attacks in Madrid in March 2004 and in London in July 2005. The EU adopted the Declaration on combating terrorism (2004), the European Union's Strategy on combating the financing of terrorism (2004) and EU Counter-Terrorism Strategy (2005).

After the terrorist attacks in Madrid, the position of EU Counter-Terrorism Coordinator was also created. In order to coordinate the actions of law enforcement agencies, the Legal Enforcement Network (LEN) program was adopted. Coordination activities are carried out by such European agencies as Eurojust, Europol, as well as the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX). Since 2012, the Intelligence and Situation Centre of the European Union (EU INTCEN) has been operating, established on the basis of the EU Situation Centre. In January 2016, the European Counter Terrorism Centre (ECTC) was launched, which focuses on tackling the foreign fighters and sharing intelligence and expertise on terrorism financing, illegal arms trafficking, and online terrorist propaganda and extremism.

In the following years, the European Union continued to issue documents and resolutions aimed at preventing terrorist acts. In September 2011, the Radicalization Awareness Network (RAN) was launched to ensure the gathering and exchange of information among experts and activists in the field of counter-terrorism and operates under the “*prevention*” pillar of the European Union Counter-Terrorism Strategy. The

main goal of the network is to work with vulnerable citizens or groups of people against radicalization among citizens.

Similarly, in January 2014, the European Commission adopted an action plan to strengthen the EU's "response" and prevent radicalization that leads to terrorism or extremism, which included a series of provisions revising the European Union's policy on combating terrorism (Preventing Radicalisation to Terrorism and Violent Extremism: Strengthening the EU's Response 15 January 2014, 2014).

The terrorist attacks in France in early 2015 once again brought to the fore discussions in European Union countries on issues related to countering terrorism.

The official reaction from official institutions did not take long to come. After a joint declaration signed in Paris on January 11, 2015 by the Ministers of Justice and Interior of Latvia, Germany, Austria, Belgium, Denmark, Spain, Italy, the Netherlands, Poland, the United Kingdom, and Sweden, the EU Counter-Terrorism Coordinator initiated the preparation of an informal meeting of Justice and Interior Ministers in Riga on January 29. At this meeting, the ministers of the member states officially adopted the so-called "Riga Joint Statement on Counter-Terrorism," which sets out the priorities of anti-terrorism policy. The joint statement reaffirmed the commitment to fight terrorism and called for the strengthening of cooperation between the services of the participating member states and relevant partners (the US and Canada), as well as the strengthening of law enforcement cooperation to "prevent and detect radicalization at an early stage."

The following measures of this policy have been established:

- The adoption of the European Union Passenger Name Record (PNR) system, including the intra-EU PNR;
- Amending the rules established in the *Schengen Borders Code* to allow for wider consultation of the Schengen Information System (SIS II) during the crossing of external borders by persons enjoying the right of free movement;
- Reducing the supply of illegal firearms in Europe as a priority of the *European Multidisciplinary Platform Against Criminal Threats (EMPACT)*;
- The establishment of the measure to "detect and monitor the movements of European citizens crossing the external borders of the European Union", with an emphasis on more detailed detection and monitoring of certain passengers;
- The development of a partnership between major Internet providers to allow for quicker reporting of materials that incite hate and terror, and the condition of their removal;
- Providing support for the activities of the *Radicalisation Awareness Network (RAN)* (Bigo Didier, and others, 2015).

The new package of counter-terrorism measures adopted by the EU comes as an organic development of a lengthy process of building European legislation and competencies in the fight against terrorism, which includes the European Counter-Terrorism Strategy (2005), the European Internal Security Strategy (2010), the European Strategy for Combating Radicalisation and Recruitment to Terrorism (2005, 2008, 2014), the EU Internal Security Strategy 2015-2020 (2015), the European Agenda on Security (2015), and the EU Global Strategy for Foreign and Security Policy (2016) (Soare, Simona R., Postelnicescu, Claudia M., 2016: 33).

In January 2016, the European Counter Terrorism Centre (ECTC) was launched as foreseen in the European Agenda on Security and proposed by the European Commission. The ECTC focuses on foreign fighters and the exchange of information and expertise on

financing of terrorism, trafficking of illegal firearms, terrorist propaganda and extremism on social media networks (Europol's European Counter Terrorism Centre strengthens EUS response to terror, 2015). Within the center operates Taskforce *Fraternité* to study the international jihadist network. EU member states have supported the expansion of Europol's powers, but national intelligence services are still not obliged to provide their data to Europol and do so voluntarily.

In the autumn of 2020, the issue of countering terrorism once again came to the forefront of the European Union's political agenda. In November 2020, following terrorist attacks in France, Germany, and Austria, EU interior ministers agreed to further intensify their joint efforts to combat terrorism without compromising the common values of the European Union, such as democracy, justice, and freedom of expression. These proposals were included in the Action Plan presented by the European Commission on December 9, 2020 (Counter-Terrorism Agenda for the EU: Anticipate, Prevent, Protect, Respond, 2020).

The European Commission declared the need to strengthen the fight against new terrorism threats in the four traditional directions – identification, prevention, protection, and response:

- the identification of traditional and new threats to security in Europe, for which information exchange and interdisciplinary and multi-level cooperation remain key factors;

- preventing terrorist attacks by combating radicalization and extremist ideologies before they take root in society, while emphasizing the mandatory respect for the European way of life and its democratic values;

- reliable protection of citizens by eliminating vulnerabilities in public places and critical infrastructures;

- a rapid response to terrorist attacks using maximum operational support from Europol and Eurojust agencies, providing a legal framework for bringing perpetrators to justice and protecting victims of crime.

The Commission will collaborate with member states to identify legal, operational, and technical solutions for accessing encrypted information, ensuring the security of digital systems and transactions.

The Plan emphasizes the importance of increasing the resilience of critical infrastructure to terrorist attacks – transportation, hospitals, power plants, air traffic, for which a special regulation will be adopted. On December 21, 2020, the Commission announced the allocation of 23 million Euros to member states for the protection of public places, including religious ones. Ten projects will be funded from the Internal Security Fund: 9 of these aim to protect places of worship belonging to different religious communities (churches, synagogues, mosques), as well as the protection of other types of public spaces, and the last, worth 3 million, will be used to counter possible threats from unmanned aerial vehicles. The European Forum will be launched to counter radicalization. It will support relevant efforts by national authorities and ensure that activities and projects that go against European values do not receive government funding.

The Plan places great importance on partnerships in the fight against terrorism, including close cooperation with neighboring countries of the EU. The Council has called for the continued strengthening of the EU's engagement with the Western Balkans, North Africa, the Middle East, the Sahel and the Horn of Africa regions, where terrorist activity is on the rise, as well as key regions in Asia. The Commission and the European External

Action Service also express their hopes for relations with international organizations such as NATO, Interpol, the Financial Action Task Force (FATF), the Global Counterterrorism Forum, and strategic partners such as the United States, Canada, and New Zealand.

The EU institutions have also been concerned about online propaganda of terrorist activities and the use of social networks, especially during the quarantine and self-isolation period, when for many young Europeans, social networks were the only source of communication with the outside world.

On March 16, 2021, the Council of the European Union adopted a regulation on combating the dissemination of online content with terrorist character. The competent authorities in the Member States will have the power to issue removal orders addressed to service providers, requiring them to remove terrorist content or block access to it in all Member States.

The rules will apply to all providers offering services in the EU, regardless of whether they are headquartered in a member state or not. Additionally, the legislative act provides a clear scope and a uniform definition of terrorist content, in order to fully respect fundamental rights. It also includes effective redress mechanisms for both users whose content has been removed and service providers who wish to file a complaint. The new rules came into effect starting in 2022 (Răspunsul UE la amenințarea teroristă, 2022).

In the period from 2018 to 2021, the EU institutions adopted several hundred regulatory and individual legal and political acts (in this case, national legal acts of EU member states were not taken into account when counting). Among them are international agreements, statements that have an impact on the legal consequences of international agreements, unilateral statements, resolutions of EU bodies, and others. If we talk only about legal acts, then in this period, 299 of them were recorded, including: international agreements – 18, European Parliament regulations – 33, legal basis for combating terrorism in the European Union – 36, directives of the European Parliament and the Council of the EU – 14, decisions of the European Commission – 77 (Alfyorova, Elena, Zaharov, Timofej, 2021).

4. OSCE's Consolidated Framework for Fight against Terrorism

An important mechanism in combating terrorism at the international level is the Organization for Security and Co-operation in Europe (OSCE), whose potential can be directed towards joint anti-terrorist initiatives.

In OSCE's activity in the field of combating terrorism, several stages can be distinguished:

- The first stage (up to 2001) was largely characterized by the declarative nature of the normative-legal documents of the Organization for Security and Co-operation in Europe regarding the fight against terrorism, which had an exclusively moral and political character (the final documents of the Madrid meeting in 1983, the Vienna meeting in 1980, the Stockholm Conference in 1986, the Charter of Paris for a New Europe in 1990, the Helsinki and Budapest Summits in 1992 and 1994, as well as the Istanbul Summit in 1999) (Timofeeva, Natalya, 2009:16).

The second stage in the OSCE's activity is related to understanding the extent of the terrorism threat in connection with the terrorist attacks of September 11, 2001. After the 9/11 attacks, the OSCE made a number of important decisions to combat terrorism. One of these was Decision No. 1 of 2001, as well as the Bucharest Plan of Action for Combating Terrorism (2001), which noted that the OSCE was ready to contribute to the

fight against terrorism in close cooperation with other organizations and forums, utilizing all its experience and potential.

The Organization for Security and Co-operation in Europe actively collaborates with a number of regional and sub-regional organizations in the exchange of experience and promotion of best practices in the fight against terrorism. To this end, in 2002, the OSCE established a counterterrorism subdivision – the Action against Terrorism Unit, as a center for guiding the anti-terrorism activities of the Organization for Security and Co-operation in Europe and contributing to the organization's development. The subdivision assists OSCE member states in fulfilling their obligations in the fight against terrorism, strengthening their potential in preventing and combating terrorism (Antiterroristicheskoe podrazdelenie OBSE, 2020). The subdivision promotes and strengthens the international legal framework for combating terrorism in cooperation with the United Nations Office on Drugs and Crime (Organizaciya po Bezopasnosti i Sotrudnichestvu v Evrope Spravochnaya informaciya, 2020).

A significant step in the development of the OSCE's role in combating terrorist activities was the creation of the Consolidated Framework for the Fight against Terrorism in 2012. The document had a special significance, as it served as a guide to the Organization's activities in this area along strategic directions. The Consolidated Framework stipulates that the OSCE will further coordinate its efforts internally and cooperate externally with relevant regional and international organizations, including through holding, as appropriate and preferably annually, a focused, results-oriented, OSCE-wide counter-terrorism conference. The fight against terrorism must be built upon a comprehensive approach to security, using the three OSCE dimensions: the politico-military dimension, the economic and environmental dimension, and the human dimension.

In December 2016, the Declaration on Strengthening OSCE Efforts to Prevent and Counter Terrorism was adopted in Hamburg. It enshrined the OSCE's commitment to rely on its own resources (within the Organization), to eliminate conditions that foster terrorism, and to fight online recruiters.

At present, the main strategic and priority areas of activity of the Organization for Security and Co-operation in Europe (OSCE) in the fight against terrorism and the combatting of violent extremism and radicalization leading to terrorism are as follows: prevention and suppression of terrorist financing; countering the use of the internet for terrorist purposes; facilitating dialogue and cooperation on counter-terrorism issues, especially within the public-private partnership between public authorities and the private sector (business circles, industry), as well as civil society and the media; strengthening national efforts to implement United Nations Security Council Resolution 1540 (2004) on the non-proliferation of weapons of mass destruction; raising the level of travel document security; and promoting and protecting fundamental human rights and freedoms in the context of counter-terrorism measures.

5. Conclusions

Terrorism threatens democracy in Europe, and understanding the threats requires Europeans to unify their efforts in the fight against it. The starting point for the initiation of specialized anti-terrorism legislation was the intensification of terrorism in Europe in the early 1970s. As a result, the conditions were created for the unification of the efforts of

European states in the development of national and international legislation in the field of counterterrorism.

Today, the European Union and the Council of Europe have become real actors in the effective policy and legal regulation of counterterrorism and the management of transnational threats.

Terrorism violates three fundamental values promoted by the Council of Europe: human rights, the rule of law, and democracy. As a regional organization, the Council of Europe aims to ensure the implementation of UN Security Council Resolution 1373 (2001) by providing a forum for examining and adopting regional norms and best practices, as well as assisting member states in enhancing their counterterrorism capabilities. The activities of the European Union play a central role in establishing the international and legal foundations of the European security system against terrorist threats, as one of the main goals of the Union is to create an area of freedom, security, and justice. In the consolidation of counterterrorism efforts, a significant role is played by the OSCE.

BIBLIOGRAPHY

- Alfyorova, Elena, Zaharov, Timofej (2021) *Pravovye osnovy bor'by s terrorizmom v Evropejskom soyuze*. In: *Aktual'nye problemy Evropy*, nr.4, p. 28-52. available at: <https://cyberleninka.ru/article/n/pravovye-osnovy-borby-s-terrorizmom-v-evropejskom-soyuze>
- Antiterroristicheskoe podrazdelenie OBSE*. (2020). available at: http://www.un.org/en/sc/ctc/specialmeetings/2011/docs/osce/atu_factsheet_ru.pdf
- Bigo Didier, and others (2015) *The EU Counter-Terrorism Policy Responses to the Attacks in Paris: Towards an EU Security and Liberty Agenda*. available at: <https://www.ceps.eu/system/files/LSE81Counterterrorism.pdf>
- Boriba s Terrorizmom deyatel'nost' Soveta Evropy*. (2016). available at: <http://www.antiterunity.org/ru/incolab/booklet.php>
- Combating terrorism. Council of Europe counter-terrorism*. (2023). available at: <https://www.coe.int/en/web/counter-terrorism/home>
- Council of Europe Counter-Terrorism Strategy (2018-2022)*. (2022). available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016808afc96
- Council of Europe Counter-Terrorism Strategy (2018-2022)* (2018). available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016808afc96
- Council of Europe adopts new counter-terrorism strategy for 2023-2027* (2023). available at: https://search.coe.int/directorate_of_communications/Pages/result_details.aspx?ObjectId=0900001680aa1b92
- Council of Europe Counter-Terrorism Committee (CDCT)*. (2017). available at: <https://www.coe.int/en/web/counter-terrorism/cdct> (accessed 08.03.2020)
- Counter-Terrorism Agenda for the EU: Anticipate, Prevent, Protect, Respond* (2020). available at: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=COM:2020:795:FIN>
- Dorohina, Kseniya (2019), *Osobennosti vzaimodejstviya Rossii s mezhdunarodnymi organizacijami v sfere protivodejstviya terrorizmu (Na primere SHOS i ODKB)*.

- Dissertaciya na soiskanie uchenoj stepeni kandidata politicheskikh nauk. Moskva, 2019. 243p.
- Europol's European Counter Terrorism Centre strengthens EUS response to terror* (2015). available at: <https://www.europol.europa.eu/content/ectc>
- Organizaciya po Bezopasnosti i Sotrudnichestvu v Evrope Spravochnaya informaciya* (2020) available at: <https://www.files.ethz.ch/isn/176193/Russian%20Factsheet%20of%20the%20SCE%20Action%20against%20Terrorism%20Unit.pdf>
- Preventing Radicalisation to Terrorism and Violent Extremism: Strengthening the EU's Response 15 January 2014.* (2014). available at: www.osce.org/atu/111438?download=true
- Răspunsul UE la amenințarea teroristă.* (2022). available at: <https://www.consilium.europa.eu/ro/policies/fight-against-terrorism/>
- Recommendation CM/Rec (2022)8 of the Committee of Ministers to member States on the use of information collected in conflict zones as evidence in criminal proceedings related to terrorist offences* (2022). available at: https://search.coe.int/cm/pages/result_details.aspx?objectId=0900001680a5fe10
- Soare, Simona R., Postelnicescu, Claudia M. (2016) *Impactul noilor măsuri de combatere a fenomenului terorist, propuse la nivel european, asupra liberei circulații.* București: Institutul European din România, 89 p.
- Timofeeva, Natal'ya (2009) *Mezhdunarodno-pravovye voprosy bor'by s terrorizmom v Evroatlanticheskom regione.* Avtoreferat dissertacii. Moskva, 22 s.
- United Nations Charter, Chapter VIII: Regional Arrangements.* (1945). available at: <https://www.un.org/en/about-us/un-charter/chapter-8>
- Vojnikov, Vadim (2019), *Pravovoe regulirovanie bor'by s terrorizmom v ramkah.* In: *Lex Russica.* nr. 2, p. 121-131. available at: <https://cyberleninka.ru/journal/n/lex-russica?i=1124858>

THE RIGHTS OF REFUGEES FROM UKRAINE IN THE REPUBLIC OF MOLDOVA

*Svetlana CEBOTARI**
*Anatoli BUZEV***

Abstract. *The refugee crisis in Ukraine generated by the intensity of military actions has highlighted the vulnerabilities faced by state institutions, affected by the large number of foreigners who have sought refuge on the territory of the Republic of Moldova. Both the Member States of the European Union and the Republic of Moldova have seen the security gaps that persist and must be removed. Change is a difficult and time-consuming process, and in the event of a massive influx of foreigners, it requires prompt and effective interventions. Actions in the management of the crisis situation put the authorities of the Republic of Moldova to the test. Thus, taking into account the effects of the refugee crisis in Ukraine, this paper consists in assessing national efforts in the context of the most efficient management of refugee flows seeking protection in the Republic of Moldova. This article aims to highlight the problem of the refugee crisis in Ukraine, the crisis conditioned by the Russo-Ukrainian war. The article also highlights the main issues regarding the granting by the Republic of Moldova of humanitarian aid to refugees from Ukraine, as well as respect for the rights of refugees in the Republic of Moldova.*

Keywords: *National security, refugees, crisis, influx of foreigners, conflict in Ukraine, Republic of Moldova*

The invasion of Ukraine by the Russian Federation tends to become the most important military conflict since the end of World War II. The Russo-Ukrainian war is not just a regional war, it is the war that marks a rupture in relations between Russia and the West, a war that will have profound repercussions for both Europe and the world. The global consequences of this war will be considerable. For the first time in the whole history, a military conflict has the potential to involve Russia and NATO.

Ukraine declared independence in 1991 amid the process of dissolving the Soviet Union. On July 16, 1990, the new parliament adopted the Declaration of State Sovereignty of Ukraine, which established the principles of self-determination of the Ukrainian nation, democracy, political and economic independence, and the priority of Ukrainian law over Ukrainian territory over Soviet law. A country of 45.6 million people, Ukraine has the largest border between Russia and the EU. Up to 1991, Ukraine was part of the Soviet

* Republic of Moldova, Chişinău, Moldova State University, Faculty of International Relations, Political and Administrative Sciences, Department of International Relations Doctor habilitate in political science, university professor, svetlana.cebotari11@gmail.com

** Republic of Moldova, Chişinău, Armed Forces Military Academy „Alexandru cel Bun”, Ph D Student, anatoli.buzev@gmail.com

Union, and after the collapse of the former Soviet bloc, it tried, like the other former Soviet republics, to regain its identity.

Moldova's response to the protection and support of Ukrainian refugees

The refugee crisis in Ukraine raises the issue of the security of European states, materialized in the fraudulent crossing of borders, in the risks of members of terrorist groups entering Europe and planning new attacks, with strong economic, social and political implications. Although the refugee crisis in Ukraine must be carefully studied and addressed in a way that ensures that the rights of all those seeking protection and fleeing war are respected, we cannot ignore its other consequences.

A combined response from the Member States of the European Union and those aspiring to this status, as well as the Republic of Moldova, is absolutely necessary to respond with appropriate means to this challenge. In order to find a response to such a sensitive situation as the refugee crisis, it is necessary to take a wide range of measures, from adapting the legislative framework to ensure their protection, to identifying medium- and long-term solutions, which must be applied in order to reduce security risks as far as possible.

With the massive influx of people who have been forced to flee the war, the likelihood that there will be members of diversionary groups, secret agents or even terrorists, is not negligible. Regardless of the way in which the states will verify the asylum applications, the risk of occurring some events that threaten the security of the state remains a major one. Besides, the regional instability caused by the war in Ukraine, the precarious economic and social situation are of concern to the local population.

The war in Ukraine has forced millions to flee their homes. The conflict that began in February 2022 has created one of the largest humanitarian crises in recent European history. The ongoing war has led to an increasing number of victims, destruction and displacement of people inside and outside Ukraine. In consequence, millions of people are forced to move, either inside the country or in neighboring countries - mainly Poland, Moldova, Romania, Slovakia and Hungary. According to data presented by UNHCR (*UNHCR. Operational data portal...*), from the beginning of the war, February 24, and until July 2022, about 8,792,763 people left Ukraine, and 3,296,112 returned to Ukraine. About 90% of them are women and children, who are also more at risk of violence and abuse, such as trafficking in human beings, smuggling and illegal adoptions.

In the first week after the invasion of Ukraine, record numbers of Ukrainian refugees were recorded at the eastern border of the Republic of Moldova. Therefore, between 24.02 and 02.03.2022, 112,299 citizens of Ukraine entered the territory of the Republic of Moldova, of which 108,955 people entered through the Moldovan-Ukrainian border segment. The highest pressure is on the eastern segment of the border, especially the Palanca border crossing point (*Necșuțu M. Republica Moldova a înregistrat un record*).

At the same time, during the mentioned period, the Border Police informs, in a press briefing, that the flow of people at the state border with Ukraine has increased 6.5 times (384,770 people compared to 65,023), and the one with Romania on the way out of the country 3 times (454,729 people compared to 139,951). On March 22, 2022, out of the total number of 351 thousand foreign citizens entering the territory of the Republic of Moldova from Ukraine, 247 thousand crossed the country to Romania, and about 104

thousand remained in the Republic of Moldova (*Activitatea Poliției de Frontieră în contextul situației din Ucraina.*)

In turn, the Ministry of Internal Affairs of the Republic of Moldova provides information on the situation at the border crossing points and monitors the flow of refugees to facilitate the crossing of the border and support the escape corridors. Thus, between February 24 and May 13, 421,929 refugees left the territory of Ukraine. A very large number of refugees transit the Republic of Moldova to EU member states. There are still 84,735 refugees on the territory of the Republic of Moldova, of which 46,272 are minors. During the nominated period, 7,381 asylum applications were received by the specialized authorities (*Sinteza Ministerului Afacerilor Interne pentru 13 mai 2022*).

On July 5, 2022, at the press briefing held by the leadership of the Office of Migration and Asylum of the Ministry of Internal Affairs, information was provided on the state of affairs in the field of migration and asylum since the breakout of the war in Ukraine (*Biroul Migrație și Azil. Gestionarea crizei umanitare*). So, in the period 01.01.2022-04.07.2022 a total of 8098 asylum applications were registered.

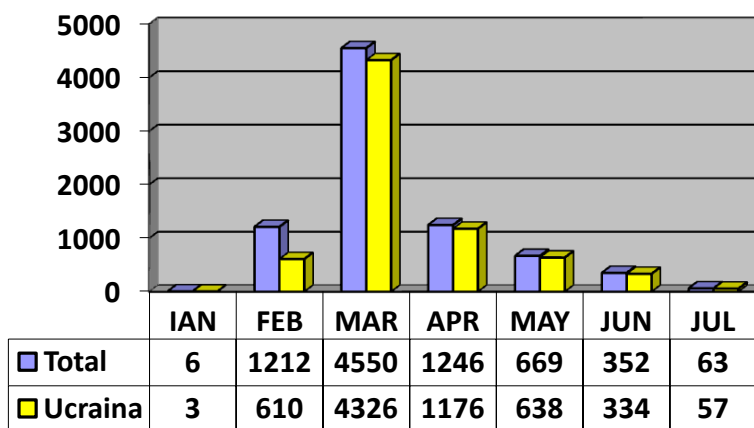


Figure 1. Number of asylum applications registered in 2022.

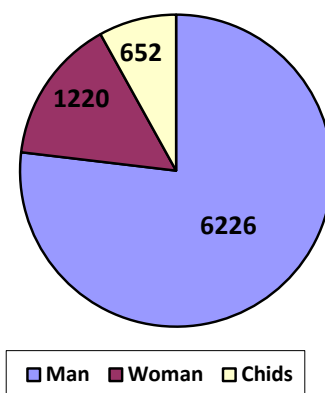


Figure 2. Demographic component of asylum applications.

The refugee crisis triggered by the war for the first time in the history of Europe conditioned the solidarity and total mobilization of the efforts of all European states, including the Republic of Moldova. Being a neighbor of Ukraine, the Republic of Moldova from the first day of the war made effort to provide emergency aid to the massive flow of displaced people and those seeking safety, protection and assistance (*Răspunsul UE la criza refugiaților din Ucraina*).

The sudden appearance of a massive and spontaneous influx of people displaced in the Republic of Moldova due to the armed conflict in Ukraine, made our country involuntarily become a host and / or transit territory for people who fled the neighboring country (*Decizia de punere în aplicare (UE) 2022/382 a Consiliului din 4 martie 2022*). In this context, temporary protection appears to be an exceptional measure designed to provide immediate protection in the event of a massive and spontaneous influx of displaced people who cannot return to their country of origin if there is a risk that the asylum system will not be able to process this flow without adverse effects on its efficient operation, in the interest of the population concerned and other persons in need of protection (*Legea nr.270/2008 privind azilul în Republica Moldova*).

Social integration and respect for the rights of refugees is a process of their active participation in the economic, social and cultural life of the host society, and to achieve this, it is necessary to carry out integration programs and facilitate access to a number of economic rights and social: the right to a job, the right to education, the right to health care and social assistance and the right to housing.

Thus, foreigners in Ukraine, following the granting of temporary protection, are entitled to request, upon request, the recognition of the status of beneficiary of this form of protection on the territory of the Republic of Moldova, with the right to humanitarian assistance and other facilities provided by the state.

In order to implement the provisions of art.88 paragraph (2) of Law no.200 / 2010 on the regime of aliens in the Republic of Moldova, the National Mechanism for unitary and coherent management of the situation in the event of an increased influx of aliens was approved. The mechanism directly regulates the planning, organization, coordination, monitoring and unitary management of the action of the competent institutions, in the situation generated by an increased influx of foreigners and represents an additional measure of efficient management in the field of migration. It should be mentioned that the Mechanism has as components: the Contingency Plan and the Inter-institutional Working Group for managing the crisis situation generated by an increased influx of foreigners. The Provisional Centers provided by the National Mechanism have an important role, namely in determining the intention of the displaced person to cross the state border, which facilitates the guidance and assurance of his rights, in the process of being in the country or transiting it.

Thus, on February 24, 2022, the date on which the Russian Federation began the so-called “special operation” in Ukraine, the Government of the Republic of Moldova approved the declaration of a state of emergency in the country for a period of 60 days. On the same day, Prime Minister Natalia Gavrilița submitted to the Parliament the proposal, in connection with the situation regarding security in the region and ensuring national security, noting that during the state of emergency it is proposed to establish a special regime of entry and exit from the country. of airspace, but also measures to ensure the management of migration flows and ensure the protection of refugees from Ukraine. At the same time, the Ministry of Internal Affairs has started the necessary preparations for

managing the flow of migrants from Ukraine, registered at the border of the Republic of Moldova. In the conditions of the war situation in Ukraine, all the institutions of the Republic of Moldova went on to operate on alert. Also, under the created conditions, the Crisis Monitoring and Management Center started its activity on the territory of the Republic of Moldova.

In the context of the created situation, the Commission for Exceptional Situations of the Republic of Moldova, approved on February 24, 2022, Disposition no. 1, which provided for several derogations from the national legislation. All the provisions of Provision No. 1 aimed at ensuring and efficient management of the situation and facilitating the access of refugees from Ukraine.

Crossing the state border. Starting with February 24, 2022, the crossing of the state border on the way to enter the Republic of Moldova on the territory of Ukraine was authorized through the border crossing points, upon presentation of one of the valid identity documents: for minors - birth certificate, act national identity card (ID card), passport, and for adults - national identity card (ID card) or passport.

Subsequently, the condition of validity of the identity documents at the crossing of the state border was canceled, the entry for minors being allowed also based on the medical certificate attesting the birth of the child. Evolutionarily, the entry conditions have been supplemented with the right to cross the border, based on other types of documents, including copies of them, which allow the identification of the person (*Comisia pentru Situații Excepționale a Republicii Moldova, Dispoziția nr.3 din 27.02.2022*).

Another important aspect of the process of managing the increased influx of foreigners from Ukraine with the accession to the territory of the Republic of Moldova, is related to ensuring the transportation of refugees. The CSE allowed the takeover and transportation by the subdivisions of the Ministry of Interior, of the asylum seekers, in the Provisional Centers for the management of the influx of foreigners on the territory of the Republic of Moldova. At the same time, the National Car Transport Agency (ANTA) was empowered to issue authorizations for the routes of transporting people from sorting points, in cooperation with the General Inspectorate of Border Police and BMA (*Comisia pentru Situații Excepționale a Republicii Moldova, Dispoziția nr.1 din 24.02.2022*).

According to the latest UN report, the Republic of Moldova is the first in the top five countries that have received refugees from Ukraine - with almost 1,400 people per 10,000 inhabitants. More than 500,000 refugees have already passed through the Republic of Moldova, leaving around 102,000 citizens in the country, of which about 49,000 children (*Republica Moldova găzduiește un oraș de refugiați ucraineni*). So, the entry into the Republic of Moldova of foreigners from Ukraine, in a facilitated regime, was accepted for humanitarian purposes.

Temporary accommodation. By the provisions of the same provision no. 1 of the CSE, together with the declaration of the state of emergency, two temporary Centers for managing the influx of foreigners on the territory of the Republic of Moldova were established, located in Palanca, Ștefan-Vodă and Calarasovca, Ocnita district, their management being assigned to the Ministry of Interior. On March 17, 2022, the CSE retroactively ordered the additional creation of two more temporary centers, considered to be active, starting with March 6, 2022 and March 12, respectively (*Comisia pentru Situații Excepționale a Republicii Moldova Dispoziția nr.11 din 17 martie 2022*).

In total, on April 20, 2022, the total number of temporary centers managed by the Ministry of Interior is 6, with a total capacity of 2000 seats (*Comisia pentru Situații*

Excepțională a Republicii Moldova, Dispoziția nr.15 din 20.04.2022). Also in this document, it was established that local public authorities, public institutions, companies with capital state and trade unions are to identify and make available to the territorial structures of social assistance, accommodation objectives, in order to create temporary placement centers for refugees.

In the context of the analysis of the involvement of the Republic of Moldova in the management of the refugee crisis in Ukraine, it is worth noting the MLPS order no. and expenses, the placement center being granted the status of a specialized social structure, managed by STAS, intended for the temporary placement of foreigners in Ukraine. The regulation sets minimum standards, as well as regulates the operation, internal order, etc. At the time of writing, 93 refugee placement centers were active, with a total capacity of 7338 places, in which 4436 people are placed, with an occupancy capacity of 60.45% (*ibidem*).

Of those more than 100,000 refugees, less than 10% are in placement centers. So 90% are accommodated in families or on their own. Usually, in other countries in such crises, tent parks are set up. The authorities of the Republic of Moldova have avoided this, including because Moldova and Ukraine are culturally close states, good neighbors, and our society has absorbed the flow of refugees very quickly. Most placement centers are dormitories or former study blocks (*Republica Moldova găzduiește un oraș de refugiați ucraineni*) 107 centers with a capacity of over 9000 seats, but only 46% of them are currently used.

The Ukrainian refugees, who remained in the Republic of Moldova, continue to be in those 95 temporary placement centers and in host families. The accommodation rate in placement centers is currently 46.4%. In total, over 716 thousand meals a day were distributed in placement centers by the Government, non-governmental organizations and the World Food Program (*Guvernul Republicii Moldova, împreună cu partenerii săi, își consolidează..*).

Also, 54,029 refugees received monthly financial assistance from the UN Refugee Agency, of which 27,449 people benefited from the second tranche of financial assistance.

In parallel with the support provided to refugees, about 10,500 host families from Moldova received the single allowance from the World Food Program (*ibidem*). Ukrainian refugees who entered the Republic of Moldova after the start of the war in the neighboring country receive monthly financial support. Thus, for each person in the family, 2200 lei are offered, transferred on a card, which can be used only on the territory of Moldova. Refugee payments are managed by the United Nations High Commissioner for Refugees and coordinated with the Ministry of Labor and Social Protection, Messenger reports (*Refugiații ucraineni care se află în Republica Moldova*).

Healthcare. By derogating the Law on Compulsory Health Insurance, the CSE ordered the provision of medical care in all cases that meet the criteria of the case definition for COVID, in all cases of medical and surgical emergencies the expenses are paid from state budget funds or other legally constituted sources. The concept of medical assistance, through the prism of the Ministry of Health, was oriented towards the creation of mobile medical teams at the border crossing points, for providing 24/7 medical assistance (triage, first aid, urgent medical assistance and in case of medical-surgical emergencies and primary psychological assistance), both at the border crossing points with Ukraine and on the route of the administrative line with districts on the left bank of the Nistru Rive (*Ordinul MS nr.136 din 24 februarie 2022*) as well as the establishment

of medical teams in temporary shelters for refugees, exceeding the number of 100 refugees, with the delegation of medical staff to these centers (*Ordinul MS nr.166 din 26 februarie 2022*). At the same time, the Ministry of Health ensured the endowment with medicines and paramedical products, consumables for the activity of the medical points within the temporary centers, and the leaders of the public hospital medical-sanitary institutions, the primary health care providers having the obligation to provide a set of established services.

In order to provide the necessary assistance at the border of the Republic of Moldova, preliminary sorting centers have been created, created by the Ministry of Internal Affairs. For example, if some refugees want to continue their journey to other countries, then buses are organized, which transport them directly from Palanca to Iasi. The Causeni-Iasi train also operated for a while, running several times a day and was free of charge. For those who want to stay on the territory of the Republic of Moldova, the transport from the border to the placement centers is organized, and there are created minimum conditions - sleeping places, hygienic putties, food, basic medical services and even vaccination points.

Also, during the same period, there were about 14,000 requests for primary, emergency and hospital care, of which: 86 COVID cases, 101 births, 518 dialysis sessions and 241 chemotherapy and radiotherapy sessions (*Guvernul Republicii Moldova, împreună cu partenerii săi...*).

Access to employment. The CSE Disposition no. 4/2022 facilitated the right to work for Ukrainian citizens. In consequence, refugees, regardless of legal status, for the period of emergency can be employed on the territory of the Republic of Moldova. Employers are obliged to notify the National Employment Agency about the employment of citizens of Ukraine. At the same time, a circular was issued by the Agency to all territorial subdivisions for employment, with concrete tasks on cooperation with employers and citizens of Ukraine, including visits to refugee placement centers, in order to inform them about the right to employment. and support provided (*Republica Moldova găzduiește un oraș de refugiați ucraineni*).

Therefore, the labor market was opened to refugees, who had the opportunity to work directly, without a work permit, and to work in this way for two months (*ibidem*). Representatives of the Employment Agency have already received applications. According to the authorities, more than 9,900 jobs are available in various fields - textile, HoReCa or/and transport. Of the more than 9,400 vacancies, 3,800 are in Chisinau. For Ukrainian refugees, the employment procedure has been simplified so that they can work without a work permit (*Unii refugiați ucraineni...*).

It should be noted that 482 refugees found a job, and 1,135 employers showed openness to the citizens of Ukraine, offering 2,163 vacancies. At the same time, 283 Ukrainian citizens are registered in the territorial subdivisions of ANOFM in order to benefit from employment support (*Guvernul Republicii Moldova, împreună cu partenerii săi*). The Republic of Moldova has the opportunity to provide Ukrainian refugees with jobs in IT, Free Economic Zones, the construction sector, the textile industry and HoReCa (*Unde se pot angaja refugiații din Ucraina aflați în Moldova*) there are two areas where Ukrainian refugees can be integrated into work. If there are highly qualified specialists in the field in Ukraine, they could be absorbed by this sector. If IT companies around the world want to help Ukrainian refugees, it is enough to place orders with Moldovan

companies in the field. The higher the volume of services provided by the Republic of Moldova, the higher our capacity to absorb refugees ", said the economist.

The second area, according to the economic analyst, are the Free Economic Zones, 43 in number throughout the Republic of Moldova, which in 2021 registered 600 million dollars in exports, and this year will be able to easily exceed 700 million dollars. The response of the Republic of Moldova for those with high skilled work must be the IT sector; for those who do not have the necessary qualification must be the Free Economic Zones. "In the last ten years, investments of 340 million dollars have been made in these Free Economic Zones. In ten years, the number of employees has increased by 13,000. The crisis of 2020 has slightly reduced the number of employees, in 2021 the level that was in 2019 has been exceeded ", said the economic analyst.

The first area is the IT sector, which since 2016 has seen a significant increase in exports of services and products. The volume of exports of this sector in 2021 has exceeded 340 million dollars, and in 2022 it could exceed 400 million dollars. If in 2013 5 thousand people were employed in this sector, now there are over 11 thousand, and a higher demand can no longer be met at the expense of the local labor force. The Chisinau government must encourage both IT parks and Free Economic Zones to promote the Republic of Moldova as a country where investments can be attracted in these sectors, which will allow the country's development and help Ukrainian refugees (*Ibidem*). „In the field of construction, there is a need for labor. The same goes for the textile industry and the Horeca sector. These sectors are facing a shortage of jobs and we could involve Ukrainians by helping them”.

Although the war and its disastrous consequences have forced millions of people to flee their homes and take refuge in other countries, such as Poland, Slovakia, Hungary, Romania and the Republic of Moldova (*Sute de refugiați ucraineni, angajați în câmpul muncii în Republica Moldova*). Ukrainian citizens are trying to adapt to the new reality that has gripped them. life. Some of the people who arrived in the Republic of Moldova have already integrated into the labor force. Chisinau, 16 - in Ungheni and Balti, 12 - in Cahul and less than 10 in other regions of the country.

Child protection. By CSE Disposition no. 10 of March 15, 2022, it was ordered the enrollment of foreign refugee children in Ukraine, with the obligation of the Ministry of Education and Research to develop the enrollment mechanism. At the same time, the decision was made to establish for all children from refugee families in Ukraine, regardless of the status of asylum seeker, the opportunity to attend the educational institution as an audience, which implies the possibility to participate in educational activities without compulsory schooling, with the registration of the applicant in a provisional register.

In order to ensure the protection of foreign children in Ukraine, by CSE Disposition no. 14 of 14 April 2022, the Regulation on the establishment of the intersectoral cooperation mechanism for identifying, assisting and monitoring children at risk, coming from the territory of Ukraine during the state declaration was approved war in Ukraine.

Another important decision, adopted by the ESC at its meeting of 04 May 2022, provides for the adjustment of measures for the protection of children at risk and children separated from their parents, who cross the state border from Ukraine. Thus, the persons responsible for taking over the minors will carry out an assessment of each case,

individually, based on a document approved by order of the Ministry of Labor and Social Protection (*Regim facilitat de revenire în Ucraina*).

Conclusions

The military aggression of the Russian Federation in Ukraine has a major impact on the civilian population, which is thus forced to flee the attacks. In this context, the European Union's objectives of supporting neighborhood resilience, reaffirmed by the Joint Declaration of the Eastern Partnership Summit, become relevant. In the context of the war in Ukraine, European solidarity was manifested by the support of Member States through the EU Civil Protection Mechanism (Anghilescu:22). Analyzing the involvement of the Republic of Moldova in the crisis situation, generated by the massive influx of refugees from Ukraine, it is worth mentioning that the speed and ability with which the state authorities reacted showed a professionalism and a consolidation of government, specialized structures and the whole civil society, in order to manage the influx of refugees as efficiently as possible, especially in the first days after the beginning of the conflict.

Thus, starting from the presence of threats to regional security, the Republic of Moldova will, without delay, review and develop a new national security strategy within the security policy. Also, taking into account the situation in the region, as well as the behavior of actors at regional and international level, highlighting internal and external security concerns becomes an imperative for the New Strategy aligned with European principles and values.

BIBLIOGRAPHY

- Activitatea Poliției de Frontieră în contextul situației din Ucraina. <https://www.border.gov.md/activitatea-politiei-de-frontiera-contextul-situatiei-din-ucraina>
- Ana-Maria, Anghilescu, și alții, *Solidaritatea europeană în acțiune. Activarea Mecanismului de Protecție Civilă pentru Ucraina*. Institutul European din România, 2022. p. 13.
- Biroul Migrație și Azil. Gestionarea crizei umanitare - provocări și soluții legale. <http://bma.gov.md/ro/content/gestionarea-crizei-umanitare-provoc%C4%83ri-%C8%99i-solu%C8%9Bii-legale>
- Comisia pentru Situații Excepționale a Republicii Moldova, Dispoziția nr.3 din 27.02.2022. <https://gov.md/ro/content/decizii-cse>
- Comisia pentru Situații Excepționale a Republicii Moldova, Dispoziția nr.1 din 24.02.2022. <https://gov.md/ro/content/decizii-cse>
- Comisia pentru Situații Excepționale a Republicii Moldova, Pct.8.3 din Dispoziția nr.11 din 17 martie 2022. <https://gov.md/ro/content/decizii-cse>
- Comisia pentru Situații Excepționale a Republicii Moldova, Dispoziția nr.15 din 20.04.2022. <https://gov.md/ro/content/decizii-cse>
- Decizia de punere în aplicare (UE) 2022/382 a Consiliului din 4 martie 2022 de constatare a existenței unui aflus masiv de persoane strămutate din Ucraina în înțelesul art.5 din Directiva 2001/55/CE și având drept efect introducerea unei protecții temporare

- Extinderea cooperării pe domeniul securității cu UE: Republica Moldova centură de siguranță a spațiului european. <https://mai.gov.md/ro/news/extinderea-cooperarii-pe-domeniul-securitatii-cu-ue-republica-moldova-centura-de-siguranta>
- Guvernul Republicii Moldova, împreună cu partenerii săi, își consolidează răspunsul la criza refugiaților din Ucraina și susținerea familiilor gazdă. <https://gov.md/ro/content/guvernul-republicii-moldova-impreuna-cu-partenerii-sai-isi-consolideaza-raspunsul-la-criza>
- Legea nr.270/2008 privind azilul în Republica Moldova, Art.3. https://www.legis.md/cautare/getResults?doc_id=123117&lang=ro
- Necșuțu M. Republica Moldova a înregistrat un record al cererilor de azil. Peste 10% din ucrainenii refugiați în Republica Moldova au depus cerere la BMA. <https://anticoruptie.md/ro/stiri/republica-moldova-a-inregistrat-un-record-al-cererilor-de-azil-peste-10-din-ucrainenii-refugiati-in-republica-moldova-au-depus-cerere-la-bma>
- Ordinul MS nr.136 din 24 februarie 2022 cu privire la pregătirea măsurilor de răspuns în contextul situației de urgență anunțată. <https://msmps.gov.md/wp-content/uploads/2022/02/Ordin-MS-nr.-136-din-24.02.2022-1-1.pdf>
- Ordinul MS nr.166 din 26 februarie 2022 cu privire la organizarea asistenței medicale persoanelor refugiate. <https://msmps.gov.md/wp-content/uploads/2022/02/Ordinul-MS-nr.-166-din-26.02.2022.pdf>
- Răspunsul UE la criza refugiaților din Ucraina. <https://www.europarl.europa.eu/news/ro/headlines/world/20220324STO26151/raspunsul-ue-la-criza-refugiatilor-din-ucraina>
- Refugiații ucraineni care se află în Republica Moldova beneficiază lunar de suport financiar /VIDEO. <https://trm.md/ro/social/refugiatii-ucraineni-care-se-afla-in-republica-moldova-beneficiaza-lunar-de-suport-financiar>
- Regim facilitat de revenire în Ucraina pentru refugiații ce se află în Republica Moldova și măsuri de protecție sporită a copiilor refugiați, aflați în situație de risc. <http://bma.gov.md/ro/content/regim-facilitat-de-revenire-%C3%AEn-ucraina-pentru-refugia%C8%9Bii-ce-se-afl%C4%83-%C3%AEn-republica-moldova-%C8%99i>
- Republica Moldova găzduiește un oraș de refugiați ucraineni. <https://www.dw.com/ro/republica-moldova-g%C4%83zduie%C8%99te-un-ora%C8%99-de-refugia%C8%9Bi-ucraineni/a-61289012>
- Sinteza Ministerului Afacerilor Interne pentru 13 mai 2022. <https://mai.gov.md/ro/news/sinteza-ministerului-afacerilor-interne-pentru-13-mai-2022-ora-1000>
- UNHCR. Operational data portal. Ukraine Refugee Situation. https://data.unhcr.org/en/situations/ukraine#_ga=2.88087067.145050007.16571332901412475380.164404732
- Unii refugiații ucraineni rămași în Republica Moldova au început să-și caute un loc de muncă. <https://tvr Moldova.md/social/unii-refugiatii-ucraineni-ramasi-in-republica-moldova-au-inceput-sa-si-caute-un-loc-de-munca/>

LINGUISTIC INDIVIDUALITY IN THE REPUBLIC OF MOLDOVA AND NORTH MACEDONIA: AN IDENTITY BORDER AS A POLITICAL FOUNDATION OF NATIONAL CONSTRUCTION

*Mircea BRIE**

Abstract. *The language of one community has always been a form of individualization in relation to another community. It has always been a form of creating a consciousness of community belonging, of solidarity of individuals with the group. It is no wonder, therefore, that it has been used by certain states or political regimes to create and support identity disputes inside or outside a state, inside or outside communities. Language was then a political tool used by some states to create new forms of ethno-national identity that would justify membership/claiming territories or individualizing a population in relation to the main ethno-linguistic group.*

The purpose of this study is to identify and establish relationships between linguistic individualization and the political act or the political interest of the difference of opinions promotion of „ new” linguistic realities to justify or challenge certain state borders or ethno-national constructions. The space under analysis is that of Eastern and Balkan Europe, in particular that of the Republic of Moldova and Northern Macedonia. Methodologically, the focus of our analysis lies primarily on the identity boundaries generated by the specific ethno-religious, linguistic or cultural, but also by the nature of the mental specific to the area.

Keywords: *Republic of Moldova, Northern Macedonia, language, identity, border*

1. Introduction and methodology

The close relationship between a state construction, an ethno-national identity, on the one hand, and the linguistic individuality of a population is not specific only to the contemporary period, not even to the modern one. It is deeply rooted in history, and has nothing to do with a specific geographical area. The language of one community has always been a form of individualization in relation to another community. It has always been a form of creating a consciousness of community belonging, of solidarity of individuals with the group. It is no wonder, therefore, that it has been used by certain states or political regimes to create and support identity disputes inside or outside a state, inside or outside communities.

Language has been used extensively since the 19th century to unify populations in the process of forming nation-states. The language was also used in the secessionist process against the background of the disintegration of the great multinational empires, as

* University Professor, Department of International Relations and European Studies, University of Oradea. Email: mbrie@uoradea.ro.

was the case of the tsarist, Ottoman, Austro-Hungarian or German empires after the First World War. Language was then a political tool used by some states to create new forms of ethno-national identity that would justify membership/claiming territories or individualizing a population in relation to the main ethno-linguistic group (The Soviet Union supported the current of Moldovan linguistic individuality in relation to the Romanian language in order to justify belonging territorial of the space between Prut and Dniester as well as the ethno-national distinction of Moldovans in relation to Romanians). Then, the new states that recently appeared (as in the Balkan space after the dismemberment of Yugoslavia) felt a natural need to show as much solidarity as possible with the new state. Language has also been a tool often used in order to create borders as visible as possible in relation to neighboring states.

The purpose of this study is to identify and establish relationships between linguistic individualization and the political act or the political interest of the difference of opinions promotion of „ new” linguistic realities to justify or challenge certain state borders or ethno-national constructions. The space under analysis is that of Eastern and Balkan Europe, in particular that of the Republic of Moldova and Northern Macedonia.

Without judging this process of creating „ new” languages that support the new state realities, historically, we wonder if this process is a guilty innovation of states or contemporaries. Certainly not. At the heart of all languages there was a longer or shorter formative period (perhaps even a moment of a political decision of individualization or perhaps reverse of linguistic unification). Therefore, we do not express ourselves in the sense of issuing judgments condemning the political act by which in a new country it is appointed, officially or not, a language other than that of the large group of which the population was previously a part only to justify the new borders or territorial claims.

Beyond the many facets that identity acquires, the perspective of identity cleavage in the central and eastern space of Europe often seems to be as real as possible and demonstrated by more or less recent historical realities. The identity, be it that of an individual, a group or a community, can generate convergence, but also divergence in relation to the other. The other, dichotomous, acquires the expression of the "beyond"; beyond what is specific to *one*, to *one*'s identity. A frontier, be it symbolic or ideological, can thus be identified around identity constructions. Central and Eastern Europe does not only make no exception to this rule, but, in our assertion, it is the space that imposes, perhaps most in Europe, such identity borders.

Methodologically, the focus of our analysis lies primarily on the identity boundaries generated by the specific ethno-religious, linguistic or cultural, but also by the nature of the mental specific to the area. This paper develops in a new methodological construction ideas and synthetic research contained in some previous papers on identity as a border in the space of Central and Eastern Europe (Brie, 2016: 359-381; Brie, 2021).

Our *hypothesis* is built starting from the assertion that in the space of these states (Republic of Moldova and Northern Macedonia) there are realities that converge towards the daily expression of some community-linguistic identity borders. In these situations, the political or geopolitical connotations and implications are very important and acquire the valences of some decisive factors in the identity development.

Methodologically, we specify that throughout this study we do not intend to solve in any way fundamental, existential problems or to clarify possible identity dilemmas or older or newer controversies.

Our *objectives* are to analyze possible linguistic identity realities that can generate,

at the societal level, certain cleavages that take the form of identity boundaries. Therefore, our debate is oriented towards the identification of these borders, to discuss them in terms of the possible cleavage they produce, but also of political intervention in these identity disputes. It is necessary to specify that, in our assertion, the existence of a linguistic identity border does not necessarily imply a rupture, a discontinuity, but can also be interpreted as a cultural-identity contact area. Such a contact area can generate not only multiculturalism, but also the development of an intercultural society in which cleavages fade.

As it is easy to understand, such an analysis gives rise to emotions and can stir up certain latent manifestations in the public space. From the beginning, we make it clear that we do not aim to find truths or answers, but only to identify and analyze possible linguistic identity boundaries.

We do not want to position ourselves on one side or the other of the debates (the existence of linguistic identity borders presupposes the presence of at least two identity constructions that meet, often located on divergent positions!).

Each of the general themes identified as generators of identity borders have constituted and can constitute in themselves fundamental theses that require complex analyzes both qualitatively and quantitatively. In this case, we propose to the academic environment topics for reflection and analytical perspectives upon topics of particular sensitivity in our European societies.

With the aim of a conceptual clarification and in order to respond to the methodological desideratum already announced, we hereby make some comparative references to the case of the states of Republic of Moldova, Northern Macedonia, but also Bosnia-Herzegovina and Montenegro or to the case of the Albanians in the Balkans.

The fall of communism and the Soviet and Yugoslav disintegration have initially amplified, in a first stage, the process of identity emancipation and the emergence of new cleavages in the Balkan and ex-Soviet space.

2. The European and National Context

Since the nineteenth century, the European space has undergone an extensive process of identity transformation. The European societies are modernizing, and under the impact of modernization there are profound changes both at the domestic level and at the international level.

The identity revolution was not only specific to the period of the second half of the nineteenth century, when the effervescence of the new led to the erosion of the old monarchical order of powerful governments. The peoples are developing an increasingly strong national consciousness, culminating in the principle of self-determination of the peoples, so much the scene of the treaties that regulated order after the First World War. Then one of the most visible transformations has in view the national and identity emancipation.

Today, the process continues and develops on new levels of identity. At the same time, more and more "border" cleavages are emerging within European societies. These boundaries are most often symbolic and ideological.

In the contemporary period we are witnessing an effervescence of the national, despite the progress made at European level in terms of consolidating the European identity. The process of European construction was accompanied by a certain blurring of the national, at least at the level of expression of nationalist-extremist movements.

European identity appears as a higher-ranking identity that reduces the forms of expression of national and regional identities. This at least in theory. On the other hand, in the current context, we are entitled to believe that European identity has taken a form of manifestation in parallel with national or regional levels, without being in very close relationship with them. That is, the reduction or amplification of the forms of manifestation at one level does not lead to a counterweight at another level (Brie, 2018, p. 237).

Diachronically, stimulated by the phenomenon of globalization, by the success of the EU, especially by the European enlargement to the east and the disappearance of the "Iron Curtain", the European identity experienced an exaltation both at the level of public discourse and at daily level. The phenomenon has, in our opinion, another facet: the identity revenge of the current period. As a result of crises that have become systemic at EU level (economic, financial, social, institutional or legitimacy), of new geopolitical realities in the neighborhood area (e.g. the situation in Ukraine, the Middle East, North Africa), but also as an effect of mass migration, we find a return to local, regional or national identities (To be seen for more details Brie & Blaga, 2015, p. 255-273).

Without proposing on this occasion to make an analysis of the political realities, respectively of the discourse of the political leaders, in the European space, but not only, we are witnessing in this period, more than in other stages of the history of the last hundred years, a radicalization of the discourse with an emphasis on the national. Political movements are gaining more and more national, ethno-cultural and identity nuances. Not only populism is gaining ground, but also the xenophobic, tribal debate of fear and danger portrayed in the image of the other (Brie, 2018, p. 238).

The European Union, Russia, globalization, immigrants, multinationals, national minorities, but also others who are not part of the besieged national community, are real scapegoats that political leaders in Central and Eastern European countries, for example, use to generate emotion and capitalize on the increasingly nationalist expressions present in these countries.

The countries of the Visegrád group, once exemplary for the pro-European orientation, began to develop Eurosceptic attitudes strongly accompanied by nationalist discourses within less than ten years after their accession to the European Union. The national revenge seems to be favored by the impossibility of Brussels to bring its captive citizens closer at national level. The failure of some turns into the success of others who come as rescuers to defend the besieged nation. In Poland, nationalism, more precisely the romantic nationalism, has gained ground since October 2015, when Jaroslaw Kaczynski's Law and Justice Party (PiS) got to power. Viktor Orbán, the first Hungarian minister, has consolidated his position at the internal political level by promoting strident nationalist discourses and arrogant with relation to everything foreign, irritating even the closest allies. His party, Fidesz has thus led Hungary towards a nationalist and populist illiberalism (Manolescu 2017).

Nationalism is on the rise in the European states. It takes on various forms, such as the pro-independence movements from Catalonia and Scotland, or, more frequently, of populist and right-wing reactionary doctrines. Far-right or national-conservative populist formations are represented in the executives of several European Union member states.

3. Linguistic individuality: foundation of *Moldovanism* (Brie, 2016; Brie, 2021)

The Republic of Moldova, like the state of Montenegro, developed in the first decade after independence a specific policy aimed at highlighting the unitary relationship of the triangle state, nation, citizenship (to be seen Chapter 2 additionally: *Transitional Triangle: State, Nation, Citizenship*, Džankić 2015). The three dimensions must be mutually supportive and mutually reinforcing. If the national dimension is weaker, statehood and citizenship must sustain and justify national existence and consolidation. In Montenegro, statehood and citizenship support the nation in the absence of very clear distinctive landmarks that separate the ethno-religious and linguistic identity of the population of this state from the Serbian nation.

From this perspective the identity construction is an ongoing, developing process. This process highlights not only a new ethno-national identity reality, but also an increasingly pronounced linguistic and cultural one (the latter by appealing to the historical heritage that would justify the current identity boundaries).

A controversy arises, as in the case of Northern Macedonia, over the very name of the state East of the Prut. The Principality of Moldova, through the Treaty of Bucharest (1812) between the Ottomans and the Tsars, lost the eastern part of the Prut. After this date, the state continued to exist only in its part west of the mentioned river, and then, by the union with Wallachia (1859), this statehood was transferred within the Romanian state.

The territory between the Prut and the Dniester, called Bessarabia (it is true, more by the Romanians in Romania) experienced in the period following the Russian annexation several stages: 1. the period up to 1918, respectively belonging to the Tsarist Empire; 2. the period 1918-1940, when Bessarabia was part of Greater Romania; 3. the period 1940-1991, respectively the Soviet period; 4. the period after the proclamation of the state independence of the Republic of Moldova.

The symbolism of the statehood of the Republic of Moldova, despite much more recent rhetoric, goes back ancestrally to a glorious Middle Ages of the first Moldavian rulers (claimed to be Romanians by the Principality of Moldova which was not occupied by the Russians in 1812). *Moldovanism*, as an identity construct, gave rise to many debates and controversies regardless of where it was viewed and analyzed. However, it was always used for political or geopolitical purposes.

The controversy is not clarified at home either, without extending the debate to other geographical areas the geopolitical interests of which do not converge towards the same objectives. The debate between *Moldavianism* versus *Romanianism* often ignited the spirits east of the Prut, fed more or less from the West and East. The two perspectives seem to be entirely opposed. The Romanian perspective includes Moldovans, along with Transylvanians, Oltenians, Muntenians, among Romanians (being Moldovan is not an ethno-national-linguistic identity, but a regional-geographical one, and represents a sub-national dimension!).

The perspective of *Moldovanism* excludes from the beginning the common identity, of nation and language or an overlapping identity such as Bavarian are the Germans, and the Germans are Europeans (being Moldovan means actually not being Romanian and vice versa!).

Regardless of the fact that *Moldovanism* was disproportionately created and fueled by tsarists or Soviets, it massively served the political interests of the rulers of

Chisinau after the proclamation of independence.

Initially, an attempt was made to create a nation-state in which the Romanian language was recognized as an official language, and the doctrine of "one people, two states" was officially accepted by both sides of the river Prut. National minorities, intensely supported from the outside, found it difficult to reconcile with this reality and reacted.

The "imaginary dangers" of the union of the young Moldovan state with Romania and of discrimination according to ethnic or linguistic criteria have generated the beginning of a double secessionist process, in the East and in the South of the republic, a process that culminated in the outbreak of an armed conflict on the left bank of the Dniester" (*Cărbune* 2010).

Moldovan President Mircea Snegur officially renounced this doctrine on July 29th, 1994, with the adoption of the new Constitution (Constitution 1994). The thesis regarding the Moldovan identity, different from the Romanian one, is resumed and amplified.

Used by tsarists and Soviets to justify separation from the Romanian state, it now serves political interests that speak of the national interest, namely the preservation of Moldovan statehood that would be threatened.

In theory, Moldovanism as an identity construct is used in the sense of developing a national identity related to civic, citizenship affiliation. The new identity aims at bringing together all the citizens of the Republic of Moldova regardless of their ethnolinguistic options.

Thus in the Republic of Moldova we are talking about *Romanian* Moldovans and Moldovan Moldovans. The process is similar up to a point in Montenegro, where there are many who claim that the language spoken is but the Serbian language, and that they are nothing more than Serbs belonging to the Montenegrin nation built on the basis of citizenship and affiliation to a distinct state space.

The linguistic individuality of a people has always played an important role in consolidating statehood. A distinct language leads to an additional force to preserve statehood. People who speak the same language, distinct from other communities it comes in contact with, develop forms of community solidarity of identity origin. They can work together, they can build something great, they can fight together, they can stay together - just because, and only and only if they speak the same language.

The others are not trustworthy, they cannot be from within, one has to separate oneself from them and find one's support only next to those who speak the same language with you. This foundation is not only the basis for the establishment of modern nations, but also both justifies and is an argument for the complicated policies that underlie identity revolutions, but also regimes or political movements that support separatist movements or the justice of new state constructions.

Among the concerns regarding the consolidation of the statehood of the new Balkan and ex-Soviet states there was the promotion of the linguistic individuality of the new peoples. Moreover, the movements of national emancipation or identity-national construction, started long before the act of independence, were based on and justified on ethno-national, religious, cultural and linguistic individuality.

The case of the Republic of Moldova is not singular. In Montenegro the situation is somewhat similar. The public policies and public discourse have led to the assertion of linguistic individuality in relation to the Serbian language.

If the Serbian language was initially accepted as the official language, the 2007 constitution requires the "Montenegro language" as the official language, which has caused dismay on the Serbian side (Morrison 2018, p. 138).

In the Republic of Moldova, this controversy is related to the promotion of *Moldovanism* as an identity. The Moldovan language, as a language distinct from the Romanian language, serves the same interests and political or geopolitical objectives.

Regardless of the origin of this dispute, the society in the Republic of Moldova is linguistically divided not only in relation to national minorities, but also in relation to the language options of the ethno-national group that forms a majority. The process of Russification in the Tsarist and Soviet periods served to implement the doctrine of the two different languages: "Romanian" and "Moldovan".

Multinational imperial states, they in turn accused the Romanian "imperialism" upon another people: the Moldovan one, speaking another language: Moldovan language.

The Declaration of Independence of the Republic of Moldova (1991) (to be seen the text of the **Law 1991**) makes clear reference to the "deciding by decree the Romanian language as a state language", a language that Moldovans used and considered identical to their own.

The promotion of *Moldovanism* became again the official politics of the Chisinau authorities after 1994, deepening confusion and controversy. The official language of the Republic of Moldova is, according to the new constitution, the "Moldovan language" with Latin spelling (Constitution 1994, art. 13).

The contradiction continued despite the attempts made by the new persons governing (after 2008) to restore the Romanian language to its rights as official language of the state. It was as late as December 5-th, 2013, that the Constitutional Court of the Republic of Moldova solved this dilemma and the interminable dispute concerning the official language of the state.

The judges, considering the text of the Declaration of Independence and the text of the Constitution decided that the text of the first document prevails over the Constitution, and "the state language of the Republic of Moldova is Romanian". "The Declaration of Independence constitutes the legal and political basis of the Constitution, so that no provision of the latter can go beyond the scope of the Declaration of Independence. Thus, the Court concluded that, in case of a divergence existent between the text of the Declaration of Independence and the text of the Constitution, the primary constitutional text of the Declaration of Independence prevails. The decision shall be final and shall not be subject to any appeal" according to the president of the Constitutional Court, Alexandru Tănase (The Constitutional Court 2014). Apart from the intervention of the Constitutional Court, the controversy and disputes with regard to identity of the Moldovan language are meant to perpetuate this symbolic frontier, often used with ideological purposes.

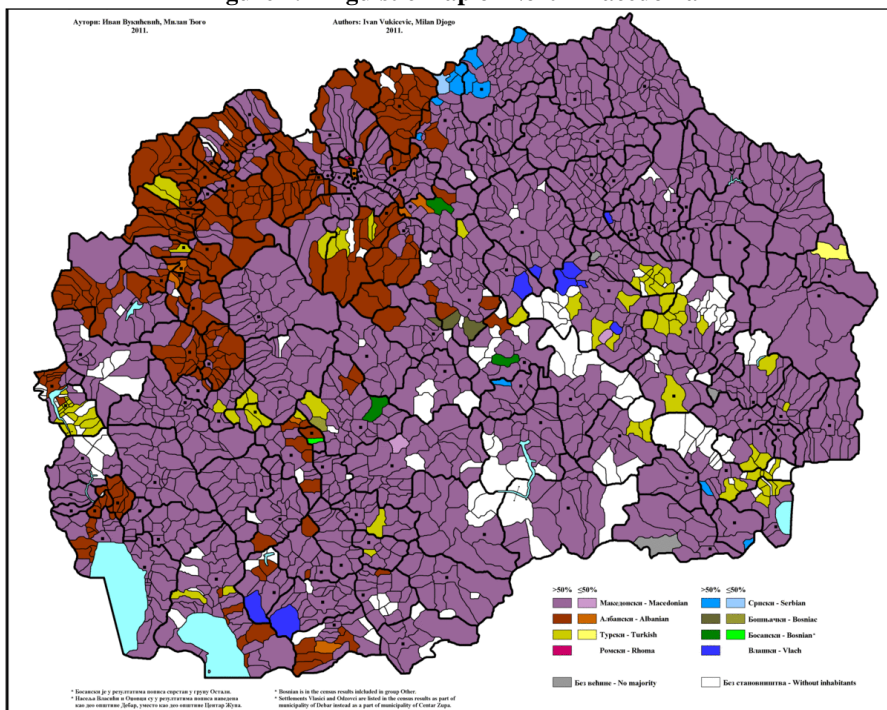
The alphabet is also used as a distinct identity element that can take the form of a cleavage such as identity boundaries. If in the case of the Albanians in the former Yugoslavia the use of the Latin alphabet was accompanied by the existence of a clearly distinct language, in the case of other peoples who were part of the former federal state the linguistic individuality was not so clear. For a long time, the linguistic individuality of Croats in relation to Serbs was linked to the use of the Latin alphabet by the former and the use of the Cyrillic one by the Serbians. This dispute can be identified as I mentioned earlier in the case of Montenegro (Morrison 2018, 130-152) or the existence of a separate Bosnian

language (Džankić 2015, 48). The alphabet has played every time a very important role in the justice of the decision to draw a linguistic boundary of an identity nature.

In the case of the Republic of Moldova, the introduction of the Cyrillic alphabet as a distinctive element in relation to the Romanian language was a weapon used by the Soviet regime but also the Russian one (both the Tsarist and current one). In Transnistria, Cyrillic spelling is still used to write "Moldovan". The choice of the alphabet has often proved to be a political act aimed at often solving geopolitical problems (to be seen the case of the Soviet Republics presented by Alexe and Ciapai 2021).

4. Language and history dispute between North Macedonia and Bulgaria (Brie, Jusufi and Polgár, 2023)

Figure 1. Linguistic map of North Macedonia



Source: apud <https://www.deblauwetijger.com/macedonie-socialdemocraten-en-albanezen-gaan-geren/>, accessed in 12.05.2023 (Ivan Vukicevic, Milan Djogo, 2011)

One of the identity dispute of North Macedonia is Bulgaria. This country used its veto to oppose the start of negotiations with the EU when its demands were not met. Bulgaria's three main demands are: 1. the identity of the Macedonian language and the Bulgarian side's demand that their neighbours formally recognise that its language has Bulgarian roots, respectively the official formulation of a "common history", including identity; 2. the recognition and inclusion of the Bulgarian minority in the Constitution of Northern Macedonia (this claim would mean that the remaining majority is not Bulgarian as the more extreme Bulgarian claims sound - which would put an end to a nationalist dream of the Bulgarian side); and, a much vaguer formulation, 3. that Northern Macedonia to renounce to what is called a "hate speech" against Bulgaria. Bulgaria's veto was lifted

after mediation by the French Presidency of the EU Council proposed a compromise solution accepted by the Macedonian side in a parliamentary vote on 16 July 2022 and after the agreement between the two sides was signed in Sofia a day later (G4Media.ro, 2022). The agreement enabled the formal opening of negotiations on the accession of Northern Macedonia to the EU, which were formally announced in a Council of the EU communique on 19 July 2022 (Council of the EU, 2022).

Identity and cultural relations between Bulgarians and Macedonians are complex and deeply rooted in the specific historical heritage of the Balkan area. The Ottoman Empire in the 19th century, the Serbo-Croatian-Slovenian Kingdom or Yugoslavia in the 20th century have complicated identity constructions in this region.

After the proclamation of independence, the Macedonians tried to reaffirm by all means their characteristic and specific identity elements. At the same time, in Bulgaria there were many supporters of a possible "reunification" of the Macedonian identity. Macedonians are seen as a "product of the political history of the late 19th century" (Sivignon 2099: 121). Moreover, the Serbian Macedonian identity (as distinct from Greek Macedonian and Bulgarian Macedonian) became even more pronounced during the Yugoslav period (Sivignon 2099: 122-123). The Macedonian Republic thus found its place in terms of identity and politics within the Yugoslav Federation. Identity issues are central to the dispute. Bulgaria refuses to recognize the existence of a separate ethnic Macedonian identity and a separate Macedonian language. It demands that the EU avoid using the term "Macedonian language", and instead use the term "Official language of Republic of North Macedonia" (Phillips 2022). It insists that the Macedonian language is a Bulgarian dialect and ethnic Macedonians are a subgroup of the Bulgarian nation (Phillips 2022).

Macedonia and Bulgaria share linguistic and cultural similarities but also hold differing views on their history and language, dating back to the 19th century, when Bulgarian nationalists claimed Ottoman-ruled Macedonia as part of Bulgarian territory (Marusic 2017).

Each country has in the past accused the other of not respecting the rights of its national minority living across the border.

In 2017 Macedonian Prime Minister Zoran Zaev and Bulgarian Prime Minister Boyko Borissov signed Bulgarian-Macedonian *Treaty on friendship, good neighbourliness and cooperation* in Skopje (European Western Balkans 2017). At the regional and European level, the bilateral treaty may have major implications for Sofia's attempt to join the EU's regional initiatives, which promise (also) economic opportunities, first of all through the Berlin-process (Osservatorio Balcani e Caucaso Transeuropa 2017). Both countries will also now say they have no territorial claims against each other. Both countries also pledge to protect the rights of the other country's nationals living on their soil – not to interfere in the other's domestic affairs (Treaty 2017).

The 2017 Friendship Treaty between North Macedonia and Bulgaria called for the establishment of a joint commission on historical and educational issues. But implementation of the Friendship Treaty languished (Phillips 2022). In October 2019, Bulgaria warned that it would block North Macedonia's EU accession unless its "anti-Bulgarian ideology" was addressed. Bulgaria strongly objected to state-supported or tolerated hate speech and minority claims towards Bulgaria. North Macedonia politicians across the political spectrum rejected the claim that Macedonians and Bulgarians were a single people, divided by Yugoslav policy during the 20th century (Phillips 2022).

Based on Northern Macedonia's desideratum to integrate into the European Union, civil society pressed for a compromise. At the same time, civil society has been politically used to generate public support for initiatives promoted by political parties.

In March 2020, the EU Council decided to open the long-awaited accession negotiations. And just as the first intergovernmental conference was about to take place, in November 2020, Bulgaria blocked the adoption of the negotiation framework over issues of identity and history. The year 2021 does not bring any progress in the negotiation process. Many of the dialogue initiatives have remained unsupported by civil society, or have been rejected by the authorities in response to proposals from civil society.

The Bulgarian veto was heralded by the lack of progress in bilateral talks. The positions of the authorities of the two countries were often determined by the tendencies expressed in public opinion and civil society in the two countries. The failure to form a stable government in Bulgaria naturally contributed to the continuation/solution of the Bulgarian-Macedonian crisis only partially¹.

Bulgarian requests took into account:

- revision of the national historical narratives,
- language requirements
- the status of the Bulgarian minority in North Macedonia.

Despite a relative progress with the signing in 2017 of the *Treaty on friendship, good neighbourliness and cooperation* at civil society level, there has been no improvement in the perception of the required compromise in the relationship with Bulgaria. Moreover, on the basis of protracted disputes, public opinion has become less and less supportive of this compromise.

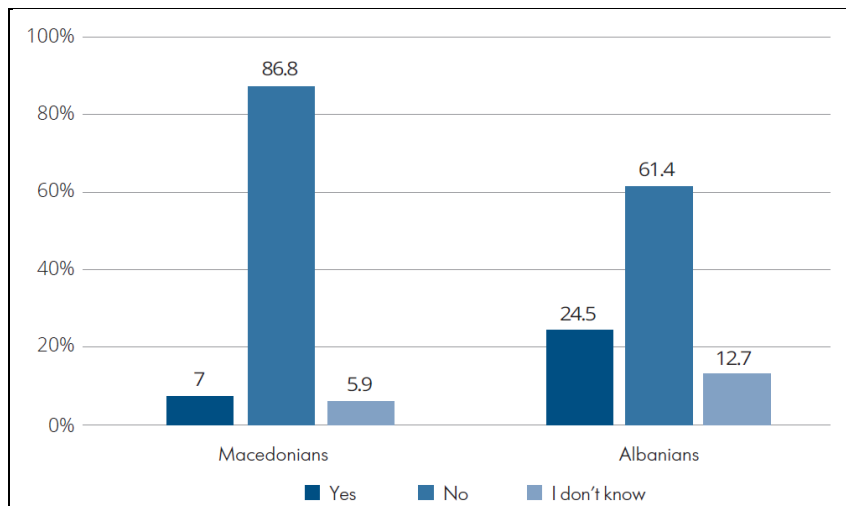


Figure 2. Do you think the the North Macedonia should make a concession regarding the language in order to proceed with the EU integration? (%)

Source: Velinovska; Nikolovski and Kirchner 2022: 11

¹ The fifth round of parliamentary elections in the last 18 months, held on 2 October 2022, again failed to produce a stable majority (Euronews 2022).

From the data provided by the above-mentioned barometer, it appears that even the Albanian minority does not support a compromise of the historical narrative just for the sake of a compromise towards European integration (34.7% of Albanians and only 12.6% of Macedonians were in favour of a compromise). This despite the fact that among the ethnic Macedonians, the European integration of the country is supported by 63% of the respondents, but a very high number of ethnic Albanians (82%) support North Macedonia's membership in the EU (Damjanovski 2022: 4).

Public opinion and civil society is even less open to compromise regarding the Macedonian language.

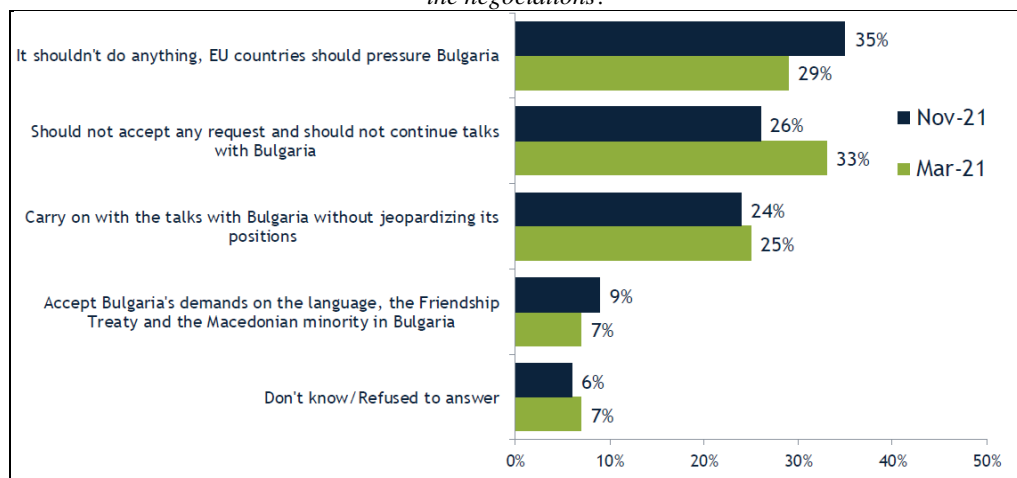
The results show a solid and almost undivided opinion among ethnic Macedonians who, by 86.8%, are not willing to make concessions on their language. A concession of this kind is equally unacceptable for a smaller majority of ethnic Albanians (61.4%) (Velinovska; Nikolovski and Kirchner 2022: 11).

Another Bulgarian demand is concessions regarding the status of the Bulgarian minority in North Macedonia as a pathway towards lifting the veto.

The responses show that around 64.5% of the surveyed citizens would not agree on meeting this demand. 22.6% agree that this kind of negotiation can be accepted. Compared to the other two demands, historical revision (71%) and language (79%), the results for this question show a slightly lower percentage of 'no' responders (64.5%) (Velinovska; Nikolovski and Kirchner 2022: 13).

More than two third majority of ethnic Macedonians (73.2%) would not agree on conceding on this requirement, while 15.5% would accept if it benefits the EU accession process. Ethnic Albanians have divided opinions with a lead of those who would not agree on this issue (47.2%), compared to 38% who would agree that North Macedonia should respond positively to this demand (Velinovska; Nikolovski and Kirchner 2022: 14).

Figure 3. Bulgaria recently vetoed the start of North Macedonia's negotiations with the EU. *In your opinion, what should North Macedonia do in its relations with Bulgaria in order to unblock the negotiations?*



Source: Center for Insights in Survey Research 2021: 60

Negotiations delayed and the outcome led to a somewhat surprising decision for European public opinion, but also for civil society in North Macedonia: the Bulgarian veto

until the settlement of the claims on the three tracks. Bulgaria was thus reconfirmed in the eyes of civil society, of Macedonian society in general, by its status as a state that poses a threat to North Macedonia, as identified by the Macedonian population. No less than 46% of Macedonian citizens who indicated a threat state for North Macedonia chose towards Bulgaria (Armakolas, Damjanovski and Siakas 2021: 4).

During 2021, public opinion and civil society in North Macedonia were questioned on several occasions about the direction the Macedonian state should take in its relations with Bulgaria. We offer such a picture reflected in the analysis made by the Center for Insights in Survey Research.

In the end, after further rounds of negotiations and under the pressure of the EU, which wanted to give a clear signal of integration to the Western Balkans, Bulgaria's veto was lifted after mediation by the French Presidency of the EU Council. The solution was a bitter compromise for North Macedonia, as the opinions expressed by civil society would show. The grievances were clear, but the compromise was necessary. Thus, with the vote of the parliament in Skopje on 16 July 2022 and the signing of the agreement between the two sides in Sofia a day later, the agreement enabled the formal opening of negotiations on the accession of Northern Macedonia to the EU, officially announced in a communiqué of the Council of the EU on 19 July 2022 (Council of the EU, 2022).

5. Conclusions

The language of one community has always been a form of individualization in relation to another community. It has always been a form of creating a consciousness of community belonging, of solidarity of individuals with the group. It is no wonder, therefore, that it has been used by certain states or political regimes to create and support identity disputes inside or outside a state, inside or outside communities.

Our hypothesis is confirmed: the political or geopolitical connotations and implications are very important and acquire the valences of some decisive factors in the identity development.

At a comparative level, the reality of language identity cleavages, which most often takes the form of borders, is similar in the Republic of Moldova and in the North Macedonia, in the Balkans in general. However, a particular note is kept given by the context, the specificity and the geopolitics of the former Soviet space in relation to the former Yugoslav one. The fall of communism and the Soviet and Yugoslav disintegration have initially amplified, in a first stage, the process of identity emancipation and the emergence of new cleavages in the Balkan and ex-Soviet space.

Identity dilemmas and controversies in the Republic of Moldova and North Macedonia, as well as others in Central and Eastern Europe, are determined/fueled by the geopolitical interests of some states / powers that have used them to expand or maintain influences. Here the boundaries of identity took the form of ideological or symbolic boundaries.

The linguistic individuality of a people has always played an important role in consolidating statehood. A distinct language leads to an additional force to preserve statehood. People who speak the same language, distinct from other communities it comes in contact with, develop forms of community solidarity of identity origin. They can work together, they can build something great, they can fight together, they can stay together - just because, and only and only if they speak the same language.

The others are not trustworthy, they cannot be from within, one has to separate oneself from them and find one's support only next to those who speak the same language with you.

Among the concerns regarding the consolidation of the statehood of the new Balkan and ex-Soviet states there was the promotion of the linguistic individuality of the new peoples. Moreover, the movements of national emancipation or identity-national construction, started long before the act of independence, were based on and justified on ethno-national, religious, cultural and linguistic individuality.

BIBLIOGRAPHY

- Alexe, Dan, and Alla Ciapai (2021), Cyrillic, Latin or Arab? The system of description is often a political act. <https://moldova.europalibera.org/a/chirilice-latine-sau-arabe-sistemul-de-scriere-e-deseori-un-act-politic/31431391.html>. Accessed October 28, 2022.
- Armakolas, Ioannis & Damjanovski Ivan & Siakas George, (2021): The Prospects of the Prespa Agreement. Public Perception in North Macedonia and Greece, Konrad Adenauer Stiftung, Skopje & Athens, p. 3-11
- Brie, Mircea (2016), *Identity as Frontier in Central and Eastern Europe. The Case of the Republic of Moldova*, în Mircea Brie, Alina Stoica, Florentina Chirodea (coord.), *The European Space Borders and Issues. In Honorem Professor Ioan Horga*, Editura Universității din Oradea/Debrecen University Press, Oradea/Debrecen, 2016, p. 359-381
- Brie, Mircea (2018), *Identity Revolution and Minority Emancipation: A Cause of the European Concert's Crash. Contemporary Analogues*, în Ioan Horga, Alina Stoica (coordonatori), *Europe a Century after the End of the First World War (1918-2018)*, București, Editura Academiei Române, 2018
- Brie, Mircea (2021), *Comparative Conceptual Perspectives on Identity Borders in the Republic of Moldova*, in *EUROPOLITY, Continuity and Change in European Governance*, Vol. 15, no. 2, 2021
- Brie, Mircea and Daniela Blaga (2016), *Identity rematch in the European space*, in Alina Stoica, Ioan Horga, Mircea Brie, *Cultural Diplomacy at the Eastern and Western Borders of the European Union*, Editura Universității din Oradea, 2015, p. 255-273.
- Brie, Mircea; Islam Jusufi and Polgár István József (2023), *North Macedonia's internal and external identity disputes. Role and implication for the civil society*, in *Civil Szemle*, ISI Journal, vol. XX, Budapesta, 2023/2, p. 69-97
- Cărbune, Radj (2010), *Identitatea națională a Republicii Moldova* (National identity of the Republic of Moldova). <https://radjcarbune.wordpress.com/2010/12/02/identitatea-nationala-a-republicii-moldova/>. Accessed October 08, 2022.
- Center for Insights in Survey Research (2021), *Public Opinion Poll: Residents of North Macedonia*, A project of the International Republican Institute.
- Constitution. (1994), *Constitution of the Republic of Moldova din 29.07.1994*. <http://www.wipo.int/edocs/lexdocs/laws/mo/md/md046mo.pdf>. Accessed October 15, 2022.

- Council of the EU (2022), Intergovernmental Conference at Ministerial level on the Accession of North Macedonia, Press release, 19 July 2022, <https://www.consilium.europa.eu/en/press/press-releases/2022/07/19/intergovernmental-conference-at-ministerial-level-on-the-accession-of-north-macedonia/>, accessed 25.09.22
- Damjanovski, Ivan (2022), *Analysis of public opinion on North Macedonia's accession to the European Union (2014-2021)*, Konrad Adenauer Foundation in the Republic of North Macedonia Institute for Democracy "Societas Civilis" – Skopje
- Džankić, Jelena (2015) *Citizenship in Bosnia and Herzegovina, Macedonia and Montenegro: effects of statehood and identity challenges*, Routledge
- G4Media.ro, 2022, Bulgaria a încheiat un protocol cu Macedonia de Nord pentru a permite aderarea acesteia la UE, 17 iulie 2022, <https://www.g4media.ro/bulgaria-a-incheiat-un-protocol-cu-macedonia-de-nord-pentru-a-permite-aderarea-acesteia-la-ue.html>, accessed on 23.06.2023
- Law (1991). *Law No. 691 of 27.08.1991 on the Declaration of independence of the Republic of Moldova*. http://istoria.md/articol/573/Declara%C5%A3ia_de_Independen%C5%A3%C4%83_a_Republicii_Moldova. Accessed October 14, 2022.
- Manolescu, Andrei (2017), *Ungaria lui Orbán (Orban's Hungary)*, 2017, <http://dilemaveche.ro/sectiune/tilc-show/articol/ungaria-lui-orban>, accessed on 23.06.2023.
- Morrison, Kenneth (2018), *Nationalism, Identity and Statehood in Post-Yugoslav Montenegro*, Bloomsbury Publishing Plc.
- Osservatorio Balcani e Caucaso Transeuropa (2017), Francesco Martino, *Bulgaria and Macedonia, good neighbours?*, <https://www.balcanicaucaso.org/eng/Areas/Bulgaria/Bulgaria-and-Macedonia-good-neighbours-181841>, accessed on 23.06.2023
- Phillips, David L. (2022), *Bulgaria, North Macedonia Should Enhance Relations*, New York, July 21, 2022, Balkan Insight, <https://balkaninsight.com/2022/07/21/bulgaria-north-macedonia-should-enhance-relations/>, accessed on 23.06.2023
- Sivignon, Michel (2009), *Les Balkans. Une géopolitique de la violence*, Belin
- Treaty (2017), Bulgaria and The former Yugoslav Republic of Macedonia, *Treaty of friendship, good-neighbourliness and cooperation between the Republic of Bulgaria and the Republic of Macedonia*. Skopje, 1 August 2017, <https://treaties.un.org/doc/Publication/UNTS/No%20Volume/55013/Part/I-55013-08000002804f5d3c.pdf>, accessed on 23.06.2023
- Velinovska, Anamarija; Ivan Nikolovski and Marie Jelenka Kirchner (2022), *From a poster to a foster child. 2021 public opinion analysis on North Macedonia's EU accession process*, Konrad Adenauer Foundation in the Republic of North Macedonia Institute for Democracy "Societas Civilis" – Skopje

IV. EUROOPENIZATION & EUROSCEPTISIM. NEW POLICY TRENDS IN SOUTH EASTERN EUROPE

Radu Vladimir RĂUȚĂ - *Europeanization and Rule of Law Reforms in the Western Balkans - Whistleblowing Laws in Serbia, Albania and Kosovo*

Avdi SMAJLJAJ - *The Impact of the War in Ukraine on the Western Balkans Current Developments*

Cătălin Gabriel DONE - *Libéralisation Multilatérale de la Coopération Économique et Protectionnisme Politique Dans la Région Scandinave*

Edina MÉSZÁROS – *Vox Populi, What is the Perception About the European Union in Serbia? Torn Between the East and the West, an Oscillating Stance from Active Non-Alignment to Passive Alignment to Community Values*

Balázs HORVÁTHY, László KNAPP, Nikolett TRENYSÁN PAPP - *New Regionalism and EU Border Regions: Removing Legal and Administrative Obstacles*

Dan APĂTEANU - *Supranational Versus Intergovernmental Approaches in the European Union Integration Process*

Zsolt RADICS, Enikő HARMAN - *Development Policy Trends in Central European Countries after EU Accession - Trends, Patterns, Differences in the Case of Hungary*

Botond Zsolt BOTTYÁN – *Democracy and Identity. The Future of Democracy in the Context of the European Intergation*

EUROPEANIZATION AND RULE OF LAW REFORMS IN THE WESTERN BALKANS – WHISTLEBLOWING LAWS IN SERBIA, ALBANIA AND KOSOVO

*Radu Vladimir RAUTA**

Abstract. *Whistleblowing, as concept covering the institutional dimension and its practical manifestations, took different forms in the Western Balkans. Using a rational choice institutionalist definition of Europeanization, the research explores the conceptual framework of whistleblowing and the protection of whistleblowers as an underlining element of rule of law in the European Union. Subsequently, the paper presents the evolution of whistleblowing as element of EU's conditionality in relation to the Western Balkan countries, describing the events, the stakeholders and the role played by EU's conditionality in adopting whistleblowing laws. Case studies covering Serbia, Albania and Kosovo, as three states in different stages of accession to the European Union, analyze the evolution of legislation that ensure the protection of whistleblowers, the timeframe ranging differently for each country due to the moment they first adopted such legislation, searching to understand the role played by European Union's institutions in shaping the development and adoption processes of such legislation. Finally, the paper uses rational choice institutionalism to explain the dynamics within the principal-agent relation and why, as confirmed in literature, certain reforms are not lasting if they do not include elements to enhance their role within the society.*

Keywords: *Europeanization, whistleblowing, rational choice institutionalism, Western Balkans*

Introduction

Focused on understanding how rational choice institutionalism can explain the differences in adopting whistleblowing legislation, from a perspective of Europeanization and conditionality in three states in different stages of EU accession, the research tested the hypothesis that the principal-agent model used to quantify the impact of uneven waves of support generated significantly different results.

Contextually, the design of institutions, their work and the quality of their outputs are essential to rule of law. Much of the effort in rule of law establishing and consolidation focuses on institution building. In the Western Balkans (Albania, Bosnia and Herzegovina, Kosovo, North Macedonia, Montenegro, and Serbia), the process of consolidating rule of law commenced in the 2000s and followed the development of institutions similar to those in the new member states of the European Union. As described by researchers such as Barbulescu and Troncota, the European Union used the post-conflict Western Balkans as “laboratory” for democratization (Barbulescu et

* PhD candidate, National University of Political Science and Public Administration, Department of International Relations and European Studies, rv.rauta@gmail.com

Troncota, 2013). As part of the post-conflict reconstruction, the Western Balkan states developed judicial and prosecutorial councils that acted as institutions separated from other branches of government, as well as other independent oversight bodies. The difference between the functioning of these new institutions compared to the ones in the new EU member states was the fact that, even if they followed similar institutional blueprints, were victims of the capture of personal interests and the pressure of political elites.

First, whistleblowers are a core element of a rule of law system. Important cases of whistleblowers, or as sometimes dubbed ‘super-whistleblowers’, made the headlines over the past years in the region. In Kosovo, Murat Mehmeti faced years of threats and backlash after reporting on tax evasions schemes orchestrated by shell companies and allegedly endorsed by a high-ranking public official¹. Similarly, in Serbia, Aleksandar Obradovic exposed the involvement of a state-owned weapons manufacturing company in exporting their products to the Islamic State. Obradovic also faced persecution for his reporting². The dedicated section on whistleblowing showcases the conceptual perspective of whistleblowing and the importance of whistleblowing legislation for the European Union.

The second section of this article covers the case studies of Serbia, Albania and Kosovo, as three states in different stages of accession to the European Union. Analyzing the evolution of legislation, the actors and interactions among them, the section showcases the significant differences between the three case studies in terms of legislative evolution and how the institutional framework creates situations and how the actors purposefully strived to use the institutional framework in accordance with rational interests.

The third section analyzes how the case studies and their findings challenge the theories, which complementarity elements seem to be necessary, as lessons learnt from these cases. The conclusion proves through the use of rational choice institutionalism that certain reforms are not lasting if they do not incorporate elements to enhance the awareness and significance of these reforms in society.

‘Whistleblowing’ from a conceptual perspective

Whistleblowing “may be perceived as an effective response to the failure of the state to develop adequate public accountability mechanisms” (Alleyne et al., 2013, p. 11)

Whistleblowing, as a social construct, made the subject of many studies across various disciplines such as business administration, psychology, public administration, law and public policy. Whistleblowing, as a process, and the overall whistleblowers’ protection have gained significant attention in academia, especially due to the research that focused on the US legislation (Kohn, 2017; Webster, 2015; Wolfe, et al, 2015). In the

¹ Lefkov, G., “The feat of Murat Mehmeti, the most famous whistleblower from Kosovo”, Scoop, 2022. <https://en.scoop.mk/the-feat-of-murat-mehmeti-the-most-famous-whistleblower-from-kosovo/> - accessed on February 20th

² Mirilovic, F., “Whistleblowers in Serbia: High profile cases, but no support of the institutions”, European Western Balkans, 2022. <https://europeanwesternbalkans.com/2022/10/18/whistleblowers-in-serbia-high-profile-cases-but-no-support-of-the-institutions/> - accessed on February 20th

European Union, the concept of providing legal protection for whistleblowers took shape in 2014 when all European Union's institutions introduced internal rules to protect the acts of reporting initiated by the Union's officials (Strack, 2011; Weiskopf et Tobias-Miersch, 2016).

The concept of whistleblowing can be described as “an open disclosure about significant wrongdoings made by a concerned citizen totally or predominantly motivated by notions of public interest” (De Maria, 1995, p. 447) or as an act of dissent (Dungan et al, 2015; Elliston, 1982). According to literature, several perspectives regarding whistleblowing persist. First, whistleblowing is viewed as an act of justice, meant to right a wrong (Dungan et al, 2015; Seifert et al., 2010). The perceived transparency resulting from whistleblowing and the contention that the whistleblowing report is made in the public interest offers moral legitimacy (Maroun et Salomon, 2014). In this view, whistleblowers are seen as active participants in the search for economic and social justice (Bougen et al., 1999).

The second conceptual view of whistleblowing considers the reporting made as a breach, disloyalty or betrayal, the act of whistleblowing being seen along with civil disobedience as two forms of dissent (Elliston, 1982). Another conceptual definition of whistleblowing sees it as “the disclosure by organization members (former or current) of illegal, immoral, or illegitimate practices under the control of their employers, to persons or organizations that may be able to affect action” (Near et Miceli, 1985). In the sense of this definition, whistleblowing is a process that covers four elements: the whistleblower (individual that alerts), the act of whistleblowing or complaining, the receiver of the complaints made, and the organization against which the complaint is registered.

The reports made by whistleblowers are a source of important and valuable information that governments and the public cannot obtain from traditional oversight systems (Apaza et Chang, 2020). The decisions that lead to the act of whistleblowing have been analyzed by literature, the associated relevant factors still being explored, overall the process being considered complicated to pinpoint exactly the factors (Cho et Song, 2015). So far, five factors are known to influence the effectiveness of whistleblowing: the types of whistleblowing, the role of media and journalists, documentation of evidence, retaliation and legal protection (Apaza et Chang, 2017).

Looking at the public administration, intention-behavior theories contribute to the understanding of whistleblowing. An important gap is noticeable in literature regarding the distinction between whistleblowers from those that observe wrongdoing and choose to not report it (Vadera et al., 2009). Whistleblowing is not always a welcomed practice in organizations, possible explanations for this situation being the fact that the practice is ambiguous, contentious and poorly understood (Kenny, 2019), while an older and still relevant theory explains why whistleblowers are perceived as spies and are not enjoying the support of the public (Near et Miceli, 1985). Another explanation is that the potential whistleblowers are reluctant to alert because they might adhere to a loyalty-betrayal paradox in which whistleblowing is perceived as a ‘treachery against the organization’ (Gottschalk, 2018, p. 7; Fehr et al., 2015)

Exploring the prerequisites for efficiency of whistleblowing, Nielsen performed a qualitative analysis of regulatory issues and events that occurred mostly in the USA and identified four major institutional obstacles: first, regulatory institutions that enforce whistleblowing are lacking the necessary personnel and the resources to adequately process reported cases; second, regulators are often inexperienced in processing the

reports cases; third, regulators are under a systemic pressure from politicians who appoint them to ignore the cases relevant to them or their political interests; and fourth, whistleblowers face systemic risks (Nielsen, 2013).

From a legal regulatory perspective, academic research addressed whistleblowing from a positivist, prescriptive or instrumental approach (Contu, 2014; Kenny, 2019; Weiskopf, Loacker, & Heinrichs, 2019). Other authors focused their research on the dimension of transparency generated by whistleblowing (Bernstein, 2017; Fenster, 2017; Flyverbom, 2019; Hansen, Christensen, & Flyverbom, 2015; Hansen & Flyverbom, 2015; Hood & Heald, 2006), efficiency and information gathering (Vandekerckhove, 2016) and the overall regime of disclosure (Sampson, 2019).

Having covered the main conceptual perspectives of ‘whistleblowing’, the following chapter places the occurrence of this construct through the lenses of the principal-agent model, setting the ground for the subsequent chapters which aim to showcase the development of such legislation in Serbia, Albania and Kosovo.

Principal-agent model for analyzing the conditions and incentives used for developing whistleblowing legislation

The principal-agent economic model has provided the theoretical basis for numerous studies on corruption, informing the design and implementation of most contemporary accountability initiatives (Rothstein, 2011). A sample of 115 studies that examined corruption’s impact on economic growth adhered or were closely related to the principal-agent approach (Ugur et Dasgupta, 2011). The rational choice theory assumes that individuals understand their self-interests and form opinions to support or oppose policies based on a self-serving bias (Rhodes et al., 2017; Shown et al, 2010). In the principal-agent model, the principal is a benevolent actor which controls the agents that exercise the authority to govern (Mungiu-Pippidi, 2013). In the logic of international intervention, as is the case in the current research, the international actors when endowed with governing competences can also take over the role of leading principal in the anti-corruption efforts. In this scenario, if the agents misuse the public authority in order to promote private gains, then the legal reforms are meant to tackle this phenomenon by limiting the incentives that enable them (Lambsdorff et Rose-Ackerman, 2006). Legislative and institutional reforms that lead to a strengthened and more independent judiciary is a common anticorruption measure based on the assumption that to reduce corruption a country needs to reduce the formal incentives to engage in corruption (Klitgaard, 1988; Persson, Rothstein et Teorell, 2013).

Another theoretical approach, besides the principal-agent model, is the collective action approach which envisions the fight against corruption in a holistic task believing that corruption is a wider societal problem. In this view, the success of anti-corruption depends on the societal context, such a change being described by some authors as the ‘big bang’ necessary for the institutional reform to work (Rothstein, 2011). By enabling the mobilization of the society as a prerequisite for fundamental change, then a purely institutional approach that does not secure societal change can lead to a worsening of the situation. When adding to this view a country with high degrees of inequality, then such changes would lead in turn to higher rates of corruption (Uslaner, 2008). In this model, for ensuring effective structural changes the institutional reforms must take into consideration and involve the society in order to build trust in the process. To put into a quote from

literature, “people will act corruptly as long as they expect that most other people will also behave corruptly” (Ledeneva, Bratu et Koekker, 2017).

Some authors explored the interlink between these two approaches (Stephenson, 2019; Marquette et Peiffer 2015), arguing that most anti-corruption policy developments involve the role of a governmental body, the reaction of citizens to such policies and the wider societal changes that might result from enacting these changes. Having presented the evolutions of the literature on whistleblowing and the main theoretical perspectives, the following chapters are built on the understanding that legislation that offers the tools and means for whistleblowing and protects whistleblowers is a core element of rule of law. The hypothesis of the present research considers whistleblowing legislation as a component of the emergence of a Europeanized rule of law based on EU conditionality, its impact and relevance in the societies analyzed being determined by the norms and subsequent institutions it creates. The following chapter explores the relation the European Union has with such legislation, how it promotes it and how it came to become an element of external Europeanization considering the different stages of European accession of these countries, be them candidates or potential candidates.

The principal: the importance of whistleblowing legislation for the European Union

Whistleblowing and whistleblower protection have been on the top of the agenda of key international organizations for the past 20 years. The United Nations Convention against Corruption in 2005³, the European Court of Human Rights Decision in the case of *Guja vs Moldova* in 2008⁴, the Directive of the European Parliament and of the Council in 2018⁵, all these established a framework of whistleblower legislation, reporting and protection, at the level of the European Union. In 1996, the Multidisciplinary Group on Corruption of the Council of Europe has taken steps to protect whistleblowers, as part of its action plan against corruption⁶. The Council of Europe declared that corruption significantly undermined the fundamental values on which the society is built upon, this step leading to the adoption in 1999 of the Criminal Law Convention on Corruption and the Civil Law Convention on Corruption⁷.

In 2009, the Council of Europe’s Committee on Legal Affairs and Human Rights pointed to the diversity of rule on protection of whistleblower in member states, leading to the adoption of the Parliamentary Assembly Resolution 1729⁸ and Recommendation 1916⁹, both issued in 2010, which are considered the first step towards a common standard for the protection of whistleblowers in Europe. Through these acts, the Council of Europe called on all member states to review their legislation on the protection of whistleblowers.

³ https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XVIII-14&chapter=18&clang=_en accessed June 23rd 2023

⁴ [https://hudoc.echr.coe.int/fre#%7B%22display%22:\[2\],%22tabview%22:\[%22related%22\],%22itemid%22:\[%22001-85016%22\]%7D](https://hudoc.echr.coe.int/fre#%7B%22display%22:[2],%22tabview%22:[%22related%22],%22itemid%22:[%22001-85016%22]%7D) accessed June 23rd 2023

⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52018PC0218> accessed June 23rd 2023

⁶ <https://rm.coe.int/09000016804d6342> accessed June 23rd 2023

⁷ <https://rm.coe.int/168007f3f5> accessed June 23rd 2023

⁸ <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17851> accessed June 23rd 2023

⁹ <https://pace.coe.int/en/files/17852> accessed June 23rd 2023

Around this time, since 2011, Serbia, Kosovo and Bosnia and Herzegovina passed dedicated whistleblowing protection laws. Five other countries from Southeast Europe also passed dedicated legislation or were working at legislative level since 2013 (RAI, 2015). Even with the already lengthy history of such legislation in the Western Balkan countries, due to the way these laws were applied and their efficiency measured, some studies argue that the efforts towards whistleblowing legislation still does not meet the expectations.

European Union's 2012-2013 Enlargement Strategy (COM 600 of 2012¹⁰) focused the EU integration process on democracy and the rule of law through a "fundamentals first" approach – "putting the rule of law at the center of the enlargement policy" (European Commission, 2012, p. 4). In addition, the strategy recognized "the need for solid track records of reform implementation to be developed throughout the negotiations process. Reforms need to be deeply entrenched, with the aim of irreversibility" (European Commission, 2012, p. 3).

The European Union emphasizes the role of whistleblowers in its rule of law component of the enlargement process. This will be further analyzed in the following sub sections dedicated to the three case studies analyzed. In its operation in relation to the Western Balkan countries, the European Union reached out and empowered civil society organization and think tanks to better understand the actual situation in these countries. In a study on the role of epistemic communities, Philips argues that civil society organization failed to mobilize society towards rule of law values, acting instead as communities that disseminate expertise and knowledge (2018). Even so, this cannot be said about whistleblowing legislation, the civil society organizations and think tanks being credited for their efforts to update and improve the legislation in Serbia and Kosovo (Hogic, 2019)

In 2016, the European Commission expressed its support for the protection of whistleblowers in a Communication on the fight against tax evasion and avoidance¹¹. Soon after, the European Parliament voted for a resolution on the role of whistleblowers' protection on the EU's financial interests¹². Driven by the intention of protecting European Union's financial interests, with most of EU's funds being managed in the beneficiary's country of origin where national governments have the responsibility and attributes to ensure that the funds are spent and to provide a system of protection against frauds, this ensemble of non-institutional protection was missing the element of protecting whistleblowers (Nielsen, 2013). Because of this, in April 2018 a directive proposal for the protection of whistleblowers was issued which later on the European Parliament adopted on April 16th 2019 a directive to encourage more uniform whistleblower protection: the Directive on Protection of Persons Reporting Breaches of the European Union Law¹³. This was a significant accomplishment towards harmonizing national legislation of the EU countries and providing reporting channel for whistleblowers.

¹⁰ <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=COM:2012:0600:FIN> accessed June 23rd 2023

¹¹ <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A52016DC0451> accessed June 23rd 2023

¹² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52017IP0022> accessed June 23rd 2023

¹³ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019L1937> accessed June 23rd 2023

Before the approval of the EU Whistleblowers Directive, the only protection mechanism of the European Union for whistleblowers, besides those legislative measures adopted by each member state, was the provided in Article 10 of the European Convention on Human Rights and the principles established by the case-law of the European Court of Human Rights (ECtHR). The ECtHR provides in Article 10 of the Convention the freedom of speech and this concept gradually expanded over the years, its interpretation based on jurisprudence (such as the cases of *Tierbiefrierer* and *others v. Germany*¹⁴) to ensure the protection of whistleblowing in the workspace at both public and private levels. Before the adoption of the Directive in 2019, member states lacked a generally accepted, uniform, definition of whistleblowers, which resulted in the absence of a uniformed standard of protecting them (Worth, 2019).

European Union's normative power and the dangers of 'stabilitocracy'

Florian Bieber's and later on Marko Kmezić's 'stabilitocracy' is a metaphorical concept used in policy and understood as the approach in which the European Union favored stability by supporting the governments of the Western Balkan countries through turning a blind eye to a standstill in development and backsliding of democracy and rule of law standards (Kmezić, 2016). This study explores through the lenses of rational choice institutionalism if stabilitocracy is relevant for whistleblowing legislation promoted by the European Union in the Western Balkans. Considering rule of law as a fundamental part of European Union's enlargement process, especially after the eastern enlargement towards Romania and Bulgaria in 2007, scholars have argued that it was contaminated by the European Unions 'pathological power' (Mendelski, 2015), a lack of true commitment to the rule of law (Kochenov, 2004), which enabled the strengthening of regimes blind to the violation of human rights but favorable to stability (Huszka, 2018).

Stabilitocracy has also been used as a critique of European Union's quest for stability in the region by sacrificing the consolidation of democracy and the state capture through the legitimization of the corrupted elites, thus arguing for the process's inefficiency of driving reforms (Richter et Wunsch, 2019). Through not responding to an effective democratization, countries of the Western Balkans have produced a phenomenon of decoupling between formal compliance and democratic transformation in the region.

The agent perspective: Serbia's 17 years' experience of whistleblowing legislation

In 2005, Serbia ratified the UN Convention against Corruption and in 2007 the Civil Law Convention on Corruption. Through adhering to these two international agreements, Serbia committed to create the legal framework that would enable the protection of persons who report justified suspicions of corruption. Serbia's constitution, adopted in 2006, defines as the highest legislative body the National Assembly. Besides a legislative function, this institution also has control and elections functions that cover provides it with anti-corruption attributes. Other executive branches at national level have been invested with anti-corruption powers and tools such as the Protector of Citizens, Commissioner for Information of Public Importance and Personal Data Protection, the Commissioner for Protection of Equality, the Agency for Prevention of Corruption, the

¹⁴ <https://dare.uva.nl/search?identifier=7074f8a0-2e49-47ec-a8e4-4d53df4125e4> accessed June 23rd 2023

State Audit Institution and the Republic Commission for Protection of Rights in public procurement procedures. The leadership of these institutions are in charge with implementing the anti-corruption laws adopted by the National Assembly.

Through amendments brought to the Law on Civil Servants in 2009, Serbia introduced a form of special protection for whistleblowers. Employees in the public sector were required to report suspicion of corruption and were provided with protection if they notified their managers in writing about the incident reported. Also in 2009, the Law on Free Access to Information of Public Importance was adopted, covering a wider range of information and acting as a protection mechanism for a larger spectrum of persons, including those to whom the authorities are providing services and parties in the proceedings before the authorities (Kovačević, 2015).

An essential body of law for fighting corruption in Serbia was the Public Administration Reform Strategy that was adopted in 2014. As part of the accession process to the European Union, Serbia undertook an obligation to reform its constitution aiming to strengthen the independence of the judiciary. In 2008, Serbia adopted the Law on the Anti-Corruption Agency as a first step in providing the legislative framework for the protection of whistleblowers. In 2011, the Rulebook on the Protection of Persons Reporting Suspicions on Corruption was published in the Official Gazette of the Republic of Serbia, providing formal protection to whistleblowers. Even with these two bodies of legislation adopted, the Constitution Court of Serbia ruled in 2013 (case IUz-295/2013) that these laws are not in accordance with the Constitution. At the same time, Serbia's National Strategy for the Fight against Corruption for the period covering 2013-2018 stipulated the established of effective protection of whistleblowers, along with objectives to develop professionally the employees in the public sector and activities aiming to raise awareness on the rights and protection of whistleblowers.

Also in 2014, Serbia adopted the Law on Protection of Whistleblowers through which it defined the concept of whistleblower. Three types of alerts were covered in the law under article 12: internal whistleblowing, external whistleblowing and public whistleblowing. The law did not explicitly make a basis for distinguishing when the alert is applied. Other illogicalities and deficiencies of the public policy for the protection of whistleblowers were recorded at the level of the 2014 law: legal entities did not have the possibility to be granted the status as whistleblower, thus lacking the judicial protection offered by legislation, other deficiencies being related to the insufficient judicial protection of whistleblowers (Nenadic, 2017) and the risks of retaliation, especially in those sectors of the public administration such as the policy where concepts like solidarity hinder those employed there to exercise this right (Workman-Stark, 2017).

Another Rulebook for Whistleblowers was published in the Official Gazette of Serbia in 2015, expanding the protection of whistleblowers, as provided in the 2014 Law, to organizations that employ more than ten persons. An important element of the legislation on whistleblowing in Serbia is the appointment by public authorities and private organizations of an authorized employee to act as first receiver of the alerts formulated by the whistleblowers. In the absence of strict conditions for the appointment of such a receiver, this condition allows for leaders of administrative authorities to appoint unskilled or unprofessional persons with such a special trust, individuals who could abuse this role and in fact commit or allow retaliation against whistleblowers.

Reports on the functioning of the law show that in the first six month of implementing it, some 36 court proceedings were initiated, with some 27 whistleblowers

receiving protection under the law (Martić, 2016). These findings were possible because judicial courts established a special register for lawsuits, temporary measures and legal remedies submitted in accordance with the law. Most of the whistleblowers that were granted protection were employees of the Ministry of Interior, only one whistleblower coming from the private sector. The one-year milestone since the adoption of the law the statistics show that there were 178 cases of which 63.5% were solved (Martić, 2016).

In order to have a successful legislative framework for the protection of whistleblowers, the quality of legislation and institutions is essential. In addition to legislation, the societal context in which whistleblowers function and bring forward corruption incidents is also fundamental. European Commission's report on Serbia published in October 2022 reflected the importance of whistleblowers, mentioning the corruption scandals of Krušik that started in 2019 when a whistleblower raised awareness about the trade of weapons manufactured by Krušik. In the previous reports, the Commission made some general guidance recommendations. Furthermore, the European Commission mentioned that during 2021 there were registered some 99 new cases under the whistleblower protection law in Serbia (European Commission, 2021), while many of the old cases were not solved for years, thus pointing to deficiencies in following up on the reports made by whistleblowers and the overall inefficiency of the law.

At 8 years from the moment of adopting the whistleblower legislation, Serbia has a law that does not generate the intended results. The European Commission highlighted in its 2022 report¹⁵ the importance of strengthening the protection and position of whistleblowers, and for the judicial system to solve the high corruption cases. Considering that the European Commission, the European Parliament and GRECO, all three organizations urged the Serbian authorities to improve the practice under the whistleblowing legislation.

The agent perspective: Albania's transformative waves of legislative improvement

Albania adopted dedicated legislation that was meant to enable and encourage whistleblowing and to protect whistleblowers in 2006 after the ratification of the United Nations Convention against Corruption. Law no. 9508/2006 on Public Cooperation in Combatting Corruption (hereinafter as "Law on Cooperation") aimed to encourage public participation in reporting corruption. The law offered the framework to report, investigate, protect and rewards citizens and civil servants that disclose corruption.

Prior to this law, Albanian legislation provided a number of provisions that were supposed to encourage and protect whistleblowers. The earliest such piece of legislation dated to 1995 in the form of the "Labour Code of the Republic of Albania", followed by 1999's "On the Status of the Civil Servant" and "The Code of Administrative Procedures of the Republic of Albania". As part of the anti-corruption legislation developed after the 2000s, the law "On the Prevention of Conflict of Interest in the Exercise of Public Functions" from 2005 stated that public officials, institutions, interested parties or individuals had the duty to disclose information about the private interests of any official subject of the law, considering the disclosures made by the media or the general public as legitimate sources of information for discovering corruption cases.

¹⁵ https://neighbourhood-enlargement.ec.europa.eu/serbia-report-2022_en

Albania's Progress Reports from 2014 and 2015 mentioned the absence of a law that would guarantee the protection of whistleblowers. In 2015, with the arrival of a new Dutch ambassador to Tirana, Dewi van de Weerd, the embassy announced and commenced the support for Minister Cuci and vice-minister for Justice Peci for developing a law on whistleblowing. The importance given by the European Union to the subject of whistleblowing was clearly stated by the Dutch Embassy in their public communications (Dutch Embassy, 2015). Following this statement and commitment, the Network of Coordinators against Corruption (NCAC) which is a program that sees dedicated individuals at the level of each ministry in Albania, under the coordination of the Ministry of Justice, along with the Ministry of Justice, worked to develop a modern law for the protection of whistleblowers, enjoying the support of the Dutch government and Utrecht University. It is important to mention that the NCAC and the appointed first receivers remain to this day the structure in force that guarantees the process of reporting and following up on cases.

Considering the Parliamentary Assembly's Resolution and Recommendation from 2010, Albania updated its legislation and passed in 2016 a "Law on Whistleblowing and Whistleblower Protection" and subsequent sublegal acts. This legislative reform aimed to record a radical change with the objective of building a mentality of conscience and responsibility of public officials. Even so, in the years that passed since the adoption of the Law on Protection of Whistleblowers in 2016, no significant cases were reported or investigated in Albania. Investigate journalists active in the Western Balkans argue that the absence of investigations generated by the law is a direct product of the lack of awareness on the law and its provisions. Several NGOs reported that the law still requires increased capacities and awareness raising efforts that would reach the broader public (Worth et Dyrnishi, 2017). Despite the efforts undergone to implement the law, a gap between expectations and recorded instances of whistleblowing is noticeable.

The European Union supported, starting with November 2016, the efforts of Albanian authorities to raise awareness about the whistleblowing law. Through a twinning project that included Austria and Germany, for a period of 29 months, the project expected results related to the improvement in capacity of responsible institutions dealing with anti-corruption, as well as to establish mechanism for implementing the whistleblowing legislation, improve oversight and control of political party finances, and assist to improve public intolerance towards corruption. Christian Danielsson, European Commission's Director General for Neighborhood Policy and Enlargement Negotiations summed the purpose of the project, from the European Commission's perspective, as a commitment in which „no effort shall be spared to develop policies and concrete actions to eradicate the scourge of corruption" (EEAS, 2016).

To this day, in Albania, even after almost 7 years from the moment of adopting dedicated legislation, whistleblowing is still a new phenomenon. The practice is rather unknown to the general public and the fact that in the Albanian language there is no direct translation of the concept of 'whistleblower', but instead being referred to in the media as 'denouncers' (denoncim), this having a negative connotation that traces back to the communist period.

The agent perspective: Promotion of whistleblowing legislation in Kosovo through different voices

The problem of corruption in Kosovo made over the past years the object of a growing body of literature that analyzed the institutional, societal and contextual factors of Kosovo's unfinished statehood (Elbasani, 2017), its violent history (Belloni, 2012), the difficult transition towards a modern economic system and the failure of international donor coordination (Venner, 2016), the interplay of local and international actors (Uberti, 2014; Tadic and Elbasani, 2018), the incompetence and corruption of international state builders (Capussela, 2015) and the deficient social capital (Ante, 2008). Researchers noted that corruption is deeply engrained Kosovo's society (Duli, 2014), while in the same time significant societal mobilization against corruption was noticed (Luci, 2016).

Kosovo has a troubled recent history with whistleblowing. After the declaration of independence in 2008, the European Union deployed EULEX to Kosovo, one of its largest civilian missions. The purpose of EULEX was to support the rule of law institutions of Kosovo towards increased effectiveness and accountability. After a couple of years, in 2013, a bribery scandal affected the public perception on EULEX. The British prosecutor Maria Bamieh, working for EULEX in Kosovo, publicly accused two judges for bribery allegations. Internal investigations conducted by EULEX identified no grounds for suspicions of bribery by the institution's staff (Xharra et Tabak, 2014). In the following years, Bamieh publicly declared that after her whistleblowing she suffered from retaliation which consequently implied financial losses, mental stress, depression, isolation from people and a destroyed reputation that impeded her from prospective employment (Whyatt, 2018).

Besides the EULEX incident, the past couple of years witnessed some major cases of whistleblowing. In 2018, prosecutor Elez Blakaj alerted on the work of the Government Committee for the Recognition and Verification of the Status of Country Martyrs, Incapacitated Persons, and Members of the Kosovo Liberation Army, showing that 12 verification committee members misused their position and authority to add people on the list of veterans of Kosovo, thus generating damage to the state budget (Maliqi, 2018). Following this alert, after three years, the Court ruled that the members of the verification committees were not guilty and Blakaj reported the pressure and threats he faced from the justice system. Another major case was registered in 2020 when the General Director of the Kosovo Tax Administration was dismissed by Prime Minister Avdullah Hoti. Ilir Murtezaj, the dismissed director, acted as a whistleblower and accused the Prime Minister of influence peddling for the employment of children of judges, reporters and members of his own family in the Tax Administration (Dahsyla, 2020).

Besides these cases, in a historical perspective, Kosovo was one of the first countries in Europe that adopted legislation for the protection of whistleblowers. In 2008, Kosovo's Assembly adopted the Law on Publicly Owned Enterprises which regulated the corporate code of ethics, covering the role of whistleblowers and their protection mechanisms. In 2011, a dedicated legislation was adopted in Kosovo in the form of the Law on Protection of Informants. Soon after the adoption of the law, various studies assessed if its design was adequate to meet the expected results. The Kosovo Anti-Corruption Agency envisaged in 2012 a public awareness campaign for promoting the law towards public and private sector employees. During the subsequent year, a local think tank, Lvizja FO, showed that the employees in the public sector had a poor understanding

of the law and its provisions (2013). The results of this assessment pointed to a critical conclusion that the public awareness campaign failed and also that the law lacked necessary provisions that would have obligated public employers to establish whistleblowing procedures.

Even more, the law had several important design issues. The Regional Anticorruption Initiative (RAI) pinpointed the main issues of this law (2017). First of all, the law did not refer to individuals who report as ‘whistleblower’ but as ‘informants’ which did not resonate well with the population, echoing the label as ‘snitches’. A second issue was related to the authorization of employees to receive complaints and alerts from whistleblowers. Because the law allowed the option to appoint or not such a first receiver, without further offering guidance on the role and responsibilities of such an individual, the public institutions did not feel any pressure to put in the effort of designating this role. Third, having an ineffective awareness campaign added to the inefficiency of the law at national level.

Besides these factors, international technical support that usually endorsed anti-corruption efforts did not reference whistleblower protection. OSCE’s 2006 and UNDP’s 2012 projects lacked the coordination with Kosovo’s institutions in charge with implementing the provisions of the law. EULEX’s Compact Progress reports which acted as a tool to assess the functionality of rule of law made no reference to the law following its adoption, its absence being noticed in the reports issued between 2013 and 2017. After several years and due to the projects implemented by various civil society organizations active in Kosovo, the Regional Co-operation Council noticed that Kosovo’s population was more favorable to whistleblowers and supported this practice more than the citizens of any other Southeastern European country (Regional Co-operation Council, 2017).

Civil society organizations that were supported by the European Union to monitor the functioning of the whistleblowing legislation identified between 2011 and 2017 that the existing legislation at that time was lacking the adequate quality necessary to promote an efficient norm in the public sector. Lvizja Fol, the FOL Movement, an independent NGO from Prishtina, published policy reviews of the whistleblowing legislation in 2013 and 2017. In the 2016 European Commission’s Progress Report on Kosovo it was emphasized that the existing legislation on whistleblowers was not in line with international standards concerning the mechanisms and the protection granted to whistleblowers (2016).

Studies from 2015 showed that in Kosovo the citizens saw corruption as one of the main societal problems in the country (Levizja, FOL 2015). Starting with 2016, civil society organizations in Kosovo commenced the implementation of advocacy campaigns for reforming the Law on Informants. These campaigns included attending parliamentary committee meetings and engaging members of parliament (KFOS, 2018). The commencing of these campaigns coincided with the attention given by the European Commission to this topic and the fact that the deficiencies of the law was covered by the 2016 EU country report (European Commission, 2016). Even so, members of parliament were not overly eager to dedicate time to this reform, being instead focused on discussing on the Law on Declaration of Assets.

Lvizja Fol’s report from 2017 further expanded on the findings of the European Commission, arguing that the law was lacking clarity about which public institutions were responsible to oversee the implementation of the law. Furthermore, Lvizja Fol’s report

pointed that the law was adopted without conducting public consultations, this resulting in turn into a body of legislation that functioned for seven years without clear direction.

Under the pressure of civil society organizations that coordinated activities under the assistance of donor organizations, as well as with an increased relevant of whistleblower protection at the level of the European Union starting around that time, Kosovo's Minister of Justice, Adebard Tahiri, publicly pledged that the improvement of the law will soon be formulated. Having made this pledge in December 2017 during an event that marked the international anti-corruption day, the Ministry of Justice moved afterwards to create a Working Group in charge with improving the law.

In 2018, the Working Group held its first meeting in Pristina (Council of Europe, 2018). As previously mentioned, the European Union proved a vested interest in the reform of the legislation that protects whistleblowers. As such, the Working Group was supported by Council of Europe's Project against Economic Crime. The members of the Working Group were representatives of public institutions, judicial courts, nongovernmental organizations and journalists. The Ministry of Justice along with Council of Europe's office in Prishtina were the co-organizers of the meeting of the Working Group.

Kosovo's Parliament approved in 2018 the Law on the Protection of Whistleblowers in Kosovo, under number 06/L-085. The aim of this law was to regulate whistleblowing of wrongdoings in both the public and private sectors. Later on, the Kosovo Law Institute offered in 2020 a detailed context of the need to reform the legislation on whistleblowing. In their policy report, the Institute argued that the previous law was seeking to remedy the failures of some public institutions to meet the deadlines to appoint officers responsible for receiving integrity alerts from whistleblowers. In addition, the Institution showed that the lack of knowledge on whistleblowing in public institutions presented a serious challenge for the implementation of the law, especially in those public institutions where the information was disclosed internally.

The collaborative and open approach to develop this improved law resulted in a new and performant law that was modeled after the Irish and Serbian ones, being considered as one of the best bodies of such legislation in Europe (Transparency International, 2018). Taking inspiration from the UK Public Interest Disclosure Act, the new law introduced improved elements, such as safe internal channels for whistleblowers to report, thus addressing its previous deficiencies. Even if the revised and improved law was the product of a collaborative effort that brought together public and civil stakeholders, experts were hesitant to quickly invest their fate in the law. The risks for this legislative product to be used as a legislation that pays only lip service to the battle against corruption (Elbasani, 2019), as the previous version proved, led to a review of what are the direct and imminent risks related to the law.

First, Kosovo's Anti-Corruption Agency and its capacity and willingness to perform its duties conferred by the law. Being responsible with monitoring the implementation of the law, receiving reports and to produce periodic implementation reports, all these elements can be perceived as sources of vulnerability for the success of the law. Second, the Ministry of Justice needs to adopt additional bodies of secondary legislation to reinforce and harmonize the tools and mechanisms that ensure the compliance and effectiveness of the law. The law should function by itself, but a reluctant or weak Ministry that avoids enforcing that law may hinder its application.

European Commission's Kosovo Report from 2020 considered the appointment of responsible officers, in 175 public institutions, an important progress. Even so, the efforts need to continue in order to strengthen the functioning of the whistleblowing mechanisms, the protection of whistleblowers and through adopting secondary legislation. A different image is portrayed by the Kosovo Anti-Corruption Agency in its 2020 report for the previous year. After the new legislation entered into force, the Agency reported that in 2019 it has received only three cases of external whistleblowing, out of which two were refused for further investigation because the disclosed information was assessed to not constitute a threat or breach of public interest.

How the case studies challenge the theories

This research presented three distinct case studies, covering states in very different stages of their relationship with the European Union and their accession path. If the case of Serbia is the one of the most advanced country in the accession pathway, from a chronological and milestones' perspective, receiving full candidacy status in 2012, the other two cases are very different. Albania became a candidate in 2014 but accession negotiations were postponed for several years. Kosovo is a truly special case of a state being recognized by the European Union as a potential candidate for accession, with the application for EU membership being officially submitted in December 2022.

The three cases showed the uneven waves of support, directly or indirectly, from the European Union for the adoption of legislation for the protection of whistleblowers. In the case of Serbia, anti-corruption is a result of internationalized efforts, and if there would have been not external pressure then corruption probably would have not been perceived as an acute social problem (Sajo, 2022). The case of Albania proved that being an early adopter of a certain institutional framework does not guarantee its functioning in the absence of sustained awareness and efficiently designed institutions. In the case of Kosovo, even if it is a post-conflict society and a case of unfinished nationhood, offering a fertile ground for corruption (Belloni, 2012), the institutional design of anti-corruption measures proves to be highly ineffective in the absence of top-down efforts.

Taking as starting point the study coordinated by Oana-Andreea Ion on the different theoretical lenses and methodological options usable to understand the field of Europeanization (Ion, 2016), the research argues on the premise that the institutional framework creates situations, requiring decisions and actions from the actors involved. Considering that the present study worked with a formal institution, in the form of a body of legislation, the actors purposefully strived to use the institutional framework in accordance with rational interests. Rational choice institutionalist authors advocate for the supremacy of the logic of consequences (Noutcheva, 2007, 2009, 2012; Kelley, 2004; Schimmelfennig et Sedelemier, 2005a and b; Vachudova, 2005) over the logic of appropriateness, which is a perspective advocated by constructivist authors (Checkel, 1999 et 2001; Manners, 2002; Sjursen, 2006). The literature exploring rational choice factors looks at the importance to political actors' cost-benefit calculations (Featherstone et Radaelli, 2003), submission to coercion and material incentives (Schimmelfennig et Sedelemier, 2004 and 2005a). In the logic of rational choice institutionalism, conditionality can be successful only if it has tangible effects (Schimmelfennig 2001, Schimmelfennig and Sedelmeier, 2004 and 2005b; Grabbe 2002; Vachudova, 2005). Policy experts, such as Jovana Marović, publicly argue in favor of such a logic,

emphasizing the transformative role of the European Union in the accession process (EWB, 2019).

In the logic of rational choice institutionalism, the tangible effects were recorded in all three case studies. The countries adopted the legislation, their public statements proving a logic of cost-benefit calculations: for the political elites, understood as the members of the executive (in most cases the Ministries of Justice and their leadership) and the legislative (members of parliament), it was advantageous and inexpensive to put in the effort of developing whistleblowing legislation with EU's external support. By doing this, these countries answered to conditions imposed but their sustainability on the long term proved short lasting.

This proves that material incentives work but have limited impact if the conditions imposed do not encompass non-legislative actions. Simply adopting legislation does not cause directly the intended change, especially a lasting one. This research showed the importance of assessing the deepness of state capture in order to build reform packages proportionately to the deeper issues present in the Western Balkan region. The cases of whistleblowing legislation in the three countries offers a new hypothesis to further explore the concept of stabilitocracy. Cases studies such as those covered in the current paper prove that stability in the region builds on small episodes, with higher impact of the reforms on the short term, but without treating the root causes of corruption. Backsliding occurs when the agents in the principal-agent model find their own interests in an opportunistic moment to disregard the norms implemented, especially when these are dysfunctional in practice. Further research should explore the case studies analyzed adding the dimension of electoral changes and how different political elites perceive the rule of law institutions when they take up office compared to the previous ones. The need to further strengthen and improve what was already considered groundbreaking reforms is an avenue to be further explored.

BIBLIOGRAPHY

- Ađır, B. S., "Rethinking Security in the Balkans: The Concept of Weak State and its Implications for Regional Security", *SDU Faculty of Arts and Sciences Journal of Social Sciences-Special Issue on Balkans*, Vol. 27, 2012.
- Alleyne, P., Hudaib, M. and Pike, R., "Towards a conceptual model of whistle-blowing intentions among external auditors", *The British Accounting Review*, 2013, Vol. 45, No. 1.
- Andras, S., Kotkin, S., *Political Corruption in Transition: A Skeptic's Handbook*. Budapest, CEU Press, 2002.
- Ante, A., "Exploring Social Capital, a Missing Link in the State-Building and Development Process in Kosovo", *L'Europe en Formation*, vol. 3, 2008.
- Apaza, C. R., Chang Y., "Effective Whistleblowing Conceptual Framework", In Apaza, C., Chang, Y. (eds), *What Makes Effective Whistleblowing*, Palgrave Macmillan, 2020.
- Bărbulescu, I & Troncotă. M. (2013). EU's "Laboratory" in the Western Balkans. Experimenting Europeanization without Democratization. The Case of Bosnia and Herzegovina, *Revista Española de Ciencia Política*. Núm. 31

- Belloni, R., “Hybrid peace governance: Its emergence and significance”, *Global Governance: A Review of Multilateralism and International Organizations*, vol. 18, no.1, 2012.
- Belloni, R., Strazzari, F., “Corruption in Post-conflict Bosnia-Herzegovina and Kosovo: A Deal Among Friends”, *Third World Quarterly*, vol. 35:5, 2014.
- Bernstein, E. S., “Making transparency transparent: The evolution of observation in management theory”, *Academy of Management Annals*, vol. 11(1), 217–266, 2017.
- Bieber, F., *The Rise of Authoritarianism in the Western Balkans*, Palgrave Macmillan, 2020.
- Bougen, P.D., Young, J.J., Cahill, E., “Accountants and the everyday: or what the papers said about the Irish accountant and tax evasion”, *European Accounting Review*, Vol. 8 No. 3, 1999.
- Capussela, A. L., *State-building in Kosovo: Democracy, corruption and the EU in the Balkans*, London: Bloomsbury Publishing, 2015.
- Checkel, J. T., “Social Construction and Integration”, *Journal of European Public Policy*, vol. 6(4), 1999.
- Checkel, J.T., “Why Comply? Social Learning and European Identity Change”, *International Organization*, vol. 55, 2001.
- Cho, Y.J., Song, H.J., “Determinants of Whistleblowing within Government Agencies”, *Public Personnel Management*, vol. 44(4), 2015.
- Council of Europe, “Project against Economic Crime in Kosovo”, <https://www.coe.int/en/web/corruption/projects/peck3>, 2018, accessed June 23rd 2023
- Contu, A., “Rationality and relationality in the process of whistleblowing”, *Journal of Management Inquiry*, vol. 23(4), 2014.
- De Maria, W., “Quarantining dissent: the Queensland public sector ethics movement”, *Australian Journal of Public Administration*, Vol. 54, No. 4, 1995.
- Duli-Sefaj, F., *Ethnography of Corruption: The Case of Kosovo*, Working Paper in the EU FP7 ANTICORRP project, 2019.
- Dungan, J., Waytz, A., Young, L., “The psychology of whistleblowing”, *Current Opinion in Psychology*, Vol. 6, 2015.
- Dzankic, J., Keil, S., Kmezcic, M., *The Europeanisation of the Western Balkans*, Springer, 2019.
- EEAS, “Albania and the EU united in the fight against corruption”, https://www.eeas.europa.eu/node/15120_en, 2016, accessed June 23rd 2023
- Elbasani, A., “Untangling Europeanization, Compliance and Reform in the Western Balkans: The Missing Link of Domestic Resistance and Accountability” in Vuckovic, V., Djordjevic, V., *Balkanizing Europeanization: Fight against Corruption and Regional Relations in the Western Balkans*, Peter Lang, 2019.
- Elbasani, A., “Untangling Europeanization, Compliance and Reform: The Missing Link of Domestic Resistance and Accountability”, in Vučković, V., Đorđević, V. (eds.), *Balkanizing Europeanization: Fight against Corruption and Regional Relations in the Western Balkans*, Peter Lang, 2019.
- Elbasani, A., Šabić, S., “Rule of law, corruption and democratic accountability in the course of EU enlargement”, *Journal of European Public Policy*, vol. 25, no. 9, 2017.

- Elliston, F.A., "Civil disobedience and whistleblowing: a comparative appraisal of two forms of dissent", *Journal of Business Ethics*, Vol. 1 No. 1, 1982.
- European Commission, "Kosovo 2016 report", https://neighbourhood-enlargement.ec.europa.eu/system/files/2018-12/20161109_report_kosovo.pdf, 2016, accessed June 23rd 2023
- European Western Balkans, "The EU needs to change its approach in transforming the Western Balkans", <https://europeanwesternbalkans.com/2019/04/09/eu-needs-change-approach-transforming-western-balkans/>, 2019, accessed June 23rd 2023
- Featherstone, K., "Introduction: In the Name of Europe", in Featherstone, K., Radaelli, C. M. (eds.), *The Politics of Europeanization*, Oxford, Oxford University Press, 2003.
- Fehr, R., Yam, K.C., Dang, C., "Moralized leadership: The construction and consequences of ethical leader perceptions", *Academy of Management Review*, 40 (2), 2015
- Fenster, M., *The transparency fix: Secrets, leaks, and uncontrollable government information*, Redwood City, California: Stanford University Press, 2017.
- Flyverbom, M., *The digital prism: Transparency and managed visibilities in a datafied world*, Cambridge, Cambridgeshire: Cambridge University Press, 2019.
- Gottschalk, P. "Suspicion of White-Collar Crime: A Case Study of Retaliation against Whistle-Blowers", *International Criminal Justice Review*, vol. 1 – 12, 2018.
- Grabbe, H., "How Does Europeanization Affect CEE Governance? Conditionality, Diffusion and Diversity", *Journal of European Public Policy*, vol. 8(6), 2001.
- Grabbe, H., *The EU's Transformative Power: Europeanization through Conditionality in Central and Eastern Europe*, Basingstoke, Palgrave Macmillan, 2006.
- Hansen, H. K., Flyverbom, M., "The politics of transparency and the calibration of knowledge in the digital age", *Organization*, vol. 22(6), 2015.
- Hogic, N., "Whistleblower Protection in Kosovo: What Role for Collective Action?" in Armakolas, I. et al, *Local and International Determinants of Kosovo's Statehood*, The Kosovo Foundation for Open Society, 2019.
- Hood, C., Heald, D. "Transparency: The key to better governance?", *Proceedings of the British Academy*, 2006.
- Huszka, B., "Human Rights on the Losing End of EU Enlargement: The Case of Serbia", *Journal of Common Market Studies*, vol. 56(2), 2018.
- Ion, O.A., "Studying Europeanization: Different Theoretical Lenses and New Methodological Approaches", Tritonic Publishing House. 2016.
- Kelley, J., "International Actors on the Domestic Scene: Membership Conditionality and Socialization by International Institutions", *International Organization*, vol. 58/3, 2004.
- Kenny, K., *Whistleblowing: Toward a New Theory*, Cambridge: Harvard University Press, 2019.
- Klitgaard, R., *Controlling corruption*, Oakland: University of California Press, 1988.
- Kmezić, M., *EU's Rule of Law Promotion: Judiciary Reform in the Western Balkans*, Routledge, 2016.
- Kochenov, D., "Behind the Copenhagen Façade. The Meaning and Structure of the Copenhagen Political Criterion of Democracy and the Rule of Law", *European Integration Online Papers*, vol. 8(10), 2004.
- Kohn, S. M., *The new whistleblower's handbook: A step-by-step guide to doing what's right and protecting yourself*, Guilford, Connecticut: Lyons Press, 2017.

- Kovačević, L., “Actualités juridiques internationales – Serbie”, *Revue de droit compare du travail et de la sécurité sociale*, vol. 3, 2015.
- Lambsdorff J., Rose-Ackerman, S., *International Handbook on the Economics of Corruption*, 2006.
- Ledeneva A., Bratu, R., Koeker, P., “Corruption studies for the twenty-first century: Paradigm shifts and innovative approaches”, *Slavonic & East European Review*, vol. 95(1), 1-20, 2017.
- Luci, N., “The making of citizenship against corruption in Kosovo: protest, lies, and the public good”, in Torsello, D. (eds.), *Corruption in Public Administration: An Ethnographic Approach*, *Elgar Online*, 2016.
- Manners, I., “Normative power Europe reconsidered: beyond the crossroads”, *Journal of European public policy*, vol. 13(2), 2006.
- Maroun, W. and Solomon, J., “Whistle-blowing by external auditors: seeking legitimacy for the South African audit profession?”, *Accounting Forum*, Vol. 38 No. 2, pp. 109-121, 2014.
- Maroun, W., Atkins, J., “Whistle-blowing by external auditors in South Africa”, *Accounting, Auditing and Accountability Journal*, Vol. 27 No. 5, 2014.
- Marquette H., Peifer., C., *Corruption and Collective Action*, U4Anticorruption Research Centre, Bergen, 2015.
- Mendelski, M., “The EU’s Pathological Power: The Failure of External Rule of Law Promotion in Southeastern Europe”, *Southeastern Europe*, vol. 39(3), 2015.
- Mungiu-Pippidi, A., “Controlling corruption through collective action”, *Journal of Democracy*, 24, no.1, 2013.
- Near, J. P. and M. P. Miceli., “Organizational Dissidence: The Case of Whistleblowing”, *Journal of Business Ethics*, vol. 4, 1985.
- Near, J., Miceli, M., “Whistleblowing: myth and reality”, *Journal of Management*, Vol. 12, No. 3, 1996.
- Near, J.P., Dworkin, T.M., Miceli, M.P., “Explaining the whistleblowing process: suggestions from power theory and justice theory”, *Organization Science*, Vol. 4 No. 3, 1993.
- Nenezić, A., Vukčević, I., *Right to a trial within a reasonable time - Analysis of national legislation and practice*, 2019.
- Nielsen, R.P., “Whistleblowing methods for navigating within and helping reform regulatory institutions”, *Journal of Business Ethics*, Vol. 112, No. 3, 2013.
- Noutcheva, D., Düzgit, S.A., “Lost in Europeanization: The Western Balkans and Turkey”, *West European Politics*, vol. 35/1, 2012.
- Noutcheva, G., Bechev, D., “The Successful Laggards: Bulgaria and Romania’s Accession to the EU”, *East European Politics and Society*, vol. 22/1, 2008.
- Okafor, O.N., Adebisi, F., Opara, M., “Deployment of whistleblowing as an accountability mechanism to curb corruption and fraud in a developing democracy”, *Accounting, Auditing & Accountability Journal*, Vol. 33 No. 6, 2020.
- Peric Diligenski, T., “The influence of the European Union on designing of anticorruption policy in the Republic of Serbia”, paper presented at international scientific conference “Archibald Reiss Days”, Belgrade, Serbia, 2016.
- Persson, A., Rothstein, B., Teorell, J., “Why Anticorruption Reforms Fail—Systemic Corruption as a Collective Action Problem”, *Governance*, vol. 26, no.3, 449-471, 2013.

- Regional Anticorruption Initiative, “Protecting Whistleblowers in South East Europe, A Review of Policies, Cases and Initiatives. Sarajevo: Regional Anticorruption Initiative” http://rai-see.org/wp-content/uploads/2017/09/Protecting-Whistleblowers-in-SE-Europe_2017, . 2017, accessed June 23rd 2023
- Regional Co-operation Council, “Balkan Eurobarometer 2017”, 2017
- Rhodes, E., Axsen, J., Jaccard, M., “Exploring citizen support for different types of climate policy”, *Ecological Economics*, Vol. 137, 2017.
- Rothstein, B., “Anti-corruption: the indirect “big bang” approach”, *Review of International Political Economy*, vol. 18, no.2, 2011.
- Rothstein, B., *The Quality of Government: Corruption, Social Trust, and Inequality in International Perspective*, University of Chicago Press, Chicago, 2011.
- Sampson, S., “Citizen duty or Stasi society? Whistleblowing and disclosure regimes in organizations and communities: The ethico-politics of whistleblowing: Mediated truth-telling in digital cultures”, *Ephemera Theory & Politics in Organization*, vol. 19(4), 2019.
- Schimmelfennig, F., “Strategic Calculations and International Socialization: Membership Incentives, Party Constellations and Sustained Compliance in Central and Eastern Europe”, *International Organization*, vol. 4, 2005.
- Schimmelfennig, F., “The Community Trap: Liberal Norms, Rhetorical Action, and the Eastern Enlargement of the European Union”, *International Organization*, vol. 55 (1), 2001.
- Schimmelfennig, F., Sedelmeier, U. “Candidate Countries and Conditionality” in Paolo, V., Maarten, P. (eds), *Europeanization, New Research Agendas*, Houndsmill: Palgrave, 2006.
- Schimmelfennig, F., Sedelmeier, U., “Governance by Conditionality: EU Rule Transfer to the Candidate Countries of Central and Eastern Europe”, *Journal of European Public Policy*, vol. 11(4), 2004.
- Schimmelfennig, F., Sedelmeier, U., *The Europeanization of Central and Eastern Europe*, Ithaca, NY, 2005.
- Seifert, D., Sweeney, J., Joiremen, J., Thorton, J., “The influence of organizational justice on accountant whistleblowing”, *Accounting, Organization and Society*, Vol. 35 No. 7, 2010.
- Shwom, R., Bidwell, D., Dan, A., Dietz, T., “Understanding US public support for domestic climate change policies”, *Global Environmental Change*, Vol. 20 No. 3, 2010.
- Sjursen, H., “The EU as a ‘normative power: how can this be?’”, *Journal of European public policy*, vol. 13(2), 2006.
- Solveig Richter, C.F., Wunsch, N., “Money, Power, Glory: The Linkages between EU Conditionality and State Capture in the Western Balkans”, *Journal of European Public Policy*, vol. 27(1), 2020.
- Stephenson, M.C., “Corruption as a Self-Reinforcing “Trap”: Implications for Reform Strategy”, *QoG Working Paper Series*, vol. 10, 2019.
- Strack, G., “Whistleblowing in Germany”, in Arszułowicz, M., Gasparski, W. (eds.), *Whistleblowing: In Defense of Proper Action*, Routledge, 2011.
- Tadić, K., Elbasani, A., “State-building and patronage networks: how political parties embezzled the bureaucracy in post-war Kosovo”, *Southeast European and Black Sea Studies*, vol. 18, no. 2, 2018.

- Uberti, L. J., “Is Separation of Powers a Remedy for the Resource Curse? Firm Licensing, Corruption and Mining Development in Post-War Kosovo”, *New Political Economy*, vol. 19, no.5, 2014.
- Ugur, M., Dasgupta, N., “Evidence of the Economic Growth Impacts of Corruption in Low-Income Countries and beyond: A Systematic Review”, EPPI-Centre, Social Science Research Unit, Institute of Education, University of London, London, 2011.
- Uslaner, E. M., *Corruption, inequality, and the rule of law: The bulging pocket makes the easy life*, Cambridge: Cambridge University Press, 2008.
- Vachudova, M.A., *Europe Undivided: Democracy, Leverage and Integration After Communism*, Oxford: Oxford University Press, 2005.
- Vadera, A., Aguilera, R., Caza, B., “Making Sense of Whistle-Blowing’s Antecedents: Learning from Research on Identity and Ethics Programs”, *Business Ethics Quarterly*, vol. 19(4), 2009.
- Vandekerckhove, W. “Freedom of expression as the “broken promise” of whistleblower protection”, *La Revue Des Droits de L’homme*, vol. 10, 2016.
- Venner, M., “Public Sector Development in Post Conflict Kosovo - Donor Motivations, Methods and Effectiveness”, paper presented at The Australian Political Studies Association Annual Conference, 2014.
- Webster, A., *Developments in whistleblowing*, 2015.
- Weiskopf, R., Loacker, B., Heinrichs, R. “The ethico-politics of whistleblowing: Mediated truth-telling in digital cultures”, *Ephemera*, vol. 19(4), 671–696, 2019.
- Weiskopf, R., Tobias-Miersch, Y., “Whistleblowing, parrhesia and the contestation of truth in the workplace”, *Organization Studies*, vol. 37(11), 2016.
- Whyatt, J., *Being a Whistleblower: “I wouldn’t Do it again”*, Germany: European Centre for Press and Media Freedom, 2018.
- Wolfe, S., Worth, M., Dreyfus, S., Brown, A. J., *Breaking the silence: Strengths & weaknesses in G20 whistleblower protection laws*, Melbourne, Victoria: Blueprint for Free Speech, 2015.
- Workman-Stark, A., *Inclusive Policing from the Inside Out*, Ottawa, ON, Canada: Springer International Publishing, 2017
- Worth, M. et Dyrnishi, A., “Protecting whistleblowers in Southeast Europe. A review of policies, cases and initiatives”, *Southeast Europe Coalition on Whistleblower Protection*, 2017
- Xharra, J., “Flying Blind: Negligence, Nepotism and Graft at Kosovo Airport”, *Prishtina Insight*, 2018.

THE IMPACT OF THE WAR IN UKRAINE ON THE WESTERN BALKANS CURRENT DEVELOPMENTS

*Avdi SMAJLJAJ**

Abstract. *The world is not any longer as it used to be before the Russian aggression in Ukraine, was the dominant political statement as the war started. war in Ukraine is the most impactful development in post-Soviet international relations and security arrangements in Europe and beyond. Based on the multifaceted impact it had, it can be considered of a global impact. It affected the post-war international order foundations, driving states' and great powers' behaviour changes to reconsider their foreign policy, geo-political and geo-strategic objectives. The same can be claimed about the major powers' policies towards the Western Balkans. The Russian assertive and aggressive behaviour, the US further commitment, and the EU revival of the enlargement policy. The paper aims to look at the impact of the war in Ukraine in the Western Balkans as a region and at individual countries. It will try to explore how such developments pushed the major power present in the region, the EU, the US, and Russia to reconsider their policies towards the region, and how this impacted the foreign policies of the Western Balkan states in turn? The paper will be based on secondary sources, policy papers, documents, reports, media news, and other relevant sources.*

Keywords: *Western Balkans, Enlargement, the EU, Russia, the US*

Introduction

The War in Ukraine brought back and revived geopolitics as never before since the collapse of the Soviet Union. This marked the end of the Fukuyama's End of History. The dominant driving force behind foreign policies of the major powers became geopolitics. Even a civilian power like the EU finds itself in a position of considering its very foreign policy much driven by geopolitics, including the enlargement policy as its instrument, which is relevant to the concern of the paper as it directly touches the Western Balkans. The policy of foreign powers towards the Western Balkans have become very much competitive, especially after the war in Ukraine. It put aside any of the doubts on the Russian intention and assertive behaviour towards the former Soviet members and beyond, including its traditional stronghold in the Western Balkans. As the war started the West including the US and the EU united further in their respond to such an aggressive behaviour of Russia currently in Ukraine with great potential in other parts of the world

* Assist. Prof. Dr. Lecturer at the Department of Political Sciences and International Relations, Epoka University. The author has a PhD in Political Science from University Duisburg-Essen in Germany. The author has published a book on political parties and democratisation, and a number of articles related to populism, multiethnic political settings, and so on. The research interests of the author include: populism, EU integration, democratisation, CFSP/ESDP, civil society, e-mail: asmajljaj@epoka.edu.al.

including the Western Balkans. The Western Balkans has been turned into a new very much competitive field. The US and the EU are trying to secure in the region their long-term multifaceted investments in terms of peace, security, stability, democracy, and liberalism that are more and more threaten by Russian assertive behaviour.

Russia is linked historically to the region on religious, identity, ideological grounds, playing the role of the balancer in Western Balkans. It aims to fulfill its foreign policy goals in the region to have access to waters and to ensure its great power status as one of the main players in regional and global politics. This is intended to be achieved through increasing the dependence of the Western Balkan on Russian energy resources, using its role in international organisations to prevent any possible US and EU solution to the problems on the region, ensuring its powerful role in turn, and to sponsor an anti US and anti EU climate on the region in terms of the values and opinions created largely through fake news.

On the other side, this has alarmed the US and the EU to take measures to contain such developments that threatens the European and Euro-Atlantic perspective in the Western Balkans. The US is trying to promote and support developments to solve any of the pertaining issues that might have security concerns and it is significantly incentivising the Western Balkan states to carry on reforms and fulfill the requirements to join the European Union. Furthermore, the EU also is revitalising its enlargement policy, trying to avoid the so far bureaucratic and technical obstacles within itself, and to encourage the reforms within the Western Balkan states.

Great powers have historically competed over Balkans. For centuries Russia supported consistently the Christian Orthodox and Slavic communities. These early developments and the one that took place later, including the more recent one such as the disintegration of Yugoslavia associated by wars and new political mapping of the region took place at the backyard of Europe previously, and of the EU later. Most of the Western Balkan states are looking for the NATO integration, while all of them at least declaratively for the EU accession. Russia as another significant player in the region has one of its aims to prevent and sabotage the process of letting the Western Balkan states to be anchored on the EU and NATO, as this would prevent her from fulfilling its global power ambitions. The recent war in Ukraine it is believed to have allocated Russian sources towards Ukraine war and therefore less towards the Western Balkans. However, seeing Russia's global ambitions and recent engagement in a number of African countries (Stronski, 2023) and other states around, it is a sign that an intense dynamic of presence of Russia in the Western Balkans is taking place. The geopolitical rivalry is also manifested among others through Russia exploiting the nationalist forces to boost inter-ethnic conflicts like in case of Bosnia and Herzegovina or Kosovo and Serbia relations. This would decrease the likelihood for the region to move forward in the EU and NATO integration.

The war in Ukraine has brought new developments. It has pushed the EU and the US to intensify their efforts and commitments in the region. Meanwhile, since the invasion of Ukraine, the EU peacekeeping mission in Bosnia and Herzegovina (EUFOR) has nearly doubled its forces. Some proponents of NATO expansion have seized on the moment to argue for fast-tracking the country's entry into the alliance. The upheaval might also be increasing the urgency in Brussels: in July 2022, member states reached a deal to unblock long-stalled talks on bringing Albania and North Macedonia into the EU. The Western Balkan states that are already NATO members and Kosovo have fully allied

with the EU and US position towards the war. On the other side, Serbia and Bosnia are more unstable in this regard. Serbia is trying to balance between the EU efforts to isolate Russia and the reliance on Russia's gas and Russian support against the independence of Kosovo. It joined the UN resolution condemning the Ukraine invasion and refused to recognize Russia's annexations. However, it decline to be part of the EU sanctions against Russia. However, referring to Kosovo case by Putin (McGlynn, 2022) trying to justify its actions in Ukraine was not welcomed in Serbia.

Russian foreign policy toward the Western Balkans

Moscow has consistently played the role of the balancer in the Balkans. Historically it balanced the role of Catholic Western powers and the Ottoman Empire, through supporting the Orthodox community there. Its role was crucial on the establishment of a number of first nation states in the Western Balkans. Later on, as a champion of communism during the Soviet times, it influenced through ideological lines. In much recent developments during the break of the Yugoslavia the role of Russia was more passive talking into account the internal problems that Russia experienced at that time. The bombing of Yugoslavia by NATO forces in 1999 was perceived by Russia within its lenses towards the NATO enlargement and security concern. Russia considered that is not any longer taken as serious great power in international politics (Rogov, 2009) as it used to, especially in the Balkans where it used to be. Nowadays, the struggle for Russia to bring back its prestige as a great power and to diminish the supremacy of the USA in world politics are among the main leading foreign policy objectives of Russia (Tsyganov, 2016).

Nonetheless, Russia tries consistently to prevent the West from dominating the region through preventing Western Balkan countries to join the EU and NATO, as much as it can. The move of the West towards the Western Balkans would limit the possibilities for Russia to fulfil its aims to project the naval power in the Mediterranean. This is better illustrated in the case when Montenegro joined NATO in 2017. For Russia it meant that it lost its hope, as Montenegro was the last port on Adriatic that became part of NATO. Furthermore, in order to extend its influence in the region Russian government mobilizes state-controlled firms to make investments across the region, directing the support also through proxy channels. It also supports organisations across society hoping to increase the social pressure to the governments for a better relation with Russia (Stanicek, Caprile, 2023).

Serbia and Bosnia and Herzegovina through Republika Srpska are the two Western Balkan states that cultivate good relations with Russia. Bilateral military ties have grown, with Serbia purchasing more Russian arms, including air defense systems, anti-tank weapons, and drones. Their militaries carry out joint exercises and a Russia run humanitarian center in Niš in Serbia is a front for intelligence operations throughout the region (Djurdjc, 2017).

Unofficially, Russians help fund and organize nationalist and paramilitary groups with training, weapons, and other logistic needs in Republika Srpska. Through the charity activities Russia also extends its influence. The largest Russian Orthodox charity group is led by a billionaire and Putin's friend (Ryan, 2022).

Energy is an important foreign policy tool that Russia uses in foreign policy, including in the Western Balkan areas. Since the region is the last stage before the gas arrives the Western Europe through southern side supply, then controlling the energy

resources is a very important way of extending the influence in the there. The most dependent on Russia's gas and oil, though with the recent attempts to diversify its resources, remains Serbia. It granted Gazprom a majority stake in its national oil company (Stojanovic, 2022).

Furthermore, Moscow is exploiting the still unconsolidated political settings like in case of Bosnia to increase its stronghold there and to prevent progressing steps towards the integration of Bosnia and the region in the EU and NATO. The Russian diplomats in Bosnia have openly stated that they oppose the Bosnian membership in NATO (Radosavljevic, 2023). While they also work through Republika Srpska to veto any of the attempts to move in that direction. Beyond the obstacles to the European integration that Russia is putting on Bosnia and Hercegovina, in order to extend its position there it is backing the separatist politics of Republika Srpska and also the Croats in Bosnia and Herzegovina who hold nationalist attitudes towards the functionality of Bosnia and Herzegovina. Russia also tried to prevent Montenegro from joining NATO. In 2016 there were charges of coup d'état in Montenegro, supported by Russian intelligence services (Walker, 2019). Similar attempts were directed towards North Macedonia when it joined NATO. This was materialised through attempts to support the opposition parties to prevent the Prespa agreement between Macedonia and Greece. It led to such charges that expelled the Russian Ambassador from Greece (Wintour, 2018).

The EU and the US approach towards the Western Balkans after the war in Ukraine

The EU and the US are the two dominant powers in the Western Balkans. Their presence in the region serves as an insurer of democratisation, liberalisation, prosperity, peace and stability. In recent decades they considered themselves as not competeable by other powers. Yet, since the war in Ukraine this does not seem to be case any longer.

The aims in the Western Balkans are the integration of the region in the EU and NATO to ensure consolidation democracy, liberalism, free market and cooperation, as a way to ensure peace, stability, and prosperity of the region (De Munter, 2023). Having said that, the response of both actors to the developments in the region after the war in Ukraine is directed towards fulfilling the above-mentioned objectives. Western countries and institutions have been intimately involved in efforts to stabilize the region since NATO's first combat missions helped bring the Serbs to the negotiating table in the 1990s. In order to complete the integration process of the Western Balkans, the US and the EU needs to solve the hot issues, like the dialogue between Serbia and Kosovo, to minimise the instability and conflict potential in the region. Since Serbia's rejection of Kosovo's independence, the EU has attempted to bridge the gap between Belgrade and Pristina. Those talks have made progress on some administrative issues, though Serbia still refuses to recognize Kosovo as a sovereign state, and tensions remain high. In 2020, separate, US brokered talks led to the reestablishment of many economic and transit links and preliminary steps toward a land-swap agreement. Some would say that Western involvement since the Yugoslav wars has been too narrowly focused on maintaining stability, rather than on improving economic and political institutions to allow for a more conclusive integration of the region. Yet, the role of the US and the EU is irreplaceable in other dimensions as well like democracy and economic development. It is understandable that security as a need would take priority to other concerns. No doubt, there is much need and further commitment especially from the EU side as recent years have seen the EU

increasingly divided over its expansion manifesting an enlargement fatigue. Croatia was the latest country to join the EU in 2013. Though other Western Balkan countries some considered EU candidates or potential candidates, their progress has lagged due to lack of internal reforms, unresolved territorial disputes, being blocked by the EU member states. The West's apparent disinterest in the region opened the door for greater Russian involvement.

The US is trying to close all sources of conflict through which the Russia penetrates. The very volatile cases remain the Kosovo-Serbia dialogue and the functioning of the political system in Bosnia and Hercegovina. The two cases have direct security threats with potential of conflicts. As such they are very useful sources influence for Russia through sending private paramilitary troops in the region to engage there and in the meantime increase its stronghold. In addition, such potential conflicts strain the reforms required for progress towards the EU membership that US and the EU are trying to keep the region anchored. To discourage and prevent the secessionist threats in Bosnia and Hercegovina the US is using its diplomatic pressure and blacklisting mechanisms for the politicians that threaten the security and stability and those who are charged with corruption. It remains to be seen how successful the instrument is going to be. In case of Kosovo and Serbia dialogue, there was a proposal for land-swap that was not accepted and implemented (Rossi, 2018). In 2020 Washington agreement Kosovo and Serbia agreed on number of points, but as an agreement it did not deliver any comprehensive final agreement (Salama, 2020). Furthermore, the US is active backer of the EU facilitated dialogue between Kosovo and Serbia aiming to achieve final sustainable solution. Among the output results is the Franco-German plan that resulted in the Brussels Agreement and Ohrid Annex. The US presence is irreplaceable since the EU does not have much power and sufficient authority to convince the parts on the agreement and its implementation. Three other Western States that are members of NATO like North Macedonia, Albania, Montenegro are well bound into the NATO security and defense structure. Serbia remains a challenge as up to now has no intention to join the NATO. While Bosnia and Herzegovina due to veto power played by Republika Srpska is far from joining the NATO, and Kosovo on the other side has not been recognised by four NATO members yet, that present procedural obstacle to join the NATO.

Overall, the US as a strong and unique actor in the region is the main promoter and insurer of democratization, liberalization, security, stability and Euro-Atlantic integration.

After the Croatian accession the enlargement policy of the EU was characterised by an enlargement fatigue (Mladineo, Cepo, Petrovic, 2019) on the EU side, encouraging the accession and progress fatigue on the side of the Western Balkan countries time after not sufficiently willing to join the EU. On the side of the EU this was very much reflecting the high level of politicisation of the EU integration process and the rising right-wing populism advocating euroscepticism. While on the side of the Western Balkan countries the accession and approximation progress fatigue reflect the incompatibility between the EU conditions and requirements with the actual dominant political values of mostly governments and political actors in the Western Balkans countries.

Beyond the causes of such two sides integration fatigues, the war in Ukraine made it clear that the status quo of the EU enlargement policy is contradictory to the EU foreign policy objectives, putting at risk the so far multifaceted political, economic, social investment that the EU has done in the Western Balkans (Webalkans, 2023). The EU

together with US found themselves not any longer not much competed by other powers that promote different values in the region, bringing the very security, peace, democracy, liberalism, stability and prosperity at stake. Russia and China are increasingly competing the US and the EU in Western Balkans (Lynch, 2022). In particular, after an assertive Russian foreign policy, the EU and the US also they need to boost the enlargement process, though this is not easy also, taking into account the accession fatigue of Western Balkan states also.

As the War in Ukraine brought a refresh on the West's unity, this might also be reflected in the Western Balkans as the US needs to support the Western Balkan states to carry on the required reforms for integration as the US has more authority in the region compared to the EU. The shaking of the post war order necessitates further the speeding up of closing up the EU integration to include also the Western Balkan states together with Moldova, Ukraine and possibly Georgia. But what mostly is at stake the Western Balkans is bordered in all the sides with the EU member states, is at the doorstep and backyard of the EU. One would say how the EU would be taken seriously as a global power if it is not enough powerful to integrate the Western Balkans within itself.

However, there are no any longer doubts that the enlargement is brought at the top priorities of the EU. The EU is trying to take lessons from the recent years where the enlargement was over extended and very much time consuming, bureaucratic and technical process. Among the first results of such a move is the decision to open negotiation with Albania and North Macedonia, and the recent candidate status for EU membership extended to Ukraine, the Republic of Moldova, and the European perspective promised to Georgia. This provides a hope to the Western Balkan countries and it is evidence that enlargement is gaining importance pushed by geopolitical and geostrategic considerations. Ukraine war is pushing for a clear European perspective, rightly arguing that the country is now on the frontline in the defence of European values against Russia's invasion. The countries in the Western Balkans that have already lingered for far too long in the waiting room of the Union are also an important part of this geopolitical and geostrategic reckoning. The nondemocratic authoritarian great powers such as China and Russia are clearly challenging and competing the EU and the US in the Western Balkans. The most visible stronghold of Russian and Chinese influence in the region remains Serbia, as it declined to ally with West on the sanctions against Russia, it has the lowest public support for the European integration, and so far it rejects to join the NATO.

Moreover, the democracy backslide in Western Balkans is sign of valuing the Chinese model of economic liberalism that stand counter to the western values promoted by the EU and the US in the region. Meanwhile, in Bosnia and Herzegovina, the pro-Russian leader of Republika Srpska, Milorad Dodik, uses nationalism to play with the security of and prosperity of Bosnia and Hercegovina and the region as a whole. His secessionist rhetoric has become a permanent threat to the stability of the country and the region, complicating further the European and Euro-Atlantic integration prospects in the region. Undoubtedly, this has pushed the EU leaders to wake up and try to speed up the enlargement process. It shows the necessity to prioritise the European integration project and drastically reevaluate the EU's enlargement process towards including the Western Balkans. For years, people in the Western Balkans have been waiting for progress on EU integration. Among others, the long waiting for the EU integration has inspired the development of authoritarian tendencies gaining further ground in several countries across the region. The blocking of EU accession negotiations with Albania and North Macedonia

until few months ago has damaged the population's trust in the EU. The latest opinion polls in Serbia show that for the first time since the country's accession process started, a majority of Serbs are no longer in favour of EU membership (International Republican Institute, 2020). Yet, in Albania and Kosovo the public support for the EU accession is the highest in the region (International Republican Institute, 2020).

The deadlock and enlargement and accession fatigue on both sides is a major risk to the so far achievements in the region, like political stability, democracy, security, liberalism and so on. A credible EU accession perspective is necessary, and this is stated in the new enlargement methodology as well. It is necessary to overcome the obstructive actions of individual member states and attempts by nationalist politicians to use the enlargement process to win national concessions, as the Greece used to do for more than a decade with Macedonia, and currently the Bulgarian government is doing in the case of North Macedonia. They are using the enlargement procedure to deal with their national issues, penalising the accession countries for something which is not directly required by the EU conditionality.

In this regard the EU and the US are trying to work closely with Serbia to change its position towards Russia and to ally it with the West. While in Bosnia are actively condemning the separatist attitudes of Republika Srpska. The EU is still learning how to use its considerable economic power to exert political influence, and these lessons should feed into a new and forward-looking policy stance toward the Western Balkans to avoid any destabilising developments in the region.

The frequent summits between the EU and Western Balkan countries are clear signs of dedication of the EU towards the Western Balkans, including the latest one in Tirana that was considered a historic one (EU-Western Balkans summit in Tirana, 2022). Furthermore, a credible commitment from Brussels is needed. Russia's invasion should act as a wake up call for the Union to shift from the technocratic rigidity that has come to characterise the EU enlargement and neighbourhood policies. The EU needs clarity of what can be achieved with the enlargement process. There must be recognition that allowing the Western Balkans to move further away from Europe would be entirely counterproductive in the current context. A common geopolitical Europeanisation of the countries in the Western Balkans, together with Ukraine, Moldova, and Georgia is a priority for the EU. A crucial element in the enlargement strategy is the positive and negative conditionality. It brings to an end the current model of enlargement, where political rewards are only gained at the very end of the process, and instead it would establish a step by step system for EU integration, enabling a better possibility to test the fruits of integration by the citizens, as a way for increasing the society pressure to the decision-makers to carry on with the reforms in the road towards joining the EU. This would also increase the level of politicisation of the accession process within the EU enlargement process, having people on board as stakeholders in the accession process. On the other side the negative conditionality will exert more pressure on the governments who are reluctant to fulfil the criteria set by the EU, as penalties will touch citizens also.

It is obvious that European integration as a process so far proved a time consuming. All the countries aiming for EU membership will require time to reach their final goal. While membership in a European political community (Maligre, 2023), as proposed by Emmanuel Macron, could be offered rapidly and result in deeper cooperation with the EU, the potential for actual EU membership at the end of the road should still be preserved, if and when countries choose to pursue this and meet the criteria. On this road

to EU membership, it will be necessary to demonstrate visible and tangible results that can improve people's lives. It will also be vital to promote political courage to take the right steps leading to further integration in the European single market and the participation of states in selected EU programmes and structural funds.

Nowadays, the EU is learning the hard way that close trade relations do not automatically turn states away from illiberalism. Economic power must become a political tool, and a value based political vision must be promoted more decisively. At the beginning of the war in the former Yugoslavia in the 1990s, people believed that Europe's greatest hour had come, but in fact it never did. In light of the most serious threat to peace in Europe since the Second World War, the West's hour finally needs to arrive. The current momentum for an independent, democratic, and geopolitical Union, that welcomes its neighbours with open arms, should not go to waste.

One of the main platforms within which the EU is exercising its role in the Western Balkans to bring it closer to the EU is the Berlin Process (<https://www.berlinprocess.de>), a German led initiative with a mandate to facilitate regional cooperation between the six countries of the Western Balkans: Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia, to enable them to join the EU. The connectivity agenda is the most important component aimed at connecting the six countries of the Western Balkans in the fields of transport and energy, which was later expanded to youth exchanges and economic relations. Summits held in Germany, Austria, France and Italy established communication between Balkan leaders, drafted several infrastructure projects and new regional initiatives. Despite a number of Summits, many pressing issues remain untouched and cooperation between the leaders of the six Western Balkan countries is still far from satisfactory. The current concrete agreements of the Berlin Process, boosted after the war in Ukraine are the free movement of people among six Western Balkan states to cross the borders with IDs, recognition of diplomas, and (<https://www.berlinprocess.de/>). Yet, the agreement is currently blocked by Bosnia and Herzegovina.

Taking into account the Russian global energy power and the current role that Russia has in the Western Balkans the EU has brought forward the green agenda in the Western Balkans. Therefore it opened the cluster on green energy in negotiation process with Serbia (Green Agenda for the Western Balkans, 2022). The diversification of energy resources and green energy investments is a top agenda in the EU enlargement policy. The Green Agenda is a roadmap for the countries of the Western Balkans to adapt to the EU climate targets. Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, and Serbia all committed themselves to the Green Agenda at the Sofia Summit in November 2020 (Sofia Declaration on the Green Agenda for the Western Balkans, 2020).

Conclusion

The current war in Ukraine among others served as significant point of change at the global level. It shake the post war foundation of international system. As such, it pushed great powers and states alike to revive their foreign objectives and strategies, looking to for new opportunities and trying to respond to the new threats. The same holds true for the Western Balkan states and the great powers that have influence in the region. The US and the EU as the two representatives of the West are finding themselves very much competed by other rivals such as Russia and China mostly. The assertive Russia has

alarmed the US and the EU to intensify their commitments in the region. The US through investing into preventing any possible security threat through trying to close down any opened issues in the region, and at the same time trying to support the EU and the Western Balkan states to boost the integration process. The EU on the other side, pressured by the Russian threats is reviving its foreign policy and enlargement policy in order to prevent Russia from increasing its presence in the region, which would endanger the long time multi faceted investments that the EU has promoted in the Western Balkans, like peace, security, stability, democracy, liberalism. The future scenario developments in the Western Balkans is structured based on those considerations.

REFERENCES

- De Munter Andre (2023) *The Western Balkans*. European Parliament. Available at: https://www.europarl.europa.eu/ftu/pdf/en/FTU_5.5.2.pdf, accessed on: 07.05.2023.
- Djordjic Milena (2017) *US Sees Russia's 'Humanitarian Center' in Serbia as Spy Outpost*. Voice of America. Available at: <https://www.voanews.com/a/united-states-sees-russia-humanitarian-center-serbia-spy-outpost/3902402.html>, accessed on: 29.04.2023.
- EU-Western Balkans summit in Tirana* (2022). Available at: <https://www.consilium.europa.eu/en/meetings/international-summit/2022/12/06/>, accessed on: 21.04.2023.
- Green Agenda for the Western Balkans: The Road Toward Effective and Sustainable Implementation* (2022). Aspen Institute Deutschland e.V.
- International Republican Institute (2020) *Western Balkans Poll Shows Strong Support for EU*. Available at: <https://www.iri.org/resources/western-balkans-poll-shows-strong-support-for-eu/>, accessed on: 20.04.2023.
- Lynch Suzanne (2022) *EU courts Western Balkans as Russia and China loom*. Available at: <https://www.politico.eu/article/eu-courts-western-balkans-as-russia-china-shadows-loom/>, accessed on: 20.04.2023.
- Maligre Virginie (2023) *The European Political Community looks to find its meaning*. Available at: https://www.lemonde.fr/en/international/article/2023/05/26/the-european-political-community-looks-to-find-its-meaning_6028130_4.html, accessed on: 26.05.2023.
- McGlynn Jade (2022) *Why Putin Keeps Talking About Kosovo*. Foreign Policy. Available at: <https://foreignpolicy.com/2022/03/03/putin-ukraine-russia-nato-kosovo/>, accessed on 01.04.2023.
- Mladineo Vanja, Cepo Dario, Petrovic Valentino, (2019) *Enlargement fatigue is a symptom of weakening European values*. Friends of Europe. Available at: <https://www.friendsofeurope.org/insights/enlargement-fatigue-is-a-symptom-of-weakening-european-values/>, accessed on: 15.04.2023.
- Staicke Branislav, Caprile Anna (2023) *Russia and the Western Balkans: Geopolitical confrontation, economic influence and political interference*. European Parliament Briefing. Available at: [https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/747096/EPRS_BRI\(2023\)747096_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/747096/EPRS_BRI(2023)747096_EN.pdf), accessed on: 25.04.2023.
- Stronski Paul (2023) *Russia's Growing Footprint in Africa's Sahel Region*. Carnegie Endowment for International Peace, FEBRUARY 28, 2023 Available at:

- <https://carnegieendowment.org/2023/02/28/russia-s-growing-footprint-in-africa-s-sahel-region-pub-89135> , accessed on: 02.05.2023.
- Radosavljevic Zoran (2023) *Russian envoy makes veiled threats if Bosnia joins NATO*. Euractiv. Available at: <https://www.euractiv.com/section/politics/news/russian-envoy-makes-veiled-threats-if-bosnia-joins-nato/> , accessed on: 11.05.2023.
- Rogov Sergey (2009) *NATO and Russia: a view from Moscow*. Politique étrangère. 2009/5, pp. 107-121.
- Rossi Michael (2018) *A land swap between Kosovo and Serbia would be deeply problematic – and potentially dangerous*. Available at: <https://blogs.lse.ac.uk/europpblog/2018/08/17/a-land-swap-between-kosovo-and-serbia-would-be-deeply-problematic-and-potentially-dangerous/> , accessed on: 03.04.2023.
- Ryan Ben (2022) *Putin and the Orthodox Church: how his faith shapes his politics*. Available at: <https://www.theosthinktank.co.uk/comment/2022/02/16/essay-on-vladimir-putin> , accessed on 20.04.2023.
- Salama Vivian (2020) *Serbia and Kosovo sign economic normalization agreement in Oval Office ceremony*. Available at: <https://edition.cnn.com/2020/09/04/politics/serbia-kosovo-agreement/index.html> , accessed on: 15.04.2023.
- Sofia Declaration on the Green Agenda for the Western Balkans (2020). Available at: <https://www.rcc.int/docs/546/sofia-declaration-on-the-green-agenda-for-the-western-balkans-rn> , accessed on: 20.04.2023.
- Stojanovic Milica (2022) *Serbia Mulls 'Taking Over' Mainly Russian-owned Oil Company*. Balkaninsight. Available at: <https://balkaninsight.com/2022/07/14/serbia-mulls-taking-over-mainly-russian-owned-oil-company/> , accessed on: 02.05.2023.
- The Berlin process*. Available at: <https://www.berlinprocess.de> , accessed on.19.04.2023.
- Tsygankov Andrei P. (2016). *Russia's Foreign Policy Change and Continuity in National Identity*. London: Rowman & Littlefield.
- Walker Shaun (2019) *Alleged Russian spies sentenced to jail over Montenegro 'coup plot'*. Available at: <https://www.theguardian.com/world/2019/may/09/montenegro-convicts-pro-russia-politicians-of-coup-plot> , accessed on: 03.04.2023.
- Webalkans* (2023), Available at: <https://webalkans.eu/en/publications/>, accessed on: 13.04.2023.
- Wintour Patrick (2018) *Greece to expel Russian diplomats over alleged Macedonia interference*. Available at: <https://www.theguardian.com/world/2018/jul/11/greece-to-expel-russian-diplomats-over-alleged-macedonia-interference#:~:text=Four%20Russian%20diplomats%20will%20be,influence%20in%20the%20western%20Balkans> , accessed on: 05.04.2023.

LIBÉRALISATION MULTILATÉRALE DE LA COOPÉRATION ÉCONOMIQUE ET PROTECTIONNISME POLITIQUE DANS LA RÉGION SCANDINAVE

*Cătălin-Gabriel DONE**

Abstract. *Cette étude examine la relation complexe entre la libéralisation multilatérale de la coopération économique et le protectionnisme politique dans la région scandinave. L'objectif est d'analyser l'impact de l'intégration économique sur les attitudes politiques vis-à-vis des politiques protectionnistes et d'étudier comment les pays scandinaves parviennent à établir un équilibre délicat entre la promotion du commerce ouvert et la sauvegarde de leurs industries nationales. La recherche combine des analyses de données quantitatives et des études de cas qualitatives pour examiner les défis et les opportunités résultant de la libéralisation multilatérale. Les résultats mettent en évidence les effets positifs de l'intégration économique sur la croissance et la coopération régionale, tout en abordant les préoccupations liées à la montée des sentiments protectionnistes.*

Keywords: *Libéralisation, développement économique, protectionnisme, région scandinave, intégration économique, croissance régionale*

1.Introduction

La libéralisation multilatérale de la coopération économique et le protectionnisme politique sont deux forces antagonistes qui façonnent l'évolution des relations économiques entre les nations. Dans le contexte de la région scandinave, composée de pays tels que la Suède, la Norvège, le Danemark, la Finlande et l'Islande, ces forces prennent une signification particulière. La région scandinave est réputée pour son attachement aux valeurs sociales, à la stabilité économique et à la coopération régionale. Cependant, les dynamiques mondiales de plus en plus imprévisibles et les pressions nationales peuvent susciter des questionnements sur l'ouverture économique et l'adoption de mesures protectionnistes.

Cette étude vise à explorer l'impact de la libéralisation multilatérale de la coopération économique sur le protectionnisme politique dans la région scandinave. Le choix de cette région est particulièrement pertinent car elle incarne un modèle unique de coopération interétatique et de solidarité sociale. En effet, la coopération économique dans la région scandinave repose sur des accords commerciaux régionaux solides, des politiques favorables au libre-échange et des mécanismes de coordination multilatéraux. Parallèlement, l'essor du protectionnisme dans diverses parties du monde suscite des débats sur la nécessité de protéger les industries nationales et de défendre les intérêts nationaux face aux défis économiques et politiques.

* Doctorant, Département de Sciences Politiques – Université de Naples "Federico II", e-mail: catalin-gabriel.done@unina.it / catalin.done.15@politice.ro

Dans cette perspective, notre recherche se fixe plusieurs objectifs. Premièrement, nous chercherons à analyser comment la libéralisation multilatérale a influencé la dynamique économique dans la région scandinave. En examinant les tendances commerciales et les flux d'investissements, nous mettrons en lumière l'impact de la coopération économique sur la croissance économique et le développement régional. Deuxièmement, nous étudierons les facteurs qui ont conduit à l'émergence du protectionnisme politique dans la région scandinave. Il s'agira d'identifier les motifs politiques, économiques et sociaux qui poussent certains acteurs à adopter des mesures protectionnistes.

En procédant ainsi, notre étude permettra de mieux comprendre la complexité des relations économiques et politiques au sein de la région scandinave. Nous analyserons les défis auxquels les pays scandinaves sont confrontés dans leur quête d'un équilibre entre ouverture économique et protectionnisme. En soulignant les succès et les échecs passés dans la région, nous espérons tirer des enseignements qui pourront être appliqués à d'autres contextes régionaux ou internationaux.

La méthodologie utilisée dans cette recherche comprendra une combinaison d'analyses quantitatives et d'études de cas qualitatives. Les données commerciales et d'investissement seront collectées à partir de sources officielles et d'organisations internationales. Nous examinerons également des documents politiques et des déclarations officielles pour comprendre les motivations derrière les politiques économiques adoptées par les pays scandinaves.

Enfin, cette étude vise à éclairer le débat sur la libéralisation multilatérale de la coopération économique et le protectionnisme politique dans la région scandinave. En mettant en évidence les défis et les opportunités qui en découlent, nous espérons contribuer à la réflexion sur les politiques économiques et commerciales des pays scandinaves et à la promotion d'une coopération régionale fructueuse dans un monde en mutation constante.

2. Un Aperçu du Cadre Théorique

La libéralisation multilatérale de la coopération économique et le protectionnisme sont deux approches diamétralement opposées qui influencent les politiques économiques des pays et façonnent leurs relations commerciales internationales. Ces cadres théoriques ont été le sujet de nombreux débats dans le domaine de l'économie internationale, car ils reflètent les tensions entre les avantages du libre-échange et la protection des intérêts nationaux.

Le cadre théorique de la libéralisation multilatérale repose sur les principes du libre-échange et de l'intégration économique. Les économistes classiques, notamment David Ricardo (Ricardo 2015) et son concept d'avantages comparatifs, ont souligné les bénéfices mutuels que les nations peuvent tirer du commerce international en se spécialisant dans la production des biens pour lesquels elles ont une efficacité relative. Selon cette théorie, l'ouverture des frontières aux échanges de biens et de services permet d'accroître l'efficacité économique, d'élargir les marchés et de stimuler la croissance économique à long terme.

Un autre cadre théorique important est celui de l'économie politique internationale. Cette approche considère que les politiques économiques résultent d'une interaction complexe entre des acteurs étatiques et non étatiques, et que les considérations politiques et économiques influencent la prise de décision des gouvernements en matière

de libéralisation ou de protectionnisme. Les intérêts des groupes d'acteurs tels que les entreprises, les groupes de pression et les citoyens peuvent exercer une influence significative sur les choix politiques en matière de commerce international.

Le protectionnisme, quant à lui, repose sur l'idée de protéger les intérêts nationaux et les industries domestiques contre la concurrence étrangère (Johnson 1965). Les tenants du protectionnisme estiment que des politiques telles que l'imposition de droits de douane, de quotas ou de subventions peuvent favoriser la croissance de l'industrie nationale et préserver les emplois locaux (Kafka 1962, p.164-165). Le protectionnisme peut également être motivé par des considérations géopolitiques (Jalil 2019), comme la sécurité nationale (Lincicome 2021; Katzenstein et Okawara 1993) ou la défense des industries stratégiques (Burwell et Propp 2020; Leonard et Shapiro 2020; Garrett 2011).

Ces deux cadres théoriques se heurtent souvent, et les pays doivent faire face à un dilemme complexe lorsqu'ils élaborent leurs politiques commerciales. D'un côté, la libéralisation multilatérale peut offrir des avantages économiques substantiels, tels qu'une augmentation des échanges commerciaux, une croissance économique accrue et une spécialisation industrielle (Devereux 1997, p.566). Elle peut également renforcer la coopération internationale et la stabilité politique entre les nations (Rodrik 2018; Bekhuis, Meuleman, et Lubbers 2013, p.1042). D'un autre côté, le protectionnisme peut être perçu comme une réponse aux défis économiques et sociaux auxquels les pays sont confrontés. Il vise à préserver les emplois et les industries locales et peut être considéré comme une mesure de protection face à des pratiques commerciales jugées déloyales, comme le dumping ou les subventions massives accordées par d'autres pays (Hagen 1958; Weck-Hannemann 1991).

Dans le contexte spécifique de la région scandinave, qui est réputée pour sa coopération économique étroite et son engagement en faveur du libre-échange, ces cadres théoriques jouent un rôle crucial dans la formulation des politiques économiques. Les pays scandinaves doivent trouver un équilibre entre la promotion de l'ouverture économique et la protection de leurs industries nationales, tout en maintenant la cohésion régionale et la coopération mutuelle (Strang 2016; Rochet et Sandmo 1998). Les économistes classiques tels que David Ricardo (2015) et Bertil Ohlin (Donaldson 1934) ont influencé la pensée économique dans la région, en mettant l'accent sur les avantages du commerce international et de la spécialisation des économies. Leurs théories de l'avantage comparatif ont encouragé les pays scandinaves à chercher à exploiter leurs atouts respectifs, favorisant ainsi une complémentarité économique au sein de la région. Cependant, dans leur quête d'intégration économique, les pays scandinaves ont également dû faire face à des défis. L'ouverture économique peut conduire à une compétition accrue pour les industries nationales, ce qui peut entraîner des déséquilibres économiques entre les pays membres comme l'ont montré Paolo Canofari, Piero Esposito, Marcello Messori et Carlo Milani (2015). Pour relever ce défi, les économistes tels qu'Erik S. Reinert ont souligné l'importance d'une approche plus équilibrée de l'intégration régionale (E. S. Reinert 1995). Ils ont plaidé en faveur de politiques de régulation qui protègent les industries nationales, tout en maintenant une coopération économique mutuellement bénéfique.

Dans cette quête d'équilibre, les philosophes comme Karl Polanyi ont également apporté leur contribution. Polanyi (2001) a mis en garde contre les dangers d'une libéralisation économique excessive et non régulée. Dans le contexte scandinave, cela signifie qu'il est essentiel de protéger les institutions sociales et de garantir la stabilité économique et sociale tout en poursuivant une coopération économique régionale.

Les études antérieures sur la région scandinave ont montré que la libéralisation multilatérale a joué un rôle important dans la croissance économique et la prospérité de la région. Les accords commerciaux régionaux et les politiques favorables au libre-échange ont stimulé le commerce intra-régional, renforçant ainsi la complémentarité économique entre les pays scandinaves (Davis et Erixon 2008; Hilling et Berg 2012; Lipponen 2015; Bergman 1999; Cox 2004; Aaberge et al. 2002; Christensen 1997).

Cependant, ces mêmes études ont également mis en évidence les défis du protectionnisme politique dans la région. Les pressions internes et externes peuvent conduire à l'adoption de mesures protectionnistes temporaires ou permanentes, ce qui peut entraîner des tensions commerciales et des effets néfastes sur le commerce et l'investissement régionaux.

Le libre-échange et l'intégration économique sont des concepts essentiels qui influencent les relations commerciales internationales. Le libre-échange favorise l'élimination des barrières douanières et des restrictions commerciales entre les pays, encourageant ainsi la libre circulation des biens et des services. Cette approche met l'accent sur les avantages mutuels que les nations peuvent tirer du commerce international en se spécialisant dans la production de biens pour lesquels elles ont un avantage comparatif. D'autre part, l'intégration économique vise à renforcer la coopération entre les pays pour stimuler la croissance économique et la prospérité régionale. Cette forme de coopération se matérialise à travers des accords commerciaux régionaux, tels que l'Accord de libre-échange nord-américain (ALENA) ou l'Union européenne (l'UE), qui promeuvent la complémentarité économique et la coordination des politiques. Thomas Piketty, économiste français renommé, a abordé la question de la libéralisation multilatérale et du libre-échange dans ses recherches. Connu pour ses analyses sur les inégalités économiques, Piketty a exprimé des réserves concernant les effets du libre-échange sur la distribution des richesses (Piketty 1995). Selon lui, le libre-échange peut exacerber les disparités économiques, en favorisant les élites et les grandes entreprises au détriment des travailleurs et des petites entreprises. Il préconise ainsi une approche plus équilibrée de la libéralisation économique, mettant l'accent sur la protection des droits des travailleurs et la régulation des flux commerciaux pour assurer une croissance économique plus inclusive (Piketty 2019). Dans la même veine critique, l'économiste grec Yanis Varoufakis a également exprimé des inquiétudes quant aux effets du libre-échange sur les économies nationales (Varoufakis 2019). Selon Varoufakis, les politiques de libre-échange peuvent conduire à la déréglementation et à la dégradation des normes sociales et environnementales, créant ainsi des conditions propices à l'exploitation des travailleurs et à la détérioration des services publics. Pour lui, une approche plus solidaire de la libéralisation économique est nécessaire, impliquant une coopération renforcée entre les nations pour promouvoir des normes sociales élevées et des politiques économiques plus équilibrées (Varoufakis 2015).

Alors, il est important de noter que certains économistes et responsables politiques défendent toujours le libre-échange comme un moteur essentiel de la prospérité économique mondiale. Ils soulignent les avantages potentiels de la libéralisation, tels que l'augmentation des échanges commerciaux, la création de nouvelles opportunités d'affaires et l'accès à une plus grande variété de biens et de services pour les consommateurs. En fin de compte, le débat sur la libéralisation multilatérale et le libre-échange reste complexe et controversé. Les économistes, les décideurs politiques et la société dans son ensemble doivent continuer à examiner attentivement les conséquences de ces politiques sur les

inégalités économiques, la stabilité sociale et l'environnement, tout en recherchant des solutions qui promeuvent une croissance économique équilibrée et durable pour tous.

Leszek Kołakowski, philosophe et historien polonais, a également apporté sa perspective sur la libéralisation multilatérale et le libre-échange. Dans ses écrits, Kołakowski a souligné les défis et les contradictions inhérents à ces politiques économiques (Engelhardt 1991). Il a mis en garde contre les dangers du capitalisme sauvage et de la recherche effrénée du profit, qui peuvent entraîner des inégalités économiques croissantes et une dégradation de la solidarité sociale. Pour lui, une libéralisation économique excessive, sans régulation adéquate, risque de créer des déséquilibres et des tensions dans les sociétés contemporaines (Hiscocks 1964). Selon Kołakowski, la question clé réside dans la recherche d'un équilibre entre la liberté économique et la protection sociale. Il plaide pour une approche qui reconnaît la nécessité d'une coopération internationale pour résoudre les défis économiques mondiaux tout en préservant les valeurs sociales et éthiques. Il met en avant l'importance d'une réflexion éthique sur les conséquences des politiques économiques sur l'ensemble de la société et sur l'environnement. L'analyse de Leszek Kołakowski sur la libéralisation multilatérale et le libre-échange souligne la complexité de ces questions et la nécessité de rechercher un équilibre entre la croissance économique et la justice sociale. Sa pensée critique appelle à une prise de conscience des défis et des contradictions liés à ces politiques, tout en incitant à une réflexion éthique sur la manière de construire un système économique plus équitable et respectueux des droits de l'homme (Kołakowski 2008).

Gunnar Myrdal, économiste suédois et lauréat du prix Nobel d'économie en 1974, a été un acteur majeur du débat sur la libéralisation multilatérale et le libre-échange. Dans ses travaux, Myrdal a développé des analyses approfondies sur les inégalités économiques et les disparités sociales. Il a souligné les risques du libre-échange pour les pays en développement, mettant en évidence les obstacles structurels et les déséquilibres économiques qui pourraient résulter de l'ouverture des marchés internationaux. Selon Myrdal, le libre-échange ne profite pas toujours de manière équitable à tous les pays et peut exacerber les inégalités entre les nations (Myrdal 1989).

En revanche, Myrdal a également reconnu l'importance de la coopération internationale pour promouvoir le développement économique et la stabilité mondiale. Il a plaidé en faveur de mesures de régulation et de politique économique qui permettraient aux pays en développement de bénéficier davantage du commerce international. Selon lui, la libéralisation multilatérale doit s'accompagner d'efforts concertés pour réduire les déséquilibres et pour favoriser une croissance économique plus équitable (Reynolds 1974; Myrdal 1972; Boulding 1961).

L'intégration économique dans la région scandinave a été un sujet d'intérêt pour de nombreux chercheurs, philosophes et économistes au fil des décennies. Cette région du nord de l'Europe est réputée pour sa coopération économique étroite et ses politiques favorables au libre-échange. Les études antérieures ont examiné les aspects économiques, politiques et sociaux de cette intégration régionale, mettant en lumière les avantages et les défis qui en découlent. D'un point de vue économique, les études antérieures ont également été influencées par les travaux de Bertil Ohlin, économiste suédois et lauréat du prix Nobel d'économie en 1977. Ohlin a développé la théorie de l'avantage comparatif, qui explique comment les pays peuvent bénéficier du commerce en se spécialisant dans la production des biens pour lesquels ils ont un avantage de coût. Cette théorie a été appliquée pour comprendre le commerce intra-régional en Scandinavie, où les pays ont

identifié leurs secteurs d'excellence et ont tiré parti de leurs ressources naturelles et de leur main-d'œuvre qualifiée pour stimuler les échanges commerciaux et la coopération économique (Lancaster 1957; Batra et Casas 1973; Ohlin 1928). Les études antérieures ont également examiné les politiques d'intégration économique mises en œuvre dans la région scandinave, telles que les accords commerciaux régionaux et la coopération en matière de politiques monétaires. L'Union nordique des passeports, établie en 1954, a facilité la libre circulation des personnes entre les pays membres, renforçant ainsi les liens sociaux et économiques dans la région. De même, l'UE a eu un impact significatif sur l'intégration économique en Scandinavie, en facilitant les échanges commerciaux et en favorisant la mobilité des travailleurs et des étudiants.

Une voix discordante dans le régionalisme scandinave a été exprimée par l'économiste suédois Assar Lindbeck. Dans ses recherches, Lindbeck a critiqué certaines politiques d'intégration économique dans la région scandinave, mettant en évidence les risques d'une harmonisation excessive des politiques fiscales et sociales entre les pays membres (Lindbeck 1997). Selon lui, cela pourrait entraîner une perte d'autonomie budgétaire pour les gouvernements nationaux, limitant ainsi leur capacité à adapter leurs politiques économiques aux défis nationaux spécifiques. Il a également mis en garde contre les effets potentiels de l'intégration économique sur la compétitivité des pays membres, en soulignant que des différences significatives dans les structures économiques pourraient rendre difficile la mise en œuvre de politiques communes bénéfiques pour tous.

Lindbeck a également soulevé des inquiétudes concernant les implications politiques de l'intégration régionale. Il a averti que la coopération économique accrue pourrait entraîner une concentration de pouvoir entre les pays membres et éroder la souveraineté nationale. Pour lui, une intégration économique trop étroite pourrait être perçue comme une menace à l'identité culturelle et politique de chaque pays, ce qui pourrait entraîner des tensions politiques et sociales (Lindbeck 1985; G. Christensen et Miguel 2018). Il est important de noter que ces critiques ne remettent pas en question l'importance de la coopération économique entre les pays scandinaves. Au contraire, ces voix discordantes ont contribué à enrichir le débat sur l'intégration régionale en mettant en lumière les enjeux complexes et les défis potentiels qui doivent être pris en compte pour parvenir à une coopération économique mutuellement bénéfique et durable dans la région scandinave.

Reinert a également exprimé des inquiétudes concernant l'impact social de l'intégration économique. Il a souligné que les politiques de libre-échange pourraient entraîner une augmentation des inégalités sociales et un appauvrissement de certaines régions. Selon lui, il est essentiel d'adopter des mesures de politique économique et sociale qui soutiennent les régions défavorisées et garantissent que les avantages de l'intégration économique soient répartis de manière plus équitable (E. S. Reinert 2008). Dans tous les cas, Reinert ne rejette pas l'idée de coopération économique entre les pays scandinaves. Au contraire, il plaide en faveur d'une approche plus équilibrée de l'intégration régionale, qui tienne compte des spécificités de chaque économie nationale tout en promouvant une coopération économique mutuellement bénéfique. Ses travaux ont contribué à enrichir le débat sur l'intégration économique en Scandinavie en mettant en lumière les enjeux complexes et les défis qui doivent être pris en compte pour parvenir à une coopération économique plus équilibrée et durable dans la région.

D'autre part, le protectionnisme politique est devenu un sujet d'attention croissante dans la région scandinave, qui est réputée pour sa coopération économique étroite et son

engagement en faveur du libre-échange. Alors que les pays scandinaves ont bénéficié des avantages du commerce international et de l'intégration économique, des préoccupations politiques et sociales ont également émergé, conduisant à un examen attentif des politiques de protectionnisme (Nordic Social-Statistical Committee 1995). Dans la région scandinave, le protectionnisme politique se manifeste sous différentes formes, notamment par le biais de politiques commerciales restrictives, de mesures de contrôle des investissements étrangers et de politiques industrielles favorisant les entreprises nationales. Ces politiques visent souvent à protéger les industries nationales et à préserver l'emploi local, mais elles peuvent également entraîner des tensions commerciales avec les partenaires économiques régionaux et mondiaux.

L'une des principales préoccupations politiques est liée à la compétitivité industrielle. Alors que les pays scandinaves cherchent à promouvoir l'innovation et la croissance économique (The Nordic Council 2018), ils doivent faire face à une concurrence mondiale de plus en plus féroce. Les politiques de protectionnisme peuvent être perçues comme des mesures défensives pour préserver les avantages concurrentiels des entreprises nationales, mais elles peuvent également entraîner des représailles commerciales de la part des partenaires commerciaux, ce qui peut nuire à l'ensemble de la région. Une autre dimension du protectionnisme politique dans la région scandinave concerne les enjeux sociaux et environnementaux (May et Winter 1999; Ingebritsen 2012; Isenhour 2010). Certains acteurs politiques et sociaux s'inquiètent des conséquences du libre-échange sur les normes sociales et environnementales. Ils craignent que l'ouverture économique ne favorise le dumping social ou environnemental, où les entreprises cherchent à réduire leurs coûts en exploitant des conditions de travail et environnementales moins exigeantes dans d'autres pays. En réponse à ces préoccupations, des politiques de protectionnisme peuvent être mises en place pour garantir le respect des normes sociales et environnementales dans les échanges commerciaux (Darpö 2023). Alors, le protectionnisme politique suscite également des débats et des controverses dans la région scandinave. Certains acteurs économiques et politiques estiment que les politiques de protectionnisme peuvent nuire à la compétitivité globale de la région et freiner l'innovation et l'efficacité économique. Ils soulignent que l'intégration économique et le libre-échange ont contribué à la prospérité économique et au bien-être des citoyens dans la région et qu'une ouverture économique accrue pourrait apporter de nouveaux avantages.

En outre, les idées populistes de protectionnisme politique et économique ont gagné en popularité ces dernières années, tant sur la scène politique mondiale que dans la région scandinave (Margalit 2019; Guriev 2018; Rodrik 2018a; Kuisma 2019; Jungar et Jupskås 2014; Widfeldt 2023; Rudniçhi 2022). Les leaders populistes promeuvent souvent des politiques qui visent à protéger les intérêts nationaux en mettant en place des barrières commerciales, des restrictions à l'immigration et en remettant en question les accords internationaux (Spruyt, Keppens, et Van Droogenbroeck 2016; Bonacchi 2022). Ils peuvent également prôner des politiques de soutien aux industries nationales et de renforcement des frontières, dans le but de protéger les emplois locaux et de préserver l'identité nationale (Galston 2018).

Ces idées populistes de protectionnisme peuvent attirer certains électeurs qui se sentent menacés par les changements économiques et sociaux liés à la mondialisation. Cependant, elles sont également critiquées pour leur potentiel de provoquer des tensions commerciales et des conflits avec les partenaires commerciaux, ainsi que pour leur impact

négatif sur l'efficacité économique et la croissance. Par exemple, <<l'ascension de l'extrême droite dépend de nombreux facteurs - l'économie, la guerre en Ukraine, les guerres culturelles, semblables et pourtant différentes dans chaque pays, les performances des gouvernements, etc. - mais une chose est certaine : ce n'est pas inévitable. Cependant, si cela se produit, nous devons nous demander quels outils nos sociétés ont pour lui résister. Le glissement somnambulique vers l'abîme n'est pas une alternative, même pour les peuples dont le fatalisme est enseigné à l'école>> (Tiță 2023).

3. Méthodologie de la Recherche

Pour mener à bien cette étude sur "La libéralisation multilatérale de la coopération économique et le protectionnisme politique dans la région scandinave", plusieurs sources de données seront utilisées. Les données quantitatives seront collectées à partir de bases de données commerciales internationales, d'organisations économiques régionales et de statistiques officielles des pays scandinaves. Ces sources fourniront des informations sur les flux commerciaux intra-régionaux, les investissements directs étrangers (IDE), ainsi que les indicateurs économiques et commerciaux pertinents.

Dans le cadre de cette recherche, une sélection rigoureuse des études de cas et des pays concernés sera effectuée. Les pays scandinaves tels que la Norvège, la Suède, le Danemark, la Finlande et l'Islande seront inclus dans l'analyse. Des critères tels que le niveau d'intégration économique, les politiques de protectionnisme et l'impact potentiel sur le commerce régional seront pris en compte lors de la sélection des pays pour les études de cas.

L'analyse quantitative des données commerciales et d'investissement sera réalisée à l'aide de méthodes statistiques avancées. Cette analyse permettra de quantifier les tendances du commerce intra-régional, les fluctuations des flux d'IDE et l'impact de la libéralisation économique sur le commerce dans la région scandinave. Des graphiques et des tableaux seront utilisés pour présenter les résultats de manière claire et compréhensible.

Une analyse qualitative approfondie des documents politiques et des déclarations officielles sera effectuée pour évaluer les politiques de protectionnisme politique dans la région scandinave. Les discours des responsables politiques, les rapports gouvernementaux et les accords commerciaux seront examinés pour comprendre les positions politiques sur la coopération économique et le protectionnisme. Cette analyse permettra également de déterminer la cohérence entre les discours officiels et les actions politiques réellement mises en œuvre. En combinant l'analyse quantitative des données commerciales et d'investissement avec l'analyse qualitative des documents politiques, cette méthodologie offre une approche holistique pour comprendre l'impact de la libéralisation multilatérale de la coopération économique et le protectionnisme politique dans la région scandinave. En utilisant des sources de données fiables et en effectuant une sélection rigoureuse des études de cas, cette recherche vise à fournir des résultats solides et éclairants sur les enjeux économiques et politiques de l'intégration régionale dans la région scandinave.

4. Coopération Économique Dans la Région Scandinave

La région scandinave se distingue par sa coopération économique étroite, notamment à travers la mise en place d'accords commerciaux régionaux et de partenariats. L'un des accords les plus importants est l'Accord sur l'Espace économique européen (EEE)

qui lie l'UE et trois pays scandinaves, à savoir la Norvège, l'Islande et le Liechtenstein. L'EEE permet aux pays non-membres de l'UE de participer au marché unique européen et d'accéder à la libre circulation des biens, des services, des personnes et des capitaux. Cet accord favorise l'intégration économique entre ces pays scandinaves et l'UE, créant ainsi une zone économique plus vaste et unifiée (Østhagen et Raspotnik 2017; Basch 1943; Bailes et Ólafsson 2017). En outre, la région scandinave est également engagée dans plusieurs partenariats bilatéraux et multilatéraux (Orvik 1974). Par exemple, le Conseil nordique de coopération (CNC) – dans le but de renforcer la coopération politique, économique et culturelle. Le CNC encourage les échanges économiques et facilite la coordination des politiques entre ces pays, renforçant ainsi les liens économiques dans la région.

Le CNC joue un rôle crucial dans la promotion de la coopération économique dans la région scandinave. Depuis sa création en 1952, ce forum intergouvernemental a pris d'importantes décisions pour renforcer les liens économiques entre les pays scandinaves. Voici quelques-unes des décisions les plus importantes prises par le CNC et leur impact sur la coopération économique régionale:

a) libre circulation des personnes, des biens et des services: le CNC a adopté des mesures visant à faciliter la libre circulation des personnes, des biens et des services entre les pays membres. Cela a permis de renforcer l'intégration économique dans la région scandinave en supprimant les barrières commerciales et en favorisant les échanges commerciaux (Nordiskt samarbete 2000), b) harmonisation des politiques économiques: le CNC a pris des décisions importantes pour harmoniser les politiques économiques des pays scandinaves. Cela inclut la coordination des politiques fiscales, monétaires et budgétaires, ce qui renforce la cohérence économique dans la région (Nordiskt samarbete 1983), c) coopération dans les secteurs clés: le CNC a pris des décisions pour encourager la coopération dans des secteurs clés tels que l'énergie, l'environnement, les transports et la technologie. Cela a permis de créer des synergies économiques entre les pays scandinaves et de favoriser une spécialisation efficace (Nordisk Ministerråd 2023; Borges 2020; Nordic Council of Ministers 2008), d) développement des infrastructures: le CNC a pris des mesures pour développer les infrastructures régionales, notamment les réseaux de transport et les infrastructures numériques. Cela a facilité les échanges commerciaux et les investissements dans la région scandinave (Nikander, Andersson, et Sverdlilje 2018), e) soutien aux petites et moyennes entreprises (PME): le CNC a adopté des décisions pour soutenir les PME dans la région scandinave, en leur offrant un accès aux financements, aux marchés et aux ressources nécessaires pour se développer. Cela a contribué à stimuler l'entrepreneuriat et l'innovation dans la région (E. Reinert et al. 2010).

Les pays scandinaves ont conclu plusieurs accords économiques et commerciaux importants qui ont contribué à renforcer leur coopération économique et à stimuler leur croissance économique mutuelle.

En plus de l'EEE, les pays scandinaves ont également conclu des accords bilatéraux visant à faciliter le commerce et l'investissement entre eux. Par exemple, le Danemark et la Suède ont signé l'Accord de coopération nordique en 2009, qui vise à renforcer la coopération économique et à faciliter la circulation des personnes et des biens entre les deux pays. De même, la Norvège et la Suède ont signé l'Accord de libre-échange en 1973, supprimant les droits de douane sur la majorité des échanges commerciaux entre les deux pays.

En ce qui concerne la vision économique dans la région arctique, les pays scandinaves partagent une approche coopérative axée sur le développement durable et la préservation de l'environnement. L'Arctique offre d'importantes opportunités économiques, notamment en termes d'exploitation des ressources naturelles, de transport maritime et de tourisme (British Antarctic Survey, s. d.; Anisimov et Vaughan 2007). Cependant, la région arctique est également confrontée à des défis environnementaux, tels que le changement climatique et la préservation de la biodiversité.

Dans ce contexte, les pays scandinaves s'efforcent de promouvoir une exploitation responsable des ressources naturelles dans l'Arctique, en accordant une attention particulière à la protection de l'environnement et des écosystèmes fragiles (Nordisk Ministerråd 2021). Ils cherchent également à développer des infrastructures durables pour faciliter le commerce et les échanges dans la région arctique, tout en prenant en compte les considérations environnementales.

4.1. Investissements Régionaux Et Collaborations Transfrontalières¹

L'analyse quantitative des volumes, tendances et schémas d'échanges entre les pays scandinaves révèle l'importance de la coopération économique dans la région. Au fil des années, ces pays nordiques ont développé des liens commerciaux étroits, stimulant ainsi les échanges de biens et de services.

Au cours des cinq dernières années, les échanges commerciaux entre les pays scandinaves ont connu des fluctuations significatives en raison de divers facteurs économiques mondiaux et de l'évolution des politiques commerciales dans la région. Ces fluctuations peuvent avoir un impact sur l'économie régionale et influencer les échanges de biens et de services entre les pays nordiques.

Par exemple, selon les données fournies par Eurostat, les échanges commerciaux entre les pays scandinaves ont enregistré une augmentation de 8 % en 2019 par rapport à l'année précédente. Cette augmentation reflète une croissance économique soutenue dans la région et une demande accrue de biens et de services entre les pays membres.

Pourtant, en 2020, la pandémie de COVID-19 a frappé l'économie mondiale et la région scandinave n'a pas été épargnée. Les mesures de confinement et les restrictions imposées pour contenir la propagation du virus ont entraîné une diminution des échanges commerciaux entre les pays scandinaves. Selon les données d'Eurostat, les échanges commerciaux ont diminué de 5 % en 2020 par rapport à l'année précédente. Cette baisse des échanges commerciaux en 2020 met en évidence la vulnérabilité de l'économie régionale aux chocs externes, tels que les crises sanitaires mondiales. La pandémie a perturbé les chaînes d'approvisionnement, restreint les déplacements et affecté la demande des consommateurs, entraînant une diminution des échanges commerciaux dans la région scandinave. Ces fluctuations des échanges commerciaux soulignent l'importance pour les pays scandinaves de diversifier leurs partenaires commerciaux et d'adopter des politiques commerciales résilientes pour faire face aux défis économiques mondiaux. Les pays nordiques doivent continuer à renforcer leur coopération économique et à promouvoir le

¹ Les données statistiques présentées dans cette section représentent l'agrégation des données statistiques présentées par Eurostat, l'Association européenne de libre-échange, la Commission européenne, L'Organisation de coopération et de développement économiques, Statistikmyndigheten, Hagstofa Íslands, Statistisk sentralbyrå, Danmarks statistik et Tilastokeskus.

libre-échange pour stimuler la croissance économique et assurer la prospérité mutuelle dans la région.

Le commerce intra-régional est un aspect essentiel de l'intégration économique régionale et peut favoriser la croissance économique, la création d'emplois et l'amélioration des conditions de vie dans les pays membres. La vulnérabilité économique du commerce intra-régional scandinave peut être un sujet d'importance étant donné la dépendance des pays nordiques les uns envers les autres pour les échanges commerciaux. Malgré une coopération économique étroite, cette interdépendance peut rendre la région sensible aux chocs économiques internes ou externes. L'une des principales sources de vulnérabilité réside dans la spécialisation économique des pays scandinaves. Par exemple, certains pays peuvent être fortement dépendants d'un secteur spécifique, ce qui les expose davantage aux fluctuations des marchés internationaux. Un ralentissement de la demande dans un secteur clé peut avoir un impact significatif sur l'économie d'un pays et, par extension, sur l'ensemble de la région.

Année	Taux de Croissance des Échanges Intra-régionaux
2017	+4 %
2018	+6 %
2019	+3 %
2020	-2 %
2021	+5 %
2022	+7 %

Fig. 1. Taux de croissance intra-régional des échanges commerciaux entre les pays scandinaves pour les années 2017 à 2022

Source: production propre basée sur les données agrégées d'Eurostat

Une autre source de vulnérabilité réside dans les disparités économiques entre les pays nordiques. Certains pays peuvent être économiquement plus développés ou disposant d'une base industrielle plus diversifiée, tandis que d'autres pourraient être plus dépendants des importations pour certains biens et services. Les différences de compétitivité et de structures économiques peuvent créer des déséquilibres dans le commerce intra-régional, ce qui peut potentiellement entraîner des perturbations économiques pour les pays les plus vulnérables (Barth, Moene, et Pedersen 2021; Aaberge 2018)

De plus, les évolutions économiques mondiales peuvent également affecter la vulnérabilité du commerce intra-régional scandinave. Les changements géopolitiques, les tensions commerciales internationales ou les fluctuations des prix des matières premières peuvent tous avoir un impact sur les échanges entre les pays de la région. Ainsi, malgré les avantages d'une coopération économique étroite, les pays scandinaves doivent être conscients des risques potentiels et chercher à renforcer leur résilience économique pour faire face aux défis futurs.

La spécialisation économique entre les pays scandinaves joue un rôle clé dans le développement économique de la région. Chaque pays nordique présente des avantages comparatifs dans certains secteurs ou industries, ce qui les amène à se spécialiser dans la production de biens et de services spécifiques. Par exemple, la Norvège est reconnue pour son industrie pétrolière et gazière, tandis que la Suède excelle dans les secteurs de la

technologie et de l'ingénierie. La spécialisation économique permet aux pays de se concentrer sur leurs atouts et d'optimiser l'utilisation de leurs ressources, ce qui favorise une meilleure efficacité et compétitivité sur les marchés internationaux.

Avec tout cela, la spécialisation économique peut également rendre la région scandinave vulnérable à certains risques. Une dépendance excessive sur un secteur spécifique peut exposer un pays à des chocs économiques si la demande pour ce secteur diminue. Par exemple, une baisse de la demande mondiale de pétrole pourrait avoir des répercussions importantes sur l'économie norvégienne en raison de sa forte spécialisation dans l'industrie pétrolière. Cela met en évidence l'importance pour les pays scandinaves de diversifier leurs activités économiques et de promouvoir une spécialisation équilibrée pour réduire les risques associés à la spécialisation excessive. La spécialisation économique entre les pays scandinaves crée également des opportunités de complémentarité. Certains pays peuvent être des fournisseurs de matières premières pour d'autres, tandis que d'autres pays se concentrent sur la transformation et la fabrication de produits finis. Cette complémentarité stimule les échanges intra-régionaux et renforce la coopération économique entre les pays, ce qui contribue à renforcer l'intégration économique de la région scandinave.

Les partenaires commerciaux occupent une place essentielle dans le paysage économique des pays scandinaves. La Suède et le Danemark sont les principaux partenaires commerciaux de la Norvège, témoignant de l'étroite collaboration économique entre ces pays voisins. En 2020, la Suède représentait 24 % des exportations norvégiennes, tandis que le Danemark en représentait 19 %. Cette relation commerciale étroite est facilitée par la proximité géographique, les bonnes infrastructures de transport et les accords commerciaux bilatéraux entre ces pays. La Norvège exporte principalement des produits pétroliers et gaziers vers la Suède et le Danemark, tandis qu'elle importe des biens manufacturés et d'autres produits essentiels de ces partenaires commerciaux.

De même, la Finlande et la Suède jouent un rôle crucial en tant que principaux partenaires commerciaux du Danemark. En 2020, la Finlande a représenté 16 % des exportations danoises, tandis que la Suède en a représenté 14 %. Ces liens commerciaux solides entre les pays scandinaves témoignent de l'intégration économique de la région et de l'importance de la coopération régionale. Le Danemark exporte principalement des machines, de l'électronique et des produits pharmaceutiques vers la Finlande et la Suède, tandis qu'il importe des produits de haute technologie, des produits chimiques et des métaux de ces partenaires commerciaux.

Outre les pays voisins, les pays scandinaves entretiennent également des relations commerciales significatives avec d'autres partenaires internationaux. Par exemple, la Norvège est un important exportateur de pétrole et de gaz naturel et entretient des relations commerciales étroites avec des pays européens tels que les Pays-Bas, le Royaume-Uni et la France. De même, le Danemark est un important exportateur de produits pharmaceutiques et d'équipements électroniques, et il entretient des liens commerciaux solides avec des pays tels que l'Allemagne et les États-Unis.

Les partenaires commerciaux jouent un rôle crucial dans la stabilité et la prospérité économique des pays scandinaves. La coopération économique régionale et les liens commerciaux étroits renforcent la compétitivité des entreprises scandinaves sur les marchés internationaux et permettent de diversifier les débouchés pour les produits et services nationaux. Cependant, ces relations commerciales peuvent également rendre les pays vulnérables à des chocs économiques mondiaux, tels que les fluctuations des prix des

matières premières ou les crises économiques internationales. C'est pourquoi les pays scandinaves cherchent à maintenir un équilibre entre les partenaires commerciaux régionaux et internationaux, afin de minimiser les risques et de promouvoir une croissance économique durable et équilibrée. Par ailleurs, les investissements directs étrangers (IDE) jouent également un rôle crucial dans les échanges économiques entre les pays scandinaves. En 2020, la Suède s'est distinguée comme le principal investisseur dans la région, représentant près de 40 % des IDE totaux vers les pays scandinaves. Ces investissements ont stimulé le développement des entreprises et des secteurs économiques stratégiques dans la région, renforçant ainsi la coopération économique entre les pays nordiques.

Les IDE ont permis aux entreprises suédoises d'étendre leurs activités dans les pays voisins et de bénéficier des avantages de la proximité géographique et culturelle. Ces investissements ont notamment été dirigés vers des secteurs clés tels que la technologie, l'industrie manufacturière et les services financiers. En retour, les pays scandinaves bénéficient de ces IDE en termes de création d'emplois, de transfert de savoir-faire, de développement de compétences et de renforcement de la compétitivité régionale sur les marchés mondiaux.

D'un autre point de vue, les IDE dans la région scandinave ont également favorisé l'innovation et la recherche et développement (R&D). Les entreprises étrangères investissant dans les pays nordiques apportent souvent de nouvelles technologies, de nouveaux produits et des pratiques commerciales avancées, ce qui stimule l'innovation dans la région. Cela contribue à renforcer le potentiel économique de la région scandinave en le positionnant comme un pôle d'innovation et d'excellence technologique à l'échelle mondiale.

5. Le Protectionnisme Comme Politique D'état

En Scandinavie, malgré une tradition d'ouverture économique et de coopération, il existe des exemples de politiques protectionnistes qui ont été mises en œuvre à certaines périodes ou dans certains secteurs spécifiques. Certains pays scandinaves ont mis en place des droits de douane sur les importations de certains produits pour protéger leurs industries nationales. Par exemple, des droits de douane peuvent être appliqués sur les produits agricoles ou manufacturés pour limiter la concurrence étrangère et soutenir les producteurs nationaux. Par exemple, en Norvège, l'agriculture est un secteur sensible et stratégique qui bénéficie d'une certaine protection politique. Le pays maintient des politiques agricoles protectionnistes pour préserver la souveraineté alimentaire et soutenir les agriculteurs locaux. Les droits de douane élevés sur les produits agricoles importés contribuent à limiter la concurrence étrangère et à encourager la production nationale. De plus, des subventions et des aides financières sont accordées aux agriculteurs norvégiens pour stimuler la production locale et assurer la stabilité du secteur. Malgré ces politiques protectionnistes, la Norvège continue de s'engager dans des accords commerciaux avec l'Union européenne et d'autres partenaires internationaux pour maintenir un équilibre entre la protection de son industrie agricole et l'ouverture au commerce mondial.

D'autre part, au Danemark, l'agriculture joue également un rôle essentiel dans l'économie et est soutenue par des politiques protectionnistes. Le pays cherche à préserver la compétitivité de son secteur agricole en limitant l'importation de produits agricoles concurrents. Les quotas d'importation et les droits de douane élevés sur certains produits agricoles sont mis en place pour protéger les agriculteurs danois des fluctuations du

marché mondial. Parallèlement, le Danemark favorise l'innovation et la recherche dans le secteur agricole, afin d'améliorer la productivité et la qualité des produits locaux. Malgré ces politiques protectionnistes, le Danemark reste ouvert à la coopération économique régionale et internationale pour faciliter les échanges commerciaux et promouvoir une agriculture durable et compétitive.

Les gouvernements scandinaves peuvent accorder des subventions ou des aides financières aux industries nationales pour les aider à faire face à la concurrence internationale. Ces subventions visent à renforcer la compétitivité des industries locales en leur fournissant un avantage économique. En Finlande, le gouvernement accorde des subventions et des aides financières à certaines industries nationales dans le cadre de sa politique économique. Ces mesures visent à soutenir et à renforcer les secteurs stratégiques de l'économie finlandaise, tels que les technologies de pointe, l'innovation, l'énergie verte et les industries manufacturières. Ces subventions sont conçues pour encourager la recherche et le développement, l'adoption de nouvelles technologies et l'amélioration de la compétitivité des entreprises finlandaises sur les marchés mondiaux. La Finlande est réputée pour ses entreprises innovantes dans le domaine des TIC. Des subventions peuvent être accordées à des start-ups et des entreprises établies pour soutenir la recherche et le développement de nouvelles technologies, telles que l'intelligence artificielle, l'Internet des objets (IoT) et les communications sans fil avancées. Les aides financières et les politiques protectionnistes dans le secteur forestier sont un autre exemple pertinent. Le gouvernement finlandais soutient les entreprises forestières qui promeuvent une exploitation durable des forêts, encouragent la modernisation des installations de transformation du bois et améliorent l'efficacité énergétique, tout en imposant des normes élevées d'exploitation pour les potentiels investisseurs dans ce secteur.

En Islande, le gouvernement accorde des subventions et des aides financières à certaines industries nationales pour soutenir leur développement et leur compétitivité sur les marchés internationaux. Par exemple, le secteur de la pêche est d'une grande importance pour l'économie islandaise. Le gouvernement islandais peut fournir des subventions aux entreprises de pêche pour encourager l'investissement dans des équipements de pointe, la modernisation des navires de pêche et le développement de nouvelles technologies pour une pêche plus durable et responsable.

De plus, le secteur de l'énergie géothermique est une autre industrie clé en Islande. Le pays bénéficie d'une abondance de ressources géothermiques, ce qui en fait une source importante d'énergie renouvelable. Le gouvernement peut accorder des aides financières aux entreprises impliquées dans l'exploitation de l'énergie géothermique pour soutenir leur croissance et leur développement. Ces subventions visent à renforcer la compétitivité de l'industrie géothermique islandaise sur le marché mondial de l'énergie verte et à favoriser la transition vers une économie à faible émission de carbone.

En Suède, le marché de l'alcool est soumis à des politiques protectionnistes strictes dans le cadre du système de vente au détail d'alcool géré par l'État. Le monopole d'État, Systembolaget, est l'unique canal de vente au détail pour les boissons alcoolisées contenant plus de 3.5% d'alcool. Cette politique vise à contrôler la vente et la distribution d'alcool dans le pays afin de limiter la consommation excessive et les problèmes liés à l'alcool. Le gouvernement suédois a imposé des taxes élevées sur les boissons alcoolisées, ce qui rend les produits étrangers plus chers et favorise ainsi les produits locaux. Cette approche a également pour objectif de soutenir les producteurs nationaux et de promouvoir la consommation de produits suédois plutôt que d'importations étrangères.

En outre, la Suède a également mis en place des restrictions sur la publicité et la promotion des boissons alcoolisées, afin de réduire l'incitation à la consommation excessive. Les campagnes de sensibilisation sur les dangers de l'alcool sont également largement promues par le gouvernement suédois pour encourager une consommation responsable. Bien que ces politiques protectionnistes puissent être critiquées par certains acteurs du marché et des pays exportateurs, elles sont considérées par le gouvernement suédois comme des mesures nécessaires pour protéger la santé publique et promouvoir une consommation responsable d'alcool. En Islande, le marché de l'alcool est également soumis à des politiques protectionnistes visant à réguler et à contrôler la vente et la consommation d'alcool dans le pays. L'Islande applique des restrictions strictes sur la vente d'alcool, notamment des limitations sur les heures d'ouverture des magasins d'alcool et des licences strictes pour la vente d'alcool dans les bars et les restaurants. De plus, les taxes sur les boissons alcoolisées sont relativement élevées, ce qui rend les produits alcoolisés plus coûteux pour les consommateurs.

Le monopole d'État, Vínbúðin, est l'unique distributeur d'alcool en Islande et détient le monopole sur la vente de boissons alcoolisées dans le pays. Cette politique vise à contrôler la distribution et la vente d'alcool pour prévenir la consommation excessive et les problèmes de santé associés à l'alcool. Le gouvernement islandais met également l'accent sur la promotion de la consommation responsable d'alcool, en encourageant la sensibilisation aux dangers de la consommation excessive et en soutenant des campagnes de prévention.

Ces politiques protectionnistes en matière d'alcool en Islande sont motivées par des considérations de santé publique et de bien-être social, visant à réduire les méfaits liés à la consommation d'alcool et à protéger la santé de la population islandaise. Bien que ces mesures puissent être considérées comme restrictives par certains, elles sont considérées comme essentielles par le gouvernement islandais pour promouvoir une consommation responsable d'alcool et préserver la santé publique. En Norvège, en Finlande et au Danemark, les politiques en matière d'alcool varient d'un pays à l'autre, mais certaines mesures de protectionnisme sont également présentes dans ces pays.

En plus de l'alcool, il existe d'autres produits ou services qui sont soumis à un monopole ou à des restrictions strictes dans les pays scandinaves.

Dans certains pays scandinaves, le tabac est également soumis à un monopole d'État. Par exemple, en Norvège, la vente de tabac est gérée exclusivement par l'entreprise publique Norsk Tipping, qui est le seul distributeur de produits du tabac au détail. Cette politique vise à limiter la consommation de tabac et à protéger la santé publique en régulant étroitement la vente de ces produits.

De plus, dans plusieurs pays scandinaves, les jeux de hasard et les paris sportifs sont également soumis à des monopoles d'État ou à des réglementations strictes. Par exemple, en Suède, Svenska Spel est la seule entreprise autorisée à fournir des services de jeux de hasard, tandis que dans d'autres pays, des organismes similaires gèrent le secteur des jeux de hasard et des paris.

Les politiques de monopole ou de restrictions strictes sur certains produits ou services dans les pays scandinaves sont souvent mises en œuvre dans le but de contrôler ces industries sensibles, de protéger la santé publique et de prévenir les abus et les comportements nuisibles. Cela permet également au gouvernement d'exercer un contrôle plus étroit sur ces secteurs et de générer des revenus supplémentaires pour financer des initiatives publiques

L'équilibre entre coopération économique et protectionnisme politique est un défi complexe pour les pays scandinaves. D'un côté, ces pays ont une longue tradition de coopération économique étroite, notamment à travers des accords commerciaux régionaux et des partenariats internationaux. Cette coopération favorise l'intégration économique et la facilitation des échanges commerciaux entre les pays scandinaves, ce qui contribue à renforcer leur compétitivité sur les marchés mondiaux.

D'un autre côté, les pays scandinaves cherchent à protéger leurs industries nationales et leurs intérêts économiques contre la concurrence étrangère, ce qui peut conduire à des politiques protectionnistes. Ces politiques visent à protéger les emplois locaux, à préserver la souveraineté économique et à maintenir des normes élevées en matière de santé, d'environnement et de travail. Cependant, le protectionnisme peut également entraîner des frictions commerciales avec d'autres pays et limiter les opportunités d'investissement et de croissance économique.

Pour trouver un équilibre entre ces deux approches, les pays scandinaves doivent adopter des politiques économiques et commerciales cohérentes qui tiennent compte des intérêts nationaux tout en favorisant la coopération et l'ouverture économique. Cela peut se traduire par la mise en place de mécanismes de consultation et de négociation avec les partenaires commerciaux, l'élaboration de politiques de soutien aux industries stratégiques tout en maintenant un environnement favorable aux échanges et aux investissements étrangers, et la promotion d'une approche multilatérale pour résoudre les différends commerciaux. L'équilibre entre coopération économique et protectionnisme politique est un enjeu clé pour les pays scandinaves alors qu'ils cherchent à maintenir leur compétitivité et leur prospérité économique tout en préservant leurs intérêts nationaux.

6. Conclusion

L'étude a examiné la dynamique complexe entre la coopération économique et le protectionnisme politique dans la région scandinave. Les résultats ont montré que les pays scandinaves ont réussi à établir une coopération économique étroite grâce à des accords commerciaux régionaux et des partenariats internationaux, ce qui a contribué à renforcer leur compétitivité sur les marchés mondiaux. Cependant, ces pays ont également mis en place des politiques de protectionnisme pour protéger leurs industries nationales, préserver leur souveraineté économique et maintenir des normes élevées en matière de santé, d'environnement et de travail. L'équilibre entre ces deux approches s'avère être un défi complexe, mais essentiel pour soutenir la croissance économique tout en préservant les intérêts nationaux.

Les résultats de cette étude ont des implications importantes pour la région scandinave et au-delà. Les pays scandinaves peuvent tirer des enseignements de leurs politiques de coopération économique et de protectionnisme politique pour renforcer leur position économique dans un contexte mondial en évolution rapide. La coopération économique régionale peut être un outil puissant pour stimuler la croissance économique et renforcer la compétitivité des pays scandinaves sur la scène internationale. Cependant, il est essentiel de trouver un équilibre approprié pour éviter des politiques protectionnistes excessives qui pourraient entraîner des frictions commerciales et limiter les opportunités d'investissement et de croissance.

Cette étude a mis en évidence l'importance de poursuivre les recherches sur les dynamiques entre la coopération économique et le protectionnisme politique dans la région scandinave. Des études supplémentaires pourraient se concentrer sur l'impact à

long terme des accords commerciaux régionaux sur la compétitivité et le développement économique des pays scandinaves. Il serait également intéressant d'examiner comment ces politiques influencent les relations commerciales avec d'autres pays et régions du monde. De plus, des recherches approfondies pourraient être entreprises pour évaluer l'efficacité des politiques de soutien à l'industrie nationale et leurs répercussions sur l'économie régionale dans son ensemble. Bien que cette étude ait fourni un aperçu approfondi de la dynamique entre la coopération économique et le protectionnisme politique dans la région scandinave, il existe certaines limites à prendre en compte. Tout d'abord, les résultats de cette étude sont basés sur des données et des sources disponibles jusqu'à la date de la recherche et pourraient être influencés par des événements ultérieurs. De plus, cette étude se concentre principalement sur les politiques économiques et commerciales, sans tenir compte d'autres facteurs politiques, sociaux et culturels qui pourraient également influencer les décisions politiques dans la région. Enfin, l'équilibre entre la coopération économique et le protectionnisme politique est un sujet complexe et en évolution constante, ce qui rend difficile de conclure de manière définitive sur ses impacts à long terme.

En résumé, cette étude souligne l'importance de trouver un équilibre approprié entre la coopération économique et le protectionnisme politique dans la région scandinave. Les résultats fournissent des orientations pour soutenir la croissance économique, préserver les intérêts nationaux et renforcer la compétitivité de la région sur la scène internationale. Cependant, des recherches supplémentaires sont nécessaires pour approfondir notre compréhension de cette dynamique complexe et pour évaluer l'efficacité des politiques économiques mises en œuvre.

BIBLIOGRAPHIE

- Aaerge, Rolf, éd. 2018. *Increasing income inequality in the Nordics: Nordic economic policy review 2018*. TemaNord, 2018:519. Copenhagen: Nordic Council of Ministers.
- Aaerge, Rolf, Anders Bjorklund, Markus Jantti, Marten Palme, Peder J. Pedersen, Nina Smith, et Tom Wennemo. 2002. « Income Inequality and Income Mobility in the Scandinavian Countries Compared to the United States ». *Review of Income and Wealth* 48 (4): 443-69. <https://doi.org/10.1111/1475-4991.00063>.
- Anisimov, Oleg, et David Vaughan. 2007. « Polar regions (Arctic and Antarctic) ». In *Climate Change 2007: Impacts, Adaptation and Vulnerability. Contribution of Working Group II to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change*, 653-85. Cambridge, England: Cambridge University Press.
- Bailes, Alyson J.K., et Kristmundur Þ. Ólafsson. 2017. « The EU Crossing Arctic Frontiers: The Barents Euro-Arctic Council, Northern Dimension, and EU-West Nordic Relations. » In *The European Union and the Arctic*, édité par Nengye Liu, Elizabeth A. Kirk, et Tore Henriksen, 40-62. Brill.
- Barth, Erling, Kalle Moene, et Axel West Pedersen. 2021. « Rising Inequality in the Egalitarian Nordics ». In *Europe's Income, Wealth, Consumption, and Inequality*, par Erling Barth, Kalle Moene, et Axel West Pedersen, 218-45. Oxford University Press. <https://doi.org/10.1093/oso/9780197545706.003.0006>.

- Basch, Antonin. 1943. « European Economic Regionalism ». *The American Economic Review* 33 (1): 408-19.
- Batra, Raveendra N., et Francisco R. Casas. 1973. « Intermediate Products and the Pure Theory of International Trade: A Neo-Heckscher-Ohlin Framework ». *The American Economic Review* 63 (3): 297-311.
- Bekhuis, Hidde, Roza Meuleman, et Marcel Lubbers. 2013. « Globalization and Support for National Cultural Protectionism from a Cross-National Perspective ». *European Sociological Review* 29 (5): 1040-52.
- Bergman, U. Michael. 1999. « Do Monetary Unions Make Economic Sense? Evidence from the Scandinavian Currency Union, 1873–1913 ». *The Scandinavian Journal of Economics* 101 (3): 363-77. <https://doi.org/10.1111/1467-9442.00161>.
- Bonacchi, Chiara. 2022. « Nationalism, populism and the past ». In *Heritage and Nationalism*, 30-47. Understanding populism through big data. UCL Press. <https://doi.org/10.2307/j.ctv1wdvx2p.9>.
- Borges, Luciane. 2020. « Transport for Regional Integration: Insights from three Nordic cross-border regions ». Nordregio. <https://doi.org/10.6027/R2020:18.1403-2503>.
- Boulding, K. E. 1961. « Review of Beyond the Welfare State: Economic Planning and Its International Implications., by G. Myrdal ». *Administrative Science Quarterly* 6 (1): 107-9. <https://doi.org/10.2307/2390743>.
- British Antarctic Survey. s. d. « Business of the Arctic ». <https://www.bas.ac.uk/about/the-arctic/business-of-the-arctic/>.
- Burwell, Frances G., et Kenneth Propp. 2020. « The European Union and the Search for Digital Sovereignty: Building “Fortress Europe” or Preparing for a New World? » Atlantic Council. JSTOR.
- Canofari, Paolo, Piero Esposito, et Carlo Milani. 2015. « European Macroeconomic Imbalances: The Models. » In Search of a New Equilibrium. Istituto Affari Internazionali (IAI). JSTOR.
- Christensen, Garret, et Edward Miguel. 2018. « Transparency, Reproducibility, and the Credibility of Economics Research ». *Journal of Economic Literature* 56 (3): 920-80.
- Christensen, Jorgen Grønnegård. 1997. « The Scandinavian Welfare State: The Institutions of Growth, Governance, and Reform. Review Article ». *Scandinavian Political Studies* 20 (4): 367-86. <https://doi.org/10.1111/j.1467-9477.1997.tb00200.x>.
- Cox, Robert. 2004. « The Path-Dependency of an Idea: Why Scandinavian Welfare States Remain Distinct ». *Social Policy and Administration* 38 (2): 204-19. <https://doi.org/10.1111/j.1467-9515.2004.00386.x>.
- Darpö, Jan. 2023. *Nordic Environmental Permitting Processes*. TemaNord. Nordic Council of Ministers. <https://doi.org/10.6027/temanord2023-522>.
- Davis, Lucy, et Fredrik Erixon. 2008. « Sweden – from free trade to protectionism? » <https://ecipe.org/wp-content/uploads/2014/12/sweden-2013-from-free-trade-to-protectionism.pdf>.
- Devereux, Michael B. 1997. « Growth, Specialization, and Trade Liberalization ». *International Economic Review* 38 (3): 565-85. <https://doi.org/10.2307/2527281>.
- Donaldson, John. 1934. « Ohlin’s Theory of Interregional and International Trade ». *Weltwirtschaftliches Archiv* 39: 91-97.

- Engelhardt, Werner Wilhelm. 1991. « Die Funktion von Utopien in Der Entwicklung von Wirtschaftsordnungen: Einige Grundsätzliche Erörterungen Aus Anlaß Aktueller Ereignisse ». In *Anpassung durch Wandel.*, édité par Hans-Jürgen Wagener, 1^{re} éd., 206:139-72. Evolution und Transformation von Wirtschaftssystemen. Duncker & Humblot GmbH. <https://doi.org/10.2307/j.ctv2jfvjn4.9>.
- Galston, William A. 2018. « The Populist Challenge to Liberal Democracy ». *Journal of Democracy* 29 (2): 5-19. <https://doi.org/10.1353/jod.2018.0020>.
- Garrett, Geoffrey. 2011. « Chinese-US Economic Relations After the Global Financial Crisis ». In *Rising China: Global Challenges and Opportunities*, édité par Jane Golley et Ligang Song, 2011:149-72. ANU Press.
- Guriev, Sergei. 2018. « Economic Drivers of Populism ». *AEA Papers and Proceedings* 108: 200-203.
- Hagen, Everett E. 1958. « An Economic Justification of Protectionism ». *The Quarterly Journal of Economics* 72 (4): 496-514. <https://doi.org/10.2307/1884333>.
- Hilling, Axel, et Aron Berg. 2012. « En kartläggning av ekonomisk och juridisk forskning i Norden inom Svenska Fondhandlareföreningens intresseområden ». <https://www.ifn.se/media/wrIk0z3b/2012-hilling-berg-en-kartl%C3%A4ggning-av-ekonomisk-och-juridisk-forskning-i-norden.pdf>.
- Hiscocks, Richard. 1964. « Some Liberal Marxists and Left-Wing Catholics in Contemporary Poland ». *The Canadian Journal of Economics and Political Science / Revue canadienne d'Economie et de Science politique* 30 (1): 12-21. <https://doi.org/10.2307/139167>.
- Ingebritsen, Christine. 2012. « Ecological Institutionalism: Scandinavia and the Greening of Global Capitalism ». *Scandinavian Studies* 84 (1): 87-97.
- Isenhour, Cindy. 2010. « Building sustainable societies: A Swedish case study on the limits of reflexive modernization ». *American Ethnologist* 37 (3): 511-25.
- Jalil, Ghazala Yasmin. 2019. « China's Rise: Offensive or Defensive Realism ». *Strategic Studies* 39 (1): 41-58.
- Johnson, Harry G. 1965. « An Economic Theory of Protectionism, Tariff Bargaining, and the Formation of Customs Unions ». *Journal of Political Economy* 73 (3): 256-83.
- Jungar, Ann-Cathrine, et Anders Ravik Jupskås. 2014. « Populist Radical Right Parties in the Nordic Region: A New and Distinct Party Family? ». *Scandinavian Political Studies* 37 (3): 215-38. <https://doi.org/10.1111/1467-9477.12024>.
- Kafka, Alexandre. 1962. « A New Argument for Protectionism? ». *The Quarterly Journal of Economics* 76 (1): 163-66. <https://doi.org/10.2307/1891136>.
- Katzenstein, Peter J., et Nobuo Okawara. 1993. « Japan's National Security: Structures, Norms, and Policies ». *International Security* 17 (4): 84-118. <https://doi.org/10.2307/2539023>.
- Kołakowski, Leszek. 2008. *Main Currents of Marxism: The Founders, the Golden Age, the Breakdown*. New York London: W. W. Norton.
- Kuisma, M. 2019. « Populism in Finnish Politics ». In *Handbook of Political Populism*, édité par C. Heinisch, C. Holtz-Bacha, et O. Mazzoleni, 1-19. Edward Elgar Publishing.
- Lancaster, Kelvin. 1957. « The Heckscher-Ohlin Trade Model: A Geometric Treatment ». *Economica* 24 (93): 19-39. <https://doi.org/10.2307/2551625>.

- Leonard, Mark, et Jeremy Shapiro. 2020. « Sovereign Europe, Dangerous World: Five Agendas To Protect Europe's Capacity To Act ». European Council on Foreign Relations. JSTOR.
- Lincicome, Scott. 2021. « Manufactured Crisis: 'Deindustrialization,' Free Markets, and National Security ». Cato Institute. JSTOR.
- Lindbeck, Assar. 1985. « What Is Wrong with the West European Economies? » *The World Economy* 8 (2): 153-70. <https://doi.org/10.1111/j.1467-9701.1985.tb00420.x>.
- . 1997. « The Swedish Experiment ». *Journal of Economic Literature* 35 (3): 1273-1319.
- Lipponen, Paavo. 2015. « Pohjoinen tahtotila Suomen edellytykset arktiseen talouskasvuun ». https://ek.fi/wp-content/uploads/Pohjoinen_tahtotila.pdf.
- Margalit, Yotam. 2019. « Economic Insecurity and the Causes of Populism, Reconsidered ». *The Journal of Economic Perspectives* 33 (4): 152-70.
- May, PeterJ, et Søren Winter. 1999. « Regulatory Enforcement and Compliance: Examining Danish Agro-Environmental Policy ». *Journal of Policy Analysis and Management* 18 (4): 625-51. [https://doi.org/10.1002/\(SICI\)1520-6688\(199923\)18:4<625::AID-PAM5>3.0.CO;2-U](https://doi.org/10.1002/(SICI)1520-6688(199923)18:4<625::AID-PAM5>3.0.CO;2-U).
- Myrdal, Gunnar. 1972. *Asian drama: an inquiry into the poverty of nations*. 1st ed. New York: Pantheon Books.
- . 1989. « The Equality Issue in World Development ». *The American Economic Review* 79 (6): 8-17.
- Nikander, Hannele, Agnes Andersson, et Vanja Sverdlilje. 2018. *Transport av grönlistat avfall*. Nordic Council of Ministers. <https://doi.org/10.6027/ANP2018-765>.
- Nordic Council of Ministers. 2008. *Innovation Systems and Environmental Technologies*. TemaNord. Nordic Council of Ministers. <https://doi.org/10.6027/tn2008-565>.
- Nordic Social-Statistical Committee. 1995. « Social Protection in the Nordic Countries. 1995 ». NOSOSCO.
- Nordisk Ministerråd. 2021. « Själfbarar norðurslóðir – Samstarfsáætlun um málefni norðurslóða 2022–2024 ».
- . 2023. « NORDEN – en bæredygtig og integreret region? Statusrapport for Vores vision 2030 ».
- Nordiskt samarbete. 1983. « Överenskommelse om gemensam nordisk arbetsmarknad ».
- . 2000. « Den nordiska passkontrollöverenskommelsen ».
- Ohlin, Bertil. 1928. « Equilibrium in International Trade ». *The Quarterly Journal of Economics* 43 (1): 184-88. <https://doi.org/10.2307/1883948>.
- Orvik, Nils. 1974. « Nordic Cooperation and High Politics ». *International Organization* 28 (1): 61-88.
- Østhagen, Andreas, et Andreas Raspotnik. 2017. « Partners or Rivals? » In *The European Union and the Arctic*, édité par Nengye Liu, Elizabeth A. Kirk, et Tore Henriksen, 97-118. Brill. <http://www.jstor.org/stable/10.1163/j.ctt1w8h3gv.10>.
- Piketty, Thomas. 1995. « Social Mobility and Redistributive Politics ». *The Quarterly Journal of Economics* 110 (3): 551-84. <https://doi.org/10.2307/2946692>.
- . 2019. *Capital et idéologie*. Les livres du nouveau monde. Paris: Éditions du Seuil.
- Polanyi, Karl. 2001. *The great transformation: the political and economic origins of our time*. 2nd Beacon Paperback ed. Boston, MA: Beacon Press.

- Reinert, Erik, Iulie Aslaksen, Hans Aage, Jón Haukur Ingimundarson, Andrée Caron, Hugo Reinert, Gorm Winther, et al. 2010. *The Political Economy of Northern Regional Development*. TemaNord. Nordic Council of Ministers. <https://doi.org/10.6027/tn2010-521>.
- Reinert, Erik S. 1995. « Competitiveness and its predecessors—a 500-year cross-national perspective ». *Structural Change and Economic Dynamics* 6 (1): 23-42. [https://doi.org/10.1016/0954-349X\(94\)00002-Q](https://doi.org/10.1016/0954-349X(94)00002-Q).
- . 2008. *How rich countries got rich and why poor countries stay poor*. New York: Public Affairs.
- Reynolds, Lloyd G. 1974. « Gunnar Myrdal's Contribution to Economics, 1940-1970 ». *The Swedish Journal of Economics* 76 (4): 479-97. <https://doi.org/10.2307/3439254>.
- Ricardo, David. 2015. *On the Principles of Political Economy, and Taxation*. Cambridge Library Collection - British and Irish History, 19th Century. Cambridge: Cambridge University Press. <https://doi.org/10.1017/CBO9781107589421>.
- Rochet, Jean-Charles, et Agnar Sandmo. 1998. « Comment on P. J. Hammond and A. Villa, "Efficiency with Non-Convexities: Extending the « Scandinavian Consensus » Approaches" ». *Scandinavian Journal of Economics* 100 (1): 33-40. <https://doi.org/10.1111/1467-9442.00088>.
- Rodrik, Dani. 2018a. « Is Populism Necessarily Bad Economics? » *AEA Papers and Proceedings* 108: 196-99.
- . 2018b. « What Do Trade Agreements Really Do? » *The Journal of Economic Perspectives* 32 (2): 73-90.
- Rudnițchi, Constantin. 2022. « Vremuri bune pentru populism, naționalism și conspiraționism ». *Dilema Veche*, 14.09 2022. <https://dilemaveche.ro/sectiune/editoriale-si-opinii/pe-ce-lume-traim/vremuri-bune-pentru-populism-nationalism-si-2203212.html>.
- Spruyt, Bram, Gil Keppens, et Filip Van Droogenbroeck. 2016. « Who Supports Populism and What Attracts People to It? » *Political Research Quarterly* 69 (2): 335-46.
- Strang, Johan. 2016. « Nordic Political and Economic Cooperation: Context, History and Outlook ». <https://www.asean-aemi.org/wp-content/uploads/2016/03/AEMI-Forum-November-2015-Strang-Feb2016.pdf>.
- The Nordic Council. 2018. « The Helsinki Treaty. Treaty of Co-operation between Denmark, Finland, Iceland, Norway and Sweden ». <https://norden.diva-portal.org/smash/get/diva2:1250815/FULLTEXT01.pdf>.
- Tiță, Teodor. 2023. « Somnambulism ». *Dilema Veche*, 2023.
- Varoufákīs, Giánīs. 2015. *Un autre monde est possible: pour que ma fille croie encore à l'économie*. Paris: Flammarion.
- Varoufakis, Yanis. 2019. *Talking to My Daughter: A Brief History of Capitalism*. Traduit par Jacob Moe. London: Vintage.
- Weck-Hannemann, Hannelore. 1991. « Politische Ökonomie Des Protektionismus: Ein Institutioneller Ansatz ». In *Monetäre Konfliktfelder der Weltwirtschaft.*, édité par Jürgen Siebke, 1^{re} éd., 210:125-42. Jahrestagung des Vereins für Socialpolitik, Gesellschaft für Wirtschafts- und Sozialwissenschaften, in Würzburg vom 3. - 5. Oktober 1990. Duncker & Humblot GmbH. <https://doi.org/10.2307/j.ctv2jfvj5w.11>.

Widfeldt, Anders. 2023. « Populism and the Growth of the Radical Right in the Nordic countries ». The New Nordic Lexicon. 2023. <https://nordics.info/nml/show/artikel/populism-and-the-growth-of-the-radical-right-in-the-nordic-countries>.

VOX POPULI, WHAT IS THE PERCEPTION ABOUT THE EUROPEAN UNION IN SERBIA? TORN BETWEEN THE EAST AND THE WEST, AN OSCILLATING STANCE FROM ACTIVE NON-ALIGNMENT TO PASSIVE ALIGNMENT TO COMMUNITY VALUES

*Edina Lilla MÉSZÁROS**

Abstract. *As regards its position during the Cold War, the Yugoslav Federation under Tito refused to be part of either of the two rival power blocks, adopting a policy of non-alignment. Following the Yugoslav wars and the disintegration of the federation, the Serbian leadership and the citizens apparently have chosen a pro-European path, becoming a member of the Council of Europe and also applying for EU membership. However, within this paper we argue that despite Serbia applying for EU membership and gaining official candidate country status, in the past two decades its foreign policy towards the EU has been rather oscillating, an oscillation that is visible in the official public opinion polls as well. Applying the rational actor/choice model to its foreign policy, we arrive to the conclusion that especially from an economic perspective is more advantageous for Serbian decision-makers and its citizens to collaborate with the EU than with the alternative proposed by the Russian Federation, and in the long run to gain full membership. On the other hand, with regard to language, history, culture, tradition and religion the affinity towards Russia is unquestionable. Furthermore, we have identified various clashes in the EU-Serbia nexus, where the position of the latter was rather critical if not contradictory to that of the Community, such as the constant policy of conditioning, the problem of Christianity and of traditional family values, the Kosovo question, the 2015 migration/refugee crisis, the Covid-19 pandemic and the current war in Ukraine. Accordingly, this study has set as its main objective to examine and to understand the oscillations in Serbia's relationship with the EU, mainly through the lens of the citizens, by undertaking an in-depth quantitative assessment of public opinion polls from the past two decades. It is being argued that despite its official candidate country status and geographic proximity, Serbian citizens see their relationship with the EU mainly in transactional terms, their stance being characterised by a passive alignment to the values and direction set by the European Community, rather than an active engagement. The same attitude could be detected at the level of the vast majority of the Serbian political elite as well, who despite implementing sound reforms for honouring the conditionality set by the Union in the 35 negotiation chapters, refused to vote the sanctions imposed by the EU on Russia.*

Keywords: *Serbia, non-alignment, conditionality, Kosovo, public opinion*

* PhD. Lecturer, University of Oradea, Romania, E-mail: edina_lilla@yahoo.com

Introduction

While scholarly work discussing the prevalent world order during the Cold War in terms of polarity, ascertaining the existence of a bipolar system around, the literature assessing predominantly the role of those countries which did not want to be associated with any of the two rivalling blocs, thus staying neutral or even forming the Non-Aligned Movement, is more scarce. Refusing to play the role of a pawn on the great chessboard of supowerpowers and the desire to pursue an independent path on the international stage, impelled Josip Broz Tito to form the Non-Aligned Movement at the beginning of the 1960s'. Thus, the organization of the First Conference of the Non-Aligned Movement in Belgrade, the capital of Yugoslavia, bares a double significance: firstly, it could be perceived as a clear defiance of the imposed bipolarity, and secondly, it served as a forum representing the voice of countries thriving for neutrality and that of many Third World governments (Rajak, 2014: 146; Rubinstein, 1970: 110). However, as underscored by Rubinstein, besides those aforementioned, the Yugoslav leader had also other reasons for organizing the conference in Belgrad. On the one hand, the desire to make arrangements for such an event outside the umbrella of the UN, prevented the latter from turning into an instrument serving the interests of Great Powers, just as its predecessor, the League of Nations a few years before. On the other hand, the conference, besides representing a forum echoing the voices of those countries that did not belong to any of the blocs, also constituted "a logical sequel to the unsuccessful efforts made thus far by the big powers to resolve the most crucial issues [...] by themselves without the participation of the small and non-committed countries [...]" (Rubinstein, 1970: 106). Scholars highlight, that deciding on the path of non-commitment was not a choice of convenience or only the result of the excommunication from the Soviet bloc in 1948¹, but also a deliberate strategic reorientation propelled by the need to survive, by juggling between the two blocs, which, in Tito's perception equally represented a threat to Yugoslavia (Rajak, 2014, pp. 149-150). Notwithstanding the reasons behind its introduction, it may be concluded, that during Tito's rule Yugoslavia consciously pursued an active non-alignment policy in relation to the two adversary blocs. Nowadays, the concept of active non-alignment has been gaining ground in Latin American countries, Ominami and his contributors describing it as a *seductive proposal*. In the case of Latin American countries, embracing an active non-alignment policy could signify much more than just simply taking an equidistant position from Washington and Beijing², but having a bolder approach when it comes to the conduct of foreign relations³. Namely, the acknowledgement that there are also other spaces which are beyond the traditional diplomatic references and somewhat 'off the radar' of big powers, creates new opportunities for the future, worth to be exploited. Furthermore, as regards Latin American countries, the authors argue that the creation of a space of non-alignment could also serve as a useful tool in preventing them from being crushed by the confrontation between the big powers (Ominami et al., 2021: 24-25; Fortin et al., 2020:16).

Accordingly, this brief assessment besides familiarizing the reader with the strategy of non-alignment adopted by several countries during the Cold War, served the purpose of demonstrating that Yugoslavia during Tito's rule consciously pursued an active

¹ Due to the cooling of relations between Tito and Stalin.

² As Yugoslavia did from Washington and Moscow during the Cold War.

³ By strengthening of regionalism, by reorienting foreign policies, by understanding that besides the traditional financial institutions (IMF, World Bank) there are also other financial entities etc.

policy of non-commitment in its relationship with the U.S.A. and the U.S.S.R. In this sense, within the present scientific endeavour it is being argued that while an active policy of non-alignment was assumed by Yugoslavia during the Cold War, lately, one of its former republics, Serbia, has been conducting a rather ambiguous foreign policy with respect to the European Union, which resembles more to a passive, than to an active alignment. Primarily motivated by geographic location, geopolitical realities, regional balance of power and economic interests, Serbia applied for EU membership and was granted with the opportunity of becoming a full-fledged member of the Community, after honouring all the necessary conditionalities. However, looking at the oscillating patterns in the conduct of its foreign policy, we see that Serbian decision-makers and its citizens are being torn between the East and the West, the East signifying the governance model and value system promoted by Russia/China, while the West that of the transatlantic duo (U.S.A. and the EU). Even though, the official candidate country status implies the compulsoriness of alignment with EU policies and also the implementation of its value system, recently, the exhibition of contradictory views could be detected in matters of great importance, such as the EU's conditionality principle, the Kosovo question, the management of the refugee/migrant crisis of 2015, the Covid-19 crisis, or the war in Ukraine. Recent surveys have also unveiled, that despite the Russian military intervention in Ukraine, the EU has been losing the PR and soft power battle in Serbia to Russia⁴. Surveys show that in almost every field Russia, China and their leaders are viewed more positively by Serbian respondents than the EU in general and its top decision-makers. The current paper set as its main objective to examine and to understand the oscillations in Serbia's relationship with the EU, mainly through the lens of the citizens, by undertaking an in-depth quantitative analysis of public opinion polls from the past two decades. For a bigger transparency and impartiality within the paper, the official poll results provided by the Serbian European Integration Office were compared with the statistics put forward by various international institutions, NGOs and think tanks.

Consequently, the present article brings forward four hypotheses, arguing that:

- H1. If applying the rational actor model⁵ to its foreign policy, especially in economic terms, is more advantageous for both Serbian decision-makers and citizens to collaborate with the EU than with the alternatives proposed by the Russian Federation (Commonwealth of Independent States, Eurasian Economic Union) and in the long run to gain full EU membership.

- H2. Latest surveys suggest that the European Union as an international actor is less attractive among Serbian citizens, its soft power has been shrinking and its influence has been challenged by non-Western powers, such as Russia and China. Moreover, support for the European Union in Serbia has shown a fluctuating trend already from the time of receiving the potential candidate country status in 2003.

- H3. Despite Serbia's official candidate country status and geographic proximity to the EU, Serbian citizens see their relationship with the EU mainly in transactional terms, their position being characterised by a passive alignment to the values and direction set by the European Community, rather than an active engagement.

⁴ On some occasion even in favour of China.

⁵ *This type of decision-making assumes that clear-cut objectives exist, and that human beings are able to pursue them in a rational and consistent manner based on a thorough cost-benefit analysis.*

- H4. With regard to language, history, culture, tradition, family values and religion, the affinity towards Russia is unquestionable, and on some occasion this affinity can lead to direct clashes and contradictory approaches with the EU.⁶

1. Assessing the beginning of the polling by the Serbian Integration Office (2002-2008)

1.1. The peak of support for EU membership

The current part of the research is of a major importance, as by analyzing the public opinion polls from Serbia from the past two decades, we shall get a genuine picture of the perception of the Serbian citizens about the European Union in general, assessing also the possibility of becoming a full-fledged member. The data will reveal the existence of an ambivalent attitude among Serbian citizens regarding EU membership already from the time of receiving potential candidate country status in 2003. These statistics are to confirm the prevalence of steady fluctuations in support for EU membership, negative perception of the EU in general and continuous debates about possible alternatives to the EC membership.

Along with 5 other Western Balkans countries, Serbia was granted potential candidate country status during the Thessaloniki European Council summit in 2003, and three years after the Serbian European Integration Office officially began to hold biannual public opinion polls, measuring the European orientation of Serbian citizens. Even though, the first official poll commissioned by the Serbian European Integration Office was held in 2006, the document makes reference to earlier data, from 2002-2005, asking Serbian citizens to express their views concerning their support for Serbia's EU integration in case of organizing a referendum. There's not much of a fluctuation in the statistics in the 2002-2006 period. While in September 2002, 68% of respondents were in favour of their country's EU integration, in December 2003 their number grew to 72%, while in September reached 70.6%, a year after, in September 2005 slightly decreasing to 64%.

When in 2006 the Serbian European Integration Office has officially begun the polling, 69.9% of the interviewees voted for the EU integration and only 12.30% were against, 17.80% claiming that they wouldn't vote at all in case of a referendum. It is rather intriguing that while the vast majority of the surveyed citizens supported Serbia's EU integration, only 39.4% had a positive perception about the EU, almost the same number, 38.5% expressing neither a positive nor a negative opinion about the European Community, thus staying neutral. Perhaps the negative or the neutral perception about the EU was due to lack of knowledge about the Community as a whole, only 26% of respondents stating being informed about Serbia's EU integration process, opposite to 41% not being informed at all. When asked whether they have felt as a European citizen, 42.6% gave a positive answer and 37% a negative, as regards ethnicity and identity, 42.4% identified themselves only in national terms as Serbian, 22 % as members of an ethnic community and only 7.5% as a citizen of Europe. On the other hand, the vast majority of the interviewees thought that mainly all relevant sectors, from agriculture, healthcare, education, judiciary, state administration, SMEs, big businesses, social protection to industry will benefit from EU integration and there were more positive associations as regards the EC than negative ones, 51% pointing out that membership will

⁶ For example as regards the Kosovo question the refusal to impose sanctions on Russia in the context of the war in Ukraine.

bring a better future to young people, 40% highlighting the benefits of the freedom of movement, 38% emphasizing on job opportunities, only 23% being concerned about losing their cultural identity. Respondents had also identified the European values supported by the European Community, distinguishing between the freedom of movement, open market, democracy, protection of human rights and the rights of ethnic minorities, justice, social safety etc., however support for democracy and justice was bigger among young people aged 18-29. Besides acknowledging the benefits of EU integration, surveyed citizens had also expressed some serious concerns, quoting costliness, problems for local farmers, end of currency, loss of national identity and of culture, loss of influence of small member countries as their biggest fears related to EU membership (European Orientation of Citizens in Serbia, 2006).

1.1. The salience of the Kosovo question

Kosovo has been the subject of dispute between Serbs and Albanians for several generations. During most of the 20th century, the Serbs were a minority in Kosovo, while the Albanians constituted the majority. In 1912, Serbia annexed the province, this act being recognized by the Treaty of Versailles in 1918, but in the following period, the supremacy of the Serbs led to the creation of antagonisms among the Albanian population. During World War II, in 1941, the incorporation of the Kosovo region into Albania (under Italian control) resulted in the deaths of many Serbs. After the end of the second World Conflagration, Josip Broz Tito was in charge of the province of Kosovo, an autonomous region, an integral part of the Yugoslav federation (Beach, 2000: 17)

In May 1945, Kosovo-Metohija became an autonomous province, *an oblast* of the Serbian Republic. Under the auspices of the Constitution of 1963, Kosovo had the status of a *prokrajna*, a title that gave it a greater degree of autonomy, when the Regional Council became a Provincial Assembly, the number of delegates increased in the House of the People, and the Supreme Court was established in Kosovo (Ibidem: 19). 1968 saw the revision of the Yugoslav Socialist Constitution, which transformed the autonomous regions of Kosovo and Vojvodina into distinct socio-political communities, this act signifying the political basis for the recognition of Slovenia, Croatia, Bosnia-Herzegovina, Serbia, Montenegro and Macedonia as republics (Schwartz, 2000: 100). After consulting several sources, we've arrived to the conclusion that the most important constitution as regards the autonomy status of the Kosovo region is that of February 21, 1974 (Juhász , 1996).

In Carl K. Savich's opinion, the official act of 1974 was the first to earn the title of constitution (*ustav*) no longer bearing the name of regulation or statute like the previous documents (Savich, 2000). This constitution, indisputably reduced the powers of the Yugoslav Federation, at the same time expanding those of the Republics and Autonomous Provinces (Vickers, 1998: 178). According to the provisions of this act, Kosovo continued to be part of Serbia, receiving an autonomy that almost competed with the privileges of a republic. The only distinguishing element between the status of a republic and that of an autonomous province, is that the latter did not have the right to separate from the body of the federation (Juhász et al., 2000: 22).

Autonomy empowered Kosovo with the title of "*constituent element of the Federation*", enjoying direct and fair representation in the governing bodies of the state (Vickers, 1998: 178). Thus, the young autonomous province could send its representatives to the federal government, in the parliament and moreover, thanks to a rotating system, it

could also fulfil the function of president (Szabó, 1999: 8). We can conclude that the province has reached the status of *de facto autonomy*, having the right to make decisions at a federal level, but the sources of all discontent can be traced back to the Yugoslav refusal to grant the region the status of *de jure autonomy*, thus, denying the existence of Albanians as a distinct nation, transforming their situation into a cycle of progress – regression (Beach, 2000: 19).

Despite the constitutional changes, the discrimination against the Albanians continued its course, keeping the tensions between the nationalities ever stronger and present, at the same time nourishing the independence efforts of the Albanians (Szabó, 1999: 8). These efforts were very well kept in check by the Yugoslav leader, Tito who was very careful that none of the Yugoslav nations gained weight over the others, heavily relying also on the Secret Police, preventing and condemning very harshly any separatist or irredentist movement. Tito was able to hold the Yugoslav Federation together thanks to very skilful diplomacy, but his death in May 1980 changed the course of events. With no poised and worthy successor to take the place of the Yugoslav leader, Tito planned his replacement based on a mechanism of collective leadership, which included a rotating system of an eight member presidency, with all officials elected on the basis of equal representation from the six Republics and two Autonomous Provinces (Kosovo and Voivodina) (Vickers, 1998: 194). The aim was to preserve Tito's political heritage, but the exact opposite happened, because without him the reforms implemented in the last years of his presidency, from which the Kosovar Albanians also benefited, began to falter. The first serious crisis between the two communities broke out in the spring of 1981, when a group of Albanian students expressed their dissatisfaction with the rather poor conditions provided by the University of Pristina. Very quickly, the students' protest was joined by other young people and later by workers and miners, finding in this movement an opportunity to express their general dissatisfaction. Thus, this apparently trivial movement turned into a revolt that encompassed most of Kosovo (Szabó, 1999: 8). Consequently, those voices from the revolted crowd demanding a United Albania and the status of a republic for the province of Kosovo became stronger and stronger. To calm the spirits, the Serbian side used excessive force, tanks were placed and a state of emergency was declared. More than 30,000 troops patrolled Kosovo, which the Kosovar Albanians perceived as an occupation. Officially, the death of 11 people was reported, but the Albanian side claimed almost 1000. From the reports prepared by Amnesty International, it appears that the unrest claimed the lives of more than 300 people (Vickers, 1998: 198). Another explanation for the outbreak of this revolt can be found in the well-founded fear of the Kosovar Albanians, that after Tito's death the autonomy status of the province will be revised. Furthermore, following the 1981 revolt, their efforts to obtain the title of republic were rejected repeatedly, this coupled with the inordinate violence used by the Serbian law enforcement agents led to the strengthening of separatist feelings.

The 80s witnessed the emergence of several separatist movements and organizations, which the Serbian authorities were not able to manage, despite the fact that from 1981 onwards they had direct control over the province. The separatist movements were financed by Albania, among these groups we find the *Movement for the National Liberation of Kosovo*, led by the Gervella brothers and the *Group of Marxists and Leninists of Kosovo*, led by Kvadri Zeka (Vickers, 1998: 204). The *National Movement of Kosovo* was one of the most important groups, from which the Kosovo Liberation Army (Ushtria Çlirimtare e Kosovës -UCK) derives its origins (Juhász et al., 2000: 24). The

Kosovo Liberation had a major role during the Kosovo war in 1998-1999, fighting against the representatives of the Yugoslav army. United Nations Security Council Resolution number 1244 confirmed the withdrawal of the Yugoslav and Serb military and police personnel from the territory of Kosovo, also providing a framework for the resolution of the conflict by approving the deployment of an international civilian and military mission, putting the small province under the authority of the United Nations Mission in Kosovo (UNMIK, 1999). Besides the presence of UNMIK and of KFOR troops under the auspices of NATO, the European Union deployed the European Rule of Law Mission in Kosovo (EULEX)⁷ in 2008, its largest civilian mission ever launched under the Common Security and Defence Policy (EULEX, 2023). In February 2008, Kosovo declared unilaterally its independence from Serbia, thus creating frictions with Serbia, also dividing the international community as regards the problem of recognition. While at the level of the Western world and the European Union⁸ support was overwhelming, Russia, Serbia's long-term ally voted against the recognition. Also during the Yugoslav wars and the war in Kosovo, the Milosevic regime heavily relied on its traditional ally, Russia, with which it was also bound through the Orthodox Slavic brotherhood, to protect its interests, as the permanent member of the United Nations Security Council (Đorđević et al., 2023: 4-5). Nowadays, Serbia counts with the support of both China and Russia to veto Kosovo's admission to the United Nations. In 2023 there were some controversial information provided with respect to the recognition of Kosovo. While on the site of the Ministry of Foreign Affairs of Kosovo 117 countries appear as recognizing Kosovo, the Belgrade government argues that their number is much smaller, around maximum 90, due to mass withdrawal of several countries (Kosovo Ministry of Foreign Affairs; Kosovo Online, 2023). As we could see, in the case of the status of Kosovo the equation is as follows: while the European Union through the conditionality principle is pressuring Serbia to normalize its relations with Pristina⁹, and perhaps on the long run to recognize its sovereign country status in order to gain full membership, Russia is willing to use its permanent member status at the UNSC and to vote against the admission of Kosovo into the UN. This antagonism is visible in the polls as well, Serbian citizens resenting the EU's constant conditionality and its intervention in the resolution of the Kosovo issue, which in the opinion should be dealt with bilaterally by Belgrade and Pristina without any foreign implication. Moreover, Serbian citizens would rely on Russian support in case of the EU pressuring Serbia about the recognition of the independence of Kosovo.

In this regard, the polls from 2007 and 2008 are of an utmost importance, since these do not only reflect the perception of Serbian citizens about the European Union, but also give a useful insight into the Kosovo issue and how its settlement weighs in the evolution of the integration process according to respondents. By November 2007 support for EU membership was 66%, by the end of December 2008 registering a decrease to 61%. Perhaps, this decrease could be seen as a consequence of Kosovo's unilateral declaration of independence in February 2008 and the EU's stance in the matter. Since 2002, this has been the lowest score measured by the Serbian European Integration Office. Compared to the document from 2006, some new topics and questions appeared in the poll from 2007, putting emphasis on the Kosovo question, asking Serbian citizens whether a resolution of the status of Kosovo will be a prerequisite for the EU integration, 45%

⁷ Its mandate has been extended until 2025.

⁸ With the exception of 5 EU member states.

⁹ To which recently accorded potential candidate country status.

saying that the Community will condition Serbia to give up Kosovo, 31% arguing that even these two issues are not officially connected, the Kosovo question will appear as a prerequisite in future negotiations. Moreover, the poll inquired citizens to express their opinion about the future evolution of the EU-Serbia relations in case of a unilateral recognition of Kosovo by the European Community, 71% of respondents arguing in favour of continuing diplomatic fight for Kosovo without the termination of relations with the EU versus 29% voting for the termination of all diplomatic and economic relations with the EU. 59% of citizens opting for the termination of all relations with the EU supported the idea of Serbia relying on Russia, Belarus and China, while 41% considered that their country should pursue an independent path. These statistics show that from the very beginning the Kosovo question constituted a major point in the EU-Serbia accession negotiations, also having the potential of a deal-breaker in this regard. Likewise, Russia and China appear as alternatives to the EU membership from the early stages of negotiations with the European Community. Both the listed advantages and disadvantages of EU integration are the same as in the previous poll, however, this time, interviewees were asked to identify those factors which in their opinion obstruct the EU integration, an overwhelming majority of 49.1% stating the policy of constant conditioning and blackmailing by the EU towards Serbia as the major impediment, only 14% citing the incompetence of local leaders and 20.10% the non-fulfilment of international obligations. As it could be noticed, the EU conditionality has been present from the first steps of negotiations. Nevertheless it is noteworthy that when asked to specify conditions determined by the European Union for Serbia receiving the official candidate country status, respondents put cooperation with the International Criminal Tribunal for the Former Yugoslavia and extradition of war criminals on the first place with 86%, other relevant fields, such as the elimination of corruption, harmonization of national laws with EU legislation, judicial reforms, rule of law etc. lagging behind. Furthermore, the results of the poll also denote a high level of dissatisfaction among respondents with the pace of the integration process, 62% of them perceiving that the EU is constantly imposing new conditions on Serbia, placing it in an unfavourable position compared to other countries (European Orientation of Citizens in Serbia, 2007, 2008).

2. Support for EU membership in a freefall, constant dissatisfaction with the conditionality principle: Serbian public opinion torn between the East and the West (2008-2022)

In the upcoming years, support for EU membership among participants in the survey had seen a decreasing trend¹⁰. If in December 2009, 65% still voted in favour of the accession, a year after, in 2010 the percentage fell to 57%, in June 2011 to 53%, in December 2012 reaching a record low of 41% since the beginning of the polling, with 31% voting against EU membership¹¹. In almost every survey from this period, the EU's constant conditionality is considered as the biggest impediment/slowing factor in Serbia's

¹⁰ It is important to notice that young people (18-29 age group) have a far more positive attitude towards the EU than the average population. If in 2009 support for EU integration among the general population was 65%, at the level of young people it reached 78%.

¹¹ The vast majority of the people voting against the accession, argued that EU membership will bring more harm than good to Serbia (economic disaster, indebtedness, loss of identity, becoming a colony etc.), expressing a lack of trust towards the Community, also reminiscing the past wounds from the war when Serbia was bombed by EU Member States.

accession process, however, compared to earlier poll results, respondents began to realize the salience of meeting the undertaken international commitments and how much the mentality of the people and unpreparedness for change weighs in the implementation of the necessary changes. Conversely to the general negative attitude towards the EU, an improvement could be noticed as regards the implementation of the reforms necessary for accession, an overwhelming majority of those surveyed listing fight against corruption, judicial, healthcare, consumer protection and education as major sectors in which serious revisions are needed. As regards identity and the sense of belonging to the European family, statistics are the same as in the previous years, the vast majority of participants in the survey firstly identifying themselves as Serbian citizens, citizens of their hometown and members of their nations and ethnic community, and only after as citizens of Europe. Statistics also reveal what respondents do understand by the EU citizenship, them being more interested in the immediate and direct benefits of membership, such as right to work/reside/study in any EU country, health protection or the social assistance rather than the value system it represents. As emphasized earlier, by the end of 2012 support for EU integration among Serbian citizens has registered a free fall, this negative trend continuing in the upcoming years as well. Even if data from July and December 2013 suggest a minor recovery at 50, respectively 51%, by June and December 2014 had dropped again, to 46, respectively 44%. Interest in the European Union had plunged as well, if in May 2008 pollsters recorded 54% of the participants in the survey having a very positive image of the EU, by July 2013 their number had reached 28% compared to a record number of 37% of respondents expressing a very negative or negative stance towards the EU. In the context of Serbia receiving official candidate country status in 2012 and signing the Stabilisation and Association Agreement in 2013, these statistics are somewhat surprising. It reveals that despite the requirements imposed by the EU were being met at country level the Serbian public opinion was disturbed by the policy of “constant conditioning and blackmailing”, being also dissatisfied with the tempo of the integration process (European Commission, Serbia, 2023; European Orientation of Citizens in Serbia, 2009, 2010, 2011, 2012, 2013, 2014;).

In all polls from this period, great attention is rendered to solving the Kosovo question and to the normalization of dialogue between Pristina and Belgrade, according to respondents these aspects weighing considerably in the assessment of Serbia’s future membership status. However, participants in the survey stressed that these problems should be solved bilaterally by Belgrade and Pristina, without any foreign involvement. A clear affinity towards Russia is visible in the surveys, as despite polls confirming 38% of respondents hearing about projects financed by the European Union, Russia has been considered as the biggest development aid donor for Serbia since 2000. For example, polls from 2013 and 2014 show that 45, respectively 54% of the surveyed citizens consider Russia as their country’s biggest donor, compared to 34 and 29% giving credit to the European Union. In the poll from December 2014, the European Union fell to third position with 29%, being exceeded even by China with 30%. It is thought-provoking that while respondents identified Russia and China as Serbia’s biggest donors, statistics suggest otherwise, in the 2000-2013 period 73.62% of the development grants coming from the EU and its Member States. Also when requested to choose a country model in which they would like to live in the future, in 2014, the Russian country model was the second most voted option with 18% on an equal footing with Germany (Norway was the 3rd with only 15% of votes), following the Swiss model with 30%. As the reader could

notice, from the inception of the polling of Serbian citizens, on many occasions Russia and China were viewed more positively than the European Union, even if these perceptions did not necessarily reflect the truth (European Orientation of Citizens in Serbia, 2009, 2010, 2011, 2012, 2013, 2014).

The fluctuating pattern concerning support for EU membership persisted in the June 2015-December 2022 period as well, in June 2016 registering the smallest percentage of 41%, perhaps due to the negative consequences of the migrant crisis debuted in 2015. July 2018 and July 2021 saw this biggest rise in a decade, with 55, respectively 57%. The beginning of the war in Ukraine in 2022 led to a fall in the support for EU accession again, only 43% of Serbian respondents expressing a positive attitude. Additionally, the problems with the conditionality principle persisted, Serbian citizens constantly evoking their discontent with the EU ‘conditionality, dictatorship and blackmailing’. Despite the war in Ukraine, the attention of participants in the survey was still focused on the Kosovo issue, underscoring that the dialogue with Pristina constituted the most significant event in the process of Serbia’s EU accession. Even after almost 20 years of polling by the Serbian Integration Office (in 2017 renamed as the Serbian Ministry of European Integration) the vast majority of respondents still regard the EU’s constant conditioning and blackmailing as the biggest hindering factor in Serbia’s EU accession not their own mentality and unwillingness to change or the incompetence of domestic leadership. With respect to the attitude towards the European Union, in the period of June 2017-June 2019, more respondents (fluctuating between 40-44%) had expressed a very positive and positive attitude, than those who stayed neutral or were not really fond of the EC. Just like at the beginning of the polling, participants still regarded the free movement of people, more employment opportunities and a better future for the young people as the top 3 options of what the EU represented to them individually. Undoubtedly, it’s a progress that by the end of 2022, 41% of the interviewees were willing to change their previous life habits (e.g. sort garbage for recycling, pay a deposit for PET packaging, save energy, water) in order to join the EU. Furthermore, the last polls showed a profound change in the perception of Serbian citizens, who did not regard Russia as their country’s biggest development aid donor any more, but the European Union¹² with 28%, followed by China with 25% and Russia with 18%. Furthermore, the Russian country model wasn’t as appealing either as a few years ago, being surpassed by the Swiss, German and the Norwegian country models. Despite the visible discontent with the EU’s conditionality principle in general, survey participants acknowledged the positive impact that the implementation of sound reforms had on their lives, as a consequence of this conditionality, citing improvement in the fight against corruption, healthcare system, human rights, educational system, judicial system, agriculture, environmental protection, consumer protection etc. Costliness, problems for local farmers, end of currency, loss of national identity and of culture, loss of influence of small member countries were still the biggest fears related to EU membership among respondents. With respect to Covid-19, the polls organized by the Serbian Ministry of European Integration¹³ do not disclose much

¹² Between 2000-2016, 59,9% (2960 million Euros) of all international non-imbursed development aid originated from the EU, 14,1% from the U.S.A (695,56% million Euros) and only 0,65% from China (31,40 million Euros). Russia was not even in the top 10 biggest aid donors.

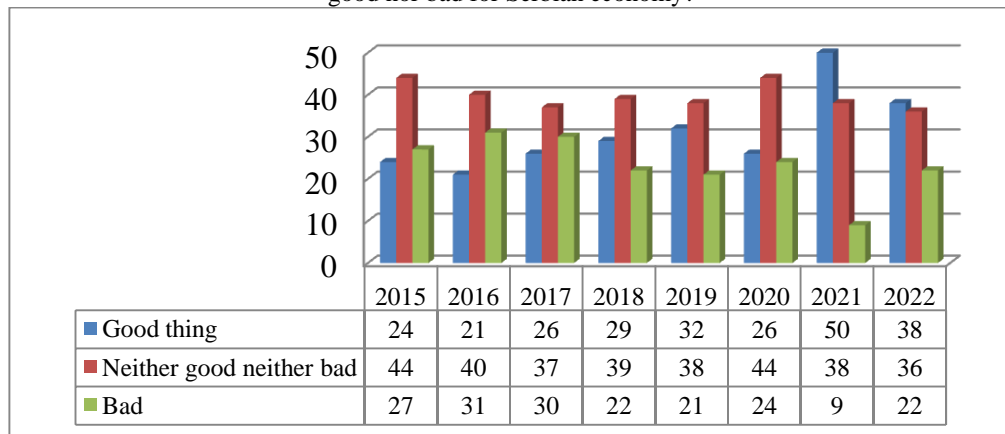
¹³ In other surveys, such as those conducted by the European Commission on Foreign Relations in 2021, it was revealed that the vast majority of Serbian citizens mainly relied on China and on Russia for post-Covid recovery and not on the EU.

information they only illustrate the scepticism among Serbian respondents concerning the role played by the European Union in the management of the pandemic. Citizens were asked to assess whether Serbia would have overcome the COVID crisis easier if it would have been an EU Member State: while in July 2021, 55% of participants argued that it would have been the same for Serbia with or without the EU, in December 2021, 61% said the same (European Orientation of Citizens in Serbia, 2015, 2016, 2017, 2018, 2019, 2021, 2022).

3. Comparing the results of the polls

Corroborating the data of the polls commissioned by the Serbian European Integration Office with those of other national and international institutes, NGOs, think tanks conduct us to the same results, all of them determining a constantly declining trend in support of Serbia's EU accession over the years. Albeit some minor differences could be observed, the conclusions are the same. For example, according to a survey conducted on behalf of the International Republican Institute by Ipsos Strategic Marketing, in October 2009, altogether (fully and somewhat supported) 76% of Serbian interviewees supported Serbia's EU membership, in August 2010, 71%, while in April 2011, 69%, by July 2015 decreasing to 54% , by November 2015 dropping even more to 49% . The status of Kosovo occupies a central position in this survey as well, the vast majority, 45% of respondents arguing that the Brussels agreement¹⁴ concluded in 2013 for the normalization of relations between Serbia and Kosovo does not genuinely favour Serbia, compared to 44% who think the opposite. By November 2015 an overwhelming majority the interviewees, 71% believed that Serbia will be forced to recognize Kosovo in order to join the European Union. In comparison with the results of the polls organized by the Serbian Integration Office, respondents participating in the survey conducted by the Ipsos Strategic Marketing express a tougher stance in relation to the status of Kosovo, if in August 2010, 41% were arguing in favour of Serbia refusing the recognition of Kosovo, even it would mean staying out of the EU, by November, their number grew to 57%. Russia and China are highly regarded according to this pool as well, Serbian citizens looking for Russia in search of economic prosperity and security. 94% of participants believed that Serbia's interests are best served by maintaining strong relations with Russia, 89% with China and only 71% with the EU, respondents also identifying Russia as the biggest donor to their country. When inquired why strong relations should be maintained with Russia, participants in the survey made reference to: the Orthodox brotherhood between Serbia and Russia; the strength of Russia, being the only power capable of confronting the West; economic relations, Russia being Serbia's biggest export market and main gas/oil provider; common history, Russia being Serbia's protector throughout history; true ally as regards the negotiations involving the international status of Kosovo. Just as formulated in one of our hypothesis, the survey also reveals that the vast majority of Serbian citizens display an oscillatory standpoint, 61% saying that Serbia neither belongs to the East nor to the West.

¹⁴ Mediated by the former EU High Representative for Foreign Affairs, Lady Catherine Ashton.

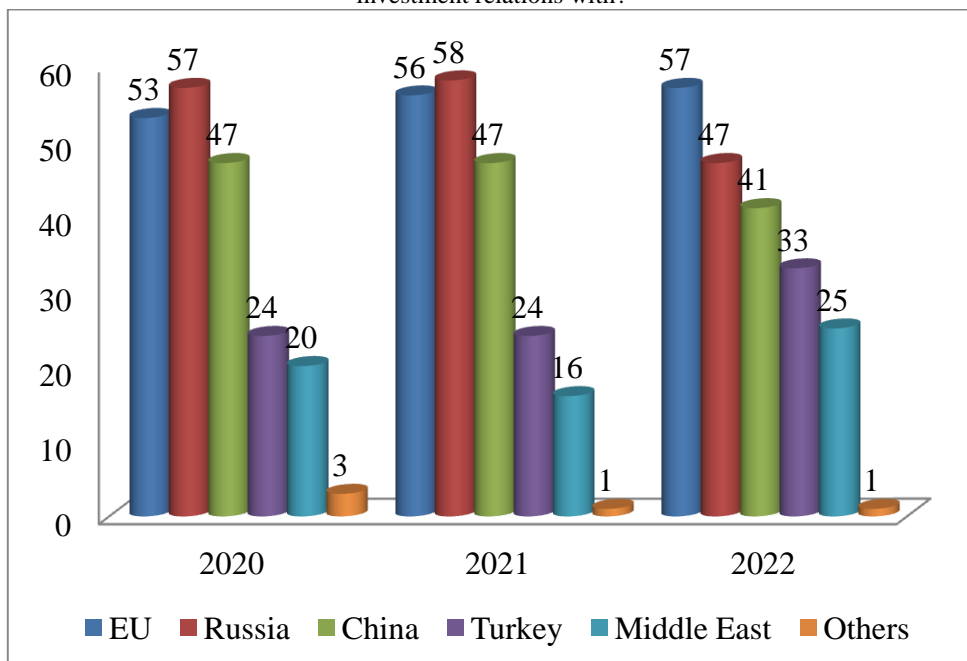
Chart no. 1 Assessing whether EU membership would be a good thing, a bad thing, or neither good nor bad for Serbian economy?

Source: Own elaboration based on the data provided by the Balkan Barometer 2015-2022 editions

The 2018 edition of the survey polling the entire Western Balkans, also required from Serbian interviewees to identify which value system is closer to their individual preferences, that of Russia or that of the European Union. Respondents from Serbia said that they felt closer to Russia, regardless if they were asked about culture and intellectual life, morality and values, employment and standard of living, healthcare or pension and other social benefits. Moreover, 46% of participants had expressed their dissatisfaction in relation to developments in Europe concerning abortion, sexual rights and religious liberty, arguing that the EU was pushing Serbian citizens to abandon their traditional values.

On the contrary, Russia and its leader Vladimir Putin were seen as defenders of Christendom and traditional European values, in areas from protection of family traditions to defense against Islamic and other non-European cultures by 54% of the surveyed Serbian citizens. 57% claimed that Russia and Putin could be considered as allies in case if the EU would be pressuring Serbian people to abandon their values. While the latest polls held by the Serbian Ministry for European Integration revealed a u-turn in respondents' perceptions related to the provenience of development aid to Serbia, the 2020 and 2022 editions of the survey conducted on behalf of the International Republican Institute reveal contradictory approaches, Russia still leading the top of foreign donors to Serbia. While the 2020 edition puts the EU on the first place with 28%, Russia was coming behind strong with 27% and China with 20%; the latest publication from 2022 grants the EU only 21% of the votes, China leading the race with 30%, Russia being second with 24%. In both publications Russia is leading the way of respondents' preferences, in 2020, 51% of participants expressing a highly favourable opinion about Russia, their number even growing to 58% in 2022 despite the war in Ukraine.

Chart no. 2 With which economies/regions should the Serbian government improve trade and investment relations with?



Source: Own elaboration based on the data provided by the Balkan Barometer 2020-2022 editions

China is second, with 39, respectively 48%. Moreover, according to the results of poll from 2020, China and Russia were viewed as Serbia's most important economic and political partners, Germany earning the third place, while the United States was seen as the biggest threat to Serbia as stated by 62% of those surveyed. As shown in Chart no. 1, in the 2015-2022 editions of the Balkan Barometer, the vast majority of the Serbian interviewees thought that EU membership would be neither a good, neither a bad thing for their country's economy, notwithstanding the fact the EU is Serbia's biggest trade partner. In 2021, the import and export between the EU and Serbia represented a total of amount of 30.28 billion Euros, CEFTA countries were the second biggest trade partners with 4.67 billion, China the third with 4.47 billion Euros, while Russia was barely on the fourth place with 2.37 billion Euros. In 2022, the amount of trade increased exponentially between the EU and Serbia to 39.08 billion Euros, while Russia remained the fourth biggest trade partner with 4.03 billion Euros (EU in Serbia, 2023). Chart no. 2 also reveals a clear preference for Russia amongst the survey participants, identified as a country with which the Serbian government should improve even more trade and investment relations with.

Pendulating between the two blocks could be observed here as well, since 36% of interviewees considered that the course of Serbian foreign should equally follow both the East and the West, compared to 11% voting for a pro-European and Western approach. Contrary to the position assumed by the European Union and the Western world per se, preferences in Serbia differ even with reference to world and regional leaders. While perceived as a 'pariah' by the West, Vladimir Putin is viewed very favourably by 62% of the Serbian respondents, being the most highly regarded foreign leader by Serbians according the 2022 poll led by the Ipsos Strategic Marketing, Xi Jinping is the second

most esteemed foreign leader with 37%, while the EU Commission president, Ursula von der Leyen is viewed highly favourable only by 2%, 17% having a somewhat unfavourable and 15% a very unfavourable image about her. While in the 2020 edition of the poll 50% of voters would have voted for joining the EU, opposed to 28% who would have voting against, the debut of the war in Ukraine led to another decrease to 44%, 50% of respondents even arguing that the European Union is not being serious in its intention to offer membership to the Western Balkans in general and implicitly to Serbia (Survey of Serbian Public Opinion, 2015; Public Opinion in Kosovo, Serbia, Bosnia and Herzegovina, and North Macedonia, 2018; Western Balkans Regional Poll 2020; Western Balkans Regional Poll 2022). As these polls have revealed, despite the military aggression in Ukraine, in the polls from 2022 Russia and its leadership were viewed very favourably by the Serbian respondents. With respect to the Serbian decision-makers, the beginning of the war in Ukraine has found Serbia in the midst of general elections, the incumbent president Aleksandr Vučić, candidate of the Serbian Progressive Party (SNS) immediately shifting the electoral campaign. Instead of focusing on the typical electoral promises, the attention was diverted towards pledges meant to reassure the Serbian voters in matters related to energy security and reliance on Russian energy and food (Spasojević, 2023: 267-270). The oscillation between the EU (West) and Russia (East) is noticeable in Vučić's 'balancing' actions as well, who while declaring support for the territorial integrity of Ukraine and backing the U.N. resolution¹⁵ that condemned Russia's aggression, simply refused to go along with the sanctions imposed by the European Union on Moscow. He motivated his government's decisions by invoking historical reasons, referring to Russia's stance during the Yugoslav wars and its refusal to impose sanctions on Serbia (Hajdari, 2022). Not just the governing party, the SNS, but also the main opposition party, Freedom and Justice has raised its voice against Serbia voting the Western imposed sanctions on Russia, claiming that these will not have the desired outcomes and only hurt the ordinary people. On the other hand, right wing populist parties heavily criticized the West and its system of sanctions targeting Russia, embracing a clearly pro-Russian stance and even organizing rallies in the Serbian capital, waving flags marked with the letter 'Z' (Spasojević, 2023: 267-277).

Concluding remarks

The present scientific paper has decided to unfold the EU-Serbia nexus from a very unusual angle that of the people, by undertaking an in-depth quantitative analysis of public opinion polls from the past two decades. Driven by the desire to be as impartial as possible, the study didn't rely only on the statistics provided by the official polls conducted by the Serbian European Integration Office, respectively the Serbian Ministry of Integration, but corroborated the data with the statistics put forward by various international institutions, NGOs and think tanks. The surveys have revealed that Serbian citizens see their country's relationship with the European Union mainly in transactional terms, namely they are interested in the tangible gains, such as free movement, economic benefits, right to reside/study/work etc., not in the intangible (normative) ones. Accordingly, we have demonstrated that their stance is being characterised by a passive alignment to the values and direction set by the European Community, rather than an

¹⁵ Serbia voted for the United Nations Assembly Resolution that demanded the end of the Russian offensive in Ukraine on 2 March 2022

active engagement. Despite its official candidate country status, support for EU membership has seen a downfall in the past decade, currently didn't even reaching 50% at the level of Serbian citizens. In the case of Serbia, the majority of the analyzed surveys have shown that Russia and China largely outpace the EU across almost all indicators of influence and appreciation such as, Covid -19 pandemic related assistance, trust in Covid jabs, reliance for national security, leaders, foreign aid, economic relations, trust etc.)

In conclusion, it may be stated that both at the level of citizens and decision-makers an oscillation could be detected, being torn between the governance model and value system promoted by the European Union and Russia. Undoubtedly, the Vox populi, or the voice of the people will have a major role in the future steps and actions that shall be taken towards gaining full EU membership, steps that can bring Serbia closer or farther from the desired goal.

BIBLIOGRAPHY

- Beach Hugh (2000), Interventions and Just Wars: The Case of Kosovo, *Studies in Christian Ethics*, Vol. 13, Issue 2, p. 15-31, <https://doi.org/10.1177/0953946800013002>
- Dorđević Vladimir; Mikhail Suslov; Marek Čejka; Ondřej Mocek; Martin Hrabálek (2023), Revisiting Pan-Slavism in the Contemporary Perspective, *Nationalities Papers*, Vol. 51: 1, 3–13, doi:10.1017/nps.2022.75
- European Commission, *Serbia 2023*, https://neighbourhood-enlargement.ec.europa.eu/enlargement-policy/serbia_en
- European Union Rule of Law Mission in Kosovo (2023), <https://www.eulex-kosovo.eu/?page=2,60>
- EU in Serbia (2023), <https://europa.rs/trade/?lang=en>
- Fortin Carlos; Heine, Jorge; Ominami, Carlos (2020) Latin America Between a Rock and a Hard Place: A Second Cold War and the Active Non-Alignment Option, *Global Policy*, p. 1-18
- Hajdari Una (2022), *Pandering to Putin Comes back to Bite Serbia's Vucic*, Politico, <https://www.politico.eu/article/vladimir-putin-russia-serbia-aleksandar-vucic/>
- International Republican Institute (2018), *International Republican Institute, Public Opinion in Kosovo, Serbia, Bosnia and Herzegovina, and North Macedonia*, https://www.iri.org/wp-content/uploads/2019/04/pdf_beacon_w_balkans.pdf
- International Republican Institute (2015), *Survey of Serbian Public Opinion*, November 24-December 3, https://www.iri.org/wp-content/uploads/2015/12/serbia_november_2015_poll_public_release.pdf
- International Republican Institute (2020), *Western Balkans Regional Poll*, https://www.iri.org/wp-content/uploads/2020/06/final_wb_poll_for_publishing_6.9.2020.pdf
- International Republican Institute (2022), *Western Balkans Regional Poll*, <https://www.iri.org/resources/2022-western-balkans-regional-survey-january-february-2022/>
- Juhász József (1996), *Jugoszlávizmus és nemzeti önrendelkezés: adalékok Jugoszlávia felbomlásának előtörténetéhez* [*Yugoslavianism and National Self-determination: Additions to the Prehistory of the Breakup of Yugoslavia*], Budapest: Magyar Elektronikus Könyvtár, Budapest

- Juhász József; Magyar, István; Tálás, Péter; Valki, László (2000), *Koszovó. Egy Válság autonómiája* [*Kosovo. The Autonomy of a Crisis*], Osiris kiado, Budapest
- Kosovo Ministry of Foreign Affairs (2023), <https://mfa-ks.net/lista-e-njohjeve/>
- Kosovo Online (2023), *Recognitions, withdrawals, and accessions: Where is Kosovo's diplomacy?*, <https://www.kosovo-online.com/en/analysis/recognitions-withdrawals-and-accessions-where-kosovos-diplomacy-22-2-2023>
- Ominami Carlos; Heine, Jorge; Fortin, Carlos (2021), *El no alineamiento activo y América Latina: Una doctrina para el nuevo siglo* [*Active Non-alignment and Latin America: A Doctrine for the New Century*], Santiago de Chile, Editorial Catalonia, Santiago de Chile
- Rajak Svetozar (2014), *No Bargaining Chips, No Spheres of Interest: The Yugoslav Origins of Cold War Non-Alignment*, *Journal of Cold War Studies*, Vol. 16, No. 1, p. 146-179
- Regional Cooperation Council (2015), *Balkan Barometer Public Opinion Survey*. https://www.rcc.int/seeds/files/RCC_BalkanBarometer2015_PublicOpinion_FIN_forWeb.pdf
- Regional Cooperation Council (2016), *Balkan Barometer Public Opinion Survey*, https://www.rcc.int/seeds/files/RCC_BalkanBarometer_PublicOpinion_2016.pdf
- Regional Cooperation Council (2017), *Balkan Barometer Public Opinion Survey*, https://www.rcc.int/seeds/files/RCC_BalkanBarometer_PublicOpinion_2017.pdf
- Regional Cooperation Council (2018), *Balkan Barometer Public Opinion Survey*, <https://www.rcc.int/pubs/66/balkan-barometer-2018-public-opinion-survey>
- Regional Cooperation Council (2019), *Balkan Barometer Public Opinion Survey*, [https://www.rcc.int/pubs/89/balkan-barometer-2019-public-opinion-survey#:~:text=Balkan%20Barometer%202019%2C%20the%20fifth,SEE\)%2C%20is%20modestly%20optimistic](https://www.rcc.int/pubs/89/balkan-barometer-2019-public-opinion-survey#:~:text=Balkan%20Barometer%202019%2C%20the%20fifth,SEE)%2C%20is%20modestly%20optimistic)
- Regional Cooperation Council (2020), *Balkan Barometer Public Opinion Survey*, <https://www.rcc.int/pubs/95/balkan-barometer-2020-public-opinion-survey>
- Regional Cooperation Council (2021), *Balkan Barometer Public Opinion Survey*, <https://www.rcc.int/balkanbarometer/home>
- Regional Cooperation Council (2022), *Balkan Barometer Public Opinion Survey*, <https://www.rcc.int/balkanbarometer/home>
- Rubinstein, Alvin Z. (1970), *Yugoslavia and the Non-aligned World*, Princeton University Press, Princeton, 1970
- Savich, Carl K (2000), *The Kosovo Crisis: Origins and History*, https://www.rastko.rs/kosovo/istorija/csavich-kosovo_crisis.html
- Schwartz Stephen (2000), *Kosovo: Background to a War*, Mark Hegarty Anthem Press, London
- Serbian European Integration Office (2006), *European Orientation of Citizens in Serbia*, Public Poll, <https://www.mei.gov.rs/eng/information/public-opinion/public-opinion-poll/>
- Serbian European Integration Office (2007), *European Orientation of Citizens in Serbia*, Public Poll, <https://www.mei.gov.rs/eng/information/public-opinion/public-opinion-poll/>
- Serbian European Integration Office (2008), *European Orientation of Citizens in Serbia*, Public Poll, <https://www.mei.gov.rs/eng/information/public-opinion/public-opinion-poll/>

- Serbian European Integration Office (2009), *European Orientation of Citizens in Serbia*, Public Poll, <https://www.mei.gov.rs/eng/information/public-opinion/public-opinion-poll/>
- Serbian European Integration Office (2010), *European Orientation of Citizens in Serbia*, Public Poll, <https://www.mei.gov.rs/eng/information/public-opinion/public-opinion-poll/>
- Serbian European Integration Office (2011), *European Orientation of Citizens in Serbia*, Public Poll, <https://www.mei.gov.rs/eng/information/public-opinion/public-opinion-poll/>
- Serbian European Integration Office (2012), *European Orientation of Citizens in Serbia*, Public Poll, <https://www.mei.gov.rs/eng/information/public-opinion/public-opinion-poll/>
- Serbian European Integration Office (2013), *European Orientation of Citizens in Serbia*, Public Poll, <https://www.mei.gov.rs/eng/information/public-opinion/public-opinion-poll/>
- Serbian European Integration Office (2014), *European Orientation of Citizens in Serbia*, Public Poll, <https://www.mei.gov.rs/eng/information/public-opinion/public-opinion-poll/>
- Serbian European Integration Office (2015), *European Orientation of Citizens in Serbia*, Public Poll, <https://www.mei.gov.rs/eng/information/public-opinion/public-opinion-poll/>
- Serbian European Integration Office (2016), *European Orientation of Citizens in Serbia*, Public Poll, <https://www.mei.gov.rs/eng/information/public-opinion/public-opinion-poll/>
- Serbian Ministry of European Integration (2017), *European Orientation of Citizens in Serbia*, Public Poll, <https://www.mei.gov.rs/eng/information/public-opinion/public-opinion-poll/>
- Serbian Ministry of European Integration (2018), *European Orientation of Citizens in Serbia*, Public Poll, <https://www.mei.gov.rs/eng/information/public-opinion/public-opinion-poll/>
- Serbian Ministry of European Integration (2019), *European Orientation of Citizens in Serbia*, Public Poll, <https://www.mei.gov.rs/eng/information/public-opinion/public-opinion-poll/>
- Serbian Ministry of European Integration (2021), *European Orientation of Citizens in Serbia*, Public Poll, <https://www.mei.gov.rs/eng/information/public-opinion/public-opinion-poll/>
- Serbian Ministry of European Integration (2022), *European Orientation of Citizens in Serbia*, Public Poll, <https://www.mei.gov.rs/eng/information/public-opinion/public-opinion-poll/>
- Spasojević Dušan (2023), Balancing on a pin: Serbian populists, the European Union and Russia.” In: *The Impacts of the Russian Invasion of Ukraine on Right-wing Populism in Europe*, (eds). Gilles Ivaldi and Emilia Zankina. European Center for Populism Studies, Brussels, p. 267-276, <https://doi.org/10.55271/rp0028>
- Szabó László, *A koszovói válság [The Kosovo Crisis]*, Honved Kiado, Budapest, 1999
- United Nations Mission in Kosovo, <https://unmik.unmissions.org/united-nations-resolution-1244>

Vickers Miranda (1998), *Between Serb and Albanian A History of Kosovo*, Columbia University Press, New-York

NEW REGIONALISM AND EU BORDER REGIONS: REMOVING LEGAL AND ADMINISTRATIVE OBSTACLES

*Balázs HORVÁTHY**

*László KNAPP***

*Nikolett TRENYSÁN-PAPP****

Abstract. *The EU regional policy pays particular attention to border regions, however, the past decades, underlined also the paradoxical situation surrounding these parts of the EU. Despite the fact that border regions connect Member States' markets into an internal market, and that they mark the natural geographical channels for the free circulation of economic factors, the economic performance of the border regions is generally more modest in comparison with inner territories of the Member States. Recent researches have shown that this contradiction is rooted in specific barriers, which go much beyond the obstacles that are covered by the EU funding treaties in the context of the internal market freedoms. Even though these barriers are also of legal, regulatory and administrative nature and are able to restrict drastically the cross-border interactions, are not explicitly prohibited by the treaties. Therefore, the main question of the paper is how to identify and how to dismantle these legal and administrative obstacles. In line with this objective, the paper conducts a case-to-case analysis to identify the possible forms of obstacles and also scrutinizes the currently deadlocked legislative procedure for establishing a mechanism to eliminate barriers in the border regions (draft ECBM Regulation).*

Keywords: New regionalism, EU cohesion policy, cross-border regions, ECBM

I. New regionalism and resolving obstacles at EU border regions – Introduction

It is generally recognised that the new regionalism differs from the old regionalism in the sense that the latter focused more on interactions between states, while the new regionalism involves a variety of state and non-state actors within a specific geographic region. As Söderbaum pointed out, the new regionalism „[...] is characterized by its multidimensionality, complexity, fluidity and non-conformity, and by the fact that it involves a variety of state and non-state actors, who often come together in rather informal multi-actor coalitions.” (Söderbaum, 2003:1). The European Union's regional

* PhD, associate professor, Széchenyi István University, Deák Ferenc Faculty of Law and Political Sciences, Győr, Hungary; Research fellow, CSS Institute for Legal Studies, Budapest, Hungary, E-mail: horvb@ga.sze.hu

** PhD, associate professor, Széchenyi István University, Deák Ferenc Faculty of Law and Political Sciences, Győr, Hungary, E-mail: knappaszlo@sze.hu

*** Assistant professor, Széchenyi István University, Deák Ferenc Faculty of Law and Political Sciences, Győr, Hungary, E-mail: t.papp.nikolett@gmail.com

policy is perhaps the most debated example of this trend. This contemporary approach is manifested in the context of border regions, where specific initiatives aim to promote cross-border cooperation and integration. This policy recognizes that border regions face unique challenges and opportunities due to their geographical location and interactions with neighbouring countries. As a result, the EU has implemented specific measures to enhance cooperation in these areas. This focus of attention is not surprising, given that these regions cover about 40% of the EU territory and are home to almost a third of the EU population (European Commission, 2017b:1). However, the experience of recent decades has also highlighted the paradoxical situation of border regions. Despite the fact that border regions connect and unite the markets of the Member States into a single internal market, and that they constitute the natural geographical channels for free movements of the internal market, i.e. the free movement of goods, persons, services and capital, the economic performance of border regions tends to be more modest than the economic output of other, inner regions (European Commission, 2017b:4).

The possible causes of this contradiction and asymmetrical development are being intensively investigated not only by academic research but also by EU and national policy makers, and among the possible barriers, recent efforts have been directed at removing those that might have of legal nature and can be addressed by legislation (Haselsberger, 2014:505; Jakubowski, 2020:45-49; Evrard, 2021:1). These barriers go beyond the obstacles prohibited by the EU Treaties in the context of the internal market freedoms between Member States. In other words, they are legislative, regulatory or administrative practices which, are formally consistent with the requirements of internal market law, but which in fact limit the performance of border regions to fulfil their potential in cross-border interactions. Examples include barriers related to public services (e.g. limited access to health care, social services, transport services, administrative infrastructure, lack of a customer service, etc.), which are often linked to the geographical location of the border region and in this way, raises questions around cost-effectiveness, resource management, etc.

The most recent development in this area is the Commission's proposal for a mechanism to remove legal and administrative barriers (ECBM Regulation).¹ The EU legislative procedure currently under way² could lead to a mechanism whereby a border region in one Member State could apply the legal provisions of another, neighbouring Member State. This could be done in cases where the application of national legislation in a border region would impede “common project”, e.g. access to an infrastructure or a service of general economic interest.³ For illustrating the practical applicability of the proposed mechanism, Member States could agree that a health centre near to the border in one Member State would provide ongoing specialised care or even emergency care to patients from the other side of the border, or that a transport company from one Member State would provide services in the border region of another Member State. The potential of this mechanism is extremely broad and, from a theoretical point of view, its comprehensive nature shows that it goes far beyond the standard objectives of the regional

¹ COM(2018) 373 final Proposal for a Regulation of the European Parliament and of the Council on a mechanism to resolve legal and administrative obstacles in a cross-border context (Strasbourg, 29.5.2018). <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2018:0373:FIN>

² See 2018/0198 (COD) <https://eur-lex.europa.eu/legal-content/EN/HIS/?uri=COM:2018:0373:FIN>

³ ECBM regulation Art 1 and 3.

policy, deeply affecting the principle of subsidiarity and the right of access to public services for EU citizens (Sielker, 2018: 220).

As these issues have so far been the subject of regional studies and political science, thus they have remained outside the focus of legal analysis, the following paper aims primarily to introduce the problem and makes attempts to identify the nature of the barriers, their relationship with EU internal market law, and explores what legal instruments can help to overcome them. In doing so, the next chapter explains how the EU's legal framework and competences have evolved (*II. Dismantling borders and the framework for cohesion policy in the European Union*), then the potential obstacles are identified (*III. Legal and administrative obstacles to the development of border regions*), which is followed by the analysis of the existing and possible future instruments that could help lifting the legal and administrative obstacles (*IV. The legal framework of removing obstacles from the cross-border regions*).

II. Dismantling borders and the framework for cohesion policy in the European Union

The European continent has a large number of states, around fifty in total,⁴ which means that there are significant border regions. Like states, their borders are the result of a long historical evolution, and since the Peace of Westphalia they have been seen as marking the geographical extent of the territorial sovereignty of a state (Csatlós, 2018: [8]). However, precisely as a consequence of their multi-directional development, state borders are much more than that, they are valued as cultural, economic and social realities that not only separate those living on either side of them, but also integrate and thus bind them together through their interconnections, common challenges and opportunities (Evrard, 2021: 3-4). Borders have also played an essential role in European integration since its inception. The European Communities of the 1950s sought to achieve economic integration, which did not yet directly implied the abolition of borders, but aimed at breaking down the barriers between Member States that hindered the realisation of the four fundamental economic freedoms. At the same time, this so-called negative integration method had already eliminated many of the classic functions of borders, such as the gradual dismantling of national customs rules, which ultimately led to the abolition of customs controls, and limited the possibility of restricting incoming persons by allowing nationals of one Member State to carry out economic activities freely in the territory of another Member State.

The Member States decided to further deepen the common market in 1986 with the adoption of the Single European Act.⁵ The modification treaty establishing the internal market was also significant because it defined this new form of economic integration at the level of the founding treaty as an "area without internal frontiers".⁶ The Schengen area, established by the 1985 Schengen Agreement and the 1990 Schengen Convention, brought about the abolition of border controls. Another important innovation of the Single European Act was that it made economic and social cohesion a policy in its own right, with the aim of reducing inequalities between regions and the backwardness of less

⁴ The United Nations has 49 member states with European territories, the Council of Europe has 46 member states.

⁵ Single European Act, OJ L 169, 29.6.1987, p. 1-28

⁶ Now Article 26(2) of the Treaty on the Functioning of the European Union (TFEU), OJ C 202, 7.6.2016, p. 47-388.

developed regions.⁷ This was not without precedent, as the so-called Structural Funds (European Agricultural Guidance and Guarantee Fund, European Social Fund, European Regional Development Fund) had already been created in the 1970s through secondary legislation (Rosanò, 2021: 440) and integrated into the newly created policy.⁸ Another instrument for reducing territorial disparities was the Committee of the Regions, set up by the Maastricht Treaty in 1992 to assist the Parliament, the Council and the Commission, alongside the Economic and Social Committee, and composed of elected representatives of regional and local bodies.⁹ However, the role of the advisory bodies in decision-making is reduced by the fact that their opinions are not binding on these institutions.

A new direction for cohesion policy in the first half of the 2000s was the creation of the framework for the establishment of European Groupings of Territorial Cooperation (EGTCs). The governing legislation sought to promote 'cross-border, transnational and/or interregional cooperation' by giving legal personality to voluntary cooperation involving Member States, regional and local authorities and certain public entities, which have the most extensive legal capacity in the Member States.¹⁰ The original Regulation did not exclude or regulate the accession of entities from third countries, but since the 2013 amendment it has been *explicitly* allowed for members from a third country bordering a Member State participating in the cooperation.¹¹ The EGTC has been given the primary task of carrying out operations to promote the economic, social and territorial cohesion of the Union, and member states may limit the tasks that can be carried out in the absence of EU financial support.¹² The vast majority of the 87 EGTCs¹³ currently in operation were established in the southern and eastern Member States of the European Union, which is likely due to the centralised nature of the latter states and the similar patterns of governance diffusion concerned (Sielker, 2018: 222).

From the point of view of the development of the legal basis, it is significant that the process of reform of the Treaties, which began with the Single European Act of 1986, culminated in the Lisbon Treaty, which entered into force on 1 December 2009 and which, in addition to economic and social cohesion, now explicitly included territorial cohesion within the competence of the Union (Article 174 TFEU). It is significant for the subject under consideration that cross-border regions are explicitly mentioned among the regions covered by the policy,¹⁴ and that specific actions can be adopted under the general legislative procedure.¹⁵

⁷ Single European Act, Article 23.

⁸ Now Article 174 TFEU.

⁹ Treaty on European Union, OJ C 191, 29.7.1992, p. 1-112, now Article 300(3) TFEU.

¹⁰ 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), OJ L 210, 31.7.2006, p. 19-24, Articles 1(2)-(4) and 3(1).

¹¹ Regulation (EU) No 1302/2013 of the European Parliament and of the Council of 17 December 2013 amending Regulation (EC) No 1082/2006 on a European grouping of territorial cooperation (EGTC) as regards the clarification, simplification and improvement of the establishment and functioning of such groupings, OJ L 347, 20.12.2013, p. 303-319, new Article 3a.

¹² Regulation (EC) No 1082/2006, Article 7(3).

¹³ See: <https://cor.europa.eu/en/our-work/Pages/egtc.aspx> (20.6.2023)

¹⁴ Article 174 TFEU "[...] Among the regions concerned, particular attention shall be paid to rural areas, areas affected by industrial transition, and regions which suffer from severe and

III. Legal and administrative obstacles to the development of border regions

1. The specific situation of border regions

Due to the nature of the dismantling of borders between the Member States of the European Union, the border regions of them have been particularly affected. There are a large number of such areas, as there are 39 land borders between the EU and the European Free Trade Association (EFTA) Member States following Brexit (European Commission, 2017a: 17). These regions are the immediate physical environment of a border separating two or more neighbouring states, areas where interactions of a social, cultural, economic and political nature take place, where complex relationships have developed and where the types and intensity of transactions have evolved significantly (De Sousa, 2013: 670-671). Border regions in this sense account for 40 % of the EU's territory, 30 % of its population and 30 % of its GDP (European Commission, 2017b: 2).

In line with the integration objective of breaking down barriers, the border regions of the Member States have had a special role from the very beginning, and since the 1950s cross-border cooperation has been established between them, initially outside the Community legal framework (De Sousa, 2013: 677). The first of these so-called Euroregions was the EUREGIO initiative, established in 1958 between Enschede in the Netherlands and Gronau in Germany. Cooperation between border regions was also promoted by the Council of Europe, under the auspices of which the Madrid Convention of 1980 on Transfrontier Co-operation between Territorial Communities and Authorities¹⁶ was drawn up, which contains model agreements for the development of partnerships at inter-state and local level (Dühr, 2021: 29). An important milestone in the development of this type of cooperation was the launch in 1989 by the European Commission of a support programme to address the structural development difficulties of border regions in order to prepare them for the creation of the single market. The initiative took the name INTERREG a year later and is now an integral part of the EU's cohesion policy under the name of European Territorial Cooperation (ETC) (Medeiros, 2018: 469). The ETC, financed by the European Regional Development Fund, is composed of four strands for the programming period 2021-2027,¹⁷ with the majority of the resources allocated to 64 programmes implementing cross-border cooperation, with priorities such as support for SMEs, research and innovation, or sustainable transport.¹⁸

2. Identifying legal and administrative barriers

The sub-heading of the cross-border cooperation strand of the ETC is about turning border-related obstacles into opportunities.¹⁹ This is not a coincidence, as it is precisely the people living in border regions who are primarily confronted with various

permanent natural or demographic handicaps such as the northernmost regions with very low population density and island, cross-border and mountain regions. "

¹⁵ Article 175 TFEU.

¹⁶ ETS No. 106.

¹⁷ Cross-border cooperation (Interreg strand A), Transnational cooperation (Interreg strand B), Interregional cooperation (Interreg strand C), Cooperation in the Outermost Regions (Interreg strand D).

¹⁸ See: <https://interreg.eu/> (24.6.2023).

¹⁹ "Cross border, Turning Border Obstacles into Opportunities", see: <https://interreg.eu/about-interreg/> (24.6.2023).

legal and administrative obstacles in their activities in a neighbouring Member State. In view of this phenomenon, the European Commission launched a large-scale 'Cross-Border Review' in 2015 to identify them, which resulted a total of 239 obstacles in 37 out of 40 internal land borders of the then 28-member EU and four-member EFTA (European Commission, 2017a: 17-19). The analysis shows that the majority of the obstacles, almost one third, are related to the labour market and education, including administrative difficulties in registering as a worker from another Member State, different rules for the acceptance of university degrees in different Member States, and diverse support for traineeships. The second largest cluster is problems arising from differences in social and health rules, in particular the treatment of economically inactive people from other Member States or the provision of cross-border emergency care. A number of obstacles have been identified in the field of transport and mobility, such as the limited number of community transport options across the hinterland or the different maximum weights of goods in transport. In addition to the above, the study also considered barriers related to industry and trade, policy design and public services, and environmental protection (European Commission, 2017a: 19, 43-45).

As the areas and examples mentioned above show, some elements of the list are linked to EU competences, while other obstacles may be due to national regulation rather than to the EU. The analysis has shown that the most significant number of them are legal obstacles linked to Member States, adopted as national or regional legislation in situations where there is either no EU competence or where it is only supportive, coordinating or complementary. The second largest group of obstacles are of administrative nature, in particular due to a lack of will to solve border problems, unequal cooperation capacities or differences in official languages. The smallest group is made up of EU-related legal barriers, which stem from EU border legislation and policy areas where the EU has exclusive or shared competence, including national legislation implementing the latter (European Commission, 2017a: 33, Unfried, Mertens et al., 2022: 51).

The barriers identified in the review have a significant negative impact on these border regions and thus on the EU economy as a whole. The consequences are complex, since in addition to the direct loss (e.g. the difficulty of accessing an airport), there are also the indirect effects suffered by the businesses concerned (the difficulty of accessing an airport makes production more expensive, which means that the company has less revenue and therefore less ability to hire new workers) (European Commission et al., 2018: 5). According to the analysis carried out to assess this, this represents a loss of GDP of around 458 billion euros, which is 3% of EU GDP and 8.8% of GDP in border regions. On the labour market side, this results in 6 million fewer jobs, which is 3% of EU employment and 8.6% of jobs in border regions (European Commission et al., 2018: 16).

Given the importance of the problem, the European Commission has explored ways to remove legal and administrative obstacles to the economic development of border regions (European Commission, 2017b: 7). It has announced the creation of a Border Focal Point within its own organisation, which will provide information and support to the Member States and regions concerned. In parallel, it has made recommendations on how to reduce these negative impacts, drawing together good practices from the regions concerned. It cited the long-standing intergovernmental forums in the Nordic countries as a good example to follow and undertook to set up a network to be coordinated through the border contact point. He prioritised the improvement of the legislative process, which means, on the one hand, a broader territorial impact assessment and, on the other hand,

that Member States should strive for the least divergent transposition of provisions affecting border regions when implementing EU legislation. It identified as an important objective the improvement of online administration and information through the development of e-government portals and the SOLVIT network. The Communication highlighted that increasing cross-border employment is a complex issue that requires better use of European-level systems (such as the European Employment Services, EURES) and more flexibility in national rules. In addition to the above, it made proposals to promote multilingualism through mutual learning of each other's languages, to improve cross-border public transport and to improve cooperation between health institutions. In addition to developing funding programmes for these areas, the Commission recommended to apply the law of the neighbouring Member State for a project or action limited in time. Finally, it considered it necessary to better inform decision-makers about the problems of border regions, citing the Mission Opérationnelle Transfrontalière in France and the Central European Service for Cross-Border Initiatives in Hungary as examples to follow (European Commission, 2017b: 7-17).

IV. The legal framework of resolving obstacles from the cross-border regions

1. Removing barriers from border regions under the current legal framework

To overcome the difficulties of border regions, as described above, there are a number of instruments available to facilitate cooperation between Member States in these areas (Jančová et al., 2023:25). Among the existing and ongoing instruments, agreements between Member States and horizontal EU legal instruments should be highlighted in detail.

a) Cross-border cooperation may be based on bilateral or multilateral intergovernmental cooperation agreements between Member States. The basic objective of these agreements is to improve cross-border cooperation, which can be achieved through *ad hoc* arrangements or even through the establishment of permanent institutions, such as cross-border joint committees.

One of the flagship bilateral agreements is the *Treaty of Aachen on Franco-German cooperation and integration*, signed by the President of the French Republic and the German Chancellor on 22 January 2019, on the 56th anniversary of the historic Treaty of Élysée.²⁰ The Treaty underlines the importance of cross-border cooperation to promote closer ties between citizens and businesses on both sides of the border, and sets out to remove obstacles in border regions in order to facilitate the daily life of people living in this areas.²¹ The Treaty of Aachen laid a solid institutional foundation by establishing the Cross-border Cooperation Committee. Its task is to develop a common strategy and identify priority projects that could help to identify the difficulties encountered in the Franco-German border regions and contribute to the development of proposals for solutions.²² The permanent secretariat of the Cross-border Cooperation Committee is based in Kehl and its activities can be considered successful on the basis of the experience

²⁰ The contract came into force a year later, on 22 January 2020. See Treaty of Aachen on Franco-German Cooperation and Integration (22 January 2019), <https://www.diplomatie.gouv.fr/en/country-files/germany/france-and-germany/franco-german-treaty-of-aachen/>

²¹ Article 13 of the Treaty of Aachen.

²² Article 14 of the Treaty of Aachen.

gained so far. It has been effective in helping to address the obstacles to cross-border cooperation posed by the COVID-19 crisis²³ and, among the successful projects, the rehabilitation of the area around the already closed Fessenheim nuclear power plant. In the process, a Franco-German economic and innovation area was created and a number of related projects were decided upon, involving cross-border mobility, interconnection of energy networks and various areas of innovation. In addition, the cooperation framework provided by the Treaty of Aachen has made it possible to launch and implement several rail transport projects.²⁴

Of similar importance to the Treaty of Aachen is the Treaty *for a Strengthened Bilateral Cooperation between France and Italy (Quirinal Treaty)*, signed in Rome on 26 November 2021.²⁵ The possibility of an enhanced bilateral cooperation treaty was raised by the two parties at a summit in Lyon in 2017, which addressed a broad spectrum of international cooperation between the two states, but with a particular focus on cooperation between border regions. The Quirinal Treaty seeks to improve coordination and enhance cooperation in related policy areas, encouraging dialogue between administrations and national parliaments in order to avoid divergent practices in border areas when transposing EU law. The Parties have also provided a permanent institutional framework for their cooperation in this Treaty by establishing a Committee for Border Cooperation.²⁶ The Committee, which is co-chaired by the competent ministers of the two parties, may propose cooperation projects, including plans of a legislative or administrative nature for their implementation.

The Treaty of Friendship and Cooperation between France and Spain (*Barcelona Treaty*), signed on 19 January 2023, also lays down the framework for bilateral cooperation.²⁷ The Barcelona Treaty contains provisions similar to those of the previous agreements, and thus sets the maintenance of good neighbourly relations as a fundamental objective to facilitate the daily lives of its inhabitants. It also explicitly addresses the need to maintain close cooperation with the Pyrenean border region and the shared river basins, taking into account the specific challenges of these regions.²⁸ The Parties will strengthen the powers of the authorities operating in these areas to deepen cooperation, including the development of a framework for joint public services in the social, health, environmental, energy, education, cultural and transport sectors.²⁹ A strong emphasis is placed on the implementation of EU law, and the Treaty states that the Parties "[...] encourage dialogue

²³ See The 15 priority projects identified under the Treaty of Aachen. https://www.diplomatie.gouv.fr/en/country-files/germany/france-and-germany/franco-german-treaty-of-aachen/article/the-treaty-of-aachen-on-franco-german-cooperation-and-integration#sommaire_1

²⁴ E.g. the rebuilding of the Rhine bridge on the Colmar-Freiburg line, and the upgrading of the Strasbourg-Frankfurt, Strasbourg-Palatinate and Sarrbrücken-Paris lines. See *ibid.*

²⁵ *Traité entre la République française et la République italienne pour une coopération bilatérale renforcée (Traité du Quirinal, 26 nov 2021)*; https://www.diplomatie.gouv.fr/IMG/pdf/26_11_2021_traite_bilateral_franco-italien_cle07961c.pdf

²⁶ Quirinal Treaty Article 10(7).

²⁷ *Traité d'amitié et de coopération entre la République française et le royaume d'Espagne (Le Traité de Barcelone)*; <https://www.elysee.fr/admin/upload/default/0001/14/20828fdc7c713dc88e993c917c97dc1377f50a08.pdf>

²⁸ Article 30(1) of the Barcelona Treaty.

²⁹ Article 30(2) of the Barcelona Treaty.

between administrations and parliaments on the transposition of EU law in order to avoid legal divergences in cross-border areas which adversely affect trade." Under the Treaty, should legal divergences arise which impede the implementation of cross-border cooperation projects, an *ad hoc* legal solution will be sought to overcome this difficulty, while respecting national competences.³⁰ The Treaty of Barcelona also provides for an institutional framework and establishes a consultative Cross-Border Cooperation Committee involving the competent administrations and other stakeholders. Similar to the institutional models mentioned above, the Commission's role is in particular to monitor the implementation of the cross-border cooperation strategy, propose concrete projects and propose solutions to enable their implementation.³¹

In addition to the above-mentioned bilateral contractual cooperation models, it is also necessary to mention cross-border cooperation in the framework of *multilateral agreements*, of which the *Nordic Council* is a striking example. The Nordic Council is an inter-parliamentary cooperation forum established in 1952 to promote cooperation between the Nordic countries - Denmark, Finland, Iceland, Norway and Sweden. The Nordic Council covers a wide range of cooperation topics, including economics, social welfare, environment, culture, education and innovation. The Nordic Council has also reached a number of achievements in the field of cross-border cooperation. The overall aim of the Nordic Council is to promote various initiatives aimed at strengthening economic, social and cultural links between border regions. This includes promoting trade, investment and tourism, as well as cross-border infrastructure projects. On the one hand, this is manifested in the establishment of cross-border cooperation programmes that contribute to cross-border knowledge sharing in the fields of research and innovation, environment and business development, by channelling EU initiatives such as Interreg mentioned above. The Action Plan 2021-2024 aims, among other things, to promote cross-border access to digital services in the Nordic-Baltic region and to ensure the immediate recognition of Nordic vocational and educational qualifications in the other Nordic countries (Jančová et al., 2023:20). In addition to the programmes, another pillar of cooperation is legal and administrative cooperation between member countries, with the overall aim of approximating legislation and simplifying administrative procedures. Finally, the third pillar of cooperation, of a more general nature, relates to mobility. Ensuring the accessibility of borders and improving transport links was also a major concern in the original objectives of the Nordic Council, which is crucial to the daily lives of the population living in border regions. The 2015 refugee crisis and the COVID-19 crisis were major challenges for the free movement of persons in the region, to which the Nordic Council states were able to respond in a coordinated and efficient way (Hansson & Stefánsdóttir, 2021:39).

b) In addition to bilateral and multilateral agreements, *the results of horizontal EU legislation* should be mentioned as an important tool in the inventory of the current legal environment, which can contribute to the removal of barriers between border regions. The essence of these instruments is that their general legal policy objective is not specifically aimed at solving the problems of border regions, but can also address border barriers in a more comprehensive way, mostly by regulating internal market and/or specific policy

³⁰ Article 30 (4) - (5) of the Barcelona Treaty.

³¹ Article 31(3) of the Barcelona Treaty.

issues. The current legislation in force is diverse and complex, and a few examples are given below to illustrate the practical relevance of these instruments.

One group of horizontal instruments is entirely outside the scope of EU regional and cohesion policy. An example of this is EU legislation on cross-border health services. EU legislation on the coordination of social systems has sought to address the issue of cross-border commuter insurance separately since the early days of the common market. The current coordination regulation³² emphasises the principle of equal treatment for workers who are not resident in the Member State of employment, including cross-border workers.³³ The most important result of the coordination regulation is that EU citizens are entitled to health care during their stay in another EU country for work, holiday or study abroad, the conditions for which are complemented by the cross-border healthcare directive.³⁴ The basic aim of the Directive is to facilitate access to safe and high-quality healthcare in another Member State by promoting cross-border healthcare cooperation between Member States in various practical areas. In particular, and importantly for our topic, the Directive also encourages regulation at regional and local level for cross-border cooperation, for example in the context of the recognition of prescriptions, reimbursement of healthcare costs or the designation of contact points along borders. Under the Directive, cooperation may be of particular importance in border regions, where cross-border service provision may be the most effective way of organising health services for the local population, but where sustainable cross-border service provision requires cooperation between health systems in different Member States. This cooperation may mean joint planning, mutual recognition or adaptation of procedures or standards, interoperability of national information and communication technology systems, practical mechanisms to ensure continuity of care or practical facilitation of cross-border provision of healthcare by health professionals on a temporary or ad hoc basis.³⁵ The guiding principle for cooperation is that the relevant administrative procedures should be based on objective, non-discriminatory criteria that are necessary and proportionate to the objective to be achieved. Furthermore, administrative procedures should be easily accessible and information on such procedures should be made publicly available at the appropriate level (Jančová et al., 2023:15). Based on extensive empirical studies³⁶, the use of cross-border healthcare services in border regions is fundamentally hampered by the widespread use of prior authorisation and the lack of transparency in its application, complex billing and reimbursement procedures for healthcare services provided in different health systems, but more generally, disproportionate administrative burdens, inadequate information on patients' rights, and uncertainties about healthcare costs incurred in another Member State and reimbursement. Undoubtedly, these obstacles are not directly and fully addressed by the Directive, but by encouraging cooperation between Member States, these problems can be alleviated in border regions.

³² Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, OJ L 166, 30.4.2004, p. 1-123.

³³ Recital 8 of Regulation (EC) No 883/2004

³⁴ Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare, OJ L 88, 4.4.2011, p. 45-65.

³⁵ Recital 50 of Directive 2011/24/EU.

³⁶ Report on the operation of Directive 2011/24/EU on the application of patients' rights in cross-border healthcare, SWD/2022/200 final, SWD(2022) 200 final, European Commission, May 2022.

Among the horizontal EU instruments, the EU company law measures, most notably the European Economic Interest Grouping (EEIG) are also available. According to the EEIG regulation,³⁷ the purpose of EEIG is to facilitate and promote the economic activities of its members by pooling resources, activities and competences. This means that an EEIG – by promoting a kind of synergy of economic actors – allows for better results than would be achieved by the individual activities of each participating entity acting separately. The EEIG provides a legal framework that helps natural persons, companies and other entities to overcome effectively the various types of problems, e.g. of legal, tax, etc. nature, that arise in cross-border cooperation. However, it is essential that the merger does not aim to make a profit for itself. The profits of the EEIG will be treated by the members as their own profits and will be shared equally between them in accordance with the clause in the articles of association, unless otherwise specified (Kulms, 2021). The EEIG can operate in a variety of sectors, including education, media services, etc and can therefore provide a framework for many types of cross-border cooperation.

Lastly, among the legal instruments currently available, reference should be made to the European Territorial Cooperations discussed above and to the Interreg, also mentioned above.

2. Dismantling barriers and the draft ECBM Regulation

a) The analysis so far clearly shows that the European Union has the competence and already has a general set of instruments to tackle the various types of obstacles in border regions. However, the above-mentioned instruments are too general, provide only a loose framework and ultimately depend on the willingness of the Member States concerned to cooperate and take steps to remove obstacles in line with other EU obligations. Consequently, the existing cooperation mechanisms are rather *ad hoc* and do not cover all border regions within the EU. The ultimate effectiveness of the action will depend largely on its way of implementation. Consequently, the successful removal of legal and administrative barriers would require a specific and adequate EU legal instrument.

b) Recognising this, the Member States' discussions under the aegis of the Luxembourg Presidency in 2015, as mentioned above, led to the preparation of draft legislation applying this specific approach. The European Commission announced at the beginning of 2018 that it was working on a draft regulation and set the objective of including the proposal in the decision-making package for the post-2020 Cohesion Funds. The results of the impact assessment of the draft regulation were published by the Commission in May 2018,³⁸ which highlighted that removing 20% of the legal and administrative barriers along cross-border regions would increase the GDP level of these

³⁷ Council Regulation (EEC) No 2137/85 of 25 July 1985 on the European Economic Interest Grouping (EEIG), OJ L 199, 31.7.1985, p. 1-9.

³⁸ Commission Staff Working Document - Executive summary of the impact assessment accompanying the document Proposals for a regulation of the European Parliament and of the Council on the European Regional Development Fund and on the Cohesion Fund on a mechanism to resolve legal and administrative obstacles in a cross-border context on specific provisions for the European territorial cooperation objective (Interreg) supported by the European Regional Development Fund and external financing instruments SWD/2018/283 final - 2018/0197 (COD). <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=SWD%3A2018%3A283%3AFIN>

areas by approximately 2%. The impact assessment identified as one of the key challenges for post-2020 cohesion policy the need to increase interregional cooperation and efforts to overcome barriers to cross-border interactions between people and businesses. The impact assessment concluded that the draft regulation was in line with the principles of subsidiarity and proportionality and underlined that the proposed mechanism would have no definite impact on the EU budget.

c) The main objective of the proposal is to introduce a mechanism that would allow the application of the legal provisions of one Member State to another Member State in respect of a cross-border region,³⁹ if the application of the legal provisions of the former would constitute a legal obstacle hampering the implementation of a joint Project (Rosanò, 2021: 444).⁴⁰ However, this would be made possible on a voluntary basis and it is important that the mechanism envisaged by the proposal does not affect the instruments currently available, so that the draft Regulation is essentially intended to complement existing cooperation schemes.⁴¹ In line with this, a Member State may choose to use an existing method in the border region concerned instead of the mechanism provided by the Regulation, or it may choose to join a method established formally or informally by one or more Member States and operating effectively for a specific border with one or more Member States. In these cases, however, the Member State is still obliged to notify the European Commission of the options chosen by the Member State in question.⁴²

In the draft regulation, the concept of legal obstacle is defined broadly to include any legal provision relating to the planning, development, staffing, financing or functioning of a joint project that "[...] *obstructs the inherent potential of a border region when interacting across the border.*"⁴³ The proposal offers two mechanisms (Rosanò, 2021: 444; Sielker, 2018:224-225).⁴⁴ One option is the automatic conclusion of a European cross-border commitment, which would allow the committing Member State to adopt the legislation of a neighbouring Member State (transferring Member State) and thus derogate from its own national legislation. The national law would not be affected by such a decision by the Member State and would remain in force, i.e. no legislative procedure would be required. The practical consequence would therefore be that the decision of the other Member State would not concern national law but rather the procedure of the administrative bodies, authorities, etc. dealing with the obstacle in question. These option would presuppose intensive cooperation with the competent authorities of the transferring State.

The other option would be to conclude a European cross-border statement, which would require the legislative procedure of the Member State. In this way, the Member State which has entered into the commitment incorporates the legal provision applied in the transferring Member State. In practical terms, the former Member State harmonises its domestic law with that of the other Member State. In order to facilitate both methods, the

³⁹ According to the draft ECBM Regulation, a cross-border region is the territory covered by neighbouring land border regions in two or more Member States at NUTS level 3 regions, which also defines the territorial scope of the regulation.

⁴⁰ A joint project is any item of infrastructure with an impact in a given cross-border region or any service of general economic interest provided in a given cross-border region.

⁴¹ Recital 9 of the draft ECBM Regulation.

⁴² Draft ECBM Regulation Article 4(4).

⁴³ See Article 3(4) of the draft ECBM Regulation.

⁴⁴ Draft ECBM Regulation Article 1.

draft regulation provides for the establishment of cross-border coordination points to coordinate the preparation, signature, implementation and follow-up of all commitments and statements concerning Member States. In addition, the coordination points would liaise with their counterpart(s) in the neighbouring Member State(s) and also the European Commission⁴⁵

The draft regulation also lays down detailed procedural rules on the process for concluding a commitment or statement.⁴⁶ The process, whether it is a commitment or a statement, starts with the preparation of an initiative document. The initiative document defines the nature of the cross-border project, identifies the legal obstacle and the solution to be applied in the transferring Member State. The document is prepared by an initiator, which can be a public or private organisation, including local/regional authorities, cross-border cooperation bodies or European associations of cross-border regions, initiating or implementing a joint project. The document is then sent to the cross-border coordination points of the committing and the transferring Member State, on the basis of which a preliminary analysis is made (Rosanò, 2021: 445). During this process, the coordination points will examine the content of the document, whether or not a legal obstacle exists, whether or not there is a solution to the legal obstacle, and on this basis decide whether or not it is necessary to initiate the procedure leading to the conclusion of this commitment or statement. If such a procedure is necessary, once the initiating document has been finalised, the cross-border coordination point of the committing Member State shall draw up a draft commitment or statement, which shall be sent to the transferring Member State. Once the content of the commitment or statement has been agreed between the two Member States, it shall be concluded and signed by the competent authorities of the Member States concerned.

A special rule - the simplified procedure - applies where the legal obstacle is caused only by an administrative provision, rule or administrative practice of the Member State which has entered into an obligation, or by an administrative provision, rule or administrative practice which is clearly different from a provision adopted under a legislative procedure. In such a case, where the practice can be amended or adapted without recourse to a legislative procedure, the competent committing authority shall notify the initiating authority in writing of the amendment or adaptation of the administrative provision, rule or administrative practice in question or of its refusal to do so within eight months. In these cases, the draft regulation provides flexibility and does not require the conclusion of a statement.⁴⁷

It is worth mentioning, that the Regulation also provides for the possibility of legal remedies, which could be brought against the application of the commitment or statement on the one hand, or against the monitoring of the commitment or statement on the other.⁴⁸

d) The draft regulation under the ordinary legislative procedure was published by the European Commission on 29 May 2018.⁴⁹ On 14 February 2019, before the 2019 European Parliament elections, the European Parliament adopted a resolution proposing

⁴⁵ Draft ECBM Regulation Article 6.

⁴⁶ Chapter II of Draft ECBM Regulation.

⁴⁷ Draft ECBM Regulation Article 12(4).

⁴⁸ Draft ECBM Regulation Article 19.

⁴⁹ COM(2018) 373 final.

amendments to the Commission's draft regulation.⁵⁰ The resolution stressed the voluntary nature of the mechanism, in which it examined the scope of the mechanism and its relationship with the principles of subsidiarity and proportionality (Sielker, 2018:228). As the application of the mechanism is voluntary, Member States should be allowed to choose the instrument they consider most advantageous. Parliament also proposes that, on the one hand, coordination points should be set up in each Member State and, on the other hand, the Commission should introduce a database covering all national and regional cross-border coordination points. The implementation of the regulation should be accompanied by a communication strategy to support its implementation, aimed at promoting the exchange of best practices; providing and interpreting practical information on the scope and thematic focus of the regulation; and clarifying the procedural rules. In addition, the Parliament's decision also covers certain procedural rules for own-initiative documents. If the initiator identifies a legal obstacle to the planning, development, financing, staffing and operation of the joint project, it must prepare an own-initiative document describing the joint project and its background, the legal obstacle or obstacles in the Member State of application and the decisive reasons for removing the legal obstacles. Within six months (not three months) of receipt of the initiative document, the competent cross-border coordination point in the implementing Member State will send a written reply to the initiator. In the reply, the initiator will either be redirected to an existing mechanism, or requested to forward the initiative document directly to the competent body under the relevant mechanism, or informed that one or more of the Member States concerned have decided not to remove one or more of the legal obstacles identified by the initiator and will provide written reasons for this decision. The rationale for the latter proposal emerged during the earlier parliamentary committee preparation of the decision, arguing that voluntariness from the Member States' point of view should also include the autonomy for a Member State or Member States not only to choose the existing methods provided for by the Regulation, but also to decide simply not to remove certain obstacles.

Given that the Council was unable to reach a position on the draft regulation, the European Parliament's Committee on Regional Development (REGI) decided to open inter-institutional negotiations on 2 October 2019 (Lierop, 2021:1). On 2 March 2020, the Council's Legal Service issued a legal opinion on the proposal, which covered the choice of legal basis and the compatibility of the proposal with the founding treaties.⁵¹ It argues that the use of Article 175(3) TFEU as the legal basis for the proposal would require a reconsideration, in particular with regard to the European cross-border commitment, and notes, *inter alia*, that the scope of the proposal should be limited to regulating cross-border cooperation between EU Member States. The document also considers that the possibility of voluntary participation provided for in Article 4(2) of the proposal is not compatible with the Treaties and stresses that the mechanism should apply uniformly to all Member States. Subsequently, and presumably notwithstanding the crisis situation created by COVID-19, progress in the negotiation of the ECBM Regulation has slowed down within the Council. The legislative proposal remains open and awaits a decision by the Council.

⁵⁰ Decision by Parliament, 1st reading; T8-0118/2019 (14/02/2019) [https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=&reference=2018/0198\(COD\)](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=&reference=2018/0198(COD))

⁵¹ Opinion of the Legal Service, Council of the European Union, Doc. No. 6009/2020 (2 March 2020), <https://data.consilium.europa.eu/doc/document/ST-6009-2020-INIT/en/pdf>

V. Conclusions

Lifting borders is a key element in the European integration process. Opening up frontiers gives a symbolic connotation to integration, but it also has a very tangible, everyday meaning. The abolition of borders gives EU citizens a direct and ‘live’ experience of the internal market: it makes the movement of citizens between Member States a daily routine and gives practical meaning to the freedom of other factors of production - goods, services and capital - in the internal market. In this sense, borders do not separate, but act as a bridge connecting citizens, businesses, economic actors and, territories, regions and Member States within the internal market. It goes without saying that cross-border cooperation is of particular importance in this context. Not only because of the economic role of these territories, as indicated above, but also because of their ability to retain their attractiveness in the eyes of EU citizens living there. In fact, the increasing legal and administrative barriers may contribute to the depopulation of these areas, and the declining population may create a ‘vicious circle’: depopulation may lead to the withdrawal of financial resources from these areas, which may lead to a deterioration in the quality of public and public services, which may also be reflected in a decline in investments and economic output, and finally, this deteriorating environment will itself encourage people to move away from the border region.

Removing legal and administrative barriers is essential precisely because of this spill-over effect. The above analysis shows that EU internal market law and ad hoc cooperation between Member States currently offer a number of instruments that can help to remove these obstacles. However, there is no doubt that there is also a need to establish an EU framework in this area, which would provide Member States with tailor-cut models and methods through which barriers can be effectively overcome. The draft ECBM regulation provides a good starting point for such a framework, but the debate in the European Parliament has already foreshadowed the need to rethink the draft in many respects. One can only hope that the parties in the legislative procedure can surmount these difficulties and find a compromise solution soon. This could directly benefit the people living in border regions, but the positive effects would also be felt throughout the internal market. This also means that there are still room and potential for new regionalism in the European Union. Just use it.

BIBLIOGRAPHY

- Csatlós Erzsébet (2018), „*Térség és terület a nemzetközi jogban*” in Jakab András – Fekete Balázs (szerk.): *Internetes Jogtudományi Enciklopédia* (Nemzetközi jog rovat, rovatszerkesztő: Sulyok Gábor), 2018, <http://ijoten.hu/szocikk/terseg-es-terulet-a-nemzetkozi-jogban>
- De Sousa Luis (2013), *Understanding European Cross-border Cooperation: A Framework for Analysis*, *Journal of European Integration*, 35(6), 2013, p. 669-687
- Dühr Stefanie (2021), *German stakeholder perspectives on the provision of cross-border public services*, *Europa XXI*, 40, 2021, p. 27-46
- European Commission, Directorate-General for Regional and Urban Policy, Pucher J.; Stumm T.; Schneidewind P. (2017), *Easing legal and administrative obstacles in EU border regions: final report*, Publications Office, March 2017, <https://data.europa.eu/doi/10.2776/251376>

- European Commission (2017), Communication from the Commission to the Council and the European Parliament: Boosting growth and cohesion in EU border regions, Brussels, 20.9.2017, COM(2017) 534 final
- European Commission, Directorate-General for Regional and Urban Policy, Caragliu A.; Capello R.; Camagni R. et al. (2018), *Quantification of the effects of legal and administrative border obstacles in land border regions: final report*, Publications Office, 2018, <https://data.europa.eu/doi/10.2776/25579>
- Evrard Estelle (2021), *Reading EU European borderlands under the perspective of legal geography and spatial justice*, *European Planning Studies*, 29(3), 2021, p. 1-17
- Jakubowski Andrzej (2020), *Asymmetry of the economic development of cross-border areas in the European Union: assessment and typology*, *Europa XXI*, vol. 39, p. 45-62
- Jančová Lenka; Kammerhofer-Schlegel Christa; Saulnier Jérôme; Puc Anja (2012), *Mechanism to resolve legal and administrative obstacles in a cross-border context*, European Parliamentary Research Service, Brussels, 2023.
- Hansson Pia; Stefánsdóttir Auður Birna (2021), *Nordic solidarity and responses to COVID-19, Small States & Territories*, 4(1), 2021, p. 29-44
- Haselsberger Beatrix (2014), *Decoding Borders. Appreciating Border Impacts on Space and People*, *Planning Theory & Practice*, 15(4) 2014, p. 505-526
- Kulms Rainer (2021), *European Economic Interest Grouping (EEIG)*, in *Max Planck Encyclopedia of European Private Law* (Online edition), 2021. [https://max-eup2012.mpipriv.de/index.php/European_Economic_Interest_Grouping_\(EEIG\)#b.29_General_information_requirements](https://max-eup2012.mpipriv.de/index.php/European_Economic_Interest_Grouping_(EEIG)#b.29_General_information_requirements)
- Lierop Christiaan van (2021), *Mechanism to resolve legal and administrative obstacles in a cross-border context*, European Parliamentary Research Service, Brussels, 2021.
- Medeiros Eduardo (2018), *Should EU cross-border cooperation programmes focus mainly on reducing border obstacles?*, *Documents d'Anàlisi Geogràfica*, 2018, 64(3), p. 467-491
- Rosanò Alessandro (2021), *Perspectives of strengthened cooperation between cross-border regions: The European Commission's proposal of a regulation on the mechanism to resolve legal and administrative obstacles in the cross-border context*, *Maastricht Journal of European and Comparative Law*, 28(4), 2021, p. 437-451
- Sielker Franciska (2018), *The European Commission's proposal for a cross-border mechanism (ECBM): Potential implications and perspectives*, *Journal of Property, Planning and Environmental Law*, (10)3, 2018, p. 219-239
- Söderbaum Fredrik (2003), *Introduction: Theories of New Regionalism*, in Fredrik Söderbaum, Timothy M. Shaw (eds), *Theories of New Regionalism* (International Political Economy Series), Palgrave Macmillan, London, 2003, p. 1-21
- Unfried Martin; Mertens Pim; Büttgen Nina; Schneider Hildegard (2022), *Cross-Border Cross-Border Impact Assessment for the EU's border regions*, *European Journal of Law Reform*, 2022, 24(1), p. 47-67

SUPRANATIONAL VERSUS INTERGOVERNMENTAL APPROACHES IN THE EUROPEAN UNION GOVERNANCE PROCESS

*Dan APĂTEANU**

Abstract: *The European Union (EU) is a complex system of governance that involves various institutional actors and decision-making processes. The ongoing debate among scholars regarding the most important mode of governance and institutional actor in the EU's development is indicative of the significance of this topic. This paper explores the supranational and intergovernmental approaches to governance. The paper highlights the tension between the community method and intergovernmentalism in the EU institutional framework and explores the various perspectives regarding the locus of power and interest in the EU. Ultimately, this paper aims to provide a nuanced analysis of EU governance and the potential implications for its future.*

Keywords: *integration, supranational, intergovernmentalism, governance, European Union*

1. Introduction

The European Union (EU) is an organization comprising 27 European countries that follow rules, pay dues, and receive benefits. It is similar to other international organizations, like the United Nations and NATO, but differs in two main aspects. Firstly, the EU is involved in various areas of public policy, ranging from trade and agriculture to regional development and foreign policy. Secondly, it has institutions, including the directly elected European Parliament, that give it a quasi-country status (Citizens Assembly, 2017).

The EU originated from the European Economic Community (EEC) established in 1957, with six founding members aiming to promote economic growth and reconciliation after World War II. Over time, membership expanded significantly, especially after the Cold War, incorporating former communist nations. Currently, several countries, namely, Albania, Bosnia and Herzegovina, Moldova, Montenegro, North Macedonia, Serbia, Turkey and Ukraine, are candidates for EU membership (European Union, Joining the EU).

The EU operates through four key institutions: the Council of the European Union (or European Council), the European Parliament, the European Commission, and the European Court of Justice. Decision-making processes vary, but the most common is the Ordinary Legislative Procedure, where the Commission proposes legislation, which is then reviewed and potentially amended by the Council and Parliament. Approval from member states is necessary, with certain policy areas requiring unanimity (European Union, Types of institutions and bodies).

* Ph. Lector, University of Oradea, Romania, danapateanu@yahoo.com

The European Parliament has gained more powers over time but cannot propose new laws or change taxes. Implementation of decisions largely rests with member states, overseen by the Commission, which can refer non-compliant states to the European Court of Justice for potential fines.

2. Historical Overview of EU Integration Process

The history of European Union integration dates back to the aftermath of World War II. In the wake of the devastation caused by the war, European leaders sought to establish a framework that would promote peace, stability, and economic prosperity in the region. One of the earliest steps in this direction was the establishment of the European Coal and Steel Community (ECSC) in 1951, which aimed to coordinate the production and distribution of coal and steel among its member states. The ECSC was followed by the European Economic Community (EEC) in 1957, which sought to create a common market among its member states, with free movement of goods, services, and people. Over the following decades, the EU continued to expand and deepen its integration. In 1973, the United Kingdom, Denmark, and Ireland joined the EEC, and in 1986, Spain and Portugal became members (European Union, History of the EU).

The European Union was officially established in 1993 with the signing of the Maastricht Treaty. The treaty aimed to create a more unified Europe by introducing a common currency, the Euro, and by promoting greater political and economic integration among member states. The EU initially consisted of 12 member states, which included Belgium, Germany, France, Italy, the Netherlands, Luxembourg, Denmark, Ireland, Greece, Spain, Portugal, and the United Kingdom.

The early years of the new millennium saw a number of significant developments in the process of European integration. One of the most significant of these was the enlargement of the EU in 2004, which saw ten new member states join the union. These included the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, Slovenia, Cyprus, and Malta. The enlargement was a significant step forward for European integration, as it helped to promote greater political and economic stability across the continent.

Another major development in the process of European integration, in the early 2000s, was the introduction of the Euro as a common currency. The Euro was first introduced in 1999, but it wasn't until 2002, that the currency was adopted by the majority of EU member states. The introduction of the Euro was a major milestone in the process of European integration, as it helped to promote greater economic cooperation and stability across the continent.

In addition to these developments, the early 2000s saw a number of important steps taken towards greater political integration within the EU. One of these was the creation of the position of High Representative for Common Foreign and Security Policy, which was established in 1999 to coordinate EU foreign policy. This was a significant step towards greater political unity within the EU, as it helped to promote a more coordinated approach to foreign policy across member states.

Another important development, in the process of European integration in the early 2000s, was the adoption of the Lisbon Strategy in 2000. The Lisbon Strategy was designed to promote economic growth and job creation within the EU, by establishing a number of ambitious targets and objectives for member states to achieve. While the Lisbon Strategy was not without its critics, it helped to promote greater economic

cooperation and coordination across the EU, and it laid the foundation for further economic integration in the years to come.

Despite these significant steps forward, the process of European integration faced a number of challenges in the early 2000s (Parsons and Matthijs, 2015:210-232). One of the most significant of these was the rejection of the proposed European Constitution in 2005. The European Constitution was intended to replace the existing treaties that governed the EU, but it was rejected by voters in France and the Netherlands, effectively bringing the process of European integration to a halt.

Despite this significant setback, the process of European integration continued relentlessly in the years that followed. The EU continued to expand, with Bulgaria and Romania joining in 2007, and Croatia joining in 2013. The Euro continued to be adopted by new member states, with Slovenia joining in 2007, Cyprus and Malta in 2008, Slovakia in 2009, Estonia in 2011, Latvia in 2014, and Lithuania in 2015. The EU also continued to pursue greater political, economic and social integration, with the adoption of the Treaty of Lisbon in 2007 and the creation of the European External Action Service in 2010.

Today, the EU consists of 27 member states, with a combined population of over 447 million people. The EU has become a major player on the world stage, with a significant role in shaping global policies and promoting human rights, democracy, and the rule of law.

However, the process of European integration has also faced significant challenges in recent years. The financial crisis of 2008 and its aftermath highlighted the economic disparities between member states, and the subsequent migration crisis led to a rise in nationalism and anti-EU sentiment in some countries. The Brexit vote in 2016 saw the United Kingdom, one of the EU's largest and most influential member states, vote to leave the union, further complicating the process of European integration.

Despite these challenges, the EU has continued to push forward with the process of European integration. In 2019, the EU adopted the European Green Deal, a comprehensive plan to achieve climate neutrality by 2050. The COVID-19 pandemic in 2020 led to a significant increase in cooperation among member states, as they worked together to address the public health crisis and its economic fallout.

Looking ahead, the process of European integration is likely to continue, albeit with some challenges and obstacles along the way. The EU will need to continue to address issues related to economic inequality, migration, and political fragmentation, while also working to promote greater cooperation and unity among member states. Despite these challenges, the EU remains a key player in the global arena, and its continued success will be crucial in promoting peace, stability, and prosperity in Europe and beyond.

3. Brief overview of the supranational and intergovernmental approaches

The Treaty of Rome established the European Commission and granted it the authority to propose and negotiate legislation and external economic relations. Decision-making powers were primarily given to the Council, while Parliament had a consultative role. However, over time, Parliament's influence has steadily grown. It started with reforms in 1970 and 1975, followed by the Treaty of Maastricht, which introduced the concept of codecision with the Council, thereby increasing Parliament's involvement in decision-making processes and appointments.

Subsequently, the Single European Act empowered Parliament to authorize the ratification of accession and association treaties. Maastricht further expanded Parliament's authority to include certain types of international treaties. The Treaty of Amsterdam played a significant role in democratizing the European Community by simplifying the codecision procedure, broadening its application to new areas, and reinforcing Parliament's role in appointing the Commission.

Building on this progression, the Treaty of Nice significantly enhanced Parliament's powers. It extended the codecision procedure to nearly all new areas where the Council previously had the authority to decide by qualified majority. Additionally, Parliament gained the same powers as the Member States in terms of referring matters to the Court of Justice.

The Treaty of Lisbon represented another significant advancement, aiming to achieve full equality between Parliament and the Council in matters of EU legislation and finance. It marked a qualitative step forward in strengthening Parliament's position and influence within the European Union.

The decision-making procedures in the Common Foreign and Security Policy (CFSP) and other areas of EU cooperation differ from the regular legislative process. These fields emphasize greater intergovernmental cooperation. The public debt crisis has caused a greater dependence on these decision-making mechanisms, especially in relation to European economic governance (European Parliament).

4. The Supranational Approach

4.1. Key institutions and mechanisms of supranational decision-making in the EU

Next, I provide an overview of the legislative procedures in the European Union (EU) as outlined in the Lisbon Treaty. It explains the three main procedures: the Ordinary Legislative Procedure, the Consultation Procedure, and the Consent Procedure (Schonard, 2023).

Ordinary Legislative Procedure

Applies to 85 legal bases and involves equal decision-making power for the European Parliament and the Council.

The procedure begins with a proposal from the European Commission.

The first reading takes place in the Parliament, where it adopts its position by a simple majority.

The first reading in the Council involves qualified majority voting.

In certain areas, the proposal can be submitted to the European Council or continue under enhanced cooperation if consensus is not reached.

The second reading in both the Parliament and the Council allows for the adoption of the act if agreements are reached.

If disagreements persist, a Conciliation Committee is formed to find a joint text that needs approval from both institutions.

Consultation Procedure

The Council must consult the Parliament, as well as the European Economic and Social Committee and the Committee of the Regions, before making a decision.

If the Council intends to make substantial amendments to a proposal, it must consult the Parliament again.

Consent Procedure

Applies to specific cases such as budgetary flexibility, combating discrimination, association agreements, Union membership, etc.

The Parliament has the power to approve or reject a draft act forwarded by the Council, without the ability to make amendments.

The text also mentions the increasing trend of first reading agreements through informal negotiations between the Council and Parliament. It notes that some bridge clauses allow the European Council to extend the application of the ordinary legislative procedure to exempted areas. Additionally, it highlights the importance of consultation and consent from the Parliament in various stages of the procedures.

4.2. Examples of supranational approach

Appointment procedures in the European Union involve different entities and processes. The President of the Commission is elected by Parliament, while the High Representative for Foreign Affairs and Security Policy is appointed by the European Council through qualified majority voting. The Council, also using qualified majority voting, approves the list of proposed Members of the Commission, as well as members of the Court of Auditors, the Committee of the Regions, and the European Economic and Social Committee. The European Ombudsman is elected by Parliament (European Parliament, 2019).

When it comes to international agreements, the EU has the ability to enter into such agreements now that it has legal personality. The European Parliament's consent is required for agreements related to the Common Commercial Policy or policies falling under the ordinary legislative procedure. The Council makes decisions through qualified majority voting, except for specific types of agreements. The Commission or the High Representative provides recommendations to the Council, which determines the negotiation mandate and appoints a negotiator. The Parliament must be fully informed at all stages of the process.

In quasi-constitutional procedures, certain matters follow specific processes. The Commission proposes the system of own resources, which is then consulted with Parliament, and the Council unanimously decides, subject to adoption by Member States according to their constitutional requirements. The provisions for the direct universal suffrage election of the Parliament are proposed by Parliament, and the Council decides unanimously after obtaining Parliament's consent and recommending the proposal to Member States for adoption according to their constitutional requirements. The adoption of the Statute for Members of the European Parliament and the Statute for the Ombudsman is proposed by Parliament, with the Commission providing an opinion, and the Council gives consent through qualified majority voting (unanimity for tax arrangements for Members/former Members). The amendment of the protocol on the Statute of the Court of Justice can be proposed by the Court of Justice (with consultation of the Commission) or the Commission (with consultation of the Court of Justice), and both the Council and Parliament are involved in the decision-making through the ordinary legislative procedure.

5. The Intergovernmental Approach

I have continued with the description of various procedures and mechanisms within the European Union (EU) for different actions and decision-making processes.

A. Procedure for amendment of the Treaties (Article 48 of the TEU)

Proposals for treaty amendments can be made by any Member State, Parliament, or the Commission.

The Commission participates in intergovernmental conferences and provides consultation.

Parliament is consulted before the intergovernmental conference and has increasing influence.

The Governing Council of the European Central Bank is consulted on monetary changes.

Amendments require unanimous agreement among governments and subsequent ratification by Member States.

B. Procedure for the activation of passerelle clauses

The European Council unanimously decides on the activation of general passerelle clauses.

Other passerelle clauses can be decided by the Council, either unanimously or by qualified majority.

C. Accession procedure (Article 49 of the TEU)

European states complying with the EU's principles can apply for accession.

The European Council determines eligibility conditions.

The Commission plays an active role in the negotiation process.

Parliament's consent, by an absolute majority, is required.

The Council makes the final decision unanimously, followed by ratification by Member States.

D. Withdrawal procedure (Article 50 of the TEU)

A Member State intending to withdraw notifies the European Council.

A withdrawal agreement is concluded by the Council with Parliament's consent.

The agreement is reached through a special qualified majority of the Council.

E. Sanctions procedure for a serious and persistent breach of Union principles by a Member State (Article 7 of the TEU)

Main procedure:

A serious breach proposal can be made by one third of Member States or the Commission.

Parliament's consent requires a two-thirds majority.

The European Council determines the breach's existence unanimously.

The Council, by a qualified majority, can suspend certain rights of the Member State.

Precautionary system:

A proposal for a clear risk of breach can be initiated by the Commission, Parliament, or one third of Member States.

Parliament's consent requires a two-thirds majority.

The Council, by a four-fifths majority, can decide on a clear risk after hearing the Member State.

5.1. Examples of intergovernmental policies

The financial crisis in some EU Member States in 2010 led to various measures to provide aid. The European Financial Stabilisation Mechanism and the European Financial Stability Facility (EFSF) were established to manage the financial assistance. The EFSF, created by an intergovernmental agreement among euro area countries, required decisions at the level of the European Council or the Heads of State or Government of the Eurogroup. This was due to the no-bail-out clause and the resistance of some national constitutional courts to transferring financial and budgetary powers to the EU (European Commission, European Financial Stabilisation Mechanism (EFSM)).

An amendment to Article 136 of the Treaty on the Functioning of the European Union (TFEU) was adopted in 2011, allowing the establishment of permanent crisis prevention mechanisms like the European Stability Mechanism (ESM). The ESM, created by an intergovernmental treaty, became operational in 2013. Its executive board has a voting procedure that includes an "emergency procedure" requiring a qualified majority of 85% in urgent financial assistance decisions as determined by the European Commission and the European Central Bank.

The Treaty on Stability, Coordination and Governance in the Economic and Monetary Union (TSCG), which entered into force in 2013, was developed by Member State governments. It includes a requirement for a balanced budget rule in domestic legal systems (the Fiscal Compact). Out of the 25 contracting parties to the TSCG, 22 are formally bound by the Fiscal Compact, including the 19 EURO area Member States, Bulgaria, Denmark, and Romania.

6. Advantages and disadvantages of supranational and intergovernmental approaches

Stone Sweet and Sandholz propose a theory of integration that relies on three causal factors: exchange, organization, and rules. Transnational exchange provokes supranational organizations to make rules designed to facilitate and regulate the development of transnational society, which in turn encourages private and public actors to forge new or intensify existing linkages. The integration-relevant behavior of governments is best explained in terms of the embeddedness of governments in integration processes (Stone Sweet and Sandholz, 1997:297-317).

Their paper dismisses intergovernmentalism as a body of causal propositions about how integration has proceeded and argues that intergovernmental bargaining is an ubiquitous feature of supranational governance, but not a satisfying general theory of integration. The proposed theory accounts for causal relationships between variables that are systematically downplayed by intergovernmentalism and expects integration to produce new political arenas that will qualitatively differ from purely intergovernmental politics, and that this difference will have an impact on subsequent policy processes and outcomes.

It is argued that supranational bodies work to enhance their own autonomy and influence within the European polity to promote the interests of transnational society and the construction of supranational governance. The long-term interests of member state

governments will be increasingly biased toward the long-term interests of transnational society, those who have the most to gain from supranational governance.

The tension between the community (supranational) method and intergovernmentalism in the EU institutional framework is addressed in the working document discussed by the Committee on Constitutional Affairs of the European Parliament (Devesa, 2021, 1-22). The rapporteur presented the community method as a unique framework for sharing sovereignty and establishing a common polity.

However, the emergence of the Union method has challenged the community method's democratic and institutional integrity. Members of the Committee support the rapporteur's approach and agreed that the community method's efficiency and simplicity benefit citizens. Members also highlighted areas where unanimity often leads to blockages and restricts the use of the community method. They criticized the European Council's *modus operandi*, which risks being exposed to the capture of its agenda by few Member States and highlighted a shift of power to informal structures such as *sherpas*, which undermines the institutional mandate of the European Council and the community method's proper functioning.

The ongoing debate among EU experts regarding the most important mode of governance and institutional actor in the EU's development is also being discussed by Schmidt (Schmidt, 2016, 5-31). Some scholars believe intergovernmental decision-making by the Council is most important, while others emphasize supranational decision-making by the Commission and other technical actors. The author argues that there is an increasing empowerment of all EU institutional actors, and a complex set of interactions involving consensus-seeking deliberation as well as contestation.

The paper suggests that the locus of power and interest has moved up to the EU level, which has unsettled national democracies. The author concludes by stating that the EU is like a double-decker bus with member-state governments sitting in the driver's seat, but supranational EU actors are pumping gas through the system and ensuring the brakes don't lock. However, the main danger is that member-states' citizens find themselves far from the steering wheel and unsure who is in control.

Borzal argues that viewing the European Union (EU) as a political system with different governance approaches, allows for a more nuanced analysis of EU integration. By moving beyond the dichotomy of intergovernmentalism and supranationalism, scholars can make comparisons with other systems of multilevel governance at the national and international level. The paper examines how the EU responded to financial and refugee crises and found that deepening financial integration strengthened supranational centralization, while attempts to centralize political authority for migration and asylum policy failed. The failure to find a viable solution to several challenges may result in the EU's disintegration (Borzal, 2018, 1-27).

7. Impact on Policy Areas: the Covid crisis case study

The paper by Salvati discusses the early response of the European Union (EU) to the COVID-19 pandemic and its consequences. The response has been mixed, with both supranational and intergovernmental actions, but has been hindered by the incapacity of EU supranational institutions to exercise the function of resource extraction. This lack of power and authority deprives the EU of the opportunity to have a political production able to deploy quick and effective redistributive instruments designed to absorb internal and external shocks. The article highlights the limitedness of the anti-crisis provisions that can

be directly attributed to supranational institutions and emphasizes the "unrealistic character of the state-like approach pursued by supranational actors" in managing the COVID-19 crisis (Salvati, 2020:1-19).

The member states are keener to develop new intergovernmental structures and tools than to accept the greater influence and authority of supranational actors, thus triggering a process of vertical political disintegration. The only exception to this marginalization of supranational institutions is the European Central Bank (ECB), which is a technocratic, non-majoritarian institution. Its indispensable activism, timely and of vital importance in providing a strong economic response to the crisis, underlines the weakness of EU politics and the existence of the permanent difficulty in coordinating quick and effective responses.

The only way of overcoming this limitation and of implementing the political dimension of EU integration would entail a definitive weakening of the power and legitimacy of member states as a result of the complete supranationalization of core state powers, thus effectively achieving full system building for the EU. However, the EU's recent history indicates that such an outcome is highly unlikely, with developments pointing to a partial retrenchment within national boundaries and to the victory of the intergovernmental approach over the supranational option.

The paper concludes that the national reaction to the broadening of the pervasiveness of core state powers has been characterized by the transnationalization of the pro/anti-EU cleavage and the rise of Eurosceptic and nationalistic political entrepreneurs, capable of influencing national political agendas and forcing mainstream parties in government to drop new plans for broader integration or to opt for incomplete, ineffective solutions which result in a more highly-differentiated integration. The lack of autonomous extractive capacity of supranational institutions, in particular in those sectors and policy fields that go beyond the traditional scope of the EU, reveals the diminished power of the supranational system.

8. Conclusion

The supranational approach in the European Union (EU) has evolved over time, with the Treaty of Rome establishing the European Commission and granting it legislative proposing and negotiating powers. The role of the European Parliament has also grown, starting with reforms in the 1970s and further expansions in subsequent treaties such as Maastricht, Amsterdam, Nice, and Lisbon. These treaties have increased Parliament's involvement in decision-making processes and appointments, empowering it in areas such as legislation, finance, and international treaties. On the other hand, the intergovernmental approach emphasizes cooperation between member states in fields like the Common Foreign and Security Policy (CFSP) and economic governance. Decision-making in these areas relies on intergovernmental mechanisms, with a greater role for national governments. The financial crisis led to a greater reliance on intergovernmental decision-making, particularly in relation to economic governance.

The supranational approach in the EU involves key institutions and mechanisms for decision-making. The Ordinary Legislative Procedure is the primary procedure, giving equal decision-making power to the European Parliament and the Council. It involves multiple readings, consultations, and negotiations between the institutions. The Consultation Procedure requires the Council to consult the Parliament, as well as other bodies, before making a decision. The Consent Procedure applies to specific cases where

the Parliament can only approve or reject a draft act forwarded by the Council. The supranational approach also includes various appointment procedures and decision-making processes for international agreements and quasi-constitutional matters.

The intergovernmental approach in the EU involves procedures and mechanisms for actions and decision-making processes. The amendment procedure allows proposals for treaty amendments from member states, Parliament, or the Commission, requiring unanimous agreement among governments and subsequent ratification. Passerelle clauses can be activated by unanimous or qualified majority decisions of the Council. The accession procedure involves the European Council determining eligibility conditions for European states applying for membership, with the Commission playing a role in negotiations and Parliament's consent required. The withdrawal procedure is initiated by a Member State notifying the European Council, followed by a withdrawal agreement concluded by the Council with Parliament's consent. The sanctions procedure for a breach of Union principles involves proposals, consultations, and decisions by various institutions, requiring majority approvals.

Scholars have different perspectives on the *advantages and disadvantages of supranational and intergovernmental approaches* in the EU. Some argue that supranational bodies enhance their autonomy and influence to promote transnational society's interests, while others highlight the potential biases and tensions between member state governments and supranational governance. The intergovernmental approach is seen as a feature of supranational governance but not a comprehensive theory of integration. The EU's institutional framework faces challenges in terms of democratic integrity, efficiency, and decision-making processes. The increasing empowerment of EU institutional actors and complex interactions among them raise questions about the distribution of power and control.

The response of the EU to the COVID-19 pandemic has involved a mix of supranational and intergovernmental actions. However, the limited power and authority of supranational institutions have hindered their ability to effectively manage the crisis. Member states have shown a greater inclination towards intergovernmental structures and tools, leading to a process of vertical political disintegration. The European Central Bank (ECB) stands as an exception with its vital economic response, highlighting the weakness of EU politics and the challenge of coordinating effective responses. Fully supranationalizing core state powers could strengthen the political dimension of EU integration, but recent developments suggest it is less likely to happen.

Hence, I have highlighted the importance of exploring the tension between supranational and intergovernmental approaches in the EU integration process, as well as the potential implications for policy outcomes. Future research could further investigate the impact of integration on policy areas beyond the ones discussed in this paper, such as environmental policy, social policy, and foreign policy. Additionally, further research could explore the role of non-state actors in the EU integration process, including civil society organizations, interest groups, and multinational corporations. Finally, research could examine the impact of recent events, such as the Brexit referendum and the COVID-19 pandemic, on the future of EU integration and the balance of power between supranational and intergovernmental approaches.

In conclusion, this paper has provided an analysis of the supranational and intergovernmental approaches to European Union integration and their impact on policy outcomes. While intergovernmentalism has been a dominant feature of the EU

institutional framework, this paper argues that integration will produce new political arenas that will qualitatively differ from purely intergovernmental politics. The tension between the community method and intergovernmentalism has important implications for the future of EU integration, and this paper suggests that future research could explore the impact of integration on policy areas beyond the ones discussed in this paper, as well as the role of non-state actors in the EU integration process.

BIBLIOGRAPHY

- Borzel, Tanja. 2018. *Governance Approaches to European Integration*. KFG Working Paper Series, No. 84, May 2018, pp. 1-27.
- Citizens Assembly, *Background: A Quick Introduction to the EU*, 8 September 2017, <https://citizensassembly.co.uk/background-quick-introduction-eu/> Accessed at 15.06.2023.
- Devesa, Domenec Ruiz. 2021. *Working Document on the Community method and intergovernmentalism*, Committee on Constitutional Affairs, European Parliament, pp. 1-22.
- European Commission, *European Financial Stabilisation Mechanism (EFSM)*, https://economy-finance.ec.europa.eu/eu-financial-assistance/euro-area-countries/european-financial-stabilisation-mechanism-efsm_en, Accessed at 14.06.2023.
- European Parliament, *The European Union's legal system and decision-making procedures*, <https://www.europarl.europa.eu/factsheets/en/section/186/the-european-union-s-legal-system-and-decision-making-procedures> Accessed at 15.06.2023.
- European Parliament, *Appointment procedures in the EU institutions*, [https://www.europarl.europa.eu/RegData/etudes/STUD/2019/621803/IPOL_STU\(2019\)621803_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2019/621803/IPOL_STU(2019)621803_EN.pdf), Accessed at 14.06.2023.
- European Union, *Joining the EU*, https://european-union.europa.eu/principles-countries-history/joining-eu_en, Accessed at 20.06.2023.
- European Union, *Types of institutions and bodies*, https://european-union.europa.eu/institutions-law-budget/institutions-and-bodies/types-institutions-and-bodies_en, Accessed at 20.06.2023.
- European Union, *History of the EU*, https://european-union.europa.eu/principles-countries-history/history-eu_en Accessed at 20.06.2023.
- History of the EU, https://european-union.europa.eu/principles-countries-history/history-eu_en Accessed at 10 April 2023.
- Parsons, Craig and Matthias Matthijs, *10 European Integration Past, Present, and Future: Moving Forward Through Crisis?*, in Matthias Matthijs (ed.), Mark Blyth (ed.) *The Future of the Euro*, Oxford University Press, pp. 210-232.
- Salvati, Eugenio. 2021. *Crisis and Intergovernmental Retrenchment in the European Union? Framing the EU's Answer to the COVID- 19 Pandemic*. Chinese Political Science Review (2021) 6:1–19.

- Schmidt, Vivien. 2016. *The 'new' European governance: 'new' intergovernmentalism versus 'new' supranationalism plus 'new' parliamentarism*. Les Cahiers du Cevipol, 2016/5, pp 5 – 31.
- Stone Sweet Alec and Wayne Sandholtz. *European Integration and Supranational Governance* in Journal of European Public Policy, 4:3 September 1997:297-317.

DEVELOPMENT POLICY TRENDS IN CENTRAL EUROPEAN COUNTRIES AFTER EU ACCESSION - TRENDS, PATTERNS, DIFFERENCES IN THE CASE OF HUNGARY

*Zsolt RADICS**
*Enikő HARMAN**

Abstract. *EU enlargement after 2004 has brought new challenges. One of the most significant of these was the significant increase in the development gap. The role of the common regional policy was therefore of particular importance for the acceding countries. However, it was questionable whether, despite cultural and economic differences, the Central European countries would be able to take advantage of EU resources and build a self-sustaining regional development system. This study uses the example of Hungary to show how these countries have adapted to these challenges.*

Keywords: *regional policy, Hungary, EU funds, regional institutional system*

The enlargement of 2004 brought new challenges and difficulties unprecedented in the history of the European Union.

The two most important changes were:

- Never before had so many countries joined the Community at the same time. Ten countries have joined the EU, and two more after 2007.
- And more underdeveloped areas than ever before were brought into the single market. The most backward regions have GDP per capita levels below 35 per cent of the EU average.

These new challenges were not explicitly addressed by any EU policy. Regional and cohesion policy was responsible for the second problem, i.e. the increasing if regional disparities. There were shifts of emphasis in line with the new situation, but no specific objectives or measures were developed for the new Member States (with the exception of the pre-accession funds).

One of the main motivations for the new Member States was to become involved in regional policy - in addition to full access to the single market. It was therefore a disappointment for the new countries to have to compete for resources with the backward regions of the older members.

All acceding country leaders cited the availability of significant new resources for infrastructure, economic and human development as a compelling argument for EU

* PhD, lecturer, University of Debrecen, Faculty of Science and Technology, Department of Social Geography and Regional Development Planning, Debrecen, Hungary, E-mail: radicszs@unideb.hu

* PhD-student, University of Debrecen, Doctoral School of Earth Sciences, Debrecen, Hungary, E-mail: harmane@mailbox.unideb.hu

membership. With these resources, the countries' leaders hoped to narrow the development gap and catch up with the EU average. In return for these transfers, the old EU Member States expected the new Member States to adapt to the existing frameworks and strategies. This also meant that the new member states also had to contribute to the EU's ability to compete globally. So the problem was twofold: on the one hand, catching up with the new Member States, and on the other, competing globally with overseas and East Asian competitors.

In the analyses that forms the basis of this article, we have reached how this set of problems has been reflected in regional policy in the case of the Central European countries. How have they responded and adapted? In this article, we will try to illustrate these questions using the example of Hungary. In the research process we used three main methods: analysing development documents and institutional framework; taking interview with stake holders and decision makers; analysing the allocation of development funds and projects.

The period since accession can be broken down into 4 phases according to the budgetary periods. The first phase covers the period 2004-06, the second 2007-2013, the third 2014-2020 and the fourth 2021-27.

The 2004 accession was also special because it took place in the middle of the 2000-2006 EU budgetary period. The new Member States were therefore entering a running programme period. A programme whose objectives and framework were largely designed without us. The objectives, based on Agenda 2000, were formulated in the mid-1990s. Accordingly, the new Member States had no other choice to accept them.

The objectives of regional policy were also aligned with this framework, the principles set out in AGENDA 2000. Each of the acceding countries has drawn up its own national development plan, setting out the objectives, the subjects and the institutions for the use of cohesion and regional development funds.

The main goal of the 1st National Development Plan 2004 in Hungary was to improve the quality of life and reduce income disparities compared to the EU average.

To achieve the main objectives, the NDP set three specific targets:

- a more competitive economy through better use of human resources
- a better quality environment,
- promoting more balanced regional development

The implementation of the Plan was organised around 5 operational programmes.

- Operational Programme for Agricultural and Rural Development (OPARD)
- Human Resources Development Operational Programme (HEFOP)
- Operational Programme for Economic Competitiveness (OPEC)
- Operational Programme Environment and Infrastructure (OPEN)
- Regional Development Operational Programme (ROP)

The institutional set-up to support the implementation of each programme is also structured thematically. The Managing Authorities and intermediate bodies of each programme were linked to the ministries managing the respective themes. The implementation of the programmes was supported by intermediate bodies, but these were all subordinate to the central government.

This centralised institutional and programme system was similar in other Central-European countries, but in most of the older Member States it was decentralised. This was

particularly striking in the case of the Operational Programme for Regional Development, which was supposed to support partly locally specific developments. In Hungary, however, a single Operational Programme with a single set of objectives and a single framework was prepared for the 7 development regions.



Figure 1. Regional structure of Hungary (in regional policy) 1999-2016 Source: CSO Hungary

In the second phase, between 2007 and 2013, the framework was developed around the objectives of competitiveness and sustainability in line with the Lisbon Strategy. In Hungary, the overall objective in this phase was to increase employment and promote sustainable growth.

It was implemented through 6 thematic and territorial priorities:

- Economic development
- Transport development
- Social renewal
- Environmental and energy development
- Regional development
- State reform

In this respect, there have been no changes, as the objectives have been set in line with the EU's general objectives.

However, there have already been significant changes in the structure and number of programmes and in the institutional set-up, which has led to a clear decentralisation. The number of operational programmes has increased from five to sixteen and there is a separate programme for agriculture and rural development.

Seven regional operational programmes have been set up to support regional development. In other words, each planning region has its own operational programme.

However, the content of the programmes was not very diverse and there were no major differences between them.

At the same time, the institutional system has also undergone a strong decentralisation. A central coordinating institution was set up, the National Development Agency - which was directly subordinate to the Prime Minister and it was the managing authority for all the operational programmes. This can be seen as a kind of centralisation. At the same time, it was more of a technical management, with the technical issues being decided within the framework of the Intermediate Bodies, which were the background institutions of the ministries. The biggest change, however, was the fact that independent regional development agencies, operating in the individual regions and subordinate to the Regional Development Councils, became the implementing and co-operating bodies for the programmes. (Kozma ; Barta 2013., Mező ; Barta ; Kozma 2011., Monyók ; Kozma 2017., Patkós, ; Ruzskai, ; Kozma, 2014.) So the principle of subsidiarity seemed to be fully respected. So not only did the number of programmes increase, but there was also a clear increase in the scope for taking account of local specificities and regional conditions.

In the third phase, we can see the same trends as before in terms of the formulation of objectives, the objectives of development programmes had to be in line with the EU 2020 strategy. In contrast, there has been a strong centralisation of the structure of the programmes and of the institutional system too.

Table 1. Institutional system of EU funds in Hungary from 2014

Programme	Ministry responsible for managing authority tasks	Intermediate Body
Human Resources Development OP	Prime Minister's Office	–
Economic Development and Innovation OP	Prime Minister's Office	–
Integrated Transport Development OP	Prime Minister's Office	–
Environmental and Energy-Efficiency OP	Prime Minister's Office	–
Public Administration and Civil Service Development OP	Cabinet of the Prime Minister	–
Hungarian Food and Basic Material Assistance OP	Prime Minister's Office	–
Territorial and Settlement Development OP	Prime Minister's Office	Hungarian State Treasury
Competitive Central Hungary OP	Prime Minister's Office	Hungarian State Treasury
Rural Development Programme	Minister of Agriculture	–
Hungarian Fisheries and Aquaculture OP	Minister of Agriculture	Hungarian State Treasury

On the one hand, the number of Operational Programmes has been significantly reduced from 16 to 10. The main reason for this is that once again there is only one regional development programme, called the Regional and Urban Development Programme. (Bujdosó, Péntes 2016, Khademi-Vidra, 2014a.,)

On the other hand, there has been further centralisation of the institutional system. With the exception of the Rural Development and Fisheries Operational Programmes, the Managing Authority for all programmes has been transferred to the Prime Minister's

Office. The former intermediate bodies have been abolished, and the Hungarian State Treasury is the only main intermediate body and certifying authority for the implementation of the programs. (Badar, Kozma 2020, Badar, Kozma, Monyók 2023)

The regional institutions have been wound up. Local interests are represented by the County Local Authorities (of which there are 20), but they do not have the power to decide on development, unlike the former Regional Development Councils (of which there were 7).



Figure 2. County system of Hungary CSO Hungary

The fourth phase looks to the future (2021-27). Based on the operational programmes submitted but not yet adopted, the trends of the third phase are continuing, both in terms of the structure and number of programmes and the institutional structure. Nothing is better proof of this than the fact that the names of the programmes for the new period are the same, with the addition of the word "plus" (e.g.: Operational program of Economic Development and Innovation Plus).

To sum up, after 2004 Hungary quickly adopted and applied the framework, objectives and system of EU regional policy. However in the mid-2010s the earlier decentralisation processes were reversed and a clear centralisation is visible, both in terms of institutional system and resource allocation.

BIBLIOGRAPHY

- Badar, Zoltán ; Kozma, Gábor (2020), *The territorial characteristics of European Union subsidies for economic development used by local authorities in the Észak-Alföld (North Great Plain) region of Hungary between 2014 and 2020*, Revista Romana de Geografie Politica / Romanian Review on Political Geography 22 : 2 pp. 48-60. , 13 p. (2020)
- Badar, Zoltán; Kozma, Gábor; Monyók, Bence (2023), *Spatial characteristics of EU-funded tourism investments in the Northern Great Plain region (Hungary) in the 2014-2020 budget period*, GEOJOURNAL OF TOURISM AND GEOSITES 47 : 2 pp. 381-387. , 7 p. (2023)
- Bujdosó, Zoltán; Péntzes, János (2016), *Tourism competitiveness and tourism development in the border region of Hungary*. VESTNIK APK STAVROPOLYA / AGRICULTURAL BULLETIN OF STAVROPOL REGION 6 : 1 pp. 75-81. , 7 p. (2016)
- Imbeah, Nicholas; Khademi-Vidra, Anikó.; Bujdosó Zoltán (2020), *Assessment of tourists' perceptions on safety at the cape coast tourist destination in Ghana*. Geojournal Of Tourism And Geosites, 28 (1), pp. 217-231.
- Khademi-Vidra, Anikó (2014), „*Third places*”: *social-cultural aspects of the leisure places*. In: Radics, Zsolt; Péntzes, János (ed.) *Enhancing competitiveness of V4 historic cities to develop tourism : Spatial-economic cohesion and competitiveness in the context of tourism*, Debrecen, Magyarország : Didakt (2014) 220 p. pp. 114-127. , 14 p.
- Khademi-Vidra, Anikó. (2014): *Consumer habits from the perspective of the global economic crisis in east-central Europe*. CENTRAL EUROPEAN REGIONAL POLICY AND HUMAN GEOGRAPHY, 4(1), pp. 39-49.
- Kozma, Gábor ; Barta, Attila (2013), *Geographical aspects of the changes of Hungary's deconcentrated state administration system between 1990 and 2012*. BULLETIN OF GEOGRAPHY SOCIO-ECONOMIC SERIES 20 : 20 pp. 59-69. , 11 p. (2013)
- Mező, Ferenc ; Barta, Attila ; Kozma, Gábor (2011), *Changes in the System of Deconcentrated Public Administration in Hungary After 1990* In: Ioan, Horga; Jordan, Gh Barbalescu; Adrian, Ivan; Mykolai, Palinchak; Süli-Zakar, István (ed.) *Regional and Cohesion Policy : Insights into the role of the Partnership Principle in the New Policy Design*. Oradea, România : University of Oradea Press (2011) pp. 81-87. , 7 p.
- Monyók, Bence ; Kozma, Gábor (2017), *Developments funded by the European Union in the service of urban design in the North Great Plain Region (Hungary)*. REVISTA ROMANA DE GEOGRAFIE POLITICA / ROMANIAN REVIEW ON POLITICAL GEOGRAPHY 19 : 1 pp. 13-23. , 11 p. (2017)
- Patkós, Csaba ; Ruzskai, Csaba ; Kozma, Gábor (2014), *LEADER: Theory and Practice from Hungarian Point of View*. ANALELE UNIVERSITATII DIN ORADEA SERIA GEOGRAFIE 24 : 2 pp. 125-133. , 9 p. (2014)

DEMOCRACY AND IDENTITY. THE FUTURE OF DEMOCRACY IN THE CONTEXT OF THE EUROPEAN INTEGRATION

Zsolt-Botond BOTTYAN*

Abstract. *Liberal democracy is a complex theoretical and ideological response to the historical evolution of the North Atlantic center. (Liberal) democracy is a limited (conditional) political system that needs certain conditions to function stably and effectively: economic prosperity, cultural legitimation and social cohesion. Social cohesion in a society, necessary to legitimize the democratic system, cannot be obtained without an integrative culture that determines a shared identity. Multicultural societies or supranational organizations such as the EU have difficulties in maintaining or creating a functioning democratic system due to the weakening or inability to create integrative culture, a shared identity and, consequently, an appropriate level of social cohesion necessary for the functioning of democracy.*

Keywords: *liberal democracy, shared identity, social cohesion, cultural legitimation, European integration*

The Road to liberal Democracy

If we look for a definition of democracy, we will be disappointed because, although the concept itself is often measured, it is not clearly defined. In general, when the term democracy is discussed, references are made to the principles that characterize democracy, quickly shifting to an ideological register by adding an additional characteristic such as liberalism.

The two luminaries of ancient Greek culture, Plato and Aristotle, did not think very highly of democracy. By associating it with demagoguery, democracy has been considered an inferior form of political organization of society due to the inability of a significant part of society (the poor, the uneducated) to formulate its own interest that does not undermine the general interest of society (Giorgini, 2019; Schofield, 2006).

In classical political theory, democracy appears in its direct form and with limited participation, consistent with the meaning of the term used by the ancient Greeks (Ober, 2009). A series of fundamental principles, later incorporated into the theory of liberal democracy, are formulated during this period in the context of the development of liberal or republican political theory. John Locke, the founder of liberalism and the proponent of individualism and natural rights, did not use the word “democracy” in his writings (Locke, 1988). Jean-Jacques Rousseau rarely used the word democracy in his work as he argued for a “republic” in which the collective will of the citizens aims at the common good (Rousseau, 2017).

* PhD lecturer at the University of Oradea, Department of Sociology and Social Work, bottyian.zsolt@gmail.com

The term “democracy” does not appear in the United States Constitution, which establishes in Article 4 the United States as a “republic” (Horwitz, 1987). Thomas Jefferson and James Madison, both Founding Fathers and Presidents of the United States, were careful to establish the United States as a republic, a representative form of government, rather than a direct democracy, which they feared could lead to the tyranny of the majority. This is one reason why they helped design a system of checks and balances among the three branches of government (Sheehan, 2009; Steele, 2012).

The first modern thinker who used the term democracy describing a contemporary political system was Alexis de Tocqueville. He saw, in the practical application of politics in America, a kind of egalitarian, participatory democracy that was quite different from the class-bound European societies. (De Tocqueville, 2022).

John Stuart Mill, the 19th century British philosopher, was one of the first thinkers to combine the principles of liberalism more explicitly with the concept of democracy. Mill's works, particularly “On Liberty” and “Considerations on Representative Government”, were instrumental in defining and advocating for a set of principles that today are staples of liberal democracy. (Thompson, 2015).

This short review of classical political theory underlines that democracy, as a political system, was either ignored or feared because of the shortcomings of majority rule, that society will be led by social groups considered incapable of formulating their interest independently and in a manner compatible with the general interest of society. The main limitation of participation in the early democratic systems in the US and UK was property, which was associated with the responsibility necessary to formulate the interest compatible with the common good (Williamson, 2019).

Modern political thinking quickly shifted towards developing the principles of liberal democracy as a process of continuous adjustment of the theory of governance to the defining sociocultural elements of the North Atlantic center, which represents the political alliance between North America and the UK. The first major change was the usage of the term democracy for describing the political systems in the US, Canada and the UK.

The North Atlantic center is dominated, at the end of the 19th century, by the ethics of utilitarian individualism. One of the adjustments of the democratic system was to incorporate individualism by insulating individual expression from “majoritarian tyranny”. Individualistic utilitarian ethics, which prioritize individual freedom and the greatest happiness for the greatest number of people determined the definition of the common good in a minimalistic sense as something that don't interfere with the fulfillment of the individual (Whelan, 2018). This adjustment towards individualism raised the issue of how to balance individual freedom and happiness with collective responsibilities and social equity. John Rawls' work serves as a critical example of this discourse. Rawls seeks to reconcile the liberty and equality principles in a democratic society, providing an alternative to the utilitarian principle. His idea of “justice as fairness” attempts to formulate a just arrangement for the socioeconomic structure of society (Rawls, 2001).

In the early 20th century, the expansion of the education system put to the forefront the political inclusion several groups that were excluded from participating in a democratic process (women, workers). John Dewey emphasizes the role of public education in a democratic society, arguing that democracy is not only a form of government but a mode of associated living, of conjoint communicated experience

(Johnston, 2006). The inclusion of as many social groups as possible in the democratic process was considered essential in relation to the efficiency of solving public problems and became a predominant orientation in (liberal) democratic theory.

Along with the issue of inclusion, in the 20th century, political theory was concerned with the adjustment of the democratic system to the capitalist organization of the economy. As capitalism emphasizes market competition and the pursuit of private wealth, it presents unique challenges for democratic governance, which aims for participation and public welfare. Joseph Schumpeter offered a theory of democracy compatible with competitive capitalism, in which the role of the citizen is reduced to choosing between competing political elites in regular elections (Schumpeter, 2013). In addition to the idea of competition, there was also the idea of freedom that characterizes capitalism through the free markets and entrepreneurship analogous to democratic systems that assume freedom of expression, to be elected and to elect. Liberal democracy became associated with free market capitalism, being considered inseparable as there is no freedom of the individual without free enterprise and political participation.

From a theoretical perspective, Robert Dahl's work has been the most significant for the development of liberal democracy. His research and theories on democracy, and specifically on polyarchy, have influenced political science and the understanding of democratic systems. Dahl was one of the first to move away from a binary understanding of democracy (e.g., a country is either democratic or not) to a more nuanced view, he presented the concept of "polyarchy" as a continuum where the political systems could be more or less democratic depending on certain key variables, such as the level of participation, the degree of competition, and the extent of civil liberties (Krouse, 1982). His emphasis on the importance of citizen participation, the right to contest elections, freedom of expression, availability of alternative information sources, and the establishment of institutions to hold elected representatives accountable, are key elements of any functional liberal democracy (Dahl, 2008). Robert Dahl established an ideal mechanism for democracy that underlines a more complex ideological structure such as liberal democracy.

Beyond politics and theory, sociological changes determined essential adjustments of the principles of liberal democracy. After the Second World War, the American authorities decided to modify the structure of immigration (The Immigration Act of 1965) eliminating the national-origins quota system which favored European immigration (Citrin și Sears, 2014). The Refugee Act of 1980 created a resettlement program for all refugees in the United States (Ewing, 2008). This immigration policies tilted the source of American immigration towards non-European regions, especially South America, Asia and Africa. These changes in the structure of immigration combined with objective factors such as the demographic decline of the white population in the United States and the decline of religiosity within the Christian denominations represented the conditions that determined the weakening of the American integrative culture. These changes towards the end of the 20th century catalyzed the development of the ideology of multiculturalism (or diversity) (Citrin și Sears, 2014) that was included as an essential part in liberal democracy (Rattan și Ambady, 2013). The ideology of multiculturalism was formed in the North-Atlantic space, mainly after the Second World War, and was the result of diffuse activism at the academic and political level that sought the political integration of diverse cultural groups in the United States and the intellectual undermining of European nationalism. The fundamental idea of multiculturalism is the rejection of an integrative

majority culture as an essential element for achieving social cohesion, which could be achieved instead through better communication and tolerance between groups with significant cultural differences.

These theoretical and ideological adjustments led to the formulation of the principles of liberal democracy at the end of 20th century, which became the orthodox view on democracy. The end of the cold war caused an acceleration of globalization, with the United States becoming the leader of a unipolar world, seeking to promote liberal democracy, considering it not only as the best political system but as a universally applicable political model. Fukuyama declared in this sense the end of history, stating that liberal democracy cannot be replaced only improved because it is the rational expression of the political process itself, an attitude that resembles other forms of ideological authoritarianism.

The Limits or Conditions of (Liberal) Democracy

Establishing the principles of liberal democracy did not represent a process of intellectual criticism of the theoretical foundations of democracy. Rather, it represented a justificatory process, an ideological construction intended to serve the political interests and to adapt the political system to the sociocultural conditions of the North Atlantic center.

There have been a few thinkers however who have addressed the limits of democracy. Seymour Martin Lipset identified several socio-economic and cultural prerequisites for a stable democracy (Lipset, 1959):

- **Economic Development:** Lipset posited that wealthier nations are more likely to sustain democracies. He pointed to the correlation between high levels of industrialization, education, and urbanization and the presence of stable democracies. In wealthier nations, citizens typically enjoy higher levels of education and have access to more information, which in turn helps them to participate more effectively in the democratic process.
- **Political Legitimacy:** Lipset argued that for a democracy to be stable, it must have a high degree of legitimacy among its citizens, its citizens must see the democratic process as the most appropriate and legitimate way to govern the society. This is often linked to the effectiveness of the government in maintaining social order, providing public goods, and managing the economy.

Let us first discuss the economic condition proposed by Lipset, emphasizing the probabilistic nature of the relationship: richer countries are more likely to develop and maintain democratic systems. The major criticisms of this condition have been argued with counterexamples and statistical data regarding the correlation between the political model and the level of economic development. Counterexamples such as the extremely rich but undemocratic Arab states in the Persian Gulf represent only the exception that confirms the rule (see Table 1). These countries got rich from exporting oil and not because of the ingenuity represented by entrepreneurial capitalism. In this context, I would slightly modify Lipset's condition in the sense that the social wealth generated by an entrepreneurial capitalist system favors the adoption and maintenance of a democratic system. Such an economic system, theorized by Max Weber through the concept of rational capitalism, presupposes equality before the law, a free labor market and rational ways of pursuing and obtaining profit (Weber, 2002). Entrepreneurial capitalism spreads social wealth to a greater extent, generating the middle class which is essential for the

functioning of a democratic system (Fukuyama, 2012). The middle class has the economic independence and the intellectual capacity necessary to formulate interests independently and in line with the general interests of society.

Country Name	GDP/capita 2021	Democracy index	Liberal democracy index
Qatar	\$66,838.36	3.7	0.09
United Arab Emirates	\$44,315.55	2.9	0.08
Saudi Arabia	\$23,185.87	2.1	0.04
Oman	\$19,509.47	3	0.14
Norway	\$89,154.28	9.8	0.86

Table 1 Source: <https://data.worldbank.org/> and <https://wisevoter.com/> (visited on 28.06.2023)

The counterargument that uses statistical data regarding the correlation between the political model and the level of economic development is more difficult to analyze. Most papers find no correlation between the political system and economic growth (Gerring, Bond, Barndt și Moreno, 2005; Helliwell, 1994). I believe that these findings emphasize that democracy is not a necessary condition for economic development. But Lipset pointed out that economic development attracts the adoption of the democratic system. If we look at the richest countries in the world, we notice that the vast majority of them have adopted and maintain a democratic system and they have a high score on the "democracy index" scale as well as on the "liberal democracy index scale"¹. Poorer countries that score high on the "democracy index" scale tend to score significantly lower on the "liberal democracy index scale" than richer countries.

Lipset presented the two conditions necessary for democracy in a cumulative sense: to maintain a functional and stable democracy you need a certain level of economic development and political legitimacy of the system. The rich Persian Gulf countries didn't embrace democracy because they were not able to culturally legitimize the democratic system despite the acquired wealth. Legitimacy essentially represents an acceptance of authority (institutions, norms). Legitimacy has two fundamental sources: the fear of being in opposition or the rational understanding of utility. Both sources of legitimacy can be embedded in a society's culture and usually act complementary in ensuring the social legitimacy of authority structures. The rich countries of the Persian Gulf did not adopt the democratic system because there was no pressure on them from the US or other power centers in this regard (fear of being in opposition) but there was also no internal evaluation in the sense of the need to change the traditional and authoritarian political systems (the rational understanding of utility). The legitimation of a political system requires a political convergence of the elites representing the competitive ideological structures in society as well as the support of the democratic system by a critical mass of the population.

Regarding the cultural acceptance of democracy, we should emphasize the difference between the fundamental democratic mechanism, such as the right to be elected and to elect or the majority rule, and the ideological context added to this mechanism, such as the liberal ideology in the case of liberal democracy. Some interpretations of democracy do not distinguish between the two aspects, considering that the rejection of

¹ <https://wisevoter.com/country-rankings/most-democratic-countries/> (visited 28.06.2023)

some parts of liberal ideology essentially means the rejection of democracy (Plattner, 1998). Some political cultures reject the principle of liberal democracy that the majority cannot make decisions that are against the interests of minorities. In Table 2 we see a list of countries which score decently on the “democracy index” but have weak “liberal democracy index”, scores that can be attributed to the cultural rejection of some principles incorporated in liberal democracy. In other words, these countries have a functional democratic mechanism, but they don’t implement certain liberal principles.

Country	Democracy index	Form of government	Liberal democracy index
Indonesia	6.7	Presidential	0.43
Poland	6.8	Parliamentary Republic	0.41
Montenegro	6	Semi-presidential	0.39
Sri Lanka	6.1	Semi-presidential	0.38
India	6.9	Parliamentary Republic	0.36
Hungary	6.5	Parliamentary Republic	0.36
Singapore	6.2	Parliamentary Republic	0.33
Malaysia	7.2	Constitutional Monarchy	0.29
Philippines	6.6	Presidential	0.28
Serbia	6.4	Parliamentary Republic	0.24
Thailand	6	Military Junta	0.17
Bangladesh	6	Parliamentary Republic	0.12

Table 2 Source: <https://wisevoter.com/> (visited on 28.06.2023)

We reached at this point the main limitation of the democratic system, unresolved by the liberal ideology, regarding the application of the majority rule in the conditions of a society containing diverse (minority) interests. Majority rule cannot be removed or circumvented often because we risk undoing the democratic system itself. In this case, the question arises, what types of minority interests can block the democratic mechanism of the majority? The answer to this question raises the problem of the number, size, and importance of minorities or rights that would be affected by the majority's decision. It seems logical that a smaller number of minorities or interest groups in society or less incompatible rights (interests) would facilitate the democratic process. But this aspect seems to be in opposition to the principle of liberal democracy that a multicultural society is more appropriate to the democratic mechanism compared to homogeneous societies such as national states.

To further discuss this point, it is important to distinguish between liberal democracy, as it was developed in its current form in the US, and national democracies as they emerged in Europe in the 20th century. National democracies represent political systems that have adopted the democratic mechanism in societies with a majority integrative culture. Acculturation can go both ways in a multicultural society (Kunst, Lefringhausen, Skaar și Obaidi, 2021) but without diminishing the dominant and normative character of the majority integrative culture. In Europe, the integrative culture was the expression of a majority ethnic group, a common situation in Europe after World

War I when most of the European countries were established according to the ethnic principle (McWhinney, 2007).

Integrative majority culture represents a communicational and normative system shared by members of society that allows a similar decoding of meaning within communication and establishes a series of fundamental norms (behaviors) of coexistence with a strong legitimacy in society, which places them outside of democratic debate. The integrative culture diminishes the opposition between the majority and minority groups, turning them into de facto cultural subgroups. Certain elements of the integrative culture are not optional for these subgroups (e.g., the national language) as well as certain fundamental social norms that regulate the social interactions between the state and its citizens. Culturally divergent elements of subgroups are tolerated if their norms and practices do not conflict with the defining elements of the integrating majority culture. If they contravene, the respective cultural elements are marginalized, the subgroup risking a decrease in the status and raising the possibility of social conflict. These societies have always a “shared identity”, usually called “national identity”, that enhance social cohesion. A nation can be defined as a society with an integrative majority culture which creates a shared identity to its citizens.

The importance of integrative majority culture in a democracy can be argued both from the perspective of Lipset’s political legitimacy requirement or from the perspective of Habermas’s Theory of Communicative Action. The political legitimacy of the democratic mechanism can be interpreted as a legitimacy of the issues subjected to democratic debate. This aspect means that certain issues are accepted for debate by certain social groups while others are not. The issue of legitimacy also presupposes the acceptance of the decision made in the democratic process. In a society that does not present an integrative majority culture, there will be a series of issues subjected to democratic debate that will not have legitimacy on the part of some social groups, generating social division. This process can lead to a dysfunctional democracy and the rise of authoritarian solutions. This is the case in the United States of America, where ideologies that divide society such as Gender Theory or Critical Race Theory operate in the absence of an integrative majority culture and a shared identity.

“The Theory of Communicative Action” represents a significant part of Jürgen Habermas’s project to reformulate Marxist social theory in terms of the communicative dimensions of social life. The fundamental objective of Habermas’s theory is to establish a basis for social integration in contemporary complex societies, where other traditional sources (like religion) have weakened (Pusey, 2002). At the core of the theory is the concept of “communicative action”, which Habermas differentiates from “strategic action”. While strategic action is oriented toward achieving success, communicative action is aimed at achieving mutual understanding and consensus among individuals, mediated by linguistic communication, where the aim is to negotiate definitions of the situation and cooperatively establish inter-subjective understandings (Pusey, 2002). Habermas connects this idea of communicative action to a broader sociological theory via the concepts of “lifeworld” and “system” (Fultner, 2014). The lifeworld is the context or background environment from which individuals make sense of their world, which is culturally transmitted and linguistically organized. It comprises three interconnected components: culture, society, and personality. The lifeworld is often disrupted by what Habermas refers to as the “system”. The system refers to the sphere of objective and institutional reality (such as the market or the state). The intrusion of system mechanisms

into the lifeworld he calls “colonization”. Habermas also discusses the “legitimation crisis” that arises when the system (state or economy) colonizes the lifeworld. He believes that modern societies face such a crisis when they can no longer provide justifications for their institutional arrangements or when people no longer believe in these justifications. For Habermas, democratic society relies on communicative action to solve such crises, as a genuine democratic process allows for rational discussion, consensus-building, and negotiation of social norms and policies. Habermas correctly observes the anti-national and anti-religious current in Western Europe, an aspect I will develop in the next chapter, and the consequences of this process on social cohesion and democracy. However, I believe that the German philosopher does not realistically assess the capacity of abstract ideologies, such as liberal democracy or Marxism, to replace the “lifeworld” generated by the national integrative culture. These abstract moral theories lack the depth and practical effectiveness of national cultures and religious systems developed over hundreds of years and cannot represent the foundation that ensures the social cohesion necessary to legitimize the democratic system.

To analyze the third condition for democracy, social cohesion, it is important to distinguish theoretically between multiculturalism as an ideology and multicultural societies. The multicultural complexity of a society presents different levels of cultural complexity relative to social cohesion which is dependent on two dimensions: the size of the cultural groups and the cultural “distance” between the groups. Cultural or social distance can be measured by a social distance scale, such as that proposed by Bogardus (Wark și Galliher, 2007), which aims at people's willingness to participate in social contacts of varying degrees of closeness with members of different social (cultural) groups. A society's level of cultural complexity is inversely proportional to its ability to generate and maintain a shared identity that is the expression of an integrative majority culture. The more numerically balanced the cultural groups coexisting in a country, the more likely they are to generate parallel societies or cultural separatism that undermine social cohesion at the national level (Heath și Demireva, 2014).

In essence, the ideology of multiculturalism is a form of Marxism applied to culture, representing a sort of cultural egalitarianism that has materialized in identity politics, promoted especially in the United States on the left of the political spectrum. The United States was formed from the beginning as a multicultural society, but the founders anticipated the importance of generating a shared identity supported by an integrative majority culture (Citrin și Sears, 2014). This desire was facilitated by the fact that the great majority of American citizens were of European descent and belonged to Christian denominations, as well as the adoption of English as the official language (Baran, 2017). The United States had constructed an “American identity” infused with a rich national mythology, which was recast in the latter part of the 20th century as “white Christian identity” and was quickly demolished in the context of the implementation of identity politics (Baker, Perry și Whitehead, 2020). Multiculturalism attacked the American integrative culture by exploiting the resentments of minority groups (Engels, 2015). Revisions of American history, based on ideologies such as Critical Race Theory (Crenshaw, Gotanda și Peller, 1995), have led to the elimination of national myths and emptied the shared American identity of content (Schildkraut, 2007, 2014). We can say that the US is longer characterized by an integrative majority culture and is more divided politically than in any time in its history (see figure 1).

Democrats and Republicans More Ideologically Divided than in the Past

Distribution of Democrats and Republicans on a 10-item scale of political values

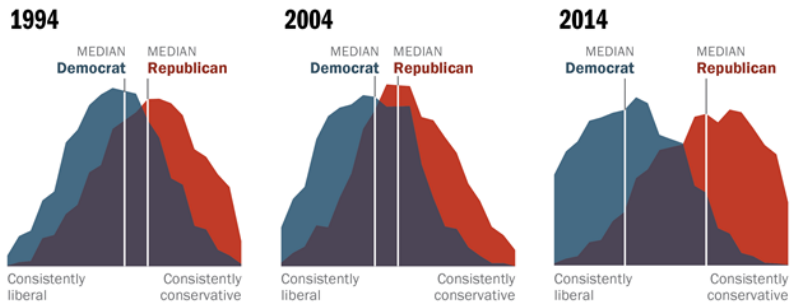


Figure 1 Source: Pew Research Center (visited on 28.06.2023)

The European Context of the Debate on Democracy

The relationship between democracy and identity is raised by the process of European integration. The process, started by the Maastricht Treaty, leads to a deeper integration, possibly towards the formation of a European superstate, but is not yet irreversible, there is still the possibility of stopping the federalization process and returning to the European Economic Community model which was an economic cooperation between national states with an accentuated sovereignty (Gillingham, 2003). The third option is implementing a compromise that would generate a Europe with two tiers of integration: a European superstate formed with willing members that cooperates economically on a common market with national states that reject the federalist idea. There would be a fourth alternative with negative consequences for Europe, the contentious separation of the member states that will generate a new iron curtain between the European superstate and the national states that will not accept this federal model of integration. All of these options have deep political, economic and cultural implications, too little discussed in the political space, given the magnitude of the consequences of the European integration model on democracy.

Europe is at a crossroads even if now there seems to be a consensus of the members of the union towards deeper integration, noting, however, the opposition shown by countries such as Hungary and Poland. Prime minister of Hungary, Viktor Orban declared recently that he prefers the single market and that he „will never accept any concept of a super state or the United States of Europe”². Mateusz Morawiecki, the prime minister of Poland had similar thoughts in a discourse at the Heidelberg University³.

The scenarios for the European integration presented above have a certain probability of becoming reality and are not neutral regarding the implementation of democracy. The ideology of liberal democracy considers that the supranational state is the most favorable vehicle for democratic development because it eliminates the negative consequences of national identity that, in their interpretation, inevitably leads to nationalism and ethnic confrontations. I argue the opposite, namely that the

² <https://miniszterelnok.hu/en/interview-with-viktor-orban-in-the-german-newspaper-bild/> (visited on 28.06.2023)

³ <https://www.gov.pl/web/primeminister/mateusz-morawiecki-at-heidelberg-university---europe-at-a-historic-turning-point> (visited on 28.06.2023)

„multicultural” European superstate is the real danger for the preservation of democracy, because it inevitably fails towards a form of bureaucratic authoritarianism.

I would like to begin the issue by exploring the political and cultural context of the consensus built in the West towards deeper integration. After World War II, the damage and devastation caused by the war led to a strong desire for peace and stability in Europe, as well as a need for economic recovery. The first form of cooperation was represented by the European Coal and Steel Community (ECSC), established by the Treaty of Paris in 1951, which was the first European international organization based on the principles of supranationalism. The idea for the ECSC came from the Schuman Declaration, a proposal put forward by French foreign minister Robert Schuman in 1950, who suggested integrating the coal and steel industries of Western Europe, which were essential for the military industry, making the idea of war between historic rivals France and Germany „not merely unthinkable, but materially impossible” (Berend, 2016).

The Treaty of Rome from 1957 established the European Economic Community (EEC) in the context the Cold War, and the main objective was to create a common market and a customs union among its member states to strengthen the Western Bloc against the perceived threat of communism and to prevent another war in Europe by deepening the economic interdependence between the European countries (Urwin, 2014).

The EEC was a framework of cooperation between nation states that paved the way for the federalist idea of the European Union, in the context of rapid cultural denationalization in the West. The principle of „pooled sovereignty” or supranationalism was a key component of the EEC's foundation, that improved European cooperation and, in parallel, undermined the political, legal and economic bases of national sovereignty (Williams, 2018). Processes like legislative harmonization, economic interdependence, shared decision-making, the principle of subsidiarity, determined over time the legal subordination of the member states to the cooperative structure of the EEC represented by the European bureaucracy, whose power rivaled or even exceeded that of the nation states (Pegan, 2017). The EEC's institutions, such as the European Commission, the Council of the European Union, and the European Parliament, were designed to share decision-making power between member states. The freedom of movement of workers, goods and services, without restrictions within the community, meant that there was a relativization of borders and a considerable mixing of cultures that elevated the multicultural complexity of European societies, especially those who attracted workforce from mostly Mediterranean member states such as Britain, Germany, France or the Benelux region⁴.

The diminishing of the foundations of the nation-state, brought about by the ever-deepening European integration, was not perceived negatively because of the anti-nationalistic cultural context in post-war Western Europe. Even Winston Churchill, the great national hero of Britons, was a strong advocate for some kind of European unity, in his famous speech in Zurich in 1946, he called for the creation of a "United States of Europe" (Berend, 2016). Altiero Spinelli, an Italian political theorist, considered one of the main ideological founders of European integration, co-authored the Ventotene Manifesto during World War II in which he called for a federation of European states to prevent war and promote peace and democracy (Urwin, 2014). The early promoters of European integration were a diverse group of statesmen such as Robert Schuman (France),

⁴ <https://publications.jrc.ec.europa.eu/repository/bitstream/JRC109783/kjna29060enn.pdf> (visited on 28.06.2023)

Konrad Adenauer (Germany) or Paul-Henri Spaak (Belgium) that were proponents of supranationalism in Europe, even at the cost of some national sovereignty if that was necessary for the prosperity and security of European continent (Dedman, 2009).

The trauma of the two wars that ravaged Europe in the 20th century generated a quasi-general consensus among the European political and intellectual elites that the national state can no longer represent the basis of Europe's political structure. Treated as a temporarily necessary but outdated political reality, the intellectual undermining of the pillars of national state and identity began.

National identity in Western Europe had various configurations, but most national identities still had an important Christian component in the middle of the 20th century. Perhaps only in France the membership of the Catholic church had a secondary character in the national identification, but in countries like Spain, Italy or even Germany, the Christian identity represented an important aspect of the national identity, underlined by the political presence of Christian (democratic) parties (Gehler și Kaiser, 2004). Political theory emphasized the relationship between ethno-nationalism and religiosity (Voicu, 2012), which were simultaneously criticized for more effective marginalization in the cultural and political space.

Militant, anti-nationalistic and anti-religious (Christian) elites dominated the cultural landscape in Western Europe in the post-war period. It was a coalition between neo-Marxists, existentialists, structuralists (or poststructuralists), postmodernists and neo-liberals against the nation state and Christianity. Their ideas trickled down into the public opinion through the education system and the press that were controlled by these elites.

The post-revolutionary French elite considered French culture to be a post-ethnic culture and to have certain characteristics of universality (Lefebvre, 2003). You no longer had to be born in France or be a Christian to become French. The French elite, emphasized the idea of a French identity based on shared values of liberty, equality, and fraternity, rather than on ethnic or religious lines (Banks și Johnson, 2017). This was a significant shift from the pre-revolutionary era, where social status and identity were largely determined by birth and religion. From this perspective, we can differentiate between the concept of "civic" nation, where citizenship prevails over ethnic origin, and "ethno"-nations that represent the predominance of an ethnic culture.

These post-revolutionary orientations in French culture explain the emergence of the main French cultural currents in the 20th century, which are in their essence anti-ethnonational and antireligious. After the second World War, France had an oversized cultural role in continental Europe due primarily to the division and subordination of German culture within the political structures created in the context of the Cold War (Stephan, 2005). French existentialism, represented by figures like Jean-Paul Sartre and Albert Camus, argued that individuals should define their own values and make their own choices rather than simply conforming to societal (national) norms and expectations, or, that the absence of God means that individuals are free to define their own values and create their own meaning (Crowell, 2012). French structuralism, represented by Claude Lévi-Strauss and Roland Barthes, proposed that human culture and behavior can be understood in terms of underlying structures, such as language, myths, and social norms. They introduced the idea of cultural relativism, arguing that identities or moral systems are constructed through culture (language) and are therefore contingent and changeable (Wicks, 2013). The post-structuralist Jacques Derrida, known for his critique of the national influence on language in his work "Of Grammatology", deconstructed the idea of

a fixed national identity and argued for the fluidity and multiplicity of identities (Derrida, 2016). Michel Foucault's post-modern critique of the power dynamics, inherent in all social institutions, including the nation-state, lead to arguments for the deconstruction of these power dynamics to create a more "open and inclusive" society (Foucault, 2019).

In Germany we have neo-Marxist philosophers such as Ernst Bloch who critiqued nationalism and argued for a utopian humanism. He believed in the principle of hope and the possibility of a society that goes beyond the confines of the nation-state. The sociologist and philosopher Jürgen Habermas proposed the concepts of the "public sphere" and deliberative democracy. He has critiqued the idea of a homogenous national identity and has argued for a more inclusive and democratic form of societal integration (Aronowitz, 1990).

The most effective rebuttal of the principles underlying the ethnonational state came from the Austrian-British philosopher Karl Popper, who proposed the concept of the "open society" which is a key part of his political philosophy. Presented in his work "The Open Society and Its Enemies" where he offers a critique of totalitarianism and a defense of liberal democracy, the concept of "open society" is characterized by pluralism, democratic governance, rule of law, individual freedom, strive for social and economic equality, and, most importantly, is open to criticism and self-correction (Popper, 1994). These characteristics can also be found in national states, and we can say that Karl Popper's concept of the "open society" is not necessarily an explicit critique of the nation-state as a form of political organization. The problem lies in the perception or evaluation of the ethnonational state as a closed society, with a rigid and hierarchical structure which is resistant to change. The ethnonational state is often characterized by dogmatism, authoritarianism, and the suppression of individual freedoms so it's viewed as the opposite of an open society. Popper's vision was continued by the American philanthropist George Soros who globally promoted the adoption of liberal democracy as the foundation of the open society (Soros, 2000).

These cultural trends were not countered by coherent political and theoretical arguments from a conservative national elite. The most important structures of nationalist conservatism, the Christian Democratic parties and the Catholic Church, did not have an academic and political elite capable of responding to the arguments and measures aimed at the marginalization of religion and national sentiment in Western Europe. Christian-democratic parties, which played an important role in countries such as Italy or Germany, abandoned the religious aspects of their doctrine, mainly addressing center-left social topics (Gehler și Kaiser, 2004). The Catholic Church, intimidated by accusations of collaboration with fascism and Nazism, embraced the universalist vision of the church, eliminating any synergy with the idea of nation (Bokenkotter, 2007).

We can conclude that there has been a political and cultural convergence in Western Europe forming a "consensus" on a post-national future of Europe. This vision did not translate into a clear majority at the level of public opinion, the national referendums for the adoption of the Maastricht Treaty that established the European Union were adopted with a slight majority in most of the CEE member countries (Criddle, 1993; Franklin, Van der Eijk și Marsh, 2012). The formation of the EU meant that the EEC was renamed the European Community (EC), becoming one of the three pillars of the EU, alongside the pillar represented by the Common Foreign and Security Policy and the pillar of Justice and Home Affairs. It also created the course of the economic and monetary union that was established in the Treaty of Rome, through the creation of the euro zone

and the euro currency, an aspect that practically eliminated the economic sovereignty of the member states participating in the euro zone (Berend, 2016).

The Amsterdam Treaty of 1997 and the Nice Treaty of 1999 aimed to reform the EU institutions to prepare the union for future enlargements by increasing the EU's competences, especially in the areas related to European institutions, human rights, security and justice (Berend, 2016). The enlargement was meant to welcome into the EU mainly ex-communist countries from Central and Eastern Europe. The EU was ideologically and institutionally prepared to impose the principles of liberal democracy on the new members. The EU perfected a system of policy conditionality through which practically controlled the democratic process in the new member countries by “monitoring” the political⁵ and justice systems⁶ (Kochenov, 2008; Trauner, 2009). At the time of accession, none of the candidate states had an elite capable or willing to criticize the European integration process. The accession process was forced by the leadership and economic crisis of the Central and Eastern European countries, which, after more than a decade of painful transition from a centralized economy to capitalism, did not allow for a margin of negotiation in the accession process. The disillusioned populations in the former communist countries were happy, at the time, to trade part of their national identity for a European “welfare” identity.

The forced consensus in the EU, between the East and the West, was flimsy but was, after all, a calculated and reciprocal compromise (Baldwin, Francois și Portes, 1997). The East needed the EU's investments and the old EU members needed the East's workforce and markets. But the cultural situation of Eastern European countries was very different from the West. Eastern countries had a strong integrative culture and national identity, an aspect that came to light when they were confronted with the ideologies of multiculturalism and LGBTQ. The ideology of multiculturalism manifested itself in the context of the refugee crisis of 2015 when approximately 1 million refugees knocked on the EU's doors on the Balkan route. The responses to the crisis were markedly different, Hungary raised a fence at its border with Serbia (Szalai și Göbl, 2015) while Germany announced the “Willkommenskultur” (Hann, 2015). The anti-immigration stance of Hungary and Poland remains unchanged even now, in the context of the EU's proposal to distribute migrants at the EU level.

The gender theory and LGBTQ rights are another controversial issue between the more conservative Eastern European members of the EU, respectively Poland and Hungary, and the European Commission⁷. It can be observed a certain reluctance from the Eastern Europeans to legitimize the viewpoints of the European Commission regarding these topics, an aspect that emphasizes the lack of integrative culture at the European level and a corresponding European identity. This is a somewhat controversial statement considering the data in Figure 2. Although the national identification is significantly higher than the European one, it can be seen from Figure 2 that there would be a majority that identifies as European to a certain extent. But these data must be interpreted with care because this identification relates to diffuse aspects such as historical and geographical

⁵ https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/new-push-european-democracy/european-democracy-action-plan_en (visited on 28.06.2023)

⁶ https://commission.europa.eu/system/files/2022-05/eu_justice_scoreboard_2022.pdf (visited on 28.06.2023)

⁷ https://ec.europa.eu/commission/presscorner/detail/en/ip_21_3668 (visited on 28.06.2023)

belonging to a continent, opportunistic identification towards a perceived superior status or is the result of recent events such as joining the European Union.

QC4.10 In general, how much do you identify yourself with each of the following? Please answer using a scale from "0" to "10", where "0" means "not at all" and "10" means "a lot".

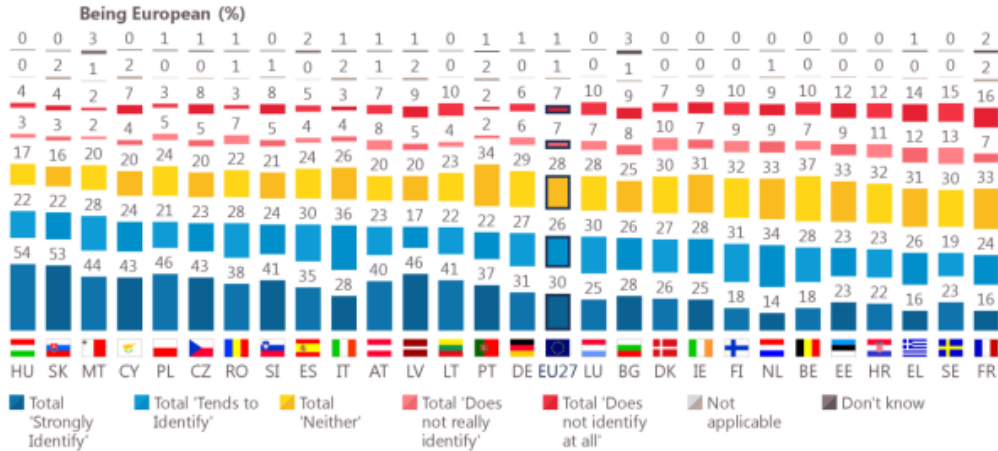


Figure 2 Source: Special Eurobarometer 508 (2020) (Visited on 28.06.2023)

The EU does not consider these contentious issues as topics of debate, they try to impose certain policy solutions by interpreting the provisions of the treaties signed by the member countries. This imposition of culturally transformative policies by means of political pressure and legalistic argumentation, bypassing democratic debate, shows the tendency of supranational structures to move towards forms of bureaucratic authoritarianism. Some will argue that these issues are debated in the European Parliament and that gives a democratic legitimacy to the solutions proposed by the commission⁸. But a parliament is representative and effective if it is the result of political process that has legitimacy in society. The European Parliament has little legitimacy and relevance in the member states, an aspect indicated by the chronic low voter turnout in the European parliamentary elections and the perception of the limited effects of this forum on the lives of the citizens of the member countries (Flickinger și Studlar, 2007; Loveless și Rohrschneider, 2011).

The forced consensus achieved at the time of the accession of the states of Central and Eastern Europe is beginning to collapse, as this region consolidates politically and economically, developing elites capable of reacting critically to the acute problems facing the EU that emphasize the significant cultural differences between the Eastern and Western EU members. These differences are underlined by the cleavage between Eastern and Western EU members regarding the importance of religion in their lives (see Figure 3) which has a deep cultural significance, especially regarding the idea of national identity and culture.

⁸ <https://euobserver.com/health-and-society/156860> (visited on 28.06.2023)

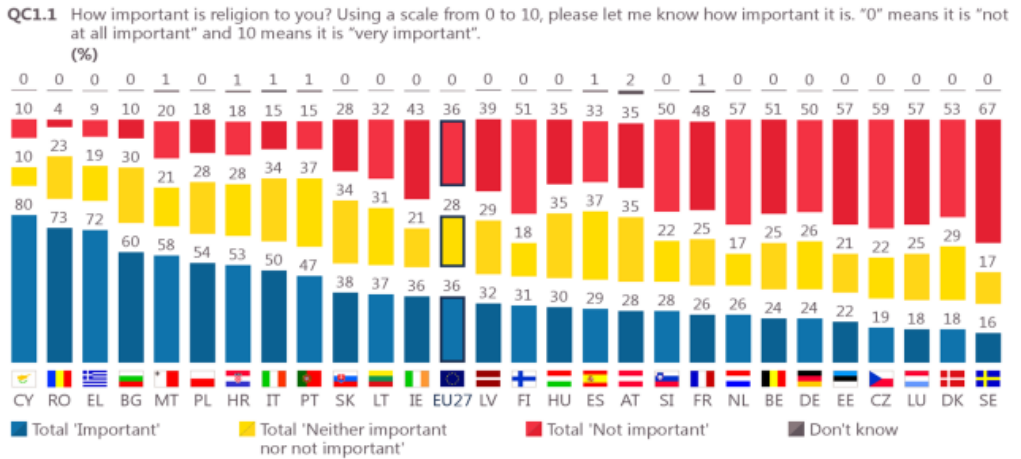


Figure 3 Source: Special Eurobarometer 508 (2020) (Visited on 28.06.2023)

Conclusion

Democracy is a political system that has limitations regarding the level of economic development, cultural legitimation and social cohesion generated by an integrative majority culture. The European Union has so far proven capable of ensuring a level of economic development necessary to support a stable and functional democratic system, but like any society with a high complexity from a multicultural perspective, it cannot ensure an integrative common culture and a common identity that legitimizes a democratic system. The real problems, of political and cultural divergence in the EU, were emphasized, beyond the mentioned East-West conflict, by the decision made by the United Kingdom, in a historic referendum, to leave the EU, marking the first time a member state has chosen to exit the union. One of the main arguments in the BREXIT debate was the preservation of the national identity, sovereignty and democratic control of the British people. These events should temper the EU's bureaucratic effort to impose certain political solutions or value systems on member states. Multiculturalism in Europe does not mean turning the European population into an amorphous mass without identity, mixed with foreign populations through migration. True multiculturalism can only be preserved by maintaining national cultures, the constructive differences that enrich European culture. This would be a responsible strategy that will ensure that the continent does not succumb to a utopian model of society that will be bureaucratically imposed on everyone. It is time for a dialogue at the European level in which certain preconceived ideas about the future of Europe are re-examined to ensure the survival of democracy and the European cooperation.

BIBLIOGRAPHY

- Aronowitz, S. (1990). *The crisis in historical materialism: Class, politics, and culture in Marxist theory*. U of Minnesota Press.
- Baker, J. O., Perry, S. L., & Whitehead, A. L. (2020), Keep America Christian (and white): Christian nationalism, fear of ethnracial outsiders, and intention to vote

- for Donald Trump in the 2020 presidential election, *Sociology of Religion*, vol. 81, nr. 3, pp. 272-293.
- Baldwin, R. E., Francois, J. F., & Portes, R. (1997), The costs and benefits of eastern enlargement: the impact on the EU and central Europe, *Economic policy*, vol. 12, nr. 24, pp. 125-176.
- Banks, B. A., & Johnson, E. (2017). *The French Revolution and Religion in Global Perspective: Freedom and Faith*. Springer.
- Baran, D. (2017). *Language in immigrant America*. Cambridge University Press.
- Berend, I. T. (2016). *The History of European Integration: A New Perspective*. Routledge.
- Bokenkotter, T. (2007). *A concise history of the Catholic Church (Revised Edition)*. Image.
- Citrin, J., & Sears, D. O. (2014). *American identity and the politics of multiculturalism*. Cambridge University Press.
- Crenshaw, K., Gotanda, N., & Peller, G. (1995). *Critical race theory: The key writings that formed the movement*. The New Press.
- Criddle, B. (1993), The French referendum on the Maastricht Treaty September, 1992, *Parliamentary Affairs*, vol. 46, nr. 2, pp. 228-239.
- Crowell, S. (2012). *The Cambridge companion to existentialism*. Cambridge University Press.
- Dahl, R. A. (2008). *Democracy and its Critics*. Yale university press.
- De Toqueville, A. (2022). *Democracy in America*. DigiCat.
- Dedman, M. (2009). *The Origins & Development of the European Union 1945-2008: A History of European Integration*. Routledge.
- Derrida, J. (2016). *Of grammatology*. Jhu Press.
- Engels, J. (2015). *The politics of resentment: A genealogy*. Penn State University Press.
- Ewing, W. A. (2008). *Opportunity and exclusion: A brief history of US immigration policy*. Immigration Policy Center.
- Flickinger, R. S., & Studlar, D. T. (2007), One Europe, many electorates? Models of turnout in European Parliament elections after 2004, *Comparative Political Studies*, vol. 40, nr. 4, pp. 383-404.
- Foucault, M. (2019). *Power: the essential works of Michel Foucault 1954-1984*. Penguin UK.
- Franklin, M. N., Van der Eijk, C., & Marsh, M. (2012), Referendum outcomes and trust in government: Public support for Europe in the wake of Maastricht, *The Crisis of Representation in Europe*, Routledge, pp. 101-117.
- Fukuyama, F. (2012), The future of history: Can liberal democracy survive the decline of the middle class?, *Foreign affairs*, pp. 53-61.
- Fultner, B. (2014). *Jurgen Habermas: key concepts*. Routledge.
- Gehler, M., & Kaiser, W. (2004). *Christian democracy in Europe since 1945*. Routledge.
- Gerring, J., Bond, P., Barndt, W. T., & Moreno, C. (2005), Democracy and economic growth: A historical perspective, *World politics*, vol. 57, nr. 3, pp. 323-364.
- Gillingham, J. (2003). *European integration, 1950-2003: superstate or new market economy?* Cambridge University Press.
- Giorgini, G. (2019). Aristotle on the Best Form of Government, *Enthousiasmos: Academia-Verlag*, pp. 121-146.
- Hann, C. (2015), The fragility of Europe's Willkommenskultur, *Anthropology Today*, vol. 31, nr. 6, pp. 1-2.

- Heath, A., & Demireva, N. (2014), Has multiculturalism failed in Britain?, *Ethnic and Racial Studies*, vol. 37, nr. 1, pp. 161-180.
- Helliwell, J. F. (1994), Empirical linkages between democracy and economic growth, *British journal of political science*, vol. 24, nr. 2, pp. 225-248.
- Horwitz, M. J. (1987), Republicanism and Liberalism in American Constitutional Thought, *Wm. & Mary L. Rev.*, vol. 29, pp. 57.
- Johnston, J. S. (2006). *Inquiry and education: John Dewey and the quest for democracy*. SUNY Press.
- Kochenov, D. (2008). *EU Enlargement and the Failure of Conditionality: Pre-accession Conditionality in the Fields of Democracy and the Rule of Law*. Kluwer Law International BV.
- Krouse, R. W. (1982), Polyarchy & participation: The changing democratic theory of Robert Dahl, *Polity*, vol. 14, nr. 3, pp. 441-463.
- Kunst, J. R., Lefringhausen, K., Skaar, S. W., & Obaidi, M. (2021), Who adopts the culture of ethnic minority groups? A personality perspective on majority-group members' acculturation, *International Journal of Intercultural Relations*, vol. 81, pp. 20-28.
- Lefebvre, E. L. (2003), Republicanism and universalism: factors of inclusion or exclusion in the French concept of citizenship, *Citizenship studies*, vol. 7, nr. 1, pp. 15-36.
- Lipset, S. M. (1959), Some social requisites of democracy: Economic development and political legitimacy, *American political science review*, vol. 53, nr. 1, pp. 69-105.
- Locke, J. (1988). *Locke: Two treatises of government student edition*. Cambridge university press.
- Loveless, M., & Rohrschneider, R. (2011), Public perceptions of the EU as a system of governance, *Living Reviews in European Governance*, vol. 6, nr. 2.
- McWhinney, E. (2007). *Self-determination of peoples and plural-ethnic states in contemporary international law: failed states, nation-building and the alternative, federal option*. Brill.
- Ober, J. (2009). *Mass and elite in democratic Athens: Rhetoric, ideology, and the power of the people*. Princeton University Press.
- Pegan, A. (2017), The bureaucratic growth of the European Union, *Journal of Contemporary European Research*, vol. 13, nr. 2.
- Plattner, M. F. (1998), Liberalism and democracy: Can't have one without the other, *Foreign affairs*, pp. 171-180.
- Popper, K. R. (1994), *The open society and its enemies: one-volume edition*.
- Pusey, M. (2002). *Jurgen habermas*. Routledge.
- Rattan, A., & Ambady, N. (2013), Diversity ideologies and intergroup relations: An examination of colorblindness and multiculturalism, *European Journal of Social Psychology*, vol. 43, nr. 1, pp. 12-21.
- Rawls, J. (2001). *Justice as fairness: A restatement*. Harvard University Press.
- Rousseau, J.-J. (2017). *The social contract and the first and second discourses*. Yale University Press.
- Schildkraut, D. J. (2007), Defining American identity in the twenty-first century: How much "there" is there?, *The Journal of Politics*, vol. 69, nr. 3, pp. 597-615.
- Schildkraut, D. J. (2014), Boundaries of American identity: Evolving understandings of "us", *Annual review of political science*, vol. 17, pp. 441-460.
- Schofield, M. (2006). *Plato: political philosophy*. Oxford University Press.

- Schumpeter, J. A. (2013). *Capitalism, socialism and democracy*. routledge.
- Sheehan, C. A. (2009). *James Madison and the spirit of republican self-government*. Cambridge University Press.
- Soros, G. (2000), The age of open society, *Foreign Policy*, nr. 119, pp. 52.
- Steele, B. (2012). *Thomas Jefferson and American Nationhood*. Cambridge University Press.
- Stephan, A. (2005). *The Americanization of Europe: Culture, diplomacy, and anti-Americanism after 1945*. Berghahn Books.
- Szalai, A., & Göbl, G. (2015). Securitizing migration in contemporary Hungary: From discourse to practice, *CEEISA-ISA 2016 Joint International Conference (Ljubljana, 23 June 2016)*.
- Thompson, D. F. (2015), John Stuart Mill and representative government, *John Stuart Mill and Representative Government*, Princeton University Press.
- Trauner, F. (2009), From membership conditionality to policy conditionality: EU external governance in South Eastern Europe, *Journal of European Public Policy*, vol. 16, nr. 5, pp. 774-790.
- Urwin, D. W. (2014). *The community of Europe: A history of European integration since 1945*. Routledge.
- Voicu, M. (2012), Effect of nationalism on religiosity in 30 European countries, *European Sociological Review*, vol. 28, nr. 3, pp. 333-343.
- Wark, C., & Galliher, J. F. (2007), Emory Bogardus and the origins of the social distance scale, *The American Sociologist*, vol. 38, pp. 383-395.
- Weber, M. (2002). *The Protestant Ethic and the Spirit of Capitalism: and other writings*. Penguin.
- Whelan, F. G. (2018). *Democracy in Theory and Practice*. Routledge.
- Wicks, R. (2013). *Modern French philosophy: From existentialism to postmodernism*. Simon and Schuster.
- Williams, S. (2018), Sovereignty and accountability in the European Community, *The New European Community*, Routledge, pp. 155-176.
- Williamson, C. (2019). *American suffrage: From property to democracy, 1760-1860*. Princeton University Press.

European borders have gone through a lot of changes in terms of understanding the space of a culture, race, religion, city or nation. Growing from physical walls, intense militarized areas to a formal understanding of regions with no physical boundaries or restrictions of any kind, the frontier or the border, has been an area of the utmost importance to the different branches of science.

Border regions have a peripheral geographical position and often an unfavorable economic situation. Due to these characteristics, they start with a significant disadvantage in the development and integration process.

The border region is the collision point of cultures, religions, languages, administrations, legislations and economic influences. All these factors have substantial contribution to the development of the phenomenon called cross-border cooperation.

The issue of cross-border cooperation in general goes beyond geographical, economic and legal approaches. If we intend to treat the phenomenon from a specific point of view, we will find ambiguities and uncertainties regarding the role and functioning of some institutions in the process of cross-border cooperation and partnerships.

Therefore, the full analysis of the cross-border cooperation process cannot be done only if we also evaluate the effects produced by the institutions in the local governance sector and their political dimension.



Debreceen University Press
ISBN 978-963-490-542-4



Editura Universității din Oradea
ISBN 978-606-10-2266-3