

This Report is a preliminary result by the EURAC research team of a project executed by the European Academy Bolzano/Bozen (EURAC) in cooperation with the European Centre for Minority Issues (ECMI) and independent researcher Dr. Nina Bagdasarova. The project **National Minorities in Societies: Bridge Building and Integration** was developed at the request of the High Commissioner on National Minorities (HCNM) in response to the priorities set by the 2016 German OSCE Chairmanship. The project covered the period from March to December 2016, and further preliminary results were presented at the Supplementary Human Dimension Meeting 10-11 November in Vienna while the final results were presented in a side event at the Ministerial Council 8-9 December in Hamburg. This research is an integral part of the final report (available on-line).

EURAC research team:

Prof. Dr. Jens Woelk, EURAC Senior Researcher, Institute for Studies on Federalism and Regionalism

Ass. iur. Carolin Zwilling, EURAC Senior Researcher, Institute for Studies on Federalism and Regionalism

Mag. Greta Klotz, EURAC Researcher, Institute for Studies on Federalism and Regionalism

Dott.ssa Roberta Rosa, EURAC research assistant, Institute for Studies on Federalism and Regionalism

Dr. Alice Engl, EURAC Senior Researcher, Institute for Minority Rights

Cross-Border Cooperation and its Potential for Minorities in Selected Border Regions of OSCE Member States

1. From Separation through Contact and Integration: Cooperation Across Borders. Introduction

a) Theory and background of Cross-border cooperation

Cross-border cooperation (CBC) can be generally defined as “a more or less institutionalized collaboration” between contiguous sub-state authorities across state borders. The dividing line at the core of CBC is typically a state border, but activities of CBC also relate to other dimensions of borders often coinciding with state borders, such as economic, social and linguistic as well as cultural boundaries.

At the same time, CBC is a complex process, since the areas or actors to be connected belong to different political and legal systems. This affiliation to different systems produces different contextual factors that affect CBC and that can produce legal, political, economic or linguistic obstacles to cooperation. Despite these barriers and even though CBC is often pursued outside of the conventional lines of public action, it has become a frequent activity to foster local and regional development, particularly in border regions.

CBC may transform a border region into “a special area of fluxes and exchanges of a social, cultural, economic and political nature, a space where the development of multiple activities takes place and where the type and intensity of transactions have evolved in time” (De Sousa, 2013: 671). Consequently, the main character and function of the border change and it extends spatially, too: from dividing line and filter, through CBC it becomes a contact area, a kind of interface between two different systems.

The construction of a cross-border space depends on multiple dynamics can be grouped in four **dimensions**: (1) a **structural** dimension that relates to spatial characteristics, such as of urbanization, economic activities and social composition; (2) a **functional** dimension which includes any kinds of cross-border flows, related for example to economic activity, leisure, tourism and also communication networks; (3) an **institutional** dimension that highlights the networking of actors and the institutionalization of CBC, and (4) an **ideational** dimension that touches elements that are linked to individual and collective representations, such as the sense of belonging to a cross-border living area, identifying with common memories, images and symbols, as well as other perceptions of

actors or people on the cross-border integration issue (Durand, 2015: 11–13).

Given these multiple dimensions, scholars have developed different approaches to study CBC. A broad distinction can be drawn between institutional approaches and relational approaches. This distinction is part of the broader discourse on the conceptualization of regions either as territories vs. networks or as “spaces of place” vs. “spaces of flows”. Relational approaches focus on the structural and functional dimensions and study spatial characteristics, cross-border flows, as well as network and communication patterns between actors. Institutional approaches put more emphasis on the institutional and ideational dimensions and study CBC as a process of institution-building and mode of territorial governance. Within these approaches, the phenomenon of CBC is studied from multidisciplinary perspectives in order to determine driving forces and patterns of cooperation, legal, political and economic conditions, and to detect factors of success or failure. Scholars have highlighted linguistic-cultural proximity as one of the factors that positively influence the construction of cross-border spaces and the performance of cross-border institutions. Historical-cultural identity dimensions favor CBC and the creation of cross-border regional spaces. Linguistic-cultural proximity in a cross-border area facilitates institutionalized cross-border collaboration, because the same or a similar language is spoken and a similar culture is shared.

b) The Potential of CBC for Minority Groups

The connection and interaction between ethno-linguistic diversity in border areas - particularly in the context of national or autochthonous minorities - and CBC is a relatively new topic in academic literature.

One set of literature studies the development and the drivers of CBC, and analyzes whether the presence of minorities may be an incentive for cooperation across national borders. Scholars claim that CBC may be of particular importance in border regions with autochthonous or national minorities, as minorities often have particular incentives and special interests to establish linkages with people or authorities who share a similar cultural or linguistic background across State borders. Such similarities, as well as strong regional identities across borders, may represent a constructive and political-symbolic incentive for CBC. At the same time, however, politically motivated CBC of minorities may result in conflicts with governments or other public authorities. This is particularly the case if the bilateral relations between the states involved or the relationship between a minority and the respective majority population in a region are shaped by political tensions. Thus, how the presence of minorities plays out in the development of CBC very much depends on the

general context of a border area. Among the factors specifically related to minorities are, for example, the presence of a kin-state, the legal status of a minority, the relations between a minority and the majority population, or the foreign relations of the respective state.

A second set of literature explores the rights of minorities and the different legal and political mechanisms for their protection. Scholars focusing on these issues discuss to what extent the recognition and protection of minorities is a subject of bilateral state relations and agreements, and also to what extent European international treaties on minority protection have established the right of minorities to freely maintain contacts across borders.

A third literature branch studies ethnolinguistic diversity as added value for border regions and CBC. It argues that minorities contribute to the development of economic and social capacities, strengthen transnational links and enhance regional development. The connection between CBC and minorities is assessed in two ways: first, CBC is interpreted as a tool to promote the participation of minorities in political, cultural, social and economic life. Second, some scholars discuss minority-related issues as an added value for the economic, social and cultural development of a border region, placing them in the broader context of regional development. According to this approach, minorities can facilitate CBC in a border area through their economic and social skills as well as through their multilingualism and cultural ties. Consequently, they may foster the regional development of an area becoming a strategic element through the consolidation of horizontal partnerships across borders.

2. Cross-Border Cooperation: Legal mechanisms for building bridges between States

The research carried out by EURAC in the project provides information about the legal framework at international, national and sub-national level – or, using a more precise terminology, at international, state and sub-state level, which allows CBC and discusses its potential and limits. It also addresses the different instruments available for CBC, their elements and the procedures for their implementation, with a focus on assessing their potential for minorities. In addition, further options are illustrated (i.e. private law and public law instruments as well as informal instruments and practices) which minorities can use for bridge-building and integration. A selection of concrete projects with regard to bridge-building in minority areas rounds off this theoretical approach reflecting the case studies of the conducted research (see chapter 3).

a) From Spontaneous Activities to Legal Recognition and Regulation

In the last decades, a significant relativization of borders has taken place, in political, legal, economic and even symbolic terms. This could be achieved through various integration processes, such as within the European Union, which have resolved most security issues and related concerns of States (although the crisis of the Schengen system in the wake of the refugee crisis in autumn 2015 demonstrates a certain fragility and lack of coordination). Increased interconnections through technological progress in the areas of communication and transport as well as the consequent mobility of persons, goods and services have reinforced the objective of the freedom of movement as a legal instrument for economic and social development in an area beyond the State. These phenomena have contributed to the intensification of relations at all levels considerably changing the traditional picture of international relations. Consequently, much room for autonomous action by sub-national entities and private actors has opened up and has been used for establishing cross-border relations, institutionally and at civil society-level.

The consequent improvement of neighborly relations between States (see section 3, example 8) creates new chances for (the development of) border areas, which often were or have been considered as less developed areas in the periphery. An impressive example of the potential of these changes is the transformation of the conflict in Northern Ireland in which the cross-border dimension and the Anglo-Irish cooperation have been key for a peaceful settlement.

In Europe, over the last decades, CBC has become a common and widespread phenomenon. It originates in processes of increasing 'de-nationalization' of policies and politics: in fact, due to their complex and interconnected nature, many policy areas can no longer be resolved exclusively within one national legal and administrative system and are thus to be regulated in cooperation, on different levels of government and often independently from and across political and administrative borders. This is evident for infrastructure (see chapter 3, example 1) as well as in the field of environment (see chapter 3, example 2), but also for services (see chapter 3, example 3). In fact, CBC has developed in Western Europe as concrete, spontaneous and often informal activities, starting in the 1970ies, in particular connecting both sides of the river Rhine, from Switzerland to the Netherlands. The important changes in the general context, due to the processes of globalization and European integration, have contributed to the spreading out of the phenomenon; after 1989 CBC unfolded quickly in Central and Eastern Europe, followed by another wave in South Eastern Europe. In short, CBC has become normality and a reality in most parts of Europe.

However, it took some time until States noticed and recognized CBC as generally positive and welcome means for improving the development in

border areas, which often had suffered economic and infrastructural disadvantages due to their situation in the extreme periphery (at least viewed from the capital city). Jealously guarding their powers in the field of foreign affairs, central governments were reluctant to cease control over or share competences in any cross-border relationship. The changed security environment made this progressively possible and the Council of Europe's 1980 Madrid Outline Convention on Transfrontier Cooperation marks a paradigm shift recognizing CBC (by sub-national entities) not only as legitimate and tolerated, but as positive and desirable. However, due to its framework character, its principles had to be transformed into concrete rules by bi- or multilateral treaties which need application through domestic provisions. Nowadays, two European instruments provide an alternative for the linking and bridging with the different domestic spheres (EGTC and EGC, see below).

b) A Range of Legal Options for Minority Groups

Although minorities very often live in border regions, their active involvement in cross-border activities cannot be taken for granted due to real or—in most cases—perceived risks for national security and integrity of the borders, especially if this cooperation involves entities of the kin-state of the respective minority. In order to contrast these perceptions and fears, the potential of CBC for minorities has been expressly recognized in international legal documents, in particular by Article 17(1) of the Council of Europe's Framework Convention for the Protection of National Minorities. Thus, minorities can make use of the various instruments at different levels for bridging borders.

There are **bilateral agreements** between States which make reference to cross-border contacts and relations with regard to minority populations in border areas. The Gruber-Degasperi-Agreement (1946) between Austria and Italy as well as the Bonn-Copenhagen Declaration (1955) for the Danish-German border area, which include those clauses, have been important examples of good practice; since the 1990ies, they have been followed by bilateral agreements in Central and Eastern Europe addressing the cross-border dimension of cultural, linguistic and economic relations (see chapter 3, example 4).

However, multi- and bilateral agreements only provide a general frame at international level which has to be filled with concrete details through domestic rules on procedures and competences. Depending on the administrative and political structures of the State, the (territorial) autonomy of sub-national entities may include the outside-projection of their internal sphere of competences; usually, however, the price to pay for the possibility to engage in external relations across borders, is the respect of the exclusive foreign policy powers of the central government. To this

extent, domestic provisions are characterized by listing the areas in which sub-national entities are allowed to engage in CBC activities as well as by information and coordination requirements. In short, the better coordination and cooperation between central government and sub-national entity functions in internal matters, the less problematic will be CBC activities.

The most recent and innovative instrument, the **European Grouping of Territorial Cooperation - EGTC** (EU Regulation 1302/2013, amending EU Reg. 1082/2006), is a case in point: while it provides for a supranational legal form of a CBC entity, binding in the domestic legal systems, it also respects information and coordination requirements by imposing respective obligations on the members of such an entity (including the necessity of – in some cases tacit – authorization of membership/establishment by the State). The EGTC is unique in the sense that it enables public authorities of various Member States to team up and deliver joint services, without requiring a prior international agreement to be signed and ratified by national parliaments. Member States must however agree to the participation of potential members in their respective countries. The law applicable for the interpretation and application of the convention is that of the Member State in which the official EGTC headquarters are located. In first place, the EGTCs were created to help implement projects co-financed by the European Union and actions driven by the regional or local authorities, with or without EC financial support. Thus, EGTCs (see chapter 3, example 5) are linked in their scope to the objectives of territorial cohesion, but can also be used and are used in practice for including matters of specific concern for minority groups. They are now also open for membership to authorities from non-EU countries.

A similar instrument, the **Euroregional Co-operation Groupings (ECG)**, has subsequently also been established by the Council of Europe with the Third Protocol to the Madrid Outline Convention (2009, ETS no. 206). The CoE Third Protocol appears to be less restrictive than the EGTC and thus potentially widens the scope of activities for transfrontier cooperation by including also (non-profit) private law bodies and by assigning a multiple set of tasks to an ECG, not limited to economic and social matters. However, the Third Protocol has only been signed or ratified by few States. Among the analyzed border areas there is none where both bordering States have ratified the Third Protocol; consequently, in the analyzed areas, the CoE Euroregional Co-operation Grouping has so far not been used.

In addition to these specific instruments established by the EU and the CoE, “**Euroregion**” is a frequently used label. It is a generic term as this category comprises very different phenomena and legal forms ranging from a base in bilateral treaties, such as the Karlsruhe Agreement, and private law,

usually associations, to mere informal accords: their common feature is that they are usually less institutionalized and regulated compared to the above forms and that public entities participate in their private law capacity. However, the term suggests a kind of “container” function for a variety of – coordinated? – activities, as well as an identity dimension (through the word “region”).

In general as well as in the specific minority context, starting CBC from a high degree of institutionalization instead of consolidating and gradually “upgrading” bottom-up experiences, bears a risk: top-down created institutions may remain “empty boxes” lacking substance or content. They may actually also complicate things through the symbolic dimension of institutions, in particular where the latter do not clearly correspond to the functional logic of CBC. By contrast, spontaneous and functional CBC activities at local level, i.e. in lesser institutionalized forms involving civil society and population, appear generally more promising as a first step, especially in regard to the involvement of minorities therein; in further steps, they can be consolidated and institutionalized further.

In fact, our case studies show that the influence of the respective legal framework on the concrete development and shape of CBC must not be overestimated. Other (political – security and State relations – and economic) factors often influence or even determine the concrete shape and activities of cooperation more than the respective legal framework designed to foster CBC. In fact, even where a detailed and specific legal framework is missing, spontaneous CBC activities might still develop in forms of initiatives under private law (see chapter 3, example 6). Furthermore, the research demonstrates that “good laws are not enough”, especially where legal frameworks are merely “copied and pasted” in order to—formally—comply with international legal standards or to attract funds from international organizations or donors.

Therefore, although carried out with participation of authorities on both sides, CBC often remains a set of spontaneous activities (see chapter 3, example 7) based on informal arrangements and their forms and structures are not vested with legal personality due to the fact that the involved actors lack the power to conclude international treaties or agreements with authorities from other states.

CBC involving national minorities has a dual dimension: predominantly it is a matter of cooperation of minority representatives or organizations with entities or organizations of the respective kin-State or a kin-group on the other side of the border, but minorities might as well become involved in CBC activities between majorities. The latter form is less frequent but a promising and interesting facet, opening the potential for a full-fledged cross-border integration of the overall border region and its population. However, the participation of minorities and their representatives in such

territorial cooperation needs to be assured, e.g. through forms of ‘inclusive decentralization’ (i.e. including minorities by means of their participation in local or regional political institutions which engage in cross border activities). The territorial approach and the potential it offers for the ‘indirect’ empowerment of minorities as well as for the dialogue on minority issues is highlighted by Article 16 of the OSCE HCNM Bolzano/Bozen Recommendations (2008):

States should co-operate across international frontiers within the framework of friendly bilateral and multilateral relations and on a territorial rather than an ethnic basis. Transfrontier co-operation between local and regional authorities and minority self-governments can contribute to tolerance and prosperity, strengthen inter-State relations and encourage dialogue on minority issues.

3. Selected Examples from the Case Studies: Core Findings of the Research conducted by EURAC

The study conducted by EURAC contains a list of numerous actors and their manifold activities in altogether 35 border regions. The following 8 examples are a selection with regard to the above mentioned core findings of the research study (see section 2). The first 3 examples focus on the main common policy areas of cross-border activities, namely on infrastructure, environment and services. The following 3 examples reflect the institutional dimension; they highlight the networking of actors and the institutionalization of CBC, with a focus on the commonly used legal instruments, namely bilateral agreements, EGTC and private law initiatives. While one example stands for the manifold spontaneous and bottom-up activities, the last example re-connects with the institutional dimension of forms of CBC underlining the strong importance of the EU integration process, namely the good neighborly relations.

a) Most Common Policy Areas

Example 1: International **Infrastructure** projects often cross the State border and foster, as a secondary step, the economic situation of the entire local population, including those parts belonging to minority groups at both sides of the border. Interesting initiatives are, on one hand, the “Rail Baltica Project” that is implemented by the Baltic States allowing for a better connection between Finland, the Baltic States, Poland and the Western Europe by harmonizing the gauge. There is also “Gas Interconnection Poland-Lithuania - GIPL” that builds an electric power bridge between Poland and Lithuania to end the isolation of the Baltic States from the power grid of the rest of Europe.

Literally bridge-building is the following well-known minority related infrastructure project: the reconstruction of the Maria-Valeria Danube

Bridge in 2001, connecting the minority inhabited cities of Esztergom in Hungary and Štúrovo in Slovakia. This successful cross-border initiative has formed one of the first steps towards the EGTC Ister-Granum (registered in 2008 as the second one in the EU), that today enhances prominently the local situation in the fields of industry, tourism, labour market, health care, energy policy, public transport, communication and civil society.

*Example 2: **Environment*** is usually a common concern for populations on both sides of a given state border, being the geographical proliferation inherent to environmental problems. Intensive ethnic and socio-economic relations have helped to further amplify the already existing cooperation at the Croatian-Hungarian border along the river Mura. This multi-ethnic area has seen a qualitative transformation from a previously alienated border area to a complex and institutionalized cooperation, since 2015 in form of an EGTC. For nearly 20 years, the Regional Development Association of Nationalities Along the Mura river has implemented several successful projects with positive results on minority, cultural and educational interactions, lacking effective economic effects. The recently founded EGTC aims at the implementation of environmentally sustainable projects and eco-tourism.

Other examples for CBC in the field of protection of the environment in border areas are cross border national parks, like the Saxon Switzerland National Park (Germany) and Bohemian Switzerland National Park (Czech Republic) or the trans-boundary Prespa Park which links Albanian, Macedonian and Greek nature reserves along the one-time Iron Curtain. In these cases, minority groups participate from a cultural and economic point of view and enhance regional development.

Example 3: With regard to **services**, an important question is to provide education for minority groups residing in the border area. Poland and Lithuania have developed extensive collaboration not necessarily only as CBC on a regional level but also on a state level. A high number of initiatives with regard to schools and universities for the respective minority groups as well as the strong commitment of both national governments and local self-government institutions unveils the positive impact on local minorities. Furthermore, the Polish-Czech border region shows intensive collaboration organizing numerous educational projects and cultural events. The Euroregion Silesia has implemented projects like a Cross-border sport academy or the cultural initiative for education and science “Together/United for the border region” by a Polish Business School and the Polish Cultural and Educational Union in the Czech Republic.

b) The Legal and Institutional Dimension

Example 4: Since the 1990ies and following the experience of Western European countries (e.g. the Gruber-Degasperi-Agreement or the Bonn-Copenhagen-Agreement), **bilateral / multilateral agreements** have been reached also in Central and Eastern Europe addressing the cross-border dimension of cultural, linguistic and economic relations of minority groups. A striking example is the Convention between Hungary and Croatia on the Protection of the Hungarian Minority in the Republic of Croatia and the Croatian Minority in the Republic of Hungary (signed in 1995). This agreement provides for a mixed Hungarian-Croatian Committee at governmental level that meets once a year and is in charge of minority related issues. Furthermore, the Polish-Lithuanian Parliamentary Assembly that includes the representatives of minority organizations, the Polish-Lithuanian Joint Intergovernmental Commission on Minority Issues and the Polish-Lithuanian Joint Intergovernmental Commission on Cross-border Cooperation round up the picture of intensive inter-state relations on minority issues in this geographical region.

Example 5: The legal instrument of an **EGTC** has often been chosen as tool for reconciliation and in general for successful regional development in sensitive border areas, allowing a better implementation of common cross-border euroregional strategies for economic development as well as - often as a consequence and hand-in-hand with prosperity - for enhancing a common euroregional citizenship. The highest number of EGTCs is located along all Hungarian borders, mainly focusing on the protection of Hungarian minorities in the neighboring countries. In 2014, the Gate to Europe EGTC at the border between Hungary and Romania was awarded with the prize "Building Europe Across Borders" which is attributed to EGTCs generating growth and jobs by the Committee of the Region. The concerned EGTC obtained the award for its project "Together without borders" that provided young entrepreneurs with new skills, developed an agricultural organization (Agricultural Cluster) to solve problems of land fragmentation and developed new brands in the area. The Gate to Europe EGTC has been registered in 2012 between 20 local authorities from Hungary and 16 from Romania, aiming at establishing a platform allowing mayors to work together on CBC programs. Another important example is the EGTC Go (registered in 2011) at the cross-roads between several different the Germanic, Slav and Italian cultures, which aims at reunifying the towns of Gorizia in Italy and Nova Gorica in Slovenia. One of its cooperation objectives is to reinforce social cohesion.

Example 6: CBC activities are very often realized in **forms of initiatives under private law**, a wide-spread example are so-called Euroregions,

which often are organized as associations under private law. The Hajdú-Bihar-Bihar Euroregion (Hungary-Romania) is characterized by the presence of several minority groups, besides Hungarians and Romanians, such as Roma, Ukrainians, Slovaks and Jews. The territories concerned are also included in the Carpathian Euroregion, a multilateral cooperation between HU/PL/RO/UCR/SK that is considered as having been successful in preventing conflicts based on ethnicity. It contributed to decrease mistrust between national and ethnic groups as well as linguistic problems and, as a consequence, favored the reduction of inter-ethnic distance and strengthened ethnic tolerance. With their specific language skills and cultural backgrounds, minorities can act as bridge builders in the tourism sector, which has been selected as one of the priorities to be addressed by both Euroregions.

c) Spontaneous and bottom-up activities

Example 7: The German-Czech border region seems to perfectly fit as an example of bridge building. The border region is very active with regard to informal instruments, especially supporting mutual knowledge transfer and intercultural communication through cultural and historical events. A striking example is the Future Fund to promote Cross-border Cooperation (Deutsch-Tschechischer Zukunftsfonds/Česko-německý Fond Budoucnosti), founded in 1998 by both states and financing the German-Czech Dialogue Forum and the German-Czech Youth Forum. Furthermore, Tandem is an operating organisation for promotion of the German-Czech Youth Exchange funded by the two States. The Tandem Co-ordinating Centres support programs and projects aimed at extending the number of youth and school student exchanges between Germany and the Czech Republic. In addition, the Brücke/Most-Stiftung, a German private law foundation, is active in the promotion of the Czech-German communication and intercultural cooperation.

d) Good neighborly relations

Example 8: The Treaty on Good Neighborly Relations and Friendly Cooperation between the Republic of Hungary and the Slovak Republic shows best the influence of such bilateral treaties. This Treaty does not want to simply implement the obligation to sign such treaties according to the Madrid Framework Convention but wants to guarantee the protection of minority groups and recognize the State borders. Therefore, this Treaty defines the principles of inter-state relations and the potential content of cross-border collaboration, without concrete regulations for legal instruments or institutionalized forms of CBC on regional or local level. However, Article 7(2) states that conditions for cooperation in border regions shall be created both at regional and local level. Hungarian and

Slovak minorities are explicitly referred to in Article 15 and granted several rights. The process of implementation was problematic. Slovakia has been criticized for not complying with measures on minority rights, especially in the aftermath of the adoption of the new controversial state language law in 2009. A Joint Commission for the Issues of Minorities acts as supervisory body and monitors compliance with the Treaty.

4. Statistics with regard to the Method Applied and the Particular Challenges Faced in Conducting the Research

EURAC's part of the research aims at mapping the existing legal and policy framework with regard to cross-border cooperation (CBC). The methodology consisted in a scientific research based on legal documents (constitutions, laws), scientific literature (monographs, collected works, articles in journals) and online resources. The mapping of the legal and policy framework provides an overview what kind of cross-border instruments and mechanisms are applied in several border regions. Furthermore, it showed which countries have a well-developed legal framework and where this should be completed and updated in order to fully use the potential offered. In a second stage, the defined instruments and mechanisms were also thematically classified with regard to their main focus and objective (culture, economic/ infrastructure, social, environment and other).

In sum, EURAC mapped 35 geographical cross-border area: 6 were multilateral cooperations and 29 bilateral cooperations, belonging to 17 EU member states and 9 non-EU members. The selection of the case studies was based on two criteria: 1) border regions within CoE member states with focus on central and eastern European countries ("east of Vienna") and 2) border regions with a significant number of minority groups as part of the local population.

EURAC defined 5 main categories of cooperation and 9 sub-categories. The categories comprised forms of legal instruments but also informal instruments in order to assist the research part of ECMI.

Categories and sub-categories:

- 1) Legal Recognition and Framework of Cross-border cooperation
 - a. Bilateral agreements
 - b. Domestic recognition, e.g. external powers of sub-state entities

- c. EU neighborhood policy programmes to promote cross-border cooperation
- 2) Public Law Instruments
 - a. Euroregional Co-operation Groupings of the 3rd Protocol of Madrid Convention
 - b. European Grouping of Territorial Cooperation (EGTC)
 - c. CLLD Area (Interreg V)
- 3) Associations and Euroregions (low degree of formalisation, private law)
- 4) Informal Instruments and Practices
 - a. Soft law procedures, e.g. coordination meetings and common offices
 - b. Grassroot network
 - c. Programmes and projects (e.g. macroregional strategies, Interreg)
 - d. Other
- 5) State-Diaspora/Kin State relations

The most distinct results are determined in category 1)a. (bilateral agreements), 2)b. (EGTC) as well as 4) (Euroregions). The research shows that EGTCs are active in 12 out of 35 border regions. Their aims are thematically very diverse but most of them aim at strengthening cooperation in the field of economics and/or culture. The only slightly formalized cooperation in form of a “Euroregion” is also very well marked within the selected border regions (50 in 24 border regions).

Challenges, EURAC faced in conducting the research, were external ones as well as content based ones. As external factor, language skills has been crucial: applying the traditional scientific research method EURAC faced problems about collecting first-hand information, as very often they are available also in Internet only in the respective country language not providing an additional version in English. With regard to the selected border regions, an outstanding challenge formed the realization of a potential minority inclusion in the CBC activities or a particular benefit for them. In most cases, an explicit inclusion of or the intention to reflect on the minority situation was not found. To complement the research, EURAC directly contacted 98 EGTCs and Euroregions asking for concrete projects involving or originating benefits for local minority groups. However, the feedback EURAC received was very pure, just 5 answers. This confirmed that CBC more often is used in economic or similar policy fields, e.g. with very practical approach, and in most cases only as a sort of side effect the

benefits also enhance the minority groups. Furthermore, this is entrenched with geopolitics and context related factors: Other factors, like political-security and State relations as well as economic ones, often influence or even determine the concrete shape of activities more than the respective legal framework designed to foster CBC in the respective geographical area. For example, CBC activities have been suspended by the tensions between Russia and EU member states, also with regard to the Ukrainian conflict.

5. Bibliography (selection)

Books

- Arp, Björn (2008), *International Norms and Standards For the Protection of National Minorities*, Martinus Nijhoff Publishers, Leiden/Boston.
- Bloed, Arie and Van Dijk, Pieter (1999), *Protection of Minority Rights Through Bilateral Treaties. The Case of Central and Eastern Europe*, Kluwer Law International, The Hague/London/Boston.
- Congress of Local and Regional Authorities of the Council of Europe, *Regionalisation trends in European countries 2007-2015* (ed. by Francesco Merloni).
- Crepaz, Katharina (2016), *The Impact of Europeanization on Minority Communities*, Springer VS, Wiesbaden.
- Lantschner, Emma (2009), *Soft Jurisprudence im Minderheitenrecht*, Nomos, Baden-Baden.
- Palermo, Francesco and Sabanadze, Natalie (2011), *National Minorities in Inter-State Relations*, Martinus Nijhoff Publishers, Leiden/Boston.

Scientific Articles and Reports

- Boman, Julia/Berg, Eiki (2014), *Identity and Institutions Shaping Cross-border Co-operation at the Margins of the European Union*, in *Regional & Federal Studies*, 17:2, 195-215.
- Peter Bußjäger, Anna Gamper, Esther Happacher, Jens Woelk (Hg.) (2011), *Der Europäische Verbund territorialer Zusammenarbeit (EVTZ). Neue Chancen für die Europaregion Tirol-Südtirol-Trentino*, Schriftenreihe des Instituts für Föderalismus 113, (Wilhelm Braumüller, Wien)

- Council of Europe (2003), Comparative Summary of Bilateral Agreements for the Protection of National Minorities, prepared by Emma Lantschner and Sergiu Constantin, European Academy of Bolzano/Bozen, as Part of the Stability Pact Project Concerning Bilateral Agreements, SP/BA(2003)002.
- De Sousa, Luis (2013), Understanding European Cross-Border Cooperation: A Framework for Analysis, *Journal of European Integration*, Vol.35, No.6, 669-687.
- Durand, Frédéric (2015), Theoretical Framework of the Cross-Border Space Production—The Case of the Eurometropolis Lille-Kortrijk-Tournai, EUBORDERSCAPES Working Paper 9.
- Engl, Alice (2016): Bridging borders through institution-building: the EGTC as a facilitator of institutional integration in cross-border regions, in *Regional & Federal Studies*, 26:2, 143-169.
- Engl, Alice and Mitterhofer, Johanna (2015), Bridging National and Ethnic Borders: The European Grouping of Territorial Cooperation as a Space for Minorities, in *European Yearbook of Minority Issues – EYMI*, 12, Brill/Nijhoff, Leiden, 5-32.
- Engl, Alice and Woelk, Jens (2008), Crossborder Cooperation and Minorities in Eastern Europe: Still Waiting for a Chance? A Summary and Evaluation of the Four Case Studies, in *European Yearbook of Minority Issues – EYMI*, 6, Brill/Nijhoff, Leiden, 235-247.
- Gál, Kinga (1999), Bilateral Agreements in Central and Eastern Europe: A New Inter-State Framework for Minority Protection?, ECMI Working Paper 4.
- Lantschner, Emma (2004), Bilateral Agreements and their Implementation, in Morawa Alexander (eds.), *Mechanisms for the Implementation of Minority Rights* (Council of Europe Publishing, Strasbourg, 2004).
- Malloy, Tove H. (2010), Creating New Spaces for Politics? The Role of National Minorities in Building Capacity of Cross-border Regions, in *Regional & Federal Studies*, 20:3, 335-35.1
- Medve-Bálint, Gergő and Svensson, Sara (2012), Explaining Coverage: Why do Local Governments in Central Europe join (or not join) Euroregions, in Dorte Jagetic Andersen, Martin Klatt and Marie Sandberg (eds.), *The Border Multiple. The Practicing of Borders between Public Policy and Everyday Life in a Rescaling Europe* (Ashgate, London), 219-243.

- Palermo, Francesco and Woelk, Jens (2002) ,Die grenzüberschreitende Zusammenarbeit der italienischen Regionen und das Beispiel Euregio Tirol-Südtirol-Trentino, in *Jahrbuch für Italienisches Recht* (vol. 15/16), 2003 (C.F. Müller Verlag, Heidelberg), 333 - 362
- Palermo, Francesco (2005), Trans-Border Cooperation and Ethnic Diversity, in Kühl Jørgen and Weller Marc (eds.), *Minority Policy in Action: The Bonn-Copenhagen Declaration in a European Context 1955-2005*, Institut for Grænsregionsforskning, Syddansk Universitet Aabenraa, 161-185.
- Strazzari, Davide (2011), Harmonizing Trends vs Domestic Regulatory Frameworks: Looking for the European Law on Cross-border Cooperation, in *European Journal of Legal Studies*, 1.
- Svensson, Sara (2015), The Bordered World of Crossborder Cooperation: The Determinants of Local Government Contact Networks within Euroregions, in *Regional & Federal Studies*, 25:3, 277-295.
- Turnock, David (2002), Cross-border Cooperation: A Major Element in Regional Policy In The New East Central Europe, in *Scottish Geographical Journal*, 118:1, 19-40.

Online sources

- Constitutions: <https://www.constituteproject.org/>
- European Charter of Local Self-Government: http://www.coe.int/en/web/conventions/full-list//conventions/treaty/122/signatures?p_auth=QNoryg5h
- European Charter for Regional or Minority Languages: <http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/148>
- Framework Convention on the Protection of National Minorities: <http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/157>
- EU Cross-border programs (EU): <http://www.interact-eu.net/etc/etc 2007 13/4/14950>
- National Legislation: http://eur-lex.europa.eu/n-lex/index_en.htm