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**Bosnia and Herzegovina's cross border cooperation:  
applying typologies and revising histories**

Calum Shaw

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Langues de travail: catalan, castillan, anglais et français

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# BOSNIA AND HERZEGOVINA'S CROSS-BORDER COOPERATION: APPLYING TYPOLOGIES AND REVISING HISTORIES

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Màster Oficial en Integració Europea,  
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## **Abstract**

This paper expands upon work done by Oliveras, Durà and Perkmann in the study of cross-border cooperation (CBC) in Europe. It argues that the catalogue of cross-border regions (CBRs), developed by Oliveras, Durà and Perkmann in 2010, should include the CBRs that have emerged as a result of the EU's current enlargement into the Western Balkans. It also serves to support the view that a fourth stage in the historical development of CBC in Europe has not yet begun. The paper takes the CBCs of Bosnia and Herzegovina under the Instrument for Pre-accession assistance (component II) as a case study and categorises each CBC in accordance with the typology established by Oliveras, Durà and Perkmann. The analysis reveals that a form of multi-level governance (MLG) is also emerging in these new CBRs. The type of MLG is also categorised. The conclusion reached by the paper is that the current process of EU enlargement has both created CBRs and promoted MLG in the Western Balkans.

**Key words:** Cross-border cooperation; cross-border regions; history of cross-border cooperation; multi-level governance; EU enlargement; Western Balkans.

## List of abbreviations

BiH	Bosnia and Herzegovina
CARDS	Community Assistance for Reconstruction, Development and Stabilisation
CBC	Cross-border cooperation
CBIB	Cross-Border Institution Building
CBR	Cross-border region
CD	Commission decision
CiD	Commission implementing decision
EC	European Commission
EGTC	European Grouping for Territorial Cooperation
ERDF	European Regional Development Fund
EU	European Union
FA	Financing agreement
FP	Financing proposal
FLP	Functional Lead Partner
GDP	Gross Domestic Product
HQ	Head Quarter
ICC	Interregional and cross-border cooperation
IPA	Instrument for Pre-accession Assistance
ISPA	Instrument for Structural Policies for Pre-Accession
JMC	Joint Monitoring Committee
JTS	Joint Technical Secretariat
MIFF	Multi-annual Indicative Financial Framework
MIPD	Multi-annual Indicative Planning Document
MLG	Multi-level governance
NCG	Non-central government
NGO	None Governmental Organisation
NIPAC	National IPA Coordinator
NUTS	Nomenclature of Units for Territorial Statistics
OS	Operating Structure
PHARE	Programme of Community aid to the countries of Central and Eastern Europe
QMV	Qualified Majority Voting
SAPARD	Special Accession Programme for Agriculture and Rural Development
SME	Small and Medium sized Enterprise

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# 1. Introduction

## 1.1 *This study: reasons and findings*

*“a cross-border region can be defined as a bounded territorial unit composed of the territories of authorities participating in a CBC initiative.”*

Markus Perkmann.<sup>1</sup>

This paper expands upon work done by Oliveras, Durà and Perkmann in the study of cross-border cooperation (CBC) in Europe.<sup>2</sup> Namely: it aims to expand the catalogue of cross-border regions (CBRs) they have compiled through the development of a CBC typology; and, it supports their hesitance to proclaim the beginning of a 4<sup>th</sup> stage in the historical development of CBC in Europe.

The catalogue of cross-border regions (CBRs) developed by Oliveras, Durà and Perkmann in 2010<sup>3</sup> does not include the CBRs that have emerged as a result of the EU's current enlargement into the Western Balkans, but it should. Why? Because they fall within Perkmann's definition (above) of CBRs used by Oliveras, Durà and Perkmann to help construct the very typology that categorises the CBRs in their catalogue.<sup>4</sup> The logic being, if the CBRs fit the definition, they are fit enough for the catalogue. This paper does not add all the CBRs produced by the current enlargement process to the catalogue; it takes the CBCs that Bosnia and Herzegovina (BiH) has with its neighbours (Croatia, Montenegro and Serbia) as a case study and analyses each CBC in accordance with the typology established by Oliveras, Durà and Perkmann,<sup>5</sup> thereby categorising the CBR each CBC has produced.

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<sup>1</sup> Perkmann, M. (2003), p.157.

<sup>2</sup> See in particular Oliveras, X., Durà, A. and Perkmann, M. (2010) *Las regiones transfronterizas: balance de la regionalización de la cooperación transfronteriza en Europa (1958-2007)*, in Documents d'Anàlisi Geogràfica, vol. 56/1, 2010.

<sup>3</sup> *Ibid.* Annexe 1.

<sup>4</sup> *Ibid.*, p.25.

<sup>5</sup> Oliveras, X., Durà, A. and Perkmann, M. (2010).

The process of categorising BiH's CBCs also acts as a demonstration of how EU enlargement in the Western Balkans produces CBRs. In order to establish what 'type' a particular CBC conforms with, one must describe the reality of the cross-border space: its history, geography and socio-economic characteristics; as well as the CBCs nature: its legal nature; its structures and its projects. This analysis also reveals the critical role played by the EU's enlargement policy.

By conducting this analysis, the paper lends support to the view (as suggested by Oliveras, Durà and Perkmann) that a fourth stage in the historical development of CBC in Europe is yet to begin.<sup>6</sup> Furthermore, it reveals that a form of multi-level governance (MLG) is emerging with, and as a part of, these new CBRs. The type of MLG displayed by the CBRs is also categorised here, this time in accordance with the typology established by Hooghe and Marks.<sup>7</sup>

The conclusion reached by the paper is that the current process of EU enlargement has both created CBRs and promoted MLG in the Western Balkans.

## ***1.2 The structure of this paper***

This paper is made up of five sections. The first serves as an introductory section and in addition to this overview it contains some methodological considerations as well as a very brief introduction to EU enlargement. It is in the second section that we shall look at Oliveras, Durà and Perkmann's typology and the case of BiH's CBCs. We will close that section with an analysis of the case *vis-à-vis* the typology, establishing which type each CBC corresponds with most closely. The third section will then offer an overview of the historical development of CBC in Europe according to Oliveras, Durà and Perkmann, followed by an argument of how the CBCs examined by this paper feed into that history. In the fourth section we will consider whether or not BiH's CBCs constitute a manifestation of multi-level governance, and if so, to which of Hooghe and Marks' types it corresponds. Finally, the paper will finish with section five, where we will draw conclusions and identify points of discussion.

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<sup>6</sup> Oliveras, X., Durà, A. and Perkmann, M. (2010), pp.27-28.

<sup>7</sup> Hooghe, L. and Marks, G. (2003).



### ***1.3 Methodological considerations***

This section contains a brief discussion and overview of the sources used for the study, the choice of case, as well as the models used to guide the research and the structure of certain sections in this paper.

Bosnia and Herzegovina was chosen as the case study for 4 main reasons: 1) all of Bosnia's current *international* borders were established relatively recently, after the fall of Yugoslavia, and in places act to split the Croat and Serb ethnic communities that populate certain cross-border regions;<sup>8</sup> 2) following the brutal war that engulfed Bosnia during the fall of Yugoslavia (1992-95), CBC has a role in the peacebuilding process (as it facilitates reconciliation, or 'good neighbourly relations'); 3) none of Bosnia's borders are shared with the EU (i.e. they are entirely external to the EU)<sup>9</sup>, making it a curious case for the application of an EU border policy; and finally, 4) the country's internal political and administrative structures are questioned both internally and externally (albeit for opposing reasons), making it an interesting object of study *vis-à-vis* multi-level governance and EU cross-border cooperation.

The cross-border cooperation (CBC) under Component II of the Instrument for Pre-accession Assistance (IPA) was chosen over other CBC programmes such as IPA Adriatic because the typology that will emerge can, at least in theory, be applied to the other CBC programmes under Component II taking place between other Western Balkan countries. Furthermore, this paper is unable to examine other CBC initiatives BiH is taking part in due to practical considerations such as the time available for research and the maximum extension permitted for this paper.

The approach taken to the case study; the elements that are highlighted and the elements that don't find their way into this paper, is modelled on academic work by Emsellem, Basse and Voiron-Canicio<sup>10</sup>, also published last year by *Documents d'Anàlisi Geogràfica*, the same journal that published Oliveras, Durà and Perkmann's exposition

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<sup>8</sup> Although the borders themselves are not recent. They correspond with those of the Socialist Republic of Bosnia and Herzegovina; one of the Socialist Federal Republic of Yugoslavia's 6 constituent republics.

<sup>9</sup> Whilst Croatia remains a candidate country and not a Member State.

<sup>10</sup> Emsellem, K. Basse, R.M. and Voiron-Canicio, C. *Mitos y realidades de la cooperación en el espacio transfronterizo francés, italiano y monegasco*, in *Documents d'Anàlisi Geogràfica*, vol. 56/1, 2010.

of the above mentioned typology.<sup>11</sup> Although the aims of Emsellem, Basse and Voiron-Canicio are distinct from those of this paper, the structure of their case study serves as a useful model and is partly reproduced here in sections 2.1 (*'Reality of the Cross-Border Space'*) and 2.2 (*'Nature of the Cross-Border Cooperation'*).

A note on terminology is apt at this point. Throughout the paper Bosnia and Herzegovina is referred to as 'BiH' and the European Commission as the 'EC'. The reader should also be aware that the CBC programme between Bosnia and Herzegovina and Montenegro is referred to here as the Montenegro-BiH CBC. The reason Montenegro is used as the prefix and not BiH is simply to be consistent with the other two programmes under examination, which refer first to Croatia and Serbia respectively.

The sources of information for this paper range from official EU documents, to academic papers and face-to-face interviews with actors implicated in the formulation and implementation of the policies behind BiH's CBCs. The key EU documents referred to by the paper are the CBC programming documents and the implementing regulations that govern any application of the Instrument for Pre-accession Assistance. In relation to the CBC programmes, the study also draws upon other documents published on the programmes' respective websites. For example, the overview and discussion of projects in section 2.2 draws heavily on material published online. The face-to-face interviews were enormously useful and led to the article by article analysis of the key regulations, the product of which can be found in Annexe 1.

In section 2.2.1.3 (*'Socio-economic characteristics'*), the paper touches upon the ethnic composition of BiH territory. This is a politically sensitive subject and as a result there are no up-to-date official statistics on ethnic composition available to the public. The most recent population census in BiH was carried out by the UNHCR in 1996. However, the results were not recognised by the BiH Government for fear of somehow legitimising and consolidating the ethnic cleansing that took place during the 1992-95 war. To circumnavigate this short-fall in recent data, the 2008 municipal election results have been taken as indicative of a municipality's ethnic make-up. This is because

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<sup>11</sup> Oliveras, X., Durà, A. and Perkmann, M. (2010).

politics in BiH is acutely ethno-centric, with ethnic Croats, Serbs and Bosniaks<sup>12</sup> overwhelmingly voting for parties that represent their ethnic group.<sup>13</sup> Therefore, the logic employed here is that a municipality that is governed by a ‘Serb’ (or ‘Bosniak’ or ‘Croat’) political party is predominantly Serb (or Bosniak or Croat) in ethnic composition.

Unfortunately, the study suffers some minor flaws. The information regarding Functional Lead Partners (FLP) in the Croatia-BiH CBC is potentially imprecise. Neither the Joint Technical Secretariat (JTS) nor the responsible official in the EU’s Sarajevo delegation were prepared to share the exact details (only the number of FLPs from each country) for reasons unknown to the author, who enjoyed the cooperation of other JTSs and EU officials. Consequently, the list in Annexe 5 is the result of web-based research into the beneficiaries and piecing together the available information. In addition, implementation of the CBCs’ projects only began in 2010, with some projects still due to begin in 2011. This has made an assessment of their impact impossible.

Finally, the relative length of the sub-chapters in this study are uneven and on occasion disproportionate when compared with their overall importance. Indeed, some of the descriptive sections are long. The reason for this is that the author wishes to give readers who are unfamiliar with the territories under examination the richest possible picture.

#### ***1.4 EU Enlargement***

The enlargement of the European Union (EU) is a process and policy by which the EU prepares and admits new Member States. Enlargement, argues Nugent, has always been on the EU’s agenda; whether it be pending membership applications, the consideration of a candidate’s suitability, accession negotiations, or the settling in of new members.<sup>14</sup> In other words, enlargement has been an ongoing, ever present process. Indeed, the

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<sup>12</sup> Bosniaks are sometimes also referred to as ‘Bosnian Muslims’. However, the term ‘Bosniak’ is not synonymous with the term ‘Bosnian Muslim’, as it is an ethnic term, not a religious one. None-the-less, religion has been used as an important distinguishing feature between the three so called ‘constituent peoples’ of BiH. Broadly speaking therefore, one can understand the Bosniaks as on the whole being Muslim, the Serbs as being Orthodox Christian and the Croats Roman Catholic.

<sup>13</sup> See Evenson, K. (2009), or Bojkov, V. (2003).

<sup>14</sup> Nugent, N. (2004), p.1.

basic principle of enlargement and the relevant conditions were present in the Treaty of Rome and are now contained in the Treaty on European Union.<sup>15</sup>

What EU enlargement means to scholars often depends upon their theoretical persuasion and the focus of their attention (process or outcomes). Neofunctionalist scholars point to ‘externalisation’ and ‘exogenous spillover’, highlighting the role of supranational institutions, in particular the Commission, as brokers between Member States and applicant countries. They find support for their theoretical perspective from the link between ‘widening’ and ‘deepening’. Functional pressure stemming from enlargement, they argue, has been one factor accounting for the successive extension to Qualified Majority Voting (QMV) in the Council.<sup>16</sup> Liberal intergovernmentalists, on the other hand, prefer to focus on national preference formation and interstate bargaining and thus also find support for their theoretical approach. National preferences, formed by the cost benefit calculations of Member States, dictate whether they behave as policy ‘drivers’ or ‘breakmen’. The interstate bargaining is characterised by asymmetrical interdependence, with the applicant countries having weaker positions in the negotiation and therefore conceding much in exchange for membership.<sup>17</sup>

For scholars with federalist sympathies, enlargement is understood as both a threat and an opportunity. On the one hand, it threatens to make decision-making impracticable and accentuate difference. However on the other, it is an opportunity to reform and shore-up commitment to opt-ins and the EU *acquis*.<sup>18</sup> Constructivists and normative theorists take a different track. Enlargement is a product of European identity. Since the values of the community constitute its members, the members undertake a normative obligation toward states that share their collective identity and adhere to their values and norms. In this context, members of the Commission are understood as ‘norm entrepreneurs’, pushing and cajoling Member States into a commitment in favour of enlargement.<sup>19</sup> Enlargement as an outcome is perceived an eloquent illustration of EU

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<sup>15</sup> Articles 6 and 49 respectively.

<sup>16</sup> Niemann, A. & Schmitter, P.C. (2009), pp.61-63

<sup>17</sup> Moravcsik, A. & Schimmelfenning, F. (2009), pp.80-83.

<sup>18</sup> Burgess, M. (2009), pp.39-42.

<sup>19</sup> Risse, T. (2009), pp.156-157.

norms triumphing over national self-interest and as an act of solidarity between European democratic states.<sup>20</sup>

Scholars of enlargement (be they focusing on process or outcomes) can also be crudely divided into rationalists (neofunctionalists and liberal intergovernmentalists) and constructivists (constructivists and normative theorists). On the one side, rationalists emphasise the economic opportunities and the increased security the Enlargement policy provides; whilst, on the other, the constructivists argue that enlargement is the triumph of normative values over pure self-interest.<sup>21</sup> As for the end product of enlargement, again this depends on one's perspective. The question is open to debate and beyond this paper.

Indeed, this paper is not going to enter into debates about how EU enlargement impacts upon European integration, nor how it lends support to one theoretical perspective over another. For the purposes of this paper, EU enlargement is simply the policy and process by which the EU prepares and incorporates new Member States.

As this paper argues, one of the outcomes of the EU enlargement process is the creation of CBRs and the subsequent spread of multi-level governance. This result is a product of how the EU prepares prospective Members (or so called 'candidate and potential candidate countries') through the policy's main financial instrument, to which we will now turn.

#### **1.4.1 The Instrument for Pre-accession Assistance**

Over the years the EU has set up financial instruments in order help candidate and potential candidate countries undertake the reforms required by EU membership. Previous such instruments include the Phare programme<sup>22</sup>, ISPA<sup>23</sup>, SAPARD<sup>24</sup> and

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<sup>20</sup> Bellamy, R. & Attucci, C. (2009), pp.218-219.

<sup>21</sup> Nugent, N. (2004), pp.3-7.

<sup>22</sup> The Programme of Community aid to the countries of Central and Eastern Europe (Phare) was the main financial instrument of the pre-accession strategy for the Central and Eastern European countries that joined the European Union as a part of its enlargement in 2004 and 2007.

<sup>23</sup> The Instrument for Structural Policy for pre-Accession (ISPA), provided financial support in the area of economic and social cohesion, and in particular for environment and transport policies for the period 2000 – 2006 to the candidate countries from Central and Eastern Europe.

<sup>24</sup> SAPARD supported agricultural and rural development in the central and eastern European 'applicant countries' during the 2000-2006 pre-accession process.

CARDS<sup>25</sup>. Since 2007, EU funding for the candidate and potential candidate countries of the Western Balkans has been provided through the Instrument for Pre-accession Assistance (IPA).

The Instrument for Pre-accession Assistance (IPA) is EU enlargement's main financial instrument for the pre-accession process over the 2007-2013 budget period. It is through IPA that the EU enlargement process delivers the majority of its financial assistance to the countries currently engaged in this process. Broadly speaking, the assistance IPA provides is intended to help candidate and potential candidate countries from the Western Balkans make progress in the Stabilisation and Association process and, ultimately, introduce the necessary political, economic and institutional reforms in order to meet the Copenhagen criteria and thus be ready and able to accede to the European Union.

IPA is made up of five 'components'. Components I & II are available to candidate and potential candidate countries. They focus on: 'Transition Assistance and Institution-Building'; and, Cross-Border Co-operation, respectively. The remaining three Components are only available to candidate countries and focus on: Regional Development; Human Resources Development; and, Rural Development.<sup>26</sup> Of the five, it is the CBC component (Component II) which is of interest to this paper.

#### **1.4.2 CBC under IPA**

Cross-border cooperation (CBC) under IPA can take place between Member States and candidate or potential candidate countries, and between candidate or potential candidate countries themselves. In other words, it not only takes place in the EU's external border regions, but beyond the EU's borders entirely.

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<sup>25</sup> The CARDS programme (2000-2006) provided Community assistance to the countries of South-Eastern Europe with a view to their participation in the stabilisation and association process.

<sup>26</sup> Regulation (EC) No 1889/2006 of the European Council, Article 3(1).

### *IPA CBC objectives*

The main aim of CBC under IPA is to encourage and help foster ‘good neighbourly relations’ through joint initiatives in border areas.<sup>27</sup> Given the recent history of the Western Balkans and of BiH in particular, this aim is all the more important if the aspiring Member States are to accede. However, good ‘neighbourly relations’ is somewhat fuzzy and ultimately rather intangible, despite best efforts at creating indicators. It’s not surprising therefore that CBC under IPA has other, more concrete aims, such as the economic and social development of border areas and the preparation (through ‘learning by doing’) of beneficiary countries for the Structural Funds. Hence, as Annexe 1 demonstrates, IPA CBC implementing rules closely mirror those corresponding of the Structural Funds (and in some instances are effectively a simple copy-paste). The ultimate objective here being the achievement of decentralised management without the European Commission (EC) exercising *ex ante* controls.

### *IPA CBC programmes and territorial eligibility*

The IPA CBC programmes are jointly programmed and implemented by authorities of the participating countries, who must allocate sufficient resources to ensure a successful and efficient implementation of the programmes. Depending upon whether management has been decentralised or not, the contracting authority is either an accredited national structure (decentralised management), or the EU delegation in that country (centralised management).

The same eligibility rules apply as under the structural funds territorial cooperation objective.<sup>28</sup> To be eligible, a territory must be a NUTS level III region (or equivalent) and be situated along a border area; each programme includes a list of eligible regions.<sup>29</sup> In justified cases, up to 20% of the EC contribution may be used to finance operations in NUTS III (or equivalent) areas adjacent to the eligible territory (so called “adjacent areas”).<sup>30</sup>

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<sup>27</sup> See Council Regulation (EC) No 1085/2006 Art.9 for a full list.

<sup>28</sup> See IPA Implementing Regulation (No 718/2007), Art.88(2) and Structural Funds Regulation (No 1083/2006), Art.7(1). Alternately, see Annexe 1 of this paper.

<sup>29</sup> See Annexes 2, 3 and 4 at the end of this paper.

<sup>30</sup> IPA Implementing Regulation (No 718/2007), Art.97.

### *Allocation of IPA funds*

Funds are apportioned to each country in accordance with various EC strategic documents.<sup>31</sup> The financial envelope covers CBC with neighbouring countries involved in the enlargement process and, where appropriate, participation in ERDF transnational programmes, such as the IPA Adriatic. With the aim of ensuring matching fund commitments, a discussion takes place between participating countries over the amount of funds to be allocated to each CBC programme (in close cooperation with the EC). The actual sums in question however, are small and somewhat symbolic.<sup>32</sup>

This brief introduction to IPA is meant to be just that. Over the course of this paper we will examine in more detail further aspects of how IPA works, focusing on its Component II.

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<sup>31</sup> See in particular the Multi-annual Indicative Financial Framework (MIFF) and the Multi-annual Indicative Planning Document (MIPD) They can be found on the DG Enlargement website at: [http://ec.europa.eu/enlargement/how-does-it-work/financial-assistance/planning-ipa\\_en.htm](http://ec.europa.eu/enlargement/how-does-it-work/financial-assistance/planning-ipa_en.htm)

<sup>32</sup> See the IPA MIFF for 2010-2012. Available at: [http://ec.europa.eu/enlargement/pdf/press\\_corner/key-documents/reports\\_nov\\_2008/miff\\_2010\\_2012\\_en.pdf](http://ec.europa.eu/enlargement/pdf/press_corner/key-documents/reports_nov_2008/miff_2010_2012_en.pdf)



## 2. Bosnia and Herzegovina's Cross-border Cooperation

This section of the paper deals with Bosnia and Herzegovina's cross-border cooperations and the typology of Oliveras, Durà and Perkmann. A definition of cross-border cooperation (CBC) is considered before the typology is introduced. Then the reality of BiH's cross-border spaces and the nature of the CBCs are described in some detail. Once established, the case of BiH's CBCs can then be analysed *vis-à-vis* Oliveras, Durà and Perkmann's typology. The section closes by categorising BiH's CBCs.

### 2.1 Cross-border cooperation: a definition and a typology

What is cross-border cooperation (CBC)? The European Commission describes CBC as '*essentially about "filling the gaps" [...] through agreed cross-border 'analysis and response' strategies*'.<sup>33</sup> According to the Council of Europe's handbook on transfrontier cooperation for local and regional authorities in Europe, '*the basic principle of transfrontier co-operation is to create links and contractual relations in frontier areas so that joint solutions may be found to similar problems*'.<sup>34</sup> The European Charter for Border and Cross-border Regions agrees, stating that cross-border cooperation is an attempt to '*overcome obstacles and barriers created by borders, which can then reoccur due to national laws*'. This is achieved not by creating a new administrative level, but by developing '*cooperative structures, procedures and instruments that facilitate the removal of obstacles and foster the elimination of divisive factors*'.<sup>35</sup> Beltrán offers a similar definition that describes CBC as '*a collaboration that develops between territorial or sub-state entities of various countries and whose maximum exponent is the creation of cooperative bodies*'.<sup>36</sup>

For the purposes of this study, perhaps the most useful understanding of CBC is offered by Oliveras, Durà and Perkmann themselves. For them, CBC is a type of territorial

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<sup>33</sup> DG Regio website: [http://ec.europa.eu/regional\\_policy/cooperation/crossborder/index\\_en.htm](http://ec.europa.eu/regional_policy/cooperation/crossborder/index_en.htm)

<sup>34</sup> Council of Europe (2000), *Handbook on transfrontier cooperation for local and regional authorities in Europe*, 3<sup>rd</sup> edition, p.9.

<sup>35</sup> Association of European Border Regions (2004), *European Charter for Boarder and Cross-boarder Regions*, New edition, p.7.

<sup>36</sup> Beltrán, S. (2007), p.1. Translation from Castilian undertaken by author.

cooperation distinct from other forms of cooperation because it is established between authorities belonging to two or more states that share an international border.<sup>37</sup> This begs the question: what is territorial cooperation? Oliveras, Durà and Perkmann define territorial cooperation as “*the more or less institutionalised collaboration that develops between sub-state authorities and/or entities of one or more states, and whose maximum exponent is the creation of organisms of cooperation orientated towards the vertical and horizontal coordination of policies and actions.*”<sup>38</sup> Their definition of territorial cooperation not only helps us come to an understanding of CBC but with its reference to ‘*collaboration that develops between sub-state authorities and/or entities of one or more states*’ also invokes aspects of multi-level governance.

### **2.1.1 Cross-border regions: a typology**

With their typology, Oliveras, Durà and Perkmann aim to create order in what they describe as the ‘heterogeneous set of opinions that emerge from the literature’ on cross-border regions (CBRs).<sup>39</sup> They point out that no consensus exists over the origins, functions and limits of cross-border regions, but that at best, opinion can be divided into two broad perspectives: i) one that refers to an *a priori* construction that facilitates, determines or explains the emergence of a CBC; and, ii) one that refers instead to an *a posteriori* construction.<sup>40</sup>

Oliveras, Durà and Perkmann state that an *a priori* construction conceives of a CBR as being a potential region, inherent in geography, history, ecology, ethnic groups or economic possibilities (among other factors) that has been divided and disturbed by the sovereignty of the governments either side of a separating border.<sup>41</sup>

An *a posteriori* construction, on the other hand, is the product of social construction that develops according to CBC experiences. That is, the CBC is established prior to the emergence of a CBR and as a consequence the common space and interests are products of an *ad hoc* process.<sup>42</sup> Thus, Perkmann defines a CBR as “*a bounded territorial unit*

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<sup>37</sup> Oliveras, X. Durà, A. and Perkmann, M. (2010), p.24.

<sup>38</sup> *Ibid.* Translated into English by author.

<sup>39</sup> *Ibid.*, pp.23-26.

<sup>40</sup> *Ibid.*, p.24.

<sup>41</sup> *Ibid.*, taken from Council of Europe (1995), p.9.

<sup>42</sup> *Ibid.*, p.9.

composed of the territories of authorities participating in a CBC initiative.”<sup>43</sup> Oliveras, Durà and Perkmann are quick to add however, that *a posteriori* constructions can be found on territories that contain the inherent possibilities found in *a priori* constructions. The difference being that such inherent possibilities are not prerequisites for an *a posteriori* construction.<sup>44</sup>

Given the huge variety of CBRs, Oliveras, Durà and Perkmann set out to construct a typology that aids the categorisation of any given CBC. They build upon conceptual categories contained in definitions of CBC, namely: geographical scale; legal nature; and, the actors involved.<sup>45</sup> The typology (see table 1) is comprised of four types that are the product of combining two primary variables: 1) The intensity of the cooperation; and, 2) the scale of the cooperation.

		Scale	
		Micro	Macro
Intensity of cooperation	High	Integrated microcooperation ‘ <i>Im</i> ’ ( <i>L</i> or <i>R</i> )	Integrated macrocooperation ‘ <i>IM</i> ’ ( <i>L</i> or <i>R</i> )
	Low	Emergent microcooperation ‘ <i>Em</i> ’ ( <i>L</i> or <i>R</i> )	Emergent macrocooperation ‘ <i>EM</i> ’ ( <i>L</i> or <i>R</i> )

Table 1: Oliveras, Durà and Perkmann’s typology of specific entities of territorial cooperation.<sup>46</sup>

The intensity of the cooperation is either ‘*high*’ or ‘*low*’ and can be deduced from the combination of two sub-variables: 1) the CBC’s legal nature; and, 2) how the CBC is organised. This combination determines the degree of strategic capacity the cooperating bodies are able to obtain and the degree of autonomy they enjoy *vis-à-vis* central or other authorities.<sup>47</sup> The scale of the cooperation is either ‘*macro*’ or ‘*micro*’ and refers

<sup>43</sup> Perkmann, M. (2003), p.157.

<sup>44</sup> Oliveras, X. Durà, A. and Perkmann, M. (2010), p.25.

<sup>45</sup> *Ibid.*, p.25.

<sup>46</sup> Adapted from Oliveras, X. Durà, A. and Perkmann, M. (2010), p.25.

<sup>47</sup> Oliveras, X. Durà, A. and Perkmann, M. (2010), p.25.

to the size of the territory covered by the CBC. The predominant administrative level is then added to the equation: 'L' for local and 'R' for regional.<sup>48</sup>

'*Integrated microcooperation*' corresponds to those *de facto* or autonomous bodies of cooperation foreseen in interstate agreements or conventions that possess legal personality (in public or private law) and with a territorial scale inferior to that of NUTS level 2 (i.e. a territory inhabited by 800,000 people or less).<sup>49</sup> For the most part, this type is associated with the participation of local actors (NUTS level 3, LAU, and LAU 2).<sup>50</sup>

The '*integrated macrocooperation*' type is defined by the same level of intensity but over a larger territory that corresponds with NUTS level 2 (a territory inhabited by between 800,000 and 3 million people) or NUTS level 1 (3 to 7 million people). This type is associated with the participation of regional actors.<sup>51</sup>

'*Emergent microcooperation*' covers bodies established by an agreement or convention between sub-state actors or less. This type can be with or without a formal structure and can be informal in nature. Consequently, it is without legal personality. It is associated with the participation of local actors.<sup>52</sup>

Finally, the '*emergent macrocooperation*' type. This type also refers to low intensity CBCs. The difference being that they span over large territories that, like the *IM* type, corresponds with NUTS level 2 and NUTS level 1 territories.<sup>53</sup>

## ***2.2 The case of Bosnia and Herzegovina's CBC***

Before we can apply Oliveras, Durà and Perkmann's typology we must describe the case to which we intend to apply it. This subsection does exactly that, starting with a

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<sup>48</sup> *Ibid.*, p.25.

<sup>49</sup> See the EUROSTAT website for a full explanation of what the Nomenclature of Units for Territorial Statistics are and their respective sizes: [http://epp.eurostat.ec.europa.eu/portal/page/portal/nuts\\_nomenclature/introduction](http://epp.eurostat.ec.europa.eu/portal/page/portal/nuts_nomenclature/introduction)

<sup>50</sup> Oliveras, X. Durà, A. and Perkmann, M. (2010), p.25.

<sup>51</sup> *Ibid.*, p.26.

<sup>52</sup> *Ibid.*, p.26.

<sup>53</sup> *Ibid.*, p.26.

description of the reality of the cross-border spaces, before exploring the nature of the cross-border cooperations.

### **2.2.1 Reality of the CBC spaces**

As Perkmann argues, it is the process of construction that matters when it comes to identifying the ‘commonalities’ that define a cross-border region (CBR).<sup>54</sup> There is no shortage of material in the case of BiH’s CBCs and the CBRs they create. What follows below is a brief overview of the CBRs’ respective histories and a description of their dimensions, socio-economic characteristics, geography and the common challenges they face.

#### *2.2.1.1 Brief history of the cross-border territories*

The territories covered by Bosnia and Herzegovina’s IPA cross-border cooperation have exchanged hands many times during the past 500 years or so. What can be considered as international borders have been erected and removed several times within the territories (and along many of the same lines that stand today) as power and influence over the Balkan Peninsula ebbed and flowed from West to East and back.

It is the Ottoman victory in the Battle of Kosovo Polje in 1389 that is often attributed as being the defining moment that led South East Europe to fall under the influence of this Great Power from the Near East. However, it was not until 1566 that Ottoman rule over all the cross-border territories in question (less Zagreb) was finally consolidated.<sup>55</sup>

What follows for our cross-border territories is over 130 years as a part of the Ottoman Empire and without any international borders. In 1699, following the Battle of Mohács, Slavonia was taken by the Habsburgs and Dalmatia was handed over to the Venetians.<sup>56</sup> These territories roughly correspond with modern day Croatia, with Slavonia lying north of the river *Sava* (corresponding with the Croatian side of BiH’s northern border with Croatia) and Dalmatia consisting of the east Adriatic coastline (corresponding with the Croatian side of BiH’s western border with Croatia). At the beginning of the 19<sup>th</sup>

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<sup>54</sup> Perkmann, M (2003), p.4.

<sup>55</sup> Suger, P.F. (1977), pp.63-71. Also see Glenny, M. (2001), p. 11.

<sup>56</sup> Suger, P.F. (1977), pp.199-200.

Century, Dalmatia changes hands again, ending up as part of the Austrian Empire in 1815, following the Conference of Vienna and roughly 10 years as a French territory prior to that.<sup>57</sup>

The northern and western borders of BiH stood as international borders until the Treaty of Berlin in 1878. This treaty saw Bosnia and Herzegovina become a protectorate of the Austro-Hungarian Empire (which later fully annexed BiH in 1908), thereby effectively removing its international borders with what is Croatia today.<sup>58</sup> The treaty also granted independence to Serbia and to Montenegro, creating new neighbours to the east and south east.<sup>59</sup> Curiously, the borders erected then fall more or less along the same lines as those that stand today. Not only did the border with Serbia separate the Serb population living in that territory, it also enabled trade barriers to be erected, exemplified in the extreme by the so called ‘Pig War’ of 1906.<sup>60</sup>

The next big change comes after the First World War and the fall of Austro-Hungary. The Kingdom of Serbs, Croats and Slovenes (or, the Kingdom of Yugoslavia) was proposed in 1918, finally adopting its constitution in 1921.<sup>61</sup> The Kingdom of Yugoslavia corresponded territorially with its successor, the Socialist Federal Republic of Yugoslavia, which emerged from the carnage of World War Two.<sup>62</sup> Both the Kingdom and the Socialist Federal Republic covered all the cross-border territories in question, meaning no international borders existed until the fall of Yugoslavia, which began in June 1991 with the declarations of independence of both Slovenia and Croatia.

The present day borders were finally established in 1995 following the signing of the Dayton Peace Agreement.<sup>63</sup> Montenegro later became independent in 2006, but the border between BiH and Montenegro did not change.

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<sup>57</sup> Glenny, M. (2001), p.14 & pp.42-3.

<sup>58</sup> *Ibid.*, p.147.

<sup>59</sup> *Ibid.*, p.147.

<sup>60</sup> *Ibid.*, p.223 & 281.

<sup>61</sup> *Ibid.*, p.367 & 377.

<sup>62</sup> *Ibid.*, p.532.

<sup>63</sup> *Ibid.*, p.651.

### 2.2.1.2 Territorial dimensions

#### *Croatia-BiH*

The size of the area eligible for the Croatia-BiH CBC is almost 69,000 km<sup>2</sup> covering approximately 38,000 km<sup>2</sup> of Bosnian territory and roughly 31,000 km<sup>2</sup> of Croatia. See Annexe 2 for a map of the territory covered by this CBC. Nearly 4.4 million people live in this area, with roughly 2.7 million falling on the BiH side of the border and just over 1.6 million on the Croatian side. The border itself is 922 km in length, of which 722 km is a land border and roughly 200 km is a river border (river *Sava*). On the Croatian side, fourteen counties (9 ‘eligible’ and 5 ‘adjacent’) are included, with each county being considered as NUTS level 3 equivalent areas. On the BiH side, three economic regions (the North-East, North-West and Herzegovina Economic Regions) comprising of 95 municipalities are included, with each economic region being considered as NUTS level 3 equivalent areas.<sup>64</sup>

#### *Montenegro-BiH*

The size of the area eligible for the Montenegro-BiH CBC is over 25,000 km<sup>2</sup> covering approximately 16,500 km<sup>2</sup> of Bosnian territory and roughly 8,800 km<sup>2</sup> of Montenegro. See Annexe 3 for a map of the territory covered by this CBC. Roughly 1.3 million people live in this area, with 1 million falling on the BiH side of the border and 300,000 on the Montenegrin side. The border itself is 249 km in length and it has 7 crossing points. On the Montenegrin side 12 municipalities are included. On the BiH side, two economic regions (the Sarajevo Economic Region and the Herzegovina Economic Region) comprising of 56 municipalities are included, with each economic region being considered as NUTS level 3 equivalent areas.<sup>65</sup>

#### *Serbia-BiH*

The size of the area eligible for the Serbia-BiH CBC is almost 33,000 km<sup>2</sup> covering approximately 17,500 km<sup>2</sup> of Bosnian territory and roughly 15,000 km<sup>2</sup> of Serbia. See Annexe 4 for a map of the territory covered by this CBC. Nearly 3 million people live

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<sup>64</sup> See Annexe 2 for a complete list of municipalities covered by this CBC.

<sup>65</sup> See Annexe 3 for a complete list of municipalities covered by this CBC.

in this area, with roughly 1.8 million falling on the BiH side of the border and just over 1.1 million on the Serbian side. The border itself is 382.8 km in length, of which 154.3 km is a land border and 185.2 km is a river border (rivers *Drina* and *Sava*). Along the length of the border there are 8 border crossing points. On the Serbian side, four counties (Sremski, Macvanski, Zlatiborski, and Kolubarski) comprising of 31 municipalities are included, with each county being considered as NUTS level 3 equivalent areas. On the BiH side, two economic regions (the Sarajevo Economic Region and the North-East Economic Region) comprising of 67 municipalities are included, with each economic region being considered as NUTS level 3 equivalent areas.<sup>66</sup>

### 2.2.1.3 Socio-economic characteristics

#### *Croatia-BiH*

The large migration between Croatia and BiH due to the war in 1990's significantly changed the demographic structure of the CBR. The number of people living in the border region on the Croatian side has fallen and is particularly visible in rural municipalities along the border with BiH, where there is a continuous trend of slow population decrease.<sup>67</sup> The counties of *Ličko-senjska*, *Karlovačka* and *Šibensko-kninska* have populations that are older than the national average. Indeed, on the whole, the rural micro regions along the border are typically older than urban centres, where the population is younger.<sup>68</sup> In contrast, the population on the BiH side is comparatively young and is identified as an important resource for the future development of the CBR.<sup>69</sup>

The ethnic composition of the CBR is complex, especially on the BiH side of the border. Much of the territory on BiH side of the northern border falls within the Republika Srpska entity, which is predominantly Serb in ethnicity.<sup>70</sup>

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<sup>66</sup> See Annexe 4 for a complete list of municipalities covered by this CBC.

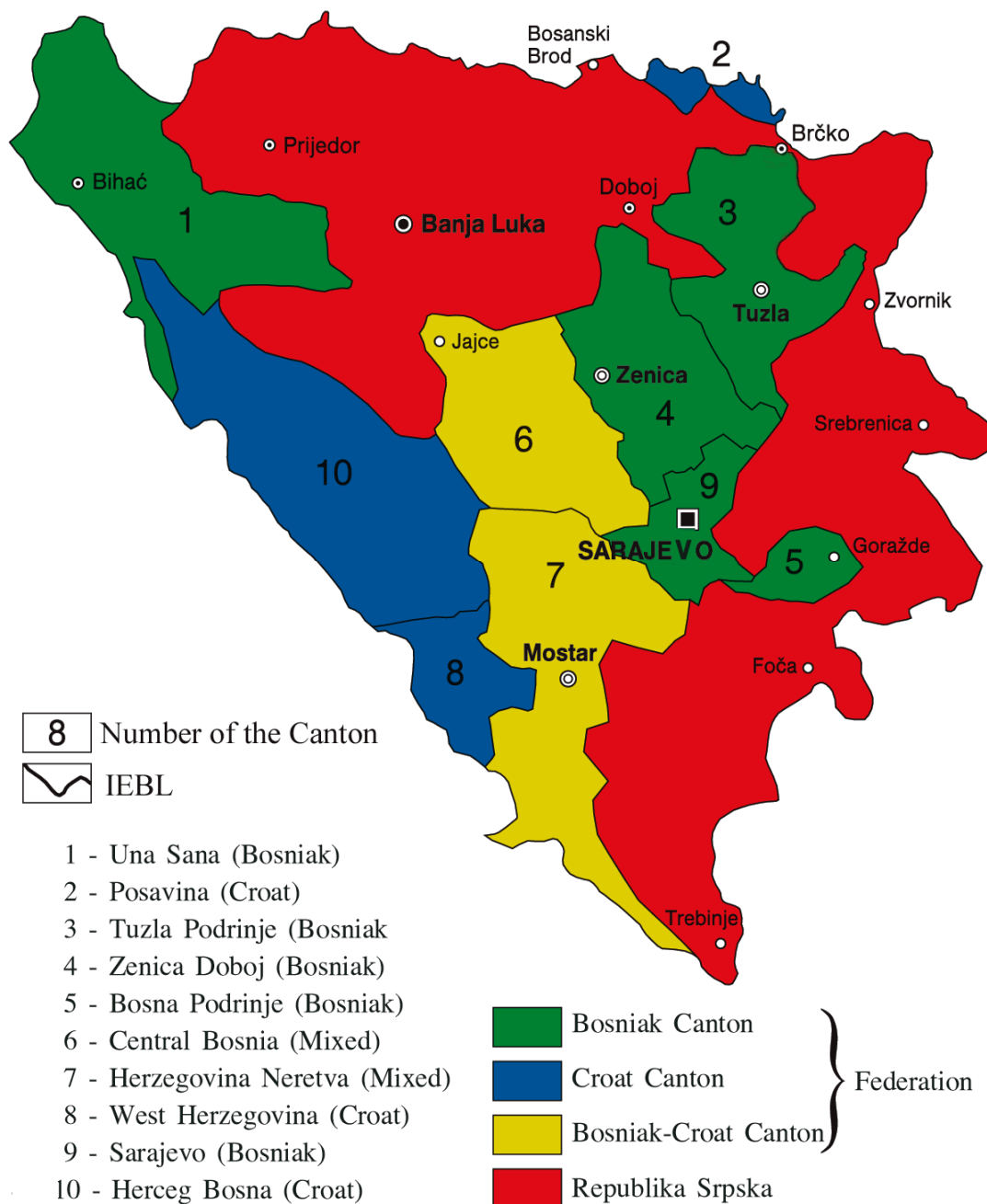
<sup>67</sup> Croatia-BiH CBC programme, p.14.

<sup>68</sup> *Ibid.*, p.14.

<sup>69</sup> *Ibid.*, p.15.

<sup>70</sup> See reasoning in section 1.3 (methodological considerations) regarding recent election results as indicative of ethnic composition. The reader can also find further illustration of this point in Annexes 2-4.





Map 1: Bosnia and Herzegovina Entities and Cantons.<sup>71</sup>

However, the pocket where BiH's northern border meets its western border corresponds with the *Una-Sana* Canton, which is considered to be a 'Bosniak Canton' ethnically and (thus) politically speaking (See map 1, Canton 1). The western border of BiH is made up of *Una-Sana* Canton to the north, which is followed by two 'Bosnian-Croat Cantons'

<sup>71</sup> Source: Office of the High Representative in Bosnia and Herzegovina, available at: <http://www.ohr.int/ohr-info/maps/images/federation-of-bih.gif>

(*Herceg Bosna* and *West Herzegovina*) and the ‘mixed Canton’ of *Herzegovina-Neretva* at its southern most tip. Finally, large swathes of Republika Srpska’s southern regions are also included.

On the Croatian side, the biggest ethnic minority is the Serbian minority. In the border counties of *Vukovarsko-srijemska*, *Sisačko-moslavačka*, *Karlovačka* and *Ličko-senjska* counties ethnic Serbs represent over 10% of the counties’ population and 7.59% of the total Serb population in the Croatian part of CBR.<sup>72</sup> The Bosniak minority is rather small in Croatia (0.47%), but most live in the CBR.<sup>73</sup>

The main economic activities on both sides of the border are agricultural-based, but also include the wood industry, metal working, the tobacco industry, textiles, leather goods and footwear industries.<sup>74</sup> Along the western border, the economy is oriented towards tourism in the Adriatic. However, it is the Croatian side of the border which overwhelmingly benefits from this sector.<sup>75</sup> Unemployment is a problem and, when the CBC programme was drawn up, stood at nearly 22% on the Croatian side and 37% on the BiH side.<sup>76</sup> Overall, the CBR is characterized by its low GDP, the predominance of the agricultural sector, a lack of investment and the undercapitalisation of local businesses. The territory’s poor economic performance can be explained by its high dependence on agricultural-based employment and income, as well as an under-representation in the higher, value-added business sectors.<sup>77</sup>

### *Montenegro-BiH*

Migration of inhabitants between BiH and the Republic of Montenegro took place on both sides of the border during the nineties. The population of this CBR is mainly concentrated in urban centres due to better job opportunities.<sup>78</sup> The decline in population in rural municipalities along the border is visible and the age structure of the population indicates a very unfavourable demographic ageing process. On the

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<sup>72</sup> Croatia-BiH CBC programme, p.15. Also, see Croatian Bureau of Statistics, 2001 Population Census (first results).

<sup>73</sup> *Ibid.*, p.15.

<sup>74</sup> *Ibid.*, p.17.

<sup>75</sup> *Ibid.*, p.18.

<sup>76</sup> *Ibid.*, p.19.

<sup>77</sup> *Ibid.*, p.16.

<sup>78</sup> Montenegro-BiH CBC programme, p.11.

Montenegrin side, there has been a decrease of 1.1 % in the number of inhabitants since 1991, whilst in BiH the decrease over the same period amounts to 1.4%.<sup>79</sup> On both sides, the decrease is mostly due to internal migration to central urban areas (i.e. to Sarajevo and Podgorica) where there are better economic opportunities.

The dominant ethnic group in the CBR is Serb. On the Montenegrin side of the border, in 4 of the 12 municipalities Serbs are in the majority. In a further 5, Serbs form the second ethnic group behind Montenegrins and in 1 municipality Serbs and Montenegrins number roughly the same.<sup>80</sup> On the BiH side, all the municipalities along the border fall within the territory of the Republika Srpska entity, which, as mentioned above, is overwhelmingly Serb. The deeper the CBR enters BiH however, the more varied the ethnic composition becomes, with numerous Bosniak and Croat municipalities falling within the CBR.<sup>81</sup>

The overall level of economic development in the CBR is very low compared with the respective national averages. The territory is characterized by a low GDP, the predominance of the agrarian or industrial-agrarian sector and a lack of investment across all other sectors.<sup>82</sup> These other main economic sectors, which consequently hold the most potential in the CBR, are agriculture, tourism, light industry, and energy production.<sup>83</sup> Unemployment is a problem and stood at nearly 49% on the BiH side and 15% in Montenegro, when the CBC programme was drawn up.<sup>84</sup>

### *Serbia-BiH*

According to the CBC programme, the population within the CBR is either static or in decline, especially in rural areas. On the Serbian side, there is a sparse, aging population; whilst on the BiH side it is younger and predominantly female. Small scale settlements characterise the CBR, which is peppered with some towns possessing semi-developed local and regional economies. The northern, arable part of the CBR has a

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<sup>79</sup> Montenegro-BiH CBC programme, p.11.

<sup>80</sup> 2011 Census of Population, Households and Dwellings in Montenegro, pp.6-8.

<sup>81</sup> See Annexe 3.

<sup>82</sup> Montenegro-BiH CBC programme, p.15.

<sup>83</sup> *Ibid.*, p.15.

<sup>84</sup> *Ibid.*, p.19.

more favourable demographic outlook than the isolated central and southern parts, where the trends of migration and an aging population are expected to continue.<sup>85</sup>

The ethnic composition of the CBR is predominantly Serb on both sides of the border. Of the 1,171,126 people inhabiting the Serbian part of the CBR, only an estimated 79,000 (or 6.7%) are either Bosniak or Muslim.<sup>86</sup> There are no up to date statistics on the population's ethnicity in BiH. However, given the ethno-nationalist nature of BiH politics, recent election results can be taken as indicative.<sup>87</sup> Of the 67 municipalities covered by the CBR in BiH, 29 are found in the Republika Srpska and 24 of those are governed by Bosnian-Serb orientated political parties.<sup>88</sup>

The main economic activities of the CBR are industry, power production, mining and agriculture-based industries on the BiH side; and, food-processing, wood-processing, furniture manufacturing, light metal industry, textiles and chemical industry on the Serbian side. Most SMEs are micro-enterprises that make no significant contribution to the overall economy and the tourist industry is more developed in the Serbian part of the border area than in BiH.<sup>89</sup> Unemployment is a problem and is as high as 60% among 25 to 49 year olds on the Serbian side.<sup>90</sup> The relatively isolated nature of most of the cross-border territory from external markets, coupled with a low level of investments across all sectors, has had a negative impact on the CBR's economy.<sup>91</sup> Furthermore, the introduction of an international border has been accompanied by regulatory measures that profoundly affect the once constant, day-to-day 'cross-border' activities, including small scale imports and exports of food products by the local population, as well as large scale movements.<sup>92</sup>

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<sup>85</sup> Serbia-BiH CBC programme, pp.10-11.

<sup>86</sup> According to the Cross-border programme, 70,335 are Bosniak and 8,366 are Muslim. See p.11.

<sup>87</sup> See reasoning in section 1.3 (methodological considerations) regarding recent election results as indicative of ethnic composition. The reader can also find further illustration of this point in Annexes 2-4.

<sup>88</sup> See Annexe 4. Alternately, see the website of the Central Electoral Commission of BiH at:

<http://www.izbori.ba/eng/default.asp>

<sup>89</sup> Serbia-BiH CBC programme, pp.13-16.

<sup>90</sup> *Ibid.*, p.16.

<sup>91</sup> *Ibid.*, p.13.

<sup>92</sup> *Ibid.*, p.14 & 18.

#### 2.2.1.4 Geographic considerations

##### *BiH-Croatia*

The border between BiH and Croatia is 992 km in length, it comprises the northern and western borders of BiH (see Map 1, border 'A') and it constitutes the longest border in the IPA CBC programme. The relief of the CBR surrounding it is made up of both flatland and mountainous areas. It is more predominantly flat on the Northern flank with the mountainous land stretching almost the entire Western border area. The CBR as a whole can be divided into three geographic zones.



Map 2: Map showing BiH's borders.<sup>93</sup>

The northern zone runs East-West up the powerful river *Sava*, which forms the border between the two countries for approximately 200 km (see Map 2, border 'AN'). The territory is low-lying, fertile and holds potential for agricultural activity and energy production. From the northwest tip of BiH down most of the western border with Croatia (see Map 2, border 'AW') the CBR is mountainous and characterised by woodland with timber and recreational potential. Finally, the southernmost part of the

<sup>93</sup> Source: taken from the internet and elaborated by author.

CBR has a maritime character due to its proximity to the Adriatic Sea, with both Neum in BiH and Dubrovnik in Croatia representing valuable tourist destinations.

#### *BiH-Montenegro*

The eligible area is located in the South-Eastern part of Bosnia and Herzegovina and the North-Western part of the Republic of Montenegro (see Annexe 3). The terrain is mostly mountainous and among some of the most rugged in Europe with the average elevation climbing above 2,000 metres. There are many natural and seven artificial lakes in the area, which is rich in water and forests.

The eligible area in Bosnia and Herzegovina includes 20 km of coast which is the only access Bosnia and Herzegovina has to the Adriatic Sea and is characterised by well preserved beaches and the coastal town of Neum. In Montenegro, 163.78 km of coast with a unique landscape characterised by beautiful bays and attractive tourist centres is included in the CBR.

#### *Serbia-BiH*

The border between Serbia and BiH is 383 km in length (see map 2, border 'C') out of which 229 km is river border. The river *Drina*, with several high dams, forms 185.3km of the border between Serbia and BiH. It joins the river *Sava* in the north. Both rivers are rich with natural resources, various types of fish, and other fauna. The eligible area is home to the Tara National park and Lake Perucac. The eligible area between Serbia and BiH consists of three highly diversified geographic zones. The northern part is a fertile plain, the central part is hilly while the southern part is mountainous.

The fertile plain to the north contains the *Sava* and *Drina* river basins, with favourable conditions for agricultural production. Only the northern part of the eligible area is in close proximity to major traffic corridors (motorways and railways), providing fast access to markets in western, central, and south-east Europe. By comparison, the central and southern parts are more isolated, and the movement of goods and people is slower. The middle, hilly part of the CBR is rich in minerals and hydro-electric potential. Due to the configuration of terrain, most arable land in this area is found on slopes and

subject to erosion, impeding mechanised agricultural production but suitable for fruit and pasture. There are thick forests along the river *Drina* in the eastern part of BiH. The southern mountainous area is characterized by a well preserved countryside offering natural resources and biodiversity, with potential for the development of agriculture, energy, and tourism.

#### *2.2.1.5 Common challenges*

The three main challenges facing each of the cross-border territories, as identified by the CBC programmes, are economic and social cohesion, and sound environmental management.<sup>94</sup> As outlined above, the border regions of the CBRs are suffering a decline in population, especially amongst the young, and have considerably high unemployment rates. The local economies are underdeveloped, but hold potential. These challenges are reflected in the CBC programme's priority axes, which are broadly speaking, the improvement of economic and social cohesion, as well as sound environmental management. After these three priorities, the programmes prioritise technical assistance, which aims to increase administrative capacity in the management and implementation of the CBC programme through support to the CBC operational and management structures.<sup>95</sup>

### **2.2.2 Nature of the cross-border cooperation**

To establish the intensity of a CBC it is essential to appreciate its nature. What follows below is a brief overview of the legal basis and nature of the CBCs' and their structures; what bodies comprise those structures and the types of joint actions (or projects) they are pursuing.

There are several aspects to the CBCs' legal basis. It is a combination of European and international law that establishes the CBCs. European law sets out how the CBCs are organised and implemented, the agreement between the EU and the beneficiary countries is made in international public law. It is national law that provides for the ensuing partnerships and that governs the operating structures.

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<sup>94</sup> CBC programmes of Croatia-BiH p.30 & 34; Montenegro-BiH p.29; Serbia-BiH p.27.

<sup>95</sup> CBC programmes of Croatia-BiH p.38; Montenegro-BiH p.32; Serbia-BiH p.29.

If we take a chronological approach, we start with the multi-annual cross-border programme (from hereon referred to as simply the ‘CBC programme’), which is jointly drawn-up by the participating countries, in cooperation with the relevant partners (regional and local authorities, social and economic partners, NGOs, etc). The programme is submitted to the European Commission (EC) and if the EC is satisfied that the programme contains all the elements required<sup>96</sup>, it adopts the programme by means of a Commission decision (CD).<sup>97</sup> On the basis of the Commission decision an annual or multi-annual bilateral financing agreement (FA) is concluded between the Commission and each of the beneficiary countries participating in the programme (see figure 1).<sup>98</sup> Each FA covers the EU’s contribution that corresponds to the beneficiary country concerned and the years over which the contribution will be made. The first FA contains a Commission implementing decision (CiD), which in turn has the CBC programme and a financing proposal (FP) attached to it as an annexe.

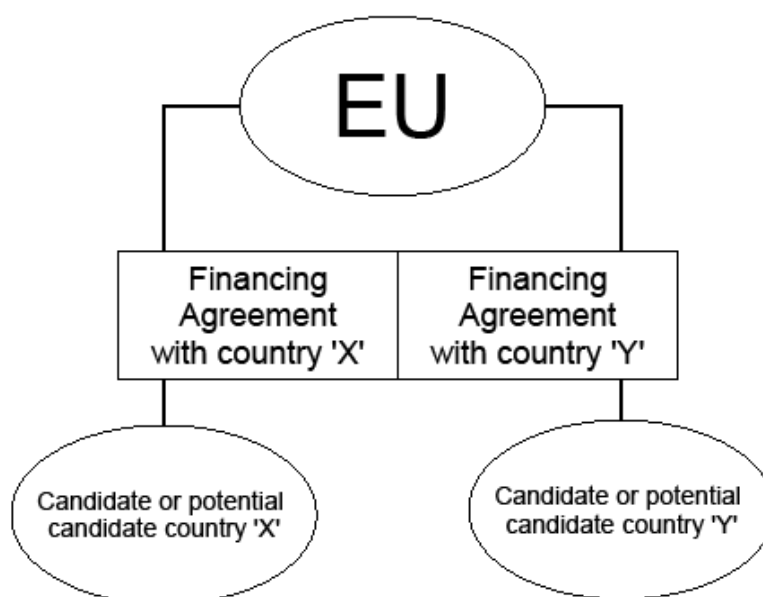


Figure 1: diagram showing legal arrangements between the European Commission and the beneficiaries

The CiD itself consists of a few articles that lay down the overall financial contribution of the EU and how the programme will be implemented: by centralised or decentralised management; and, by means of further Financing Agreements to cover specific periods

<sup>96</sup> The elements in question are enumerated under Commission Regulation (EC) No 718/2007, Art.94.

<sup>97</sup> Commission Regulation (EC) No 718/2007, Art.91(6).

<sup>98</sup> Commission Regulation (EC) No 718/2007, Art.94(2).



(years) of the multi-annual agreement concluded between the EC and the Government of each of the participating countries. The annexed FP covers one or two years and goes into more detail about where the funds will be allocated in accordance with the CBC programme's objectives and priorities. Like the Instrument for Pre-accession Assistance itself, the CBC programme covers the entire 2007-2013 budget period, although allocations are committed on an annual or bi-annual basis.

Now we have looked at the main legal aspects of the CBC from the perspective of EU-beneficiary country relations (the basis on which the CBCs are established), let us briefly turn our attention to relations within the participating beneficiary countries, as well as to contractual arrangements with the final recipients of CBC funds.

As is the case with Structural Funds, partnerships are to be formed 'where appropriate' and 'in accordance with current national rules and practices' between national authorities and what they deem to be 'the most representative partners at national, regional and local level and in the economic, social, environmental or other spheres' (i.e. regional, local, urban and other public authorities, social and economic partners, NGOs, etc).<sup>99</sup> Partnerships cover 'the preparation, implementation, monitoring and evaluation of operational programmes', as well as involvement of the relevant partners in the different stages of programming, 'where appropriate'.<sup>100</sup> It should be noted that the appropriateness of a partner's involvement is subject to the national authorities' discretion.

As regards the contractual arrangements with the final recipients of CBC funds, they also mirror, to a certain extent, those provided for under the Structural Funds.<sup>101</sup> The final beneficiaries of financial assistance (those that carry out one or more of the projects under the programme) appoint a national lead beneficiary from among themselves on each side of the border prior to the submission of the project proposal. An established entity in one of the participating countries, the national lead beneficiary assumes a number of responsibilities on their side of the border that include

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<sup>99</sup> Commission Regulation (EC) No 718/2007, Art.87 and Council Regulation (EC) No 1083/2006, Art.11(1)&(2).

<sup>100</sup> Council Regulation (EC) No 1083/2006, Art.11(2).

<sup>101</sup> Compare Regulation (EC) No 718/2007, Art.96 with Regulation (EC) No 1080/2006, Art.20, as detailed in Annexe 1.

guaranteeing the sound financial management of the funds; ensuring the implementation of the project; and, transferring the EU contribution to the other final beneficiaries participating in the project.<sup>102</sup>

Each national lead beneficiary signs a contract with the contracting authority on their side of the border, which in the case of BiH, Montenegro and Serbia is the EU Delegation (see figure 2). In the case of Croatia, it is the Central Finance and Contracts Unit in the Ministry of Finance. From among the two lead beneficiaries a Functional Lead Partner (FLP) is chosen to conduct the overall coordination of the project activities on both sides of the border; organise joint meetings of project partners; and, report to the JTS on the overall progress of the joint project.<sup>103</sup>

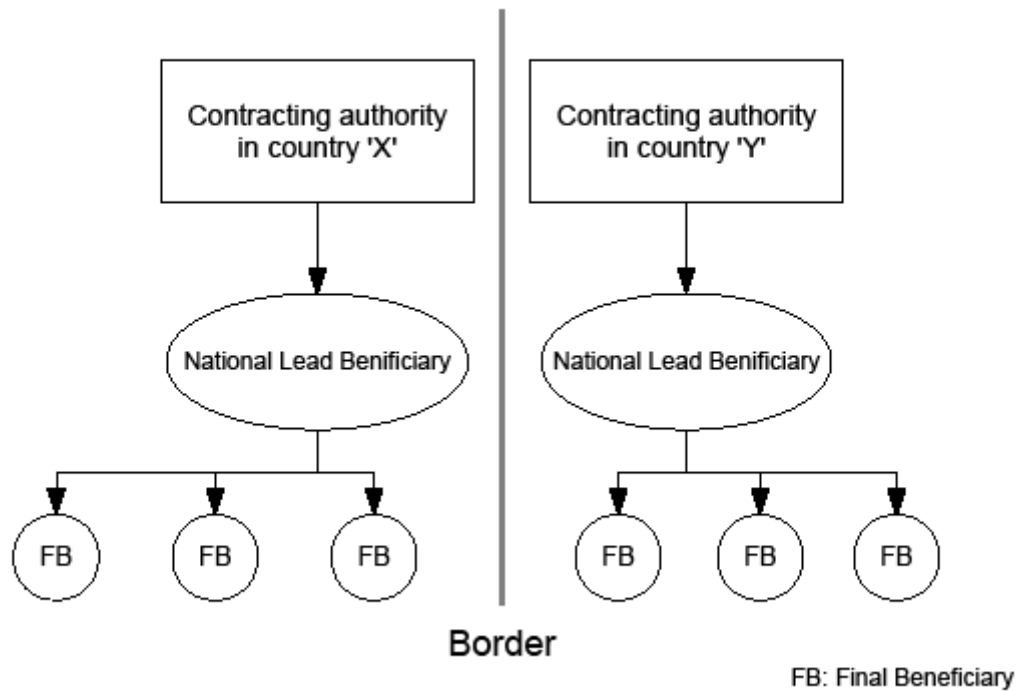


Figure 2: Illustration of the contracting arrangement with final beneficiaries.<sup>104</sup>

<sup>102</sup> Commission Regulation (EC) No 718/2007, Art.96(1).

<sup>103</sup> CBC programmes of Croatia-BiH p.60, Montenegro-BiH p.47 and Serbia-BiH p.46.

<sup>104</sup> Figure elaborated by the author.

### *2.2.2.1 CBC structures*

The CBC structures can be divided into National Structures and Joint Structures. National structures are those that are reproduced, in some form, on both sides of the border. They concentrate their work on aspects of the CBC that take place within national territory. In contrast, there is one set of Joint Structures whose remit covers the whole of the CBC and all of the territory that comprises the CBR.

#### **National structures**

The National IPA Coordinator (NIPAC) is the representative of the beneficiary country *vis-à-vis* the EC. The NIPAC takes overall responsibility for coordinating the beneficiary's participation in the relevant CBC programmes.

#### *Operating structures*

The Operating Structures (OS) are a body or a collection of bodies from within the national administration of the beneficiary country. They are expected to cooperate closely with each other in the preparation, management and implementation of the corresponding CBC programme.<sup>105</sup> In BiH the operating structure is the Department for European Integration, in Serbia it is the Ministry of Finance, in Croatia it consists of Ministry of Regional Development, Forestry and Water Management and the Central Finance and Contracts Unit in the Ministry of Finance as the Contracting Authority (decentralised management). In Montenegro it is the country's Ministry of Foreign Affairs and European Integration.

For each of the CBC programmes, the operating structures establish a Joint Technical Secretariat (JTS), nominate their respective representatives to the Joint Monitoring Committee (JMC), prepare and implement the strategic decisions of the JMC (including revisions or amendments to the programme), ensure the programme is well implemented on their side of the border and that information on its implementation is

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<sup>105</sup> Commission Regulation (EC) No 718/2007, Art.139 & 28.

gathered and passed on to the JMC and EC.<sup>106</sup> As a system of decentralised management is in place in Croatia, the Operating Structure there is also responsible for contracting and payments, something the EU delegation is responsible for in BiH, Serbia and Montenegro.

### *EU Delegation*

The EU delegations act as the contracting authority, unless decentralised management has been achieved (as is the case of Croatia). The contracting authority is responsible for awarding grants, tendering, contracting, payments, and *ex ante* controls on call for proposals. The EU delegation endorses the call for proposal and guidelines for applicants prior to their publication.<sup>107</sup> The delegation also participates in the JMC, but in an advisory capacity.

Under decentralised management the country takes on the responsibilities of the contracting authority. The NIPAC is responsible for the overall coordination, but many other bodies are involved. Croatia has charged the Central Finance and Contracts Unit in the Ministry of Finance to be its contracting authority.

## **Joint structures**

### *Joint Monitoring Committee*

The Joint Monitoring Committee (JMC) consists of representatives of the two operating structures and of national, regional and local authorities, as well as socio-economic stakeholders from the eligible territory. It has no legal personality. The JMC is chaired by a representative of one of the participating countries on a rotating basis and the Commission participates in the work of the JMC in an advisory capacity. The JMC's primary function is to oversee the programming and implementation of the cross-border programme. In this sense, its role is almost identical to that of the monitoring

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<sup>106</sup> CBC programmes of Croatia-BiH, Montenegro-BiH and Serbia-BiH, section IV. Based on Commission Regulation (EC) No 718/2007, Art.28.

<sup>107</sup> Commission Regulation (EC) No 718/2007, Art.140.

committees that are established for each operational programme under the structural funds.<sup>108</sup>

As well as overseeing joint programming and implementation, the JMC considers and approves the selection criteria and is responsible for selecting projects (for both sides of the border). However, is not responsible for tendering and contracting. It examines annual reports and can propose and approve revisions to the programme's measures, content and management.<sup>109</sup>

#### *Joint Technical Secretariat*

The Joint Technical Secretariat (JTS) is set up and 'jointly' managed by the operating structures to assist them and the Joint Monitoring Committee (JMC) carry out their respective duties.<sup>110</sup> The JTS is responsible for the day-to-day management of the cross-border programme and has a head office in one country and antennae in the other. The two countries' Operating Structures are to reach an agreement on this matter (with the assistance of the EC). The EC has made efforts to ensure that each country involved in the enlargement process has at least one JTS HQ on its territory. Each Operating Structure takes charge of the Joint Technical Secretariat on their soil, taking care of any legal affairs the JTS's work might entail. The JTS's activities are strictly technical (the JTS has no decision making powers) and are carried out according to a work plan that is approved by the JMC on an annual basis. Its tasks include organising calls for project proposals, advising project partners and monitoring project implementation. The operation of the JTS and its antenna, including staffing costs, are funded through the programme's technical assistance priority.

#### *2.2.2.2 Programme preparation and adoption*

As we saw earlier, the CBC programmes are adopted by the countries concerned by means of a financing agreement, concluded between the European Commission (EC) and each of the participating beneficiary countries separately (see figure 1). The current

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<sup>108</sup> Compare Commission Regulation (EC) No 718/2007, Art.110 with Regulation No 1083/2006, Art.63-65 inclusive.

<sup>109</sup> Commission Regulation (EC) No 718/2007, Art.110(5).

<sup>110</sup> Commission Regulation (EC) No 718/2007, Art.139(4).

multi-annual cross-border programmes were jointly drawn up by the authorities of participating countries, who established a ‘task force’ to prepare the cross-border programme with the assistance of a Cross-Border Institution Building (CBIB) project. Given the role of the CBIB project, one could say that the programmes were indeed drawn-up by the beneficiary countries, but that the EC was ‘holding the pen’. The programme was discussed with local stakeholders before the final proposal was approved by the national authorities. It was then submitted to the EC for assessment and approval. The whole process took longer than was first expected.

The objectives of the cross-border programmes must be in line with the relevant Multi-annual Indicative Planning Document (MIPD), among other documents.<sup>111</sup> A strategic document unilaterally drafted by the EC, the MIPD identifies the sectors and priorities that IPA assistance must address. The programmes must also include a specific priority on technical assistance that covers the ‘preparatory, management, monitoring, evaluation, information and control activities related to the implementation of the programme, together with activities to reinforce the administrative capacity for implementing the programme’.<sup>112</sup> This means helping the OS and the JMC with their work and supporting efforts to publicise the programme.

### *2.2.2.3 The CBC projects*

All the projects of each CBC are chosen because they are understood to meet one (or more) of the priorities laid down in each respective programme. Each priority has at least two measures and will last between 6 and 24 months, depending on the measure.<sup>113</sup> Establishing the CBCs has been a long process. Setting-up the joint structures, agreeing on the programmes and the signing of the financing agreements took longer than was first expected, particularly for BiH. Consequently project implementation only began in 2010, with some projects not beginning until 2011. The projects cover a broad range of cross-border actions that are carried out by a consortium of beneficiaries on both sides of the border. As we saw above, a lead beneficiary for each side of the border is chosen by the consortium, who then assumes the responsibilities regarding the implementation

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<sup>111</sup> Commission Regulation (EC) No 718/2007, Art.94.

<sup>112</sup> Commission Regulation (EC) No 718/2007, Art.94(1.f).

<sup>113</sup> See the respective guidelines / manuals for grant applicants: Croatia-BiH p.15, Montenegro-BiH p.11 and Serbia-BiH p.13.

of the operation.<sup>114</sup> Here we clearly see that the arrangements under IPA for CBC are inline with those of the Interreg programme and do not mirror those of the European Grouping for Territorial Cooperation.

### *Project sectors*

The priorities of the Croatia-BiH CBC are the creation of a joint economic space and an improvement in social cohesion and the quality of life for the people living in the cross-border territory.<sup>115</sup> The joint economic space is being pursued through the development of joint tourist offers and such projects under the first call are focusing on the rivers *Sava* and *Una*, as well as heritage tourism. One project aims specifically at a joint, cross-border tourist attraction (common cultural and historical heritage in rural areas). A focus on entrepreneurship and SMEs is also pursued. The projects aiming to improve the quality of life and social cohesion centre on environmental protection and better access to community based services. They focus on energy (efficiency and bio energy production), water management (management of *Sava* River Basin), the creation of volunteer centres and social inclusion through volunteerism. In total, the CBC consists of 14 projects under the first call for proposal.

The Montenegro-BiH CBC projects aim to ‘support the creation of a common socio-economic environment for people, communities and economies’ in the CBR, as stipulated by the CBC programme.<sup>116</sup> Three measures are created: initiatives with an emphasis on tourism and rural development; initiatives mainly for protection, promotion and management of natural resources; and, social cohesion through institutional, people-to-people and cultural exchanges. The tourism projects focus on sustainable tourism in natural parks and joint tourist offers, whilst the environmental projects focus on management of natural resources, environmental protection, natural disaster (forest fire) response and (sustainable) waste management. Social cohesion is pursued through projects that focus on employment policy in the cross-border territory, youth employment, student networks and exchange, cross-border book exchanges and assistance for people with disabilities. The CBC consists of 12 projects under the first call for proposal.

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<sup>114</sup> Commission Regulation (EC) No 718/2007, Art.96(3).

<sup>115</sup> Croatia-BiH CBC programme, pp.29-38.

<sup>116</sup> Montenegro-BiH CBC programme, pp.29-32.

The projects under the Serbia-BiH CBC are meant to improve the social and economic cohesion of the CBR, as stipulated by the CBC programme.<sup>117</sup> The measure of economic cohesion is an improvement in the ‘productivity and competitiveness of the area’s economic, rural and environmental resources’. The projects falling under this measure include cross-border raspberry picking, development of typical (artisan) products, joint tourism offers and the promotion of entrepreneurship among the territory’s youth. Environmental management and protection, as well as waste management are also pursued. The measure of social cohesion is ‘the exchange of people and ideas in order to enhance professional and civic society cooperation’. Projects aiming to improve social cohesion include youth exchanges, human rights education, support for civic associations and work on mental health issues. The CBC consists of 18 projects under the first call for proposal.

#### *Projects’ impact and limitations*

Given that implementation has only just begun, an assessment of the projects’ impact and limitations would be premature (if not impossible). However, some preliminary remarks can be made about project distribution and lead partners. For the most part, there is a more or less even distribution between the two entities in BiH *vis-à-vis* participation, i.e. there are roughly as many project partners originating from the Federation of BiH as there are from Republika Srpska.<sup>118</sup>

However, it is worth noting that under the Serbia-BiH CBC, all the projects involving local or regional authorities are between Republika Srpska and Serbian authorities, with the latter in the lead (as the Functional Lead Partner or ‘FLP’). In other words, there are no local or regional authorities from the Federation (predominantly Bosniak and Croat in ethnicity) involved in projects with Serbian partners. This can partly be explained by the fact that the Serbian-BiH border is on the Republika Srpska side of BiH. However, it could also mean that the CBC’s impact on ‘good neighbourly relations’ is not as positive as might have been hoped or expected.

Another aspect that stands out is the distribution of FLPs. In each of the three CBC programmes, the BiH side of the border produces the least amount of FLPs.

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<sup>117</sup> Serbia-BiH CBC programme, pp.27-29.

<sup>118</sup> See table two annexes 5, 6 and 7.



### *Technical assistance*

In each of the programmes there is a technical assistance priority. The objective of this priority is to provide ‘effective and efficient administration and implementation of the CBC Programme’ and consists of two measures: programming administration and implementation; and, information, publicity and evaluation.<sup>119</sup> This entails helping establish the structures needed to administer the CBC (operating structures, JMC, JTS, steering committees, etc) under the first measure and dissemination of information, as well as carrying out evaluations, under the second. The technical assistance projects have played a key role in the development of the CBC programmes and the development of stakeholder capacity.

### ***2.3 Bosnia and Herzegovina’s CBC typology***

Now that we have been introduced to the CBCs in question we can attempt to apply Oliveras, Durà and Perkmann’s typology. Before assessing the variables of ‘intensity’ and ‘scale’, we shall consider the innateness of the CBRs the CBCs correspond with.

#### ***2.3.1 An a priori or an a posteriori construction?***

Each of the CBCs examined by this paper can be understood to contain the characteristics of an inherent region found in *a priori* constructions. As section 2.2.1 demonstrates (reality of the cross-border space), similar socio-economic difficulties are suffered within each of the cross-border regions (economically stagnant, high unemployment, demographic imbalances, etc). Furthermore in each of the CBRs the same language is spoken, although this is considered to be a politically controversial assertion. What follows below is a consideration of each CBR in turn from the *a priori* perspective. In the end however, we will see that each are in fact *a posteriori* constructions.

#### *Croatia-BiH cross-border cooperation*

As we saw from the history of BiH’s borders, since 1566 there have passed nearly 250 years in which no *international* border has existed between modern day Croatia and

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<sup>119</sup> CBC programmes of Croatia-BiH p.38, Montenegro-BiH- p32 and Serbia-BiH p.29.

BiH. The present day border, officially erected in 1995, put an end to over 100 years without an international border between the two. Geographically, it is the territory surrounding BiH's northern border with Croatia that is most 'inherently' a cross-border region. Much of the territory corresponds with the basin of the river *Sava*, which forms the border itself. Dominated by ethnic Croats, it is the territory surrounding BiH's western border with Croatia (Dalmatia on the Croatian side plus cantons *Herceg Bosna* and *West Herzegovina* from BiH) that appears to be most like an *a priori* cross-border region, ethnically speaking. Given the above, the Croatia-BiH CBR appears to be two *a priori* constructions: one that corresponds with the *Sava* basin and is geographically defined; and, one that falls over Dalmatia and Herzegovina and is ethnically defined.

#### *Montenegro-BiH cross-border cooperation*

Although different from that with Croatia, the history of the Montenegro-BiH border also offers evidence of inherent characteristics. Erected in 1878 for the first time in the modern era, it put an end to roughly 400 years of territorial unity.<sup>120</sup> After 40 years, the border was removed, only to be erected again nearly 80 years later after the fall of Yugoslavia. It is unsurprising therefore to find (as we did in section 2.2.1) the cross-border region culturally integrated and close to the border itself, dominated by a single ethnic group (namely Serbs). However it is the geography of the CBR (mountainous) that serves as the defining feature of a potential region. Indeed, the Montenegro-BiH CBR largely seems to correspond with *a priori* construction inherent in geography.

#### *Serbia-BiH cross-border cooperation*

The history of the Serbia-BiH border is identical to that of the BiH-Montenegro border, in terms of when it has existed and when it hasn't. The majority of the border itself is formed by the river *Drina*. Consequently, much (but not all) of the territory corresponds with the basin of that river, thereby containing similar inherent geographical characteristics as the Croatia-BiH cross-border region surrounding the river *Sava*.

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<sup>120</sup> See Suger, P.F. (1977), pp.63-72 and Glenny, M. (2001), p.147. It should be noted here that some Montenegrin historians might disagree with Suger and Glenny on this point, arguing that Montenegro had always been independent until its incorporation into Yugoslavia in 1919. Such a view would mean that Montenegro had borders with Ottoman territories, BiH among them, for centuries.

Ethnically, the CBR is overwhelmingly dominated by Serbs and it is ethnically that the Serbia-BiH CBR most appears like an *a priori* construction.

#### *An 'a posteriori' construction*

Despite the above features that suggest our CBRs are *a priori* constructions, they can also be understood as *a posteriori* constructions. The Croatia-BiH CBR is more like two *a priori* constructions put together than a single region. The Montenegro-BiH CBR is geographically *a priori*, however the policy areas covered by the CBC do not exclusively deal with problems arising from geography. The most coherent CBR appears to be that corresponding with the Serbia-BiH CBC. However, it may not have been so, if more people had returned to their pre-war homes over the past 16 years.

The fact that the CBCs in question are a direct product of the EU's enlargement process can not be ignored; they are social constructions consciously aiming to foster 'good neighbourly relations' and promote economic development, not to mention prepare participating countries for the EU's structural funds.<sup>121</sup> They would not exist, were it not for the EU's enlargement process; they have been established to manage funds delivered through IPA component II and it is the CBC programmes that define the extent of the CBRs. Furthermore, as Oliveras, Durà and Perkmann point out, *a posteriori* constructions can be found on territories that contain the inherent possibilities found in *a priori* constructions.<sup>122</sup> Therefore, considering how the CBRs in question came into existence, they are by definition *a posteriori* constructions.

### **2.3.2 Intensity**

Now that we have established that the CBRs are *a posteriori* constructions, we can explore the variables that will help us categorise BiH's CBCs, beginning with 'intensity'. The intensity of a CBC is deduced from the combination of its legal nature and organisation (or structure). As we saw in section 2.1.1 (Cross-border regions: A typology), this combination determines the degree of strategic capacity the cooperating bodies are able to obtain and the degree of autonomy they enjoy *vis-à-vis* central or other authorities.

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<sup>121</sup> See Council Regulation (EC) No 1085/2006, Art.9.

<sup>122</sup> Oliveras, X. Durà, A. and Perkmann, M. (2010), p.25.

### *Legal nature*

As we saw in section 2.2.2, there are several aspects to the CBCs' legal basis and nature. It is a combination of European and international law that establishes the CBCs. European law sets out how the CBCs are organised and implemented. National law provides for the partnerships and governs the operating structures. However, none of the CBC joint structures have legal personality and in this sense take on the appearance of what Beltrán might describe as 'common bodies without legal personality'.<sup>123</sup> Indeed, aspects of the Joint Technical Secretariats' work that entail legal affairs are taken care of by the Operating Structures in each respective country. Furthermore, we also saw that there is no cross-border contracting; contracting is carried out on either side of the border by two distinct contracting authorities and with two distinct sets of final beneficiaries whose contact is limited, from a legal perspective. There is a Functional Lead Partner (FLP) that organises joint meetings of project partners and reports to the JTS on the overall progress of the joint project, however there are no direct contractual relations between the two sets of final beneficiaries.

### *Organisation*

The organisation of the CBCs is made very clear in the respective CBC programmes. As we saw in section 2.2.2.1 (CBC structures), the organisation of the CBCs consists of national (National IPA Coordinators, Operating Structures and EU delegations) and joint structures (Joint Monitoring Committees and Joint Technical Secretariats). There is a qualitative difference between the two. For example, whilst the Operating Structures (OS) consist of administrative bodies at a national level, the Joint Monitoring Committees (JMC) are made up of representatives of national, regional and local bodies, as well as non-governmental and civil society organisations from both sides of the border, and the European Commission.<sup>124</sup> In addition, the Joint Technical Secretariats (JTS), who are responsible for the day-to-day management of the CBC programmes, are made up of international staff, including nationals from both participating countries.<sup>125</sup>

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<sup>123</sup> Beltrán, S. (2007), p.8.

<sup>124</sup> Commission Regulation (EC) No 718/2007, Art.87 & 142.

<sup>125</sup> 2007-2013 CBC programmes, section IV.

Again, as we saw in section 2.2.2.1, the OSs ensure the programme is properly managed and implemented on their side of the border. Whereas, the JMC is responsible for overseeing the joint programming and implementation of the CBC programme over the *whole* the cross-border territory. Furthermore, its decision making powers reflect this. Consequently, the JMC appears to have a significant degree of autonomy from central and other authorities.

However, tempering this apparent autonomy are other aspects of the JMCs composition. The countries have their representatives on the JMC, not to mention representatives of the operating structures.<sup>126</sup> Furthermore, it is worth bearing in mind that the representatives of the other bodies only have a seat on the JMC because the national authorities formed a partnership with the body they subsequently represent.<sup>127</sup> In other words, their seat is *de facto* chosen by the national authorities, albeit in a convoluted manner. Finally, the JMC is chaired by a representative of one of the participating countries on a rotational basis and it has no legal personality.<sup>128</sup> Therefore, although the CBCs administrative and decision making structures are relatively autonomous as far as their mandate is concerned, their composition and legal status reins in that autonomy.

### **2.3.3 Scale and administrative level**

To be eligible for financing under each CBC, the participating territories must be NUTS level 3 regions or equivalent<sup>129</sup>, making the predominant administrative level eligible for funding under the CBCs to be local. Indeed, the Bosnian economic regions, the Croatian counties, the entire Montenegrin territory and the Serbian counties are all considered to be NUTS level 3 equivalents.<sup>130</sup> Taken as such, the CBCs in question might appear to be microcooperations. However, if we consider each CBR as a whole, the picture is somewhat different. Each can be classified as a macrocooperation. As we saw in section 2.2.1 (reality of the cross-border space), the CBR envisaged by the Croatia-BiH CBC is home to nearly 4.4 million inhabitants, making it a NUTS level 1 equivalent. The Serbia-BiH CBC encompasses a territory with a population of just over

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<sup>126</sup> Commission Regulation (EC) No 718/2007, Art.142.

<sup>127</sup> Commission Regulation (EC) No 718/2007, Art.87 & 142.

<sup>128</sup> Commission Regulation (EC) No 718/2007, Art.142.

<sup>129</sup> Commission Regulation (EC) No 718/2007, Art.88.

<sup>130</sup> See respective 2007-2013 CBC programmes, section I.

2.9 million people and the Montenegro-BiH CBR is home to roughly 1.3 million people, making them both NUTS level 2 equivalents.<sup>131</sup>

### **2.3.4 Classification**

Given the joint structures lack of legal personality, the contractual relations of the final beneficiaries, the prominent role of central administrations, the size of the CBRs covered by the CBCs and the actors involved in the joint actions (or projects), each CBC can be classified as an emergent macrocooperation at a local level, or *EM (L)*.

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<sup>131</sup> See the Eurostat webpage for the population thresholds:  
[http://epp.eurostat.ec.europa.eu/portal/page/portal/nuts\\_nomenclature/principles\\_characteristics](http://epp.eurostat.ec.europa.eu/portal/page/portal/nuts_nomenclature/principles_characteristics)

### **3. Historical development of CBC in Europe: Implications**

Having dealt with the question of CBC type, we can now turn to the historical development of CBC in Europe. The aim of this section is to contribute to the discussion on which historical stage we currently find ourselves in. To do so, the section first offers an overview of CBCs historical development as expounded by Oliveras, Durà and Perkmann.<sup>132</sup> It then considers what we have learnt about BiH's CBCs and how they can inform our understanding of CBC's historical development.

Oliveras, Durà and Perkmann highlight three factors that they argue have had an important impact upon the development of CBC in Europe: 1) The differences in state structure and competence at the different administrative levels on either side of the border; 2) the degree of financial competence and autonomy of the sub-state authorities; and, 3) the availability of legal and financial support from supranational bodies, such as the EU (or the Council of Europe).<sup>133</sup> The implication being that as state structures, sub-state competences and supranational support have changed, so has CBC. To both illustrate and support this claim, Oliveras, Durà and Perkmann identify four historical stages in the development of CBC in Europe.

#### ***3.1 The historical stages***

The first stage runs from the end of the 1950s to the end of the 1970s and corresponds with the beginning of territorial cooperation following The Second World War, such as the twinning of German and French towns, or the local-level contacts between Benelux towns to solve common problems.<sup>134</sup> Such cooperation, claim Oliveras, Durà and Perkmann, was based on conventions and agreements that were more or less formal and meant that local and regional authorities entered into areas of action normally reserved for states.

The second stage runs from the beginning to the end of the 1980s and is characterised by growing interest in CBC and an increase in supranational support. Oliveras, Durà

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<sup>132</sup> Oliveras, X. Durà, A. and Perkmann, M. (2010).

<sup>133</sup> *Ibid.*, p.26.

<sup>134</sup> *Ibid.*, p.26.

and Perkmann point to the first legal regulations dealing with CBC, such as the Madrid Convention<sup>135</sup> (1980), or the European Charter of Local Self-Government (1985); both a product of the Council of Europe. These initiatives amounted to declarations of principles to promote and facilitate CBC, as well as the first step towards establishing structures with legal personality.<sup>136</sup>

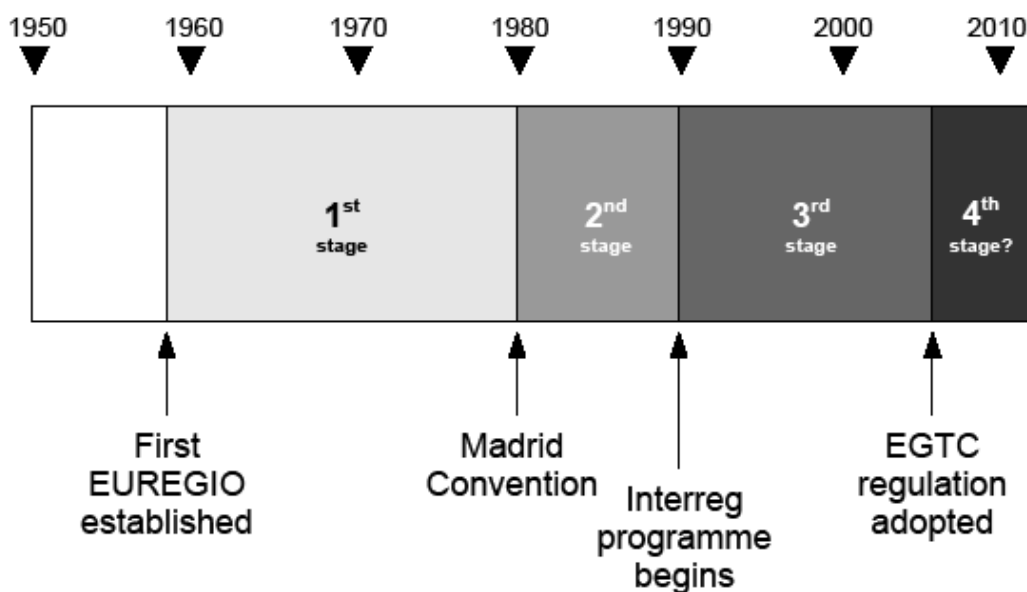


Figure 2: historical chronology of territorial cooperation in Europe.<sup>137</sup>

The third stage follows the second, beginning at the end of the 1980s and running either to 2006 or to the present day. Oliveras, Durà and Perkmann are reluctant to close this stage definitively as they are not convinced a fourth stage has begun just yet. Indeed, this paper supports their doubts, as we shall see below. The third stage marks a considerable expansion in CBC, both quantitatively and qualitatively.<sup>138</sup> This expansion, argue Oliveras, Durà and Perkmann, is the fruit of interstate treaties, such as those mentioned above, and of European regional policy. They single out the EU's Structural Funds, and in particular the Interreg programme created in 1990, as an important driver of CBC and as emblematic of this historical stage. Indeed, citing

<sup>135</sup> Full title: 'European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities'.

<sup>136</sup> Oliveras, X. Durà, A. and Perkmann, M. (2010), p.26.

<sup>137</sup> Adapted from Oliveras, X. Durà, A. and Perkmann, M. (2010), p.27.

<sup>138</sup> Oliveras, X. Durà, A. and Perkmann, M. (2010), p.27.



J.V.Boira,<sup>139</sup> they argue that many bodies appear precisely to manage projects financed by the Interreg programme.<sup>140</sup>

Significantly for this paper, the third stage also covers the EU's extension of financial support under the PHARE, Tacis, CARDS and Meda programmes for CBC with border regions that fall outside the Union. Subsequently, CBC becomes a useful instrument that aids the pre-accession preparation of prospective Member States.<sup>141</sup> Despite their recognition of the role of EU enlargement in the promotion of CBC, they still do not include the CBRs created by this cooperation in their catalogue of CBRs.<sup>142</sup>

A fourth historical stage is proposed by Oliveras, Durà and Perkmann, but with a degree of uncertainty.<sup>143</sup> They identify the adoption of regulation (EC) No 1082/2006 on a European Grouping for Territorial Cooperation as the potential starting point of a new stage that corresponds with modifications to the Interreg programme, which becomes 'the European Territorial Co-operation objective'.<sup>144</sup> The regulation provides for the European Grouping for Territorial Cooperation (EGTC); a legal instrument designed to facilitate and promote territorial cooperation and whose importance resides in the advantages legal personality bestows upon joint structures that are set-up to manage joint actions.

However, Oliveras, Durà and Perkmann make it clear that they consider it too early to judge whether or not the EGTC heralds a new stage in CBC, or simply a consolidation of the third stage. According to the analysis of Beltrán, their hesitation seems justified, as the competences of bodies set up to manage territorial cooperation are, in the end, not strengthened by the EGTC.<sup>145</sup> On the contrary, an EGTC has no more competence to act than its least competent member. Or in other words, their ability to act is not increased for having formed an EGTC, and in this respect there is no advance on the third stage.<sup>146</sup>

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<sup>139</sup> Boira, J.V. (2004).

<sup>140</sup> Oliveras, X. Durà, A. and Perkmann, M. (2010), p.27.

<sup>141</sup> *Ibid.*, p.27.

<sup>142</sup> *Ibid.*, Annexe 1.

<sup>143</sup> *Ibid.*, p.27.

<sup>144</sup> See the regional policy website at: [http://ec.europa.eu/regional\\_policy/cooperation/index\\_en.htm](http://ec.europa.eu/regional_policy/cooperation/index_en.htm)

<sup>145</sup> Beltrán, S. (2010), p.69.

<sup>146</sup> *Ibid.*, p.65.

### ***3.2 To which stage does the case belong?***

The cross-border cooperation under IPA appears to belong to the 3<sup>rd</sup> stage of CBC's historical development in Europe, although arguments could be made to the contrary. Indeed, Annexe 1 shows that large parts of the IPA implementing regulation dealing with CBC are based on the regulations governing the Structural Funds under the 2007-2013 budget period. This could lead one to the conclusion that CBC under IPA is closer in essence to the EU's cohesion policy under the current period, which Oliveras, Durà and Perkmann suggest could mark the beginnings of a new, 4<sup>th</sup> stage in European cross-border cooperation.

Furthermore, the implementing regulation states that IPA's cross-border cooperation component may also support the participation of eligible regions of the beneficiary countries in transnational and interregional programmes under the European Territorial Cooperation objective.<sup>147</sup> This could also lead one to believe that CBC under IPA was designed to pursue the aims of the territorial cooperation objective. At first sight, the CBC programmes examined by this paper are certainly inline with this assessment. Generally speaking they focus on the three broad policy areas of economic, social and environmental development and cohesion; three areas covered in detail by the European Territorial Cooperation objective.<sup>148</sup>

However, there is little substantial difference between the aims of the territorial cooperation objective and the objectives of Interreg strand A.<sup>149</sup> Not enough at least to exclude the CBC programmes in question; they conform to both. Therefore, the objectives of the CBC programmes are not a reliable indication as which historical stage the CBCs belong to. Nor is the implementing regulation's statement that CBC under IPA may also support participation in programmes under the European Territorial Cooperation objective. It is indicative of no more than that which it provides for.

What can be said of the objectives of CBC as provided for by the IPA regulation? More of the same, but with an emphasis on 'good neighbourly relations'. CBC under IPA has the '*objective of promoting good neighbourly relations, fostering stability, security and*

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<sup>147</sup> Commission Regulation (EC) No 718/2007, Art.86(4).

<sup>148</sup> Regulation No 1080/2006 of the European Parliament and of the Council, Art.6.

<sup>149</sup> Compare Regulation No 1783/1999, Art.2 with Regulation No 1080/2006, Art.6.

*prosperity in the mutual interest of all countries concerned, and of encouraging their harmonious, balanced and sustainable development.*<sup>150</sup> So far, CBC under IPA could be seen as supporting the emergence of a 4<sup>th</sup> stage or the consolidation of the 3<sup>rd</sup>.

The two aspects of CBC under IPA that lend it more to a consolidation of the 3<sup>rd</sup> stage than a new, 4<sup>th</sup> stage are its occurrence between territories external to the EU and an absence of the European Grouping for Territorial Cooperation. According to Oliveras, Durà and Perkmann, a feature of the 3<sup>rd</sup> stage is the availability of EU funds for CBC between non-Member States for the first time.<sup>151</sup> A programme for cross-border cooperation under the PHARE programme was established late in 1999 by the adoption of Commission Regulation (EC) No 2760/98. The instrument for pre-accession assistance does not reinvent the PHARE programme's innovation; rather it builds upon it, consolidating its advances.

One of the reasons Oliveras, Durà and Perkmann consider the possible emergence of a 4<sup>th</sup> stage is the introduction of European Groupings for Territorial Cooperation.<sup>152</sup> It thus follows that if CBC under IPA were to constitute evidence supporting the emergence of a 4<sup>th</sup> stage, it would surely prepare and provide for European Groupings for Territorial Cooperation or an equivalent, which it does not. None of the joint management structures even have legal personality, let alone mirror the characteristics of a European Grouping for Territorial Cooperation. Furthermore, the contractual relations between the final beneficiaries and the contracting authorities are akin to those under the Interreg programme.

Finally, not all the countries involved in the CBC are signatories to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities. Serbia has yet to sign and ratify the Convention and it only came into force in Montenegro earlier this year (March 2011).<sup>153</sup> This could be understood to mean that Serbia is still undergoing processes that belongs to the 2<sup>nd</sup> historical stage, whereas

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<sup>150</sup> Council Regulation (EC) No 1085/2006, Art.9(2).

<sup>151</sup> Oliveras, X. Durà, A. and Perkmann, M. (2010), p.28.

<sup>152</sup> *Ibid.*, p.28.

<sup>153</sup> See the full list of signatories and ratifications on the Council of Europe website:

<http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=106&CM=2&DF=28/07/2011&CL=EN>  
G.

Montenegro has only just completed them, making the sorts of arrangements emblematic of the 4<sup>th</sup> stage even harder to imagine in this context.

Considering all of the above, on balance, CBC under IPA belong to the 3<sup>rd</sup> historical stage as described by Oliveras, Durà and Perkmann. Furthermore, arrangements for each of these CBCs began at a time we were potentially entering a 4<sup>th</sup> historical stage. If a 4<sup>th</sup> historical stage had indeed begun in 2006, it would be reasonable for one to expect the major characteristics defining that stage to manifest in subsequent CBCs. However, this is not so in the case of BiH's CBCs. On the contrary, they belong firmly in the 3<sup>rd</sup> historical stage and therefore constitute evidence in support of the view that we have not entered a 4<sup>th</sup> stage just yet; rather that we are in a period of 3<sup>rd</sup> stage consolidation.

## 4. The question of multi-level governance

During the course of analysing the CBCs' nature (section 2.2.2), in particular the structures they establish, certain elements characteristic of multi-level governance (MLG) were revealed. The aim of this section is to focus on these elements in an attempt to establish whether and what type of MLG has emerged with the CBRs. However before doing so, a definition of MLG is required.

### 4.1 Multi-level governance: a definition

Multi-level governance (MLG) is somewhat harder to define than cross-border cooperation, as illustrated by Piattoni's offering: *'The term multi-level governance denotes a diverse set of arrangements, a panoply of systems of coordination and negotiation among formally independent but functionally interdependent entities that stand in complex relations to one another and that, through coordination and negotiation, keep redefining these relations.'*<sup>154</sup>

In other words, changes are taking place in contemporary European political life. To be more specific, changes are taking place in the realms of European politics, policy and polity.<sup>155</sup> In the realms of politics and policy, the central State no longer has a monopoly over participation in the political and policy-making processes on offer. In MLG theory this is described as an inability of the central State to control three 'gates' that liberal intergovernmentalists (such as Moravcsik) had previously proclaimed to be the sole domain of Nation States (who operate them through 'substantive bargaining' amongst themselves), that is: i) the *centre-periphery gate*; ii) the *state-society gate*; and, iii) the *domestic-foreign gate*.<sup>156</sup>

Not only are non-central state authorities and non-governmental organisations marauding past the *domestic-foreign* and *state-society* gates by means of their activities (political mobilisation), both are also leaping over the centre-periphery gates as they increasingly take part in various policy design forums (policy-making). This has meant

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<sup>154</sup> Piattoni, S. (2009) p.172.

<sup>155</sup> *Ibid.*, p.165.

<sup>156</sup> Piattoni, S. (2009) p.166 and Moravcsik, A. & Schimmelfenning, F. (2009), p.69.

that different types of actors from different governmental levels have converged to form new policy networks and a new set of corresponding policy-making processes.<sup>157</sup>

#### **4.2 Multi-level governance: a typology**

The changes taking place to the European polity referred to above amount to a restructuring, which is best summarised by reference to Hooghe and Marks. They offer us two ideal types of MLG: Type I; and, Type II.<sup>158</sup> Their work has focused on the ‘unravelling of the state’, as the relations between different levels of government undergo a transformation that sees previously ‘nested’ tiers of government by-pass (without superseding) the traditional hierarchy within the State-structure. Relations overseen by the three above gates are re-visited as the State’s structure is re-defined or re-enforced, depending on which model or ‘type’ of MLG is manifest.

<b>Type I</b>	<b>Type II</b>
General purpose jurisdictions	Task specific jurisdictions
Non-intersecting memberships	Intersecting memberships
Jurisdictions organised in a limited number of levels	No limit to the number of jurisdictional levels
System-wide architecture	Flexible design

Table 2: Summary of Hooghe and Marks’ MLG types.<sup>159</sup>

Type I MLG closely resembles conventional federal systems and in this sense is more immediately familiar. It is characterised by exclusive membership and a stable division of labour between a limited number of governmental or territorial levels. Each level enjoys ‘a general-purpose jurisdiction’ over a defined territory or set of issues that is ‘nested’ within ‘a system-wide architecture’.<sup>160</sup> This type of MLG offers the least challenge to the State as its nested quality re-enforces the State’s hierarchical character. At the other end of the scale, Type II MLG is a more anarchical, fluctuating, superimposition of single purpose, or ‘task-specific jurisdictions’, akin to what Zielonka might describe as ‘neo-medieval’.<sup>161</sup> Membership is not exclusive and can over-lap. In contrast to Type I, there is no limit to the number of jurisdictional levels; therefore they

<sup>157</sup> Piattoni, S. (2009) p.167.

<sup>158</sup> Hooghe, L. and Marks, G. (2003).

<sup>159</sup> *Ibid.*, p.7.

<sup>160</sup> *Ibid.* (2003), pp.8-9.

<sup>161</sup> Zielonka, J. (2006).

are described as ‘flexible’ in their design.<sup>162</sup> It is worth adding that Type II MLG is considered to be more of a challenge to the Westphalian Nation State. Most examples of MLG can be located somewhere in between these two conceptual landmarks.

#### **4.2.1 It is MLG and it has a type**

If we apply the definition of multi-level governance (MLG) outlined above to what we have learnt about our CBCs, we find a set of arrangements that lend themselves to comparisons with Hooghe and Marks’ Type II MLG.

Firstly, something akin to MLG is beginning to manifest. The national administrations (i.e. the central state) do not have a monopoly over participation in the CBC’s policy-making process. The CBC programme can be understood as containing joint initiatives in economic, social and environmental policy (see section 2.2.2.3 The CBC projects). Programming for the CBC is overseen by the JMC, which also has the power to revise the programme’s measures, content and management.<sup>163</sup> Furthermore, the day-to-day management of the cross-border programme is carried out by the JTS. By participating in the work and decisions of the JMC, non-central state authorities and non-governmental organisations appear to be passing through the so called ‘*centre-periphery*’, ‘*domestic-foreign*’ and ‘*state-society*’ gates, normally guarded jealously by the central state.

Secondly, in relation to Hooghe and Marks’ ideal types, the CBRs established by the CBCs are not ‘general-purpose jurisdictions’ that are ‘nested’ within ‘a system-wide architecture’. As noted above, the CBC programmes focus on specific policy areas and are applied within an *ad hoc* jurisdiction. Indeed, the CBRs more closely represent ‘task-specific jurisdictions’ and furthermore, if one examines the eligible territories identified in section 2.2.1.2 (Territorial dimensions) and compares Annexes 2, 3 & 4 closely, we can see that membership of these jurisdictions, although geographically defined, overlaps.

However, if we remind ourselves of the role and composition of the Operating Structures (OS), we will see that although open, the gates are still manned. The OSs are

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<sup>162</sup> Hooghe, L. and Marks, G. (2003), pp.9-13.

<sup>163</sup> Commission Regulation (EC) No 718/2007, Art.110(5).

extensions of the national administrations of the countries involved and they prepare and implement the strategic decisions of the JMC, to which they have a representative. Furthermore, they set-up the JTS on their territory and take care of all the legal affairs related to its work.

Consequently, the OSs have ample opportunity to ensure the ‘gates’ are not left wide-open and that the central state is able shape the policies that determine who is ‘let in’ and who is ‘let out’. Never-the-less, joint structures do exist, they are composed of bodies that don’t represent the central state and they do administer ‘task-specific jurisdictions’. Therefore, something akin to MLG has manifest and it appears closer to Hooghe and Marks’ Type II.



## **5. Findings, conclusions and discussions**

Now that we have come to the end of this paper, all that is left to be done is summarise our findings and draw some conclusions.

### ***5.1 Findings and conclusions***

#### **5.1.1 Findings**

According to Perkmann's definition of a cross-border region (CBR), the CBR created by the cross-border cooperations (CBCs) established under the EU's Instrument for Pre-accession Assistance should be understood as indeed being CBRs and therefore be included in the catalogue of CBRs compiled by Oliveras, Durà and Perkmann. The manner in which the CBCs have come into existence make the CBRs they create *a posteriori* constructions by definition. Given the joint structures lack of legal personality, the prominent role of central administrations, the size of the CBRs covered by the CBCs and the actors involved in the joint actions (or projects), each CBC can be classified in accordance with Oliveras, Durà and Perkmann's typology as being emergent macrocooperations at a local level, or *EM (L)*.

We have also found that the characteristics of the CBCs *support* the view that we have not entered a 4<sup>th</sup> stage in the historical development of CBC in Europe just yet and that we are instead in a period of 3<sup>rd</sup> stage consolidation. Finally, we have seen that something akin to multi-level governance (MLG) has manifest with the CBCs and that it appears closer to Hooghe and Marks' Type II MLG.

#### **5.1.2 Conclusions**

But what conclusions can we draw from these findings? We could conclude that a 4<sup>th</sup> historical stage has not yet begun. However, this would be unfounded. This paper lends support to that view, but nothing more. The most basic conclusion to be drawn is that the catalogue of CBRs compiled by Oliveras, Durà and Perkmann needs updating to include the CBRs examined by this paper. Within this conclusion lies another: EU enlargement is creating cross-border regions (CBRs) in the Western Balkans. In the case of BiH, the EU is even creating CBRs beyond its own border regions. Indeed, one of the

interesting elements highlighted by this study is that despite not being a member of EU, nor sharing any borders with the EU, BiH is applying EU policies associated with borders and cross-border regions.

Furthermore, the nature of governance in these CBRs is multi-level and therefore EU enlargement is extending and promoting this mode of governance, something that can be seen from two perspectives, as either positive or negative, depending on one's persuasion. It can be seen as a negative example of how the EU inadvertently weakens the territorial control of the nation states that seek to become Member States, or as a positive example of the EU encouraging candidate and potential candidate countries to share their sovereignty in order to build and consolidate peace, as well as further their collective interests.

## ***5.2 Discussion***

### **5.2.1 The further application of this study**

The first point of discussion is this study's applicability. In the above section (5.1 Findings and Conclusions), we concluded that the catalogue of CBRs compiled by Oliveras, Durà and Perkmann needs updating to include the CBRs examined by this paper. It follows that if our CBRs are fit to be included in the catalogue, then so are the 16 other CBRs created by the CBCs under the EU's current enlargement process (see table 3). Before doing so however, they must also be examined and categorised in the same way as our CBRs have been. Therein lies the applicability of this study. The approach it takes (the application of Oliveras, Durà and Perkmann's typology) can be replicated and applied to the other cross-border programmes financed under the current enlargement process.

### **5.2.2 This study revisited**

The second point of discussion is a potential revisit in the future to look at the CBCs' projects and the CBCs themselves, once the new Instrument for Pre-accession Assistance for the budget period 2014-2020 (IPA II) is operational.

One of the potential weaknesses of this study is its inability to analyse the projects and actions of the CBCs in question. This is due to the fact that the first projects to be

implemented under the CBC programmes have only just begun, and others are expected to begin this year. It would therefore be interesting to revisit this study in 2013/14, once the projects under the first call have been implemented. An examination of the projects could potentially lead to a reassessment of the CBCs' natures (section 2.2.2.3 in particular) and therefore their categorisation. However, it is doubtful that this would be the case. Essentially, what is missing is the information needed to assess the projects' impact and limitations, which has a minor influence on the overall categorisation of a CBR. However unlikely a re-categorisation might be, a brief analysis would still be worth while.

Arguably more interesting would be a re-examination once IPA II is operational. We still do not know what, if any, changes will be made to the substance contained in the IPA regulation and its implementing regulation. Substantial changes could see a qualitative shift in the nature of CBC under IPA and therefore a potential change in the resulting CBRs' type.

### **5.2.3 Doubts about good neighbourly relations**

The third and final point of discussion is the doubt this study casts over the ability of the Serbia-BiH CBC to build peace, or to be less specific, to foster so called 'good neighbourly relations'.<sup>164</sup> As we saw in section 2.2.2.3 (CBC projects), all the projects involving local or regional authorities are between Republika Srpska and Serbian authorities, with the latter in the lead. In other words, there are no local or regional authorities from the Federation (predominantly Bosniak and Croat in ethnicity) involved in projects with Serbian partners (under the first call, at least).

This can partly be explained by the fact that the Serbian-BiH border is on the Republika Srpska side of BiH. However, it could also be interpreted as a reluctance to cooperate on the part of local or regional authorities from the Federation and Serbia due to a lingering animosity left over from the 1992-1995 war. This study can not prove such an interpretation, nor should it attempt to. However, it can raise the issue, and as a consequence, doubts about the effectiveness of the Serbia-BiH CBC in achieving 'good neighbourly relations', not between states, but between peoples.

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<sup>164</sup> 'Good neighbourly relations' is the first objective listed under Art.9(2) of Council regulation No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA).

## Annexes

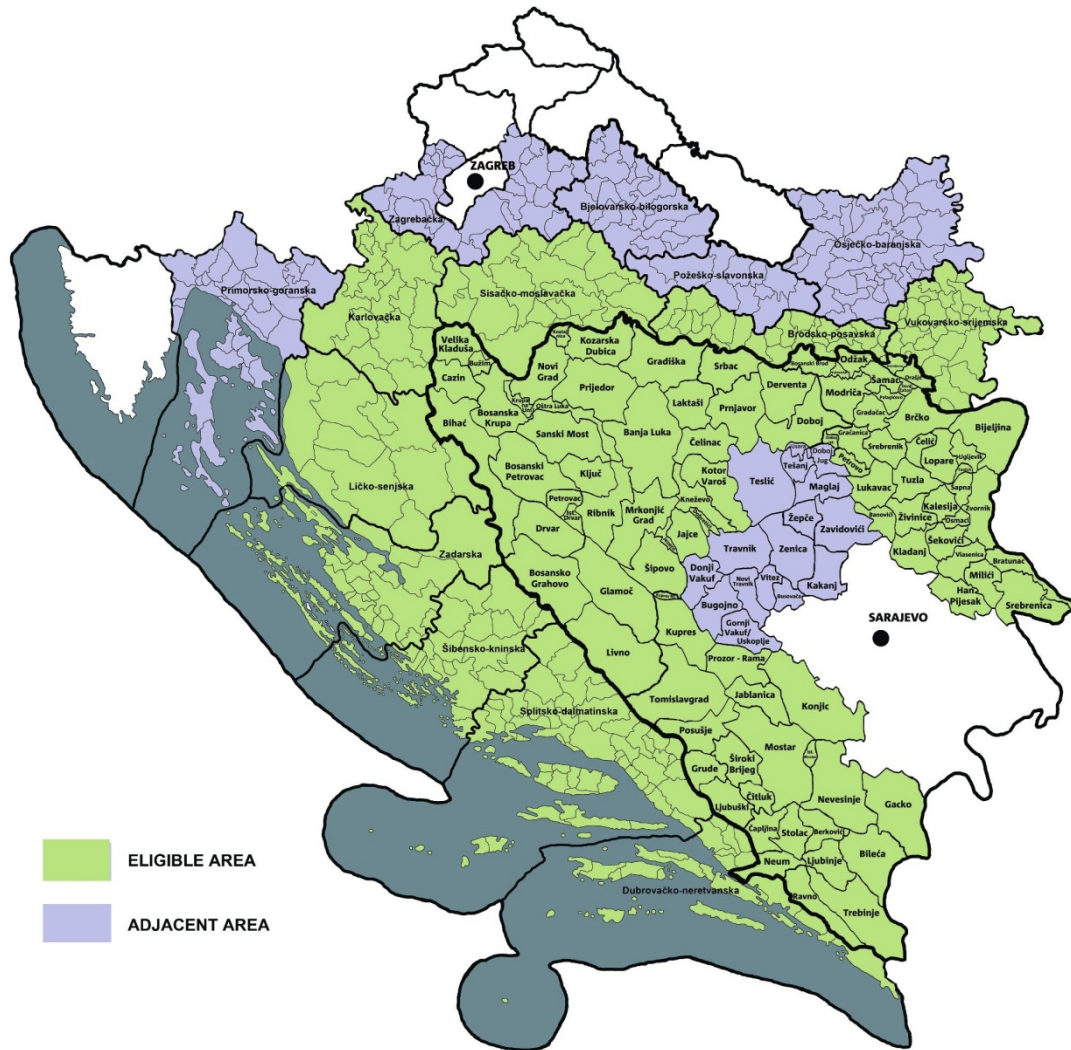
### Annexe 1: comparative table illustrating the origin of articles contained in Title II (cross-border cooperation component) of the Instrument for Pre-accession Assistance Implementing Regulation (No 718/2007)\*

Subject matter of IPA Implementing Regulation article (No 718/2007)	Article of IPA Implementing Regulation (No 718/2007)	Article of Structural Funds Regulation (No 1083/2006)	Article of ERDF Regulation (No 1080/2006)	Article of Structural Funds Implementing Regulation (No 1828/2006)
<b>Object of assistance and eligibility:</b> Areas and forms of assistance	86		6	
Partnership	87	11		
Territorial eligibility	88	7(1)		
Eligibility of expenditure	89	56	7 & 13	48 to 53
Aid intensities and rate of Community contribution	90	53		
<b>Programming:</b> Preparation and approval of cross-border programmes	91	32 & 35		
Revision of cross-border programmes	93	33		
Content of cross-border programmes	94	46 (TA)	12	
<b>Operations:</b> Selection of operations	95		19	
Responsibilities of the lead beneficiary and the other final beneficiaries	96		20	
Special conditions governing the location of operations	97		21	
<b>Management and control:</b> General principles	101	58		
Designation of authorities	102	59	14	
Functions of the managing authority	103	60	15	
Functions of the certifying authority	104	61		20
Functions of the audit authority	105	62		
Audit trail	106			15
Audits of operations	107			16
Control system	108		16	
<b>Evaluation and monitoring:</b> Evaluation	109	47, 48, 49		
Joint monitoring committee	110	63, 64, 65	19(3)	
Arrangements for monitoring	111	66		
Annual report and final report on implementation	112	67		
Annual examination of	113	68		

programmes				
<b>Responsibility of participating countries and of the Commission: Management and control</b>	114	70	17(2)	22 & 23
Description of management and control systems	115	71(1)		25
Assessment of management and control systems	116	71(2)		24
Conclusion and communication of arrangements between participating countries	118			
Responsibilities of the Commission	119	72		
Cooperation with the audit authorities	120	73		
<b>Financial management: Common rules for payments</b>	122	76		
Common rules for calculating interim payments and payments of the final balance	123	77		
Statement of expenditure	124	78		
Use of the euro	127	81		
Pre-financing	128	82		
Acceptability of applications for interim payments	131	86		
Date of presentation of applications for interim payment and payment delays	132	87		
Conditions for the payment of the final balance	133	89		
Availability of documents	134	90		19
Interruption of the payment deadline	135	91		
Suspension of payments	136	92		
Automatic de-commitment	137	93		

\*Source: elaborated by author.

## Annexe 2: Eligible areas for the Croatia-BiH CBC



### Municipalities covered by the CBC

In Bosnia and Herzegovina, 95 municipalities are covered in total, of which 46 are located in the Federation of Bosnia and Herzegovina and 49 in Republika Srpska. Overleaf, Table A lists each municipality according to entity and the ethnic orientation of the majority political party following the 2008 municipal elections (Bosniak, Croat or Serb).

In Croatia, 14 counties are covered in total, 9 of which are directly eligible and 5 of which are deemed as being adjacent. Table B lists each county according to its type of eligibility.

Table A

<b>Bosnia and Herzegovina</b>					
<b>From the Republika Srpska</b>			<b>From the Federation of Bosnia and Herzegovina</b>		
<b>Bosniak</b>	<b>Croat</b>	<b>Serb</b>	<b>Bosniak</b>	<b>Croat</b>	<b>Serb</b>
Srebrenica		Banja Luka	Banovići	Čapljina	Bosanski Petrovac
Vukosavlje		Berkovići	Bihać	Čitluk	Bosansko Grahovo
		Bijeljina	Bosanska Krupa	Dobretići	Drvar
		Bileća	Bužim	Domaljevac	Glamoč
		Bosanska Dubica	Cazin	Grude	Petrovac-Drinić
		Bosanska Gradiška	Čelić	Kupres	
		Bosanska Kostajnica	Doboj Istok	Livno	
		Bosanski Brod	Gračanica	Ljubuški	
		Bratunac	Gradačac	Mostar	
		Brčko Distrikt	Jablanica	Neum	
		Čelinac	Jajce	Odžak	
		Derventa	Kalesija	Orašje	
		Doboj	Kladanj	Posušje	
		Donji Žabar	Ključ	Prozor/Rama	
		Gacho	Konjic	Ravno	
		Han Pijesak	Lukavac	Široki Brijeg	
		Istočni Drvar	Sanski Most	Stolac	
		Istočni Mostar	Sapna	Tomislavgrad	
		Jezero	Srebrenik		
		Kalesija Osmaci	Teočak		
		Kotor Varoš	Tuzla		
		Krupa na Uni	Velika Kladuša		
		Ključ/Ribnik	Živinice		
		Kupres (RS)			
		Laktaši			
		Ljubinje			
		Lopare			
		Milići			
		Modriča			
		Mrkonjić Grad			
		Mrkonjić Grad/Vlasinje			
		Nevesinje			
		Novi Grad			
		Oštra Luka			
		Pelagićevo			
		Petrovo			
		Prijedor			
		Prnjavor			
		Srbac			
		Šamac			
		Šekovići			
		Šipovo			
		Skender Vakuf/Kneževo			
		Trebinje			
		Ugljevik			
		Vlasenica			
		Zvornik			
<b>2</b>	<b>0</b>	<b>47</b>	<b>23</b>	<b>18</b>	<b>5</b>

The table is organised according to BiH 2008 municipal election data.

Table B

<b>Croatia</b>	
<b>Eligible counties</b>	<b>Adjacent counties</b>
Brodsko-posavska	Bjelovarsko-bilogorska
Dubrovačko-neretvanska	Osječkobaranjska
Karlovačka	Požeško-slavonska
Ličko-senjska	Primorsko-goranska
Šibensko-kninska	Zagrebačka
Sisačko-moslavačka	
Splitsko-dalmatinska	
Vukovarsko-srijemska	
Zadarska	
<b>9</b>	<b>5</b>



### Annexe 3: Eligible areas for the Montenegro-BiH CBC



#### Municipalities covered by the CBC

In Bosnia and Herzegovina, 53 municipalities are covered in total: of which 35 are located in the Federation of Bosnia and Herzegovina and 21 in Republika Srpska. Overleaf, Table A lists each municipality according to entity and the ethnic orientation of the majority political party following the 2008 municipal elections (Bosniak, Croat or Serb).

In Montenegro, 12 municipalities are covered in total. Table B lists each municipality according to its majority ethnic orientation.

Table A

<b>Bosnia and Herzegovina</b>					
<b>From the Republika Srpska</b>			<b>From the Federation of Bosnia and Herzegovina</b>		
<b>Bosniak</b>	<b>Croat</b>	<b>Serb</b>	<b>Bosniak</b>	<b>Croat</b>	<b>Serb</b>
		Berkovici	Breza	Capljina	
		Bileca	Centar Sarajevo	Citluk	
		Cajnice	Foca Ustikolina	Grude	
		Foca	Fojnica	Kiseljak	
		Gacko	Gorazde	Kresevo	
		Ist.Ilidza	Hadzici	Kupres	
		Istocni Mostar	Ilidza	Livno	
		Istocno Novo Sarajevo	Ilijas	Ljubuski	
		Kalinovik	Jablanica	Mostar	
		Kupres RS	Konjic	Neum	
		Ljubinje	Novo Sarajevo	Posušje	
		Nevesinje	Olovo	Prozor / Rama	
		Novo Gorazde	Pale Praca	Ravno	
		Pale	Sarajevo-N.G.	Siroki Brijeg	
		Rogatica	Sarajevo-S.G.	Stolac	
		Rudo	Trnovo	Tomislavgrad	
		Sarajevo-I.S.G.	Vares		
		Sokolac	Visoko		
		Trebinje	Vogosca		
		Trnovo RS			
		Visegrad			
<b>0</b>	<b>0</b>	<b>21</b>	<b>19</b>	<b>16</b>	<b>0</b>

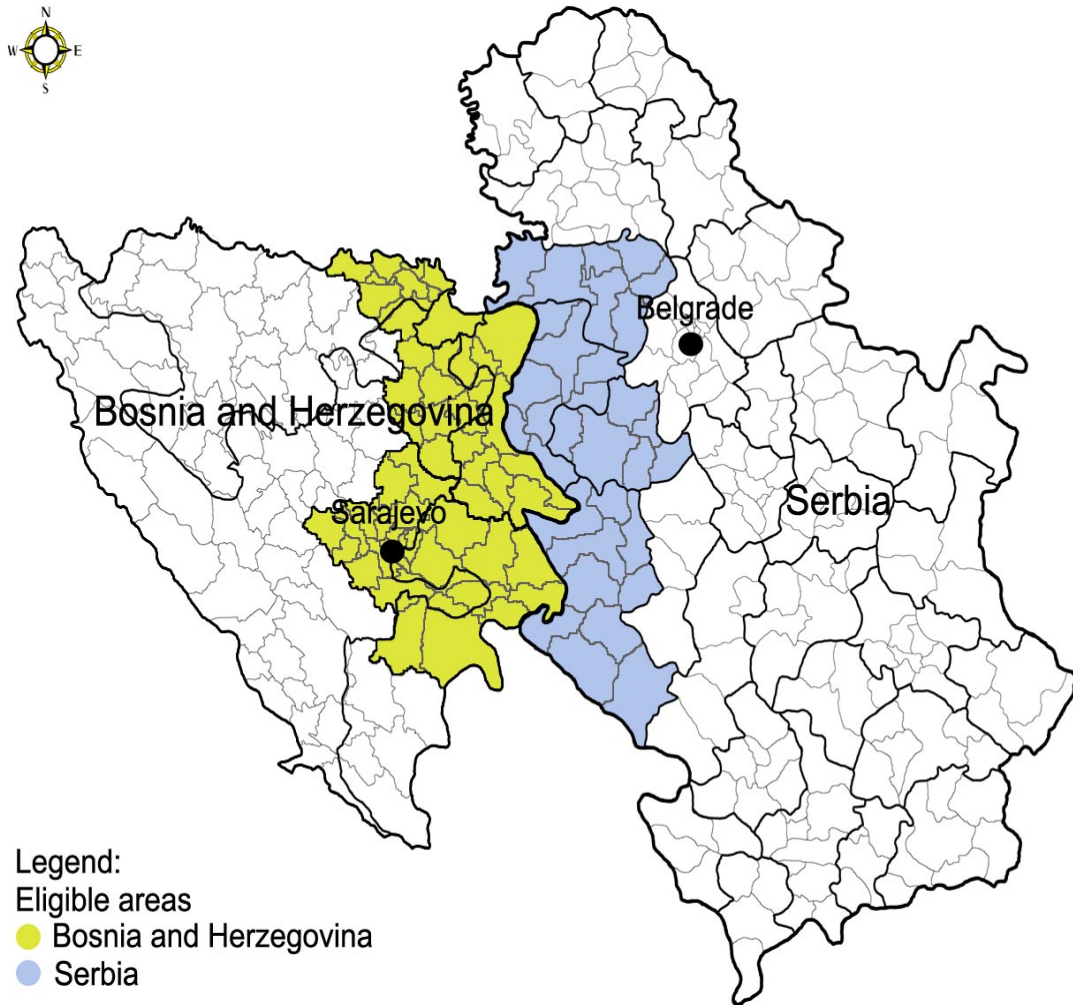
The table is organised according to BiH 2008 municipal election data.

Table B

<b>Montenegro</b>			
<b>Montenegrin</b>	<b>Serb</b>	<b>Croat</b>	<b>Bosniak / Muslim</b>
Kolasin	Berane		Bijelo Polje
Kotor	Herceg Novi		
Mojkovac	Pljevlja		
Niksic	Pluzine		
Savnik			
Tivat			
Zabljak			
<b>7</b>	<b>4</b>	<b>0</b>	<b>1</b>

The table is organised according to Montenegrin 2011 census data.

## Annexe 4: Eligible areas for the Serbia-BiH CBC



### Municipalities covered by the CBC

In Bosnia and Herzegovina, 67 municipalities are covered in total, of which 37 are located in the Federation of Bosnia and Herzegovina and 30 in Republika Srpska. Overleaf, Table A lists each municipality according to entity and the ethnic orientation of the majority political party following the 2008 municipal elections (Bosniak, Croat or Serb).

In Serbia, 31 municipalities are covered in total. Table B lists each municipality according to county.

Table A

<b>Bosnia and Herzegovina</b>					
<b>From the Republika Srpska</b>			<b>From the Federation of Bosnia and Herzegovina</b>		
<b>Bosniak</b>	<b>Croat</b>	<b>Serb</b>	<b>Bosniak</b>	<b>Croat</b>	<b>Serb</b>
Bijeljina		Bosanski Brod	Banovići	Domaljevac-Šamac	Foča Ustikolina
Donji Žabar		Bratunac	Breza	Kiseljak	Petrovo
Novo Goražde		Čajniče	Čelić	Kreševo	
Srebrenica		Han Pijesak	Doboj Istok	Odžak	
Vukosavlje		Istočna Ilidža	Foča	Orašje	
		Istočno Novo Sarajevo	Fojnica		
		Istočni Stari Grad	Gračanica		
		Kalesija-Osmaci	Gradačac		
		Kalinovik	Goražde		
		Lopare	Hadžici		
		Milići	Ilidža		
		Modriča	Ilijaš		
		Pale	Kalesija		
		Pelagićevo	Kladanj		
		Rogatica	Lukavac		
		Rudo	Novi Grad Sarajevo		
		Šamac	Novo Sarajevo		
		Šekovići	Olovo		
		Sokolac	Pale Prača		
		Trnovo RS	Sapna		
		Ugljevik	Sarajevo Centar		
		Višegrad	Srebrenik		
		Vlasenica	Stari Grad Sarajevo		
		Zvornik	Teočak		
			Trnovo		
			Tuzla		
			Vareš		
			Visoko		
			Vogošća		
			Živinice		
<b>5</b>	<b>0</b>	<b>24</b>	<b>30</b>	<b>5</b>	<b>2</b>

The table is organised according to BiH 2008 municipal election data.

Table B

<b>Serbia</b>			
<b>Kolubarski county municipalities</b>	<b>Mačvanski county municipalities</b>	<b>Sremski county municipalities</b>	<b>Zlatiborski county municipalities</b>
Valjevo	Šabac	Sremska Mitrovica	Bajina Bašta
Osečina	Bogatić	Šid	Kosjerić
Ub	Loznica	Indija	Užice
Lajkovac	Vladimirci	Irig	Požega
Mionica	Koceljevo	Ruma	Čajetina
Ljig	Mali Zvornik	Stara Pazova	Arilje
	Krupanj	Pećinci	Priboj
	Ljubovija		Nova Varoš
			Prijepolje
			Sjenica

**Annexe 5: selected projects under the first call for proposals of the Croatia – Bosnia and Herzegovina Cross-Border Cooperation programme 2007-2013.\***

**Table one:** list of selected projects showing project titles and beneficiaries.\*

Project title	National Lead Beneficiary 1 (Functional Lead Partner)		National Lead Beneficiary 2	
	Name	Based	Name	Based
Sava Navigo - Development of nautical tourism on the Sava River and promotion of the Posavina region	Inland Navigation Development Centre Ltd.	Croatia	Centre for Environmentally Sustainable Development	BiH (Federation)
Public Energy Management	Karlovac County	Croatia	City of Banja Luka	BiH (Republika Srpska)
Revival of cross border partnership through rural development	Center for civil initiatives	Croatia	Local Action Group for Una – Sana region	BiH (Federation)
Moving towards successful public participation in the Sava River Basin water management	Association Centre for Development and Support	BiH (Federation)	Green Action	Croatia
Bicycle for Tourism without Frontiers – BIKE 4 TWF	Development agency of Sisak-Moslavina County	Croatia	Agency for economic development of Municipality Prijedor	BiH (Republika Srpska)
Joint Effort for Innovative Environment	Development Agency Vukovar-Srijem County "Hrast" Ltd	Croatia	Independent office for Development	BiH (Federation, Republika Srpska)
Innovative Networking and Economic Collaboration of Tuzla and Vukovar Regions (InECo)	Municipality Tuzla	BiH (Federation)	City of Vukovar	Croatia
The Una River – Unique Resource for Sustainable Development	Town of Hrvatska Kostajnica	Croatia	Kozarska Dubica Municipality	BiH (Republika Srpska)
VIOR - Vinkovci and Orašje Heritage Tourism Project	City of Vinkovci	Croatia	Municipality of Orašje	BiH (Federation)
Volunteering for Cross-Border Community Development	Youth Communication Centre Banja Luka	BiH (Republika Srpska)	Local Democracy Agency Sisak	Croatia
Agricultural Biomass Cross-border Development	Energy Institute Hrvoje Požar	Croatia	University of Banja Luka	BiH (Republika)

of Energy in Posavina (ABCDE Posavina)				Srpska)
STONE	Agency for development of the Split- Dalmatia County	Croatia	Public institution Development agency of West-Herzegovina County	BiH (Federation)
Una – Spring of Life	Municipality of Bihać	BiH (Federation)	Zadar County	Croatia

\*Table elaborated by the author. Source: Croatia – Bosnia and Herzegovina Cross-Border programme website (<http://www.cbc-cro-bih.net/>).

**Table two:** number of municipalities and NGOs/SMEs and their location.\*

<b>Body</b>	<b>Location</b>		
	<b>Croatia</b>	<b>BiH (Republika Srpska)</b>	<b>BiH (Federation)</b>
<b>Local/regional authority</b>	7	3	4
<b>NGO/SME</b>	6	3	4
<b>Functional Lead Partner</b>	9	1	3

## Annexe 6: selected projects under the first call for proposals of the Montenegro-BiH Cross-Border Cooperation programme 2007-2013.\*

**Table one:** list of selected projects showing project titles and beneficiaries.\*

Project title	National Lead Beneficiary 1 (Functional Lead Partner)		National Lead Beneficiary 2	
	Name	Based	Name	Based
People with disability in the centre of social cohesion “sunny workshops”	Centre for social welfare, Trebinje	BiH (Republika Srpska)	Association for support to people with disorders in mental and physical development, Nikšić	Montenegro
Exchange of practices for better governance of the employment policy in cross border region	Employment agency of Montenegro	Montenegro	Employment agency of Republika Srpska	BiH (Republika Srpska)
Sustainable waste management in border region of BiH and Montenegro	Arbiter – Samariter Bund	Germany / BiH	Municipality of Kotor	Montenegro
Sustainable tourism development and natural environment protection in northern Montenegro and southern BiH	Comitato di Coordinamento delle Organizzazioni per il Servizio Volontario	Italy / Montenegro	Sutjeska national park	BiH (Republika Srpska)
Growing sustainable practises for protection promotion and management of natural resources	CESD	BiH (Federation)	Pljevlja Municipality	Montenegro
Be ready	FORS MNE	Montenegro	Territorial Fire Brigade, Trebinje	BiH (Republika Srpska)
Cross-bordering by Book	Centre for culture Pluzine	Montenegro	National and university library of BiH	BiH (Federation)
Establishing Via Dinarica – a preface to regional cooperation platform	Centre for sustainable tourism initiatives CSTI	Montenegro	Extreme Sport Club Limited	BiH (Federation)
YouNET “Nikšić Sarajevo”	Centre for democratic transition	Montenegro	Youth information agency	BiH (Federation)
Better opportunities for youth employment	The Monitoring Centre CEMI	Montenegro	Youth information agency	BiH (Federation)
Active involvement of young people in process of	Youth cultural centre juventus	Montenegro	Association XY	BiH (Federation)

reaching social cohesion in cross-border region: young people in joint action				
Development of tourist itinerary for the cross-border region between BiH and Montenegro	Chamber of commerce Sarajevo Canton	BiH (Federation)	Montenegro business alliance	Montenegro

\*Table elaborated by the author. Source: Bosnia and Herzegovina – Montenegro Cross-Border programme website (<http://www.cbc.bih-mne.org/index.php?type=1&a=pages&id=36>).

**Table two:** number of municipalities and NGOs/SMEs and their location.\*

<b>Body</b>	<b>Location</b>		
	<b>Mont.</b>	<b>BiH (Republika Srpska)</b>	<b>BiH (Federation)</b>
<b>Local/Regional Authority</b>	4	1	1
<b>NGO/SME</b>	8	3	7
<b>Functional Lead Partner</b>	8	1	3



**Annexe 7: selected projects under the first call for proposals of the Serbia – Bosnia and Herzegovina Cross-Border Cooperation programme 2007-2013.\***

**Table one:** list of selected projects showing project titles and beneficiaries.\*

Project title	National Lead Beneficiary 1 (Functional Lead Partner)		National Lead Beneficiary 2	
	Name	Based	Name	Based
Over the Border Raspberries	Municipality of Arilje	Serbia	Municipality of Istocni Stari Grad	BiH (Republika Srpska)
Support to Entrepreneurial Activities of Young People	Innovation and Technology Foundation (BIT Center Tuzla)	BiH (Federation)	Business Technology Incubator of Technical Faculties Belgrade	Serbia
Environmental Binocular	Municipality of Priboj	Serbia	Municipality of Rudo	BiH (Republika Srpska)
Selective waste collection	Municipality of Modrica	BiH (Republika Srpska)	KJP "Djunis" Ub	Serbia
Greening the management of protected areas in SRB-BiH cross-border region	Pokret gorana Sremske Mitrovice	Serbia	Foundation of Local Democracy, Sarajevo	BiH (Federation)
Balkan - house of diversity	Grupa 484, Belgrade	Serbia	Human Rights Office Tuzla	BiH (Federation)
Building capacities for EU Leader type of operations in the Serbia and Bosnia and Herzegovina cross-border area	Ibar development association "IDA" Kraljevo	Serbia	Municipality of Rogatica	BiH (Republika Srpska)
Youth Leadership for Social Cohesion and Cross-Border Cooperation	Uzice Child Rights Centre	Serbia	Foundation for Creative Development Sarajevo	BiH (Federation)
Eco Center Prijepolje-Cajnice	Municipality of Prijepolje	Serbia	Municipality of Cajnice	BiH (Republika Srpska)
The Bridge on the Drina	Citizens association Natan Belgrade	Serbia	Srbadija Bijeljina	BiH (Republika Srpska)
New relations in the bordering region of Serbia and BiH	Youth Initiative for Human Rights, Belgrade	Serbia	Democracy Development Institute, Sarajevo	BiH (Federation)
International Lim Biathlon Priboj-Rudo (Setihovo)	Tourism organization Priboj	Serbia	Rudo Municipal Development Agency	BiH (Republika Srpska)

UP.S.TREA.M.-Up date of Socializing and TREATment in Mental health	Caritas Italiana	Italy/Serbia	Udruzenje za uzajamnu pomoc u dusevnoj nevolji TK - "Fenix" Tuzla	BiH (Federation)
Introduction of sustainable youth entrepreneurship models as support to economic development in the Western Serbia and Eastern BiH	Forum of Civic Action FORZA – Pozega	Serbia	Prijatelji Srebrenice, Srebrenica	BiH (Republika Srpska)
Active cross-border youth exchange " Investment for Future"	Democratic Transition Initiative, Belgrade	Serbia	Red Cross Sokolac	BiH (Republika Srpska)
Support to the development of rural tourism destinations in Rajac and Vranica mountains	Caritas international Belgium	Belgium/BiH	Seoski turizam Srbije (Rural tourism of Serbia)	Serbia
Zlatibor-Jahorina Cooperation on magic way	Municipality of Cajetina	Serbia	Municipality of Pale	BiH (Republika Srpska)
Development of Typical Products in North East Bosnia and Zlatibor County in Serbia	Independent Office for Development, Gradacac-Modrica	BiH (Federation and Republika Srpska)	Regional development agency "Zlatibor" Ltd	Serbia

\*Table elaborated by the author. Source: Serbia – Bosnia and Herzegovina Cross-Border programme website (<http://www.srb-bih.org/content.php?id=14>).

**Table two:** number of municipalities and NGOs/SMEs and their location.\*

<b>Body</b>	<b>Location</b>		
	<b>Serbia</b>	<b>BiH (Republika Srpska)</b>	<b>BiH (Federation)</b>
<b>Local/regional authority</b>	6	6	0
<b>NGO/SME</b>	12	5	8
<b>Functional Lead Partner</b>	14	1 (municipality)	3

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