Cross-border cooperation over the Eastern EU border: between assistance and partnership under the European Neighbourhood and Partnership Instrument

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The article explores the practices of cross-border cooperation (CBC) at the Eastern border of the European Union (EU) from the point of view of contributing to the emergence of non-hierarchical interaction patterns in the EU-neighbour relations. Using the concept of regional mobilisation, it builds upon the network of governance literature by providing a framework for including the impact of external partners on the process of creating the "shared policy spaces" transcending the external EU borders. The article analyses nine European Neighbourhood and Partnership Instrument (ENPI) CBC Programmes and argues that the partnership principle enshrined in the EU's policy approach has not yet resulted in the emergence of new, partnership type and cooperation practices. It demonstrates that although the Programmes' institutional structures have been created on the principle of partnership, the ENPI's implementation framework is still guided largely by the traditional hierarchical mechanisms of EU external relations. As a result, the engagement of neighbouring partners remains insufficient to allow for the emergence of "shared spaces of network governance" across the EU's Eastern borders. It is suggested that the partnership principle within the ENPI CBC can be strengthened by creating more opportunities for the mobilisation of regional actors in the Eastern neighbourhood.

Keywords: European neighbourhood and partnership instrument; cross-border cooperation; European neighbourhood policy; eastern region; practices of network governance

Introduction

One of the main goals of the European Neighbourhood Policy (ENP) launched in the wake of the European Union (EU's) 2004 Eastern enlargement was to avoid drawing new dividing lines in Europe by promoting stability and prosperity within and beyond the Union's old and new borders (European Commission 2003a). In this light, the European Commission published a Communication on "Paving the Way for a New Neighbourhood Instrument" aiming to reinforce cross-border cooperation (CBC) with the Eastern neighbours, e.g. Belarus, Moldova, Russia and Ukraine. The document laid down a two-phase approach, whereby the first, transitional period 2004–2006 (under the ongoing financial perspective) was meant to improve coordination and to build on the existing experience within the PHARE, TACIS and INTERREG programmes, whereas the new and fully integrated CBC Programme was to enter into force from 2007 onwards. It has also outlined the general framework for the new CBC approach and introduced the new concept of Joint Programmes equipped with a single budget and operating under a

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single set of rules applied for both sides of the border. Most importantly, the new Programmes were to provide a partner-oriented framework for including the actors from the neighbouring countries into the programme's management structures while engaging the stakeholders at the local, regional and national levels (European Commission 2003b).

Thus, when the European Neigbourhood and Partnership Instrument (ENPI) was developed for the 2007–2013 budgetary period, the CBC instrument was considered to be of a special nature, e.g. as based on the principle of partnership in development of joint management structures and joint operational programmes (Canciani 2007).

Against this background the present contribution aims to inquire whether the launch of the new partner-oriented approach under the CBC component of the ENPI had resulted in the emergence of new, partnership type, patterns of cooperation in the EU–neighbour relations. From the practices perspective outlined in the introduction, the article analyses nine ENPI CBC Programmes at the Eastern EU borders (Figure 1) and argues that the partnership principle enshrined in the ENPI CBC framework has not yet been fully translated into the relevant cooperation practices.

Considering that the context of CBC implies to the presence of multiplicity of non-state actors at the national, regional and local levels, the article embraces a multi-level governance perspective, conceptualising cross-border interactions in terms of "network governance" (Filtenborg, Gänzle, and Johansson 2002). This mode of governance can be defined as a process of blurring geopolitical, institutional, transactional and cultural boundaries (identified by Smith 1996) and resulting in the emergence of the "shared spaces of governance" in particular policy areas where the transfer of EU rules, norms and values takes place through voluntary adaptation by external partners.

Using the concept of practices embedded in the discussion of regional mobilisation, it will be suggested here that such adaptation depends on the opportunities provided by the EU for the mobilisation of regional (grassroots) actors in the Eastern neighbourhood.
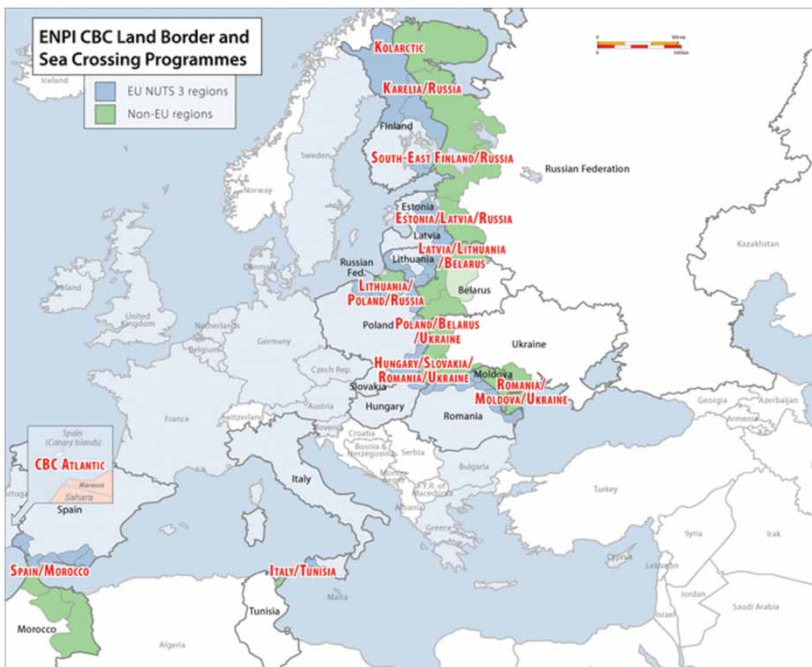

Figure 1.   The ENPI CBC programmes in the Eastern neighbourhood.
Source: Website of the European Commission.

After analysing limitations of the governance literature in relation to the external partners' participation in EU policies, the paper suggests that the type of interaction patterns within the ENPI CBC should be assessed not just in terms of inclusiveness of its policy instruments, but rather against the emerging cooperation practices (constituted with the engagement of the external partners). The concept of regional mobilisation is then used to include the cooperation attitudes of the external actors into the analysis and, finally, a particular understanding of boundaries in the context of ENPI CBC is developed.

In a broader context and in line with the general analytical framework of the present Special Issue, the article also deals with the question of how the non-hierarchical type of governance is translated into specific policy instruments and how it is affecting the evolution of cooperation practices in EU–neighbour relations.

The article starts by conceptualising the ENPI CBC as a form of "network governance" in EU relations with its neighbours and developing a particular understanding of boundaries in the context of CBC. After a brief overview of the EU's engagement in CBC at the former Soviet border beginning from the mid-1990s, the following part outlines the major features of the ENPI CBC approach from the practices perspective, highlighting opportunities to engage regional/local actors from the neighbouring states.

The article concludes that the principle of partnership introduced by the ENPI CBC still remains to be translated into the relevant inclusive cooperation practices. It can only be promoted when the inclusive practices (see the Introduction section) are emerging not only within the institutional structures, but also at all levels of interactions, e.g. across the legal, geopolitical, transactional and cultural boundaries between the EU and its neighbours.

ENPI CBC as an instance of network governance

CBC at the external EU borders as an instance of network governance

In the recent academic literature, the EU's relationship with its direct neighbourhood is increasingly conceptualised within the external governance approach, which is focused on the analysis of mechanisms and modes of interaction within the process of modification of boundaries existing between the EU and its direct proximity (e.g. geopolitical, institutional/legal, transactional and cultural as defined by Smith (1996)). The different modes of governance used by the EU within the ENP are generally distinguished as (1) hierarchical (hard) modes that refer to existence of formal procedures, monitoring and sanctioning associated with conditionality, compliance or negotiations on the one hand, and (2) soft (horizontal or network) ones, which usually produce less constraining instruments that are based on mutual agreement, coordination or competition and often prescribe procedural modes of interaction rather than final policy solutions (Gänzle 2008; Lavenex and Schimmelfennig 2009, 797). The later modes result not in the transfer of legal rules (Schimmelfennig and Sedelmeier 2004), but "either persuade, shame, or praise actors into changing their policies" (Kelley 2004, 428) and provide a favourable context for mechanisms of influence based on social learning, communication and socialisation (Friis and Murphy 1999). In terms of structures, the soft modes of governance are established through the extension of the internal EU (sectoral) networks beyond its borders and usually entail joint decision-making at lower political levels, e.g. in agencies, assistance projects, exchanges, trainings, as well as CBC engaging different sets of state and non-state and sub-national actors. The inclusion of representatives of third countries is then based on functional expertise rather than political affiliation (Lavenex and Schimmelfennig 2009, 798).

According to Filtenborg, Gänzle, and Johansson (2002, 388–389) such network type of governance provides, in particular, for an inclusive, partner-oriented approach in the EU external

relations: while engaging the external partners, who are willing to coordinate their policy spaces and scarce resources in order to realise shared political and economic projects, the Union is "blurring" the existing boundaries with its neighbours and creating the "shared policy spaces" transcending national borders in different spheres.

This definition of network governance reflects well the particular partner-oriented nature of the ENPI CB. At the same time, however, it suffers from some limitations in explaining the emerging patterns of interaction with external partners. First of all, while Filtenborg et al. recognise that the degree of the projected EU governance depends on the level of participation of external actors (which might exhibit uncooperative attitudes), they stop short of explaining the external partners' cooperation attitudes (apart from the reference to the magnetic power of the EU internal market and the attractiveness of the EU as a cooperation model. Furthermore, Filtenborg et al., deem the institutional boundary irrelevant since network governance does not entail institutional inclusion in terms of full EU membership, but rather "the right to access to and participation in the EU policy-making". Such interpretation, however, neglects the fact that institutional inclusion in a form of a (new) cooperative arrangement might play a role of facilitating the transfer of the EU legal rules, norms and values (Lavenex 2004). For example, the experience of the Russian participation in the EU's Northern Dimension initiative proved that cooperation was stagnating due to the absence of adequate institutional inclusion of Russian partners as policy-making actors (until the reform of the initiative in 2006, which established the joint ownership of all partners) (Khasson 2010).

Apparently, apart from the factors linked to the EU policy, the analysis of the process of blurring the boundaries requires better consideration of the external environment. As put by Korosteleva (2012), boundaries should be seen as "mutually constitutive" e.g. depending also on the cooperating attitudes of the external partners. Hence, it can be deduced that the creation of a "shared policy space" of network governance is conditioned by the emergence of cooperative patterns of interaction between partners across the border. Furthermore, alongside the factors linked to the EU policy, the analysis should also include an assessment of the external partners' engagement and their cooperation attitudes, as suggested in the introductory chapter of this issue.

In this regard, the concept of regional mobilisation (Loughlin 1996; Keating 1998; Schmitt-Egner 2002) can provide useful insights. According to this concept, regional actors develop particular (positive or negative) attitudes of regional actors towards the factors/actors of the external environment depending on the opportunities provided for the fulfilment of their needs (a process of exploitation of the existing opportunity structures). For example, during 1988–1995, when the EU fostered regional policy and the EU Committee of the Regions was created (the rise of the so-called Europe of the Regions), regional elites opted for functional strategies vis-à-vis the EU. Then, as the opportunities provided by the EU were no longer seen as sufficient for regional empowerment, negative attitudes towards Europe prevailed (Hepburn 2007). Apart from the factors in the external environment (at the international or supranational levels) regional mobilisation depends also on the opportunities provided by the national level (such as the nature of centre–periphery relations and regional policy) as well as by the region itself, e.g. regional political, socio-economic or ethnic structures (Albina and Khasson 2008). Thus, according to Gren (1999), in the case of the EU border regions, apart from the EU-induced changes in regional policies of the Member States and new opportunities for representation at the EU level, an important role was also played by the growth of regional consciousness, resulted from the participation (by regional development agencies) in cross-border and interregional networks and lobbying activities. In other words, while the EU might provide opportunities for the empowerment of regional actors, regional mobilisation still depends on a whole range of other practices, including structures and instruments as specified in the conceptual framework of this issue (see the Introduction section).

With regard to the EU policy instruments, they should be assessed not only in terms of providing (or not) the inclusion into the EU policy space, but also in terms of the attractiveness of concrete benefits that are made available in the context of neighbourly relations, including programme funding as well as less tangible benefits such as leadership, agenda-setting, education and training, etc. (Weber, Smith, and Baun 2007, 227–228). These benefits (policy transference instruments) play particularly an important role in the modification of transactional and cultural boundaries where, as put by Hagland-Morrissey (2008), the motivations of external actors are usually very pragmatic and closely linked with functional interests concerning specific transnational problems, while the interactions are often developed spontaneously, alongside with (or even in contrary to) the political developments at the national level. It should also be considered that cross-border interactions are taking place through a whole range of different channels (including informal ones) through which the benefits can be distributed at different levels and implies different sets of actors and cooperation structures, including at the level of the EU and the EU Member States as well as transnational networks, regional administrations and non-state actors, including economic elites or even cultural or ethnic leaders.

Finally, the mere definition of the boundaries should also be adjusted in accordance with the developed definition of the "shared policy spaces" as being constituted by cooperative practices. For example, when assessing the progress in overcoming the geopolitical boundary, it should be considered that the perceptions of the EU by the grassroots actors are shaped not only by the actual EU policy, but also by the whole spectrum of the EU-neighbour bilateral relations. In the context of the institutional boundary, the adequacy of joint structures (institutional and legal) should be seen not in terms of a mere extension of the EU rules beyond its border, but in terms of facilitating cooperation practices. The general understanding of a transactional boundary, as referring to the movement of goods, services, capital and people, needs further specification as a particular form of cross-border projects in areas beyond the field of strictly economic activities. Since the funding received within the ENPI CBC can often mean the (only) possibility for the regional actors to conduct (initiate) cross-border activity, the modification of a transactional boundary in the context of ENPI CBC should be seen as linked with the nature and intensity of interactions within the common cross-border projects. Finally, the meaning of a cultural boundary should be adjusted with the specific nature of identity formation in the context of cross-border interactions. Against the usual definition of the cultural boundary in terms of sharing the common European identity, the change in patterns of cross-border interactions is driven rather by daily practices of interactions with the partners across borders. The important factor is that the views of the partners across the border remain positive on both sides and cooperation is seen as advantageous and necessary (Liikanen and Virtanen 2006, 127). As demonstrated by Liikanen and Virtanen on the example of the Euroregion Karelia, a common ground for mutual understanding and solidarity can emerge not from the pattern of common identification or Europeanisation, but as a result of the ability to affect the condition of cross-border interaction (through national and regional political channels).

In the following, an empirical part of the process of overcoming boundaries within the ENPI CBC Programmes will be analysed, first with regard to the EU policy-related factors (blurring of the institutional, legal and geopolitical boundaries), and, second in terms of cooperation practices emerging through the Programmes' implementation (transactional and cultural boundaries).

Blurring of boundaries with the ENPI CBC: assessing the EU policy instruments

The new approach launched under the ENPI CBC had introduced some important innovations with regard to the inclusion of external partners. In the first place, in contrast to the previous cooperation under the TACIS/PHARE/INTERREG programmes, which suffered seriously

from a lack of coordination between the different financial mechanisms, the new joint Pro-grammes meant a single application process for potential beneficiaries from both sides of the border (e.g. one Call for Proposals instead of two different procedures) largely facilitating the launching of common projects. This approach was largely borrowed from the EU's INTERREG programme, a successful instrument applied in the internal EU border regions, in particular, its focus on social-economic cohesion as expressed through the following objectives: promoting sus-tainable economic and social development in the border areas; working together to address common challenges in fields such as the environment, public health and the prevention of and fight against organised crime; and promoting local, "people-to-people" type actions. The only new objective that has been added to the ENPI CBC concerned the need for ensuring efficient and secure borders (European Commission 2003b).

Most importantly, as emphasised by the 2006 Regulation, laying down general provisions for the ENPI, the CBC instrument is based on the principle of partnership in the development of joint management structures and joint operational programme, containing detailed programming and a set of priorities and measures to be implemented (European Council 2006). Thus, while under the TACIS programme the partners from neighbouring countries had a mere consultative role, they are now participating in the Joint Monitoring Committee (JMC) supervising the Programme's implementation and in the Joint Evaluation/Selection Committee responsible for the selection of projects to be financed.[1] The joint elaboration of the operational programme document by the relevant stakeholders at the national, regional and local levels from both sides of the border, allows the reflection of the specific circumstances and requirements of a particular cross-border area. Furthermore, instead of an external body contracted by the European Commis-sion, the Programme's implementation in the entire eligible area, including the partner states, is to be carried out by the Joint Managing Authority (JMA) (assisted by the Joint Technical Secretariat) established in the relevant EU Member States (usually within the ministries of regional development).[2]

Finally, the ENPI CBC also provides for a better focus on the grassroots actors. As noted by Scott and Liikanen (2010, 424) the EU regional cooperation politics increasingly attribute a mod-ernising and democratising function to the civil society actors that are considered as a political force central to the development of wider community of values and societal goals. In terms of financial allocations, the share of the Large Scale Projects (such as border-crossing infrastructure, environmental protection or assistance to the economic development) that under the TACIS CBC amounted up to 75–90% of the total funding[3] has been decreased to a maximum of 30% under the ENPI CBC.[4]

Building on the experience from the transitional period of 2004–2006, additional tools have been introduced to foster further decentralisation of policy implementation (European Commis-sion 2006, 5). Thus, the Branch Offices (of the Joint Technical Secretariats or of the Managing Authorities) were to be opened on the territory of the participating regions, including in the partner countries (In practice, it turned out a lengthy process, but nonetheless, by 2012 over 15 Branch Offices have been established across the whole ENPI CBC territory). Particular attention in this regard was attributed to the task of strengthening the capacity of local and regional auth-orities since they are seen as playing a crucial role in solving the problem of harmonisation of national legislations with the ENPI CBC rules (European Commission 2008).

Other measures focused on providing assistance and training. At the level of Programme man-agement, this task was conferred to a special division for ENPI CBC, established within the EU's INTERACT agency in 2007 for stimulating expertise, sharing best practices and providing gui-dance on the management and implementation issues.[5] Furthermore, a wide range of activities aimed at supporting the project applicants in partner countries has been organised by the Regional Capacity Building Initiative (RCBI), created in April 2005 (until June 2012).

In such a way, the developed institutional structures – as manifestation of interpretative acts (see the Introduction section) – indeed, provided important new channels for the inclusion of partners from the neighbouring countries. At the same time, however, a close look at the policy implementation mechanisms developed in the ENPI CBC Regulation reveals a more traditional EU external action approach. In particular, a controversy with the declared inclusive approach appears within the legislative framework of the ENPI CBC Programmes. Instead of following the INTERREG approach (the European Territorial Cooperation framework), as initially declared, the ENPI Regulation applies the implementation rules from the Practical Guide to Contract Procedures for EC External Actions (PRAG), created originally as an external assistance instrument and managed by the Commission's Directorate General on External Aid (DEVCO).[6] While this was meant to ensure the application of the same rules to both sides of the border (and not just the extension of the EU's internal rules to its neighbours) it had simultaneously implied more complicated procedures which did not correspond to the principle of partnership enshrined in the Programmes' joint institutional structures.

Furthermore, as a part of the general ENPI framework, e.g. the instrument for the implementation of the ENP's objectives, the CBC policy runs into a major geopolitical controversy: the ENP is based on the principle of conditionality and the absence of membership perspectives, thus, providing little room for inclusive practices vis-à-vis the neighbouring countries. Instead, it marks them as outsiders on the policy-receiver side within a highly asymmetric relationship. In the context of relations with Russia, it is even openly contradictory to the basic principle of the EU–Russia strategic partnership.[7] In other words, the ENP does not always correspond to the principle of joint ownership declared within the ENPI CBC. This becomes particularly visible in the issue of border-crossing regime and visa requirements applied to the new external EU borders. As noted by Liikanen and Virtanen (2006), the EU is actually lacking any real border policy substituted by the pre-accession strategy where the candidate countries (and then also the neighbouring countries under the ENP) are ought to apply the uniform Schengen regime substituting a variety of existing regimes, tailor-made for particular circumstances of each country and/ or region. Hence, while not taking any step towards the regionalisation of border policy, the ENPI does not introduce any change in this regard. So far, the core of the EU approach to the problem has been the opening of new border-crossing points and improving border infrastructures. Apart from being lengthy,[8] these measures, however, do not always provide a solution: high cost and administrative difficulties in obtaining the Schengen visas (often in the far away capital), as well as the spread of practices of "othering", e.g. the shaping of new regional identities where "us" and "other" have much more significance than common ethnic roots or shared history, are hampering the daily interactions between the border communities (Allina-Pisano 2009).

It has to be recognised that the dialogue on visa liberalisation has been high on the bilateral EU-neighbour agendas within the ENP. Furthermore, the EU adopted in 2006 a local border traffic regulation, which allowed member states to negotiate bilateral agreements with neighbouring countries in order to facilitate cross borders movement for social, economic and cultural exchange. Under such an agreement, a special permit can be granted to citizens living in border areas enabling them to cross borders regularly to stay for just a few hours or one or two days at a time within the defined territory adjacent to the border. So far, the local border traffic agreements have entered into force only in Ukraine: with Hungary (January 2008), Slovakia (September 2008) and Poland (July 2009) and between Moldova and Romania (October 2010). In 2011, Belarus signed such agreements with Poland, Latvia and Lithuania while the Russian Federation did so with Norway and Poland (covering the whole territory of Kaliningrad and the adjacent Polish territory).

Nonetheless, the complexity of the issue makes the progress rather slow and from the point of view of regional actors in the neighbour states and the actual EU performance in this regard

remains low. As revealed in the study conducted by EU DIMENSIONS (2009, 4) CBC actors considered that "in five years following the enlargement, the EU had done little [to] enhance people-to-people contacts or to bring neighbours closer to the EU in cognitive terms (or to positively affect CBC)". The EU policy is generally seen as being in EU interests and based on the asymmetry of power relations where the neighbouring countries have little say (EU DIMENSIONS (2009, 4).

As it will be demonstrated in the following part, these controversies pertinent to the ENPI CBC legal framework and the geopolitical consequences of its policy-driven nature are hampering the implementation of the joint Programmes and, ultimately, also the emergence of new cooperative practices.

Cooperative practices emerging within the ENPI CBC Programmes

Despite the valuable experience of cooperation gained during the transitional period of 2004–2006, the ENPI CBC Programmes 2007–2013 had a very slow and difficult start: the first calls for proposals were launched only in June 2009; then it took over a year (in some cases) to evaluate the received applications and select the projects eligible for funding. As a result, the first project contracts were signed not earlier than September 2010, e.g. more than three and a half years since the launch of the ENPI CBC. In the case of five Programmes, including Russia, the delay with launching the calls for proposals were even greater due to the lengthy negotiation of a financial agreement (finally entering into force in July 2010). Otherwise, a standard operational procedure for allowing the provision of EU funding on a multi-annual basis, the agreement had to be adjusted in accordance with Russia's own financial contribution to the ENPI CBC Programmes. This meant that the actors on the ground remained without any financing at all for several years and, as noted by the Finnish Member of the European Parliament, started to fear losing partners on the Russian side (NEEBOR 2011). Furthermore, the lack of financing was hitting badly over the regional development of the border regions on the EU side as well and resulted, for example, in the calls to allow the implementation of the ENPI CBC Programme only on the EU side of the border in the case of failed negotiations with the partner country.[9]

Apart from the delays with provision of funding, additional frustration was created due to the insufficient amount of available funds under the ENPI CBC: while an important increase has been made during the years 2004–2006, from the previous 30 to about €140 million yearly, it has then been decreased under the 2007–2013 financial perspective to less than €100 million per year for both sides of the border.

While the reasons behind these problems could be partially found in the novelty of the Programmes, additional burden for their implementation related to the still limited engagement of the partners from neighbouring countries. In fact, the "joint ownership" did not extend to "shared management" and the implementation burden was shouldered almost entirely by the JMAs and their secretariats (in the EU Member States). As concluded by the evaluation carried out in November 2009 by the RCBI, while the partner countries have been actively involved in the development of Programmes and preparation of projects, "they are least actively involved in Programme management, with almost no involvement in JMAs, limited participation in JTS and Branch Offices (where they exist) and under-representation at JMC meetings" (RCBI 2009). Among the factors inhibiting the participation of partner countries, the evaluation indicated that apart from the traditional lack of capacity and resources (such as high cost of travel for project preparation activities and difficulties to meet the co-financing requirement), there was also an unfavourable national legal, regulatory and procedural environment (RCBI 2009).

In this regard, the introduction of new implementation rules under PRAG did not bring the desired solution to the long-standing problem of harmonisation of legal rules for CBC in the

neighbouring countries with the EU standards for international projects. To the contrary, PRAG rules were proved unsuitable in the context of CBC not only because of creating difficulties for the neighbouring partners, but also because of the incompatibility with national legislation in the EU Member States (in the case of Finland, for example, the national legislation with regard to CBC had to be changed in order to be compatible with PRAG rules). According to the Network of Eastern External Border Regions "the ENPI CBC obliges the EU border regions to use the overly complicated PRAG procedures pertinent to the EU external aid policies, as part of their regional development mechanisms" (NEEBOR 2010).

In fact, the Programmes' stakeholders on both sides of the border started to call for a more flexible legal framework allowing for Programme-specific solutions. For example, in the questionnaire about their preferences for the new ENPI CBC Regulation (after 2013), the majority of respondents were looking for a greater delegation of responsibility at the regional level: they suggest that the Regulation should only define the basic principles while each Programme would be responsible for defining its detailed implementing rules and objectives.

Despite these difficulties, a general intensification of activity can be observed in terms of the sheer quantity of projects: by the end of 2011, over 850 projects were carried out within the transitional Neighbourhood Programmes (2004–2006) and another 392 projects were selected for implementation during the First Call for Proposals under the ENPI CBC (running from June 2009 to November 2010) (Table 1). An improvement can also be noted with regard to the share of partners from neighbouring countries. While during the 2004–2006 period partner/neighbour countries (under the TACIS component) accounted for about 17% of all projects, within the ENPI CBC scheme, the share of beneficiaries from partner countries rose to over 27% (INTERACT 2011b). In order to apprehend this rise in the degree of engagement of partner countries under the ENPI CBC, it is important to note that within the TACIS projects, they did not necessarily act as lead partners. In contrast, under ENPI CBC 2007–2013, all applicants from the neighbouring countries are lead partners. As noted by the Commission's official, it took some time for the partners from neighbouring countries to realise their new capacity to engage not just as participants, but to initiate their own projects as lead partners, taking full responsibility for a project's development and implementation. Hence, it can be expected that during the Second Call for Proposals (launched in four of the Programmes by the end of 2011) the number of applicants from the neighbour countries will continue to grow. Furthermore, the rise of interest in CBC can also be witnessed by the total number of partners from the EN countries (e.g. lead partners together with participants): 790 entities against 840 in the EU Member States (or as much as 47%) (INTERACT 2011b).

A major problem for the potential projects beneficiaries, however, turned out to be finding partners across borders; as one Programme website described it: "a harder task than finding a wife". It should be noted that considerable effort has been undertaken by the Joint Technical Secretariats (in cooperation with the RCBI) to carry out numerous supporting events for potential beneficiaries all around the Programme territory, including information seminars (on project development, filling in the application form and preparation of the budget) as well as Partner Search Forums. Special partner search tools were introduced on the official Programmers' websites. Nonetheless, the task remains difficult, in particular, within the new cooperation areas such as cooperation on improving the business environment or energy efficiency, where no cross-border partnerships have been created during the previous years and it remains hard to "break the ice".

This trend is reflected by the composition of actors from the partner countries (Figure 2), with the majority of actors belonging to NGOs and regional administrations while business associations and development bodies are represented by a very modest share.

In contrast, the regional/local authorities have acquired a more prominent role being simultaneously engaged in the shared management structures while acting as the actual project

Table 1. Neighbourhood programmes 2004–2006 (INTERREG IIIA/PHARE CBC/TACIS CBC) and ENPI CBC 2007–2013.

Programme	INTERREG/PHARE/TACIS Neighbourhood Programmes 2004–2006			ENPI CBC 2007–2013, First call for proposals 2007–2011 (20% of total budget)		
	EU contribution ERDF/TACIS in million €	No. of applications total/including TACIS	No. of approved projects total/TACIS/joint	Total budget 2007–2013 in million €	No. of applications	No. of approved projects total/EN countries
Kolarctic (KOL)	20.9/3.5	42	19/1/11	28.2	38	13/4
Euregio Karelia (KAR)	57.7/3.8	88	20/7/5	23.2	59	11/3
South-East Finland/ Russia (S-EFR)	14.6/8	100	44/21/23	36.2	36	12
Lithuania/ Poland/ Kaliningrad (LPR)	44.5/8	No data/99	158/23/22	132.1	189	
Estonia/ Latvia/ Russia (ELR)	7.8/6.5	315	46/27/18	47.8	226	25/3
Latvia/ Lithuania/ Belarus (LLB)	10.4/1	137	53/8/4	41.7	110	17
Hungary/ Slovakia/ Romania/ Ukraine (HSRU)	36.2/4.5	No data	135/9	68.6	148	48/18
Poland/ Belarus/ Ukraine (PBU)	45.8/8	570/+37	85/5	186.2	303	21/3
Romania/ Moldova (RUM)	27/5	384/64	180/13	126.7	423	62/18
Romania/ Ukraine (RUM)	28.5/6.5	309/45	137/10			
Total		Over 1980	858/132		Over 1300	205/49

Sources: European Commission (2008); INTERACT (2011a, 2011c); updated with the info from the ENPI CBC Programmes official website.

beneficiaries. An interesting dynamic in this regard emerged in Belarus: in need of experience and knowledge for applying for the EU funds, the regional authorities started to engage the NGOs (from social and environmental fields) as partners by creating governmental NGOs (GONGOs).
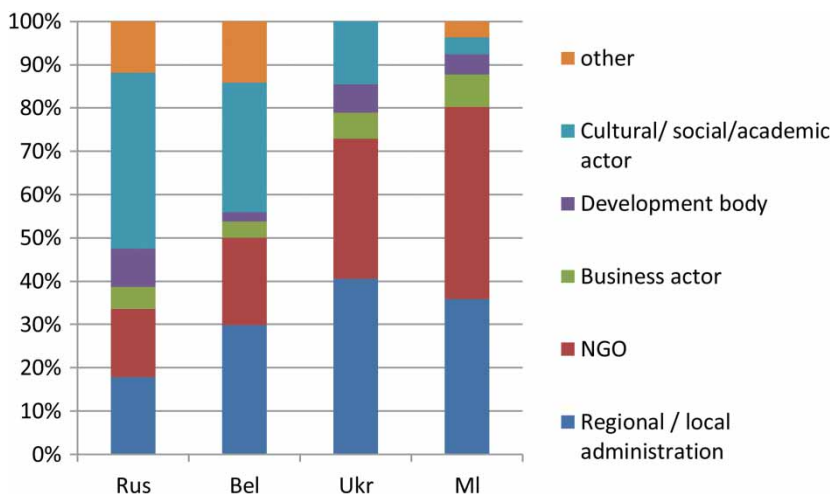
Figure 2.   Composition of regional/local actors in the neighbourhood countries.
Source: Database of the RCBI website. Available at http://www.rcbitools.info/partners/

Although this process has been often criticised as collaboration of the civil society with the regime, it is also recognised that this practice contributes to the transfer of European and international practices and norms into the realm of state administration in Belarus (Sahm 2009, 49).

Generally speaking, one of the major obstacles for the development of CBC at the Eastern EU border is the strong socio-economic gap and other disparities across borders (Polish Ministry of Regional Development 2006). In this regard, high priority is attributed to the objective of economic and social development: as shown by Figure 3, 37% of all selected projects (and even higher rate of 45% among the project proposals) against the 36% and 24% corresponding to more traditional fields of cooperation under the people-to-people cooperation and common challenges priorities, respectively.

At the same time, the regional actors have not been keen to exploit objective three, on efficient and secure borders, witnessing reluctance to embark the field belonging to the competence of
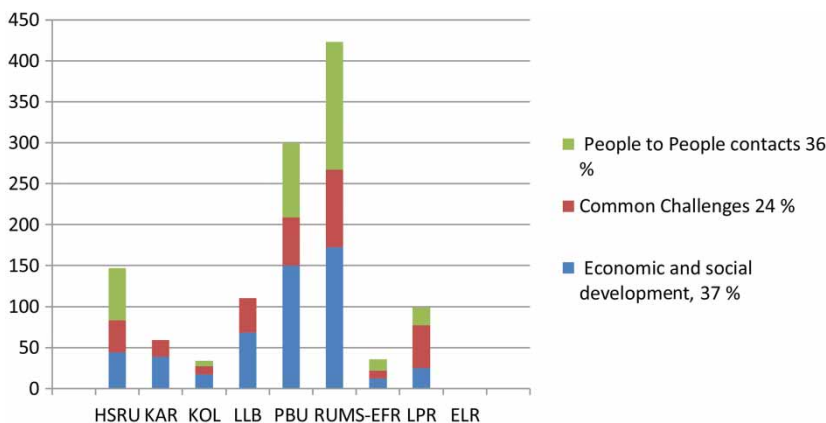

Figure 3.   Approved projects by objective. ENPI CBC Programmes, first call.
Source: INTERACT (2011c).

national authorities. Significantly, this objective has not even been included in the first call for proposals by any of the Programmes, although the experiences of various regional networks (at the EU-Russian border, for example) suggest that in this domain the regional actors could do much as well (NEEBOR 2011). For the moment the Programmes limit their contribution to carrying out border-crossing infrastructure projects under the Large Scale Projects component.[10]

In summary, the strengthened participation of regional actors from the Eastern neighbourhood in cross-border activities points out to a certain rise of regional consciousness. It has to be considered, that previous to the launch of the ENPI the record of CBC across the former Soviet border has been rather poor. Despite the high level of cross-border contacts and often strong cultural and ethnic ties, the problems of post-Soviet transition, on the one hand, and, the socio-economic differences growing alongside the EU pre-accession process, on the other, have rendered cross-border activity here extremely difficult (Krok and Smetkowski 2006, 183). Hence, it does not come as a surprise that the launch of Programmes has been met with enthusiasm across the Eastern neighbourhood.[11] The appreciation of the EU's possible role also remains generally positive: as an independent player, modernising factor and normative force for democratic transformation (EU DIMENSIONS 2009). Even the negative perceptions towards the Schengen regime as introducing a divide and a barrier to the social and economic interaction, appear to be of a temporary character: they are related rather to the technical aspect of crossing the border (such as the long queues and inefficiency of the border guards on both sides), than to the visa requirement as such. According to the survey conducted by EXLINEA, civil society actors on both sides of the EU border would like the border to be "a genuine bridge linking both nations, facilitating an efficient economic and social cooperation" (Scott and Matzeit 2006, 127). In this sense, the cultural boundary within the ENPI CBC can be seen as most permeable among all boundaries, largely facilitating the emergence of cooperative practices. An important role in this process is also played by the regional actors on the EU side. Sharing their experience gained during the post-socialist transition and European integration processes they help their Eastern counterparts not only in dealing with concrete transborder problems but also in gaining influence in the state–society relations. For example, the Moldovan NGOs, following the experience of their Romanian colleagues, have signed in 2007 a "Memorandum of cooperation between the state authorities and the NGOs in the Republic of Moldova" and aspire to play a greater role in the implementation of the national social policy agenda. It is also significant that the expectations from the EU among the regional actors in the Eastern neighbourhood are linked not with the direct imposition of the EU rules, but with the process of constructive dialogue with the civil society on a wide range of social concerns and greater attention to the dynamics from below (EU DIMENSIONS 2009).

Conclusion

Building on the literature of network governance and regional mobilisation, as well as applying the practices perspective adopted in this issue, the article assessed the ENPI CBC Programmes in terms of creating "shared policy spaces" at the Eastern EU borders. It has been argued that such spaces of network type of governance can only emerge when the inclusive approach based on the principle of partnership, as introduced by the ENPI CBC, is translated into the adequate policy instruments and implementation practices. Having analysed this process at various boundary levels, e.g. institutional, legal, geopolitical, transactional and cultural, it can be concluded that the ENPI CBC has not yet been translated into the new, partnership type, of interaction in the EU neighbourly relations, but corresponds rather to the assistance type of cooperation. As it has been demonstrated, the opening of the institutional boundary by the inclusion of external partners into the joint structures has not in itself been sufficient for promoting the partner-oriented

approach introduced by the ENPI CBC. In particular, the overly complicated implementation rules under the legal framework of PRAG as well as the geopolitical aspects of the EU's neighbourhood policy in terms of the border-crossing regime have burdened the inclusive policy practices. Despite the EU's effort to facilitate the engagement of external partners by launching such instruments as the RCBI or interact CBC, the functioning of the joint management structures remains still difficult.

While the number of common projects has been increasing, the scale of cooperation remains insufficient to deal with the traditional problems at the external EU borders such as strong socio-economic gap and weak capacity of regional actors in the neighbouring states. At the same time, the important role in strengthening the engagement of external partners seems to be played with the so-called regional consciousness. Thus, the positive experience of previous years of cooperation proves to have a mobilising effect on the regional actors in the neighbouring countries.

Considering that regional actors in the neighbouring countries exhibit generally positive perceptions towards the partners across borders, as well as towards the EU's possible role, it can be suggested that the ENPI CBC might provide further important opportunities for strengthening the regional mobilisation in the Eastern neighbourhood. In this regard, much will depend on the new legislative framework developed under the new Regulation for ENPI CBC after 2013. Additional cooperation channels such as Euroregions or the Conference of Regional and Local Authorities, launched within the EU Eastern Partnership initiative in September 2011,[12] can also contribute positively by strengthening the networking capacity of the neighbour partners, and, ultimately, their participation in the ENPI CBC.

Notes

1. The responsibilities of the joint structures under the ENPI CBC programmes are defined in detail in Article 15 of the European Commission Regulation (EC) No 951/2007 of 9 August 2007 laying down implementing rules for cross-border cooperation programmes financed under Regulation (EC) No 1638/2006 of the European Parliament and of the Council laying down general provisions establishing a European Neighbourhood and Partnership Instrument. *Official Journal of the European Union*, L 210/10, 10 August 2007.
2. The ENPI Regulation also previews the possibility for the JMA to be located in the partner state of the Eastern neighbourhood.
3. The rest of funding under TACIS indicative programme is allocated to the Large Scale Projects (LSP), including the following areas: development of infrastructure networks at 40–50%; promotion of environmental protection and management of natural resources at 15–25%; support to the private sector and assistance for economic development at 15–25%. http://www.europafacile.net/formulari/Tacis/TACIS%20CBC/Programma2000-2003.pdf
4. Guidance Note On LSP. Accessed May 28, 2012. http://www.ro-ua-md.net/images/stories/File/LSP_Guidance_note_10_May_2009-corect.pdf
5. For more details on Interact ENPI CBC see http://www.interact-eu.net/about_us/enpi_about_us/443/5659
6. The Practical Guide is the first sole working tool explaining the contracting procedures applying to all EU external aid contracts financed from the EU general budget and the 10th European Development Fund.
7. In this regard, Russia emphasised that while participating in the ENPI, it is not being part of the ENP. (Blockmans 2008) It had also noted its financial contribution to the joint CBC programmes and its equal partner status.
8. While approximately half of TACIS CBC funding over the period of 1996–2000 has been allocated to border crossings, the construction works only began in 2000. As a result, five years after the launch of the TACIS CBC programme, it had not yet impacted this area.
9. Such a call was made in an open letter by the Polish EU Presidency proposing such a provision to be introduced into the new ENPI regulation after 2013.

10. By October 2011, 37 LSP were identified in six Programmes, requesting approximately €202 million of ENPI funds (INTERACT 2011b).
11. Interview with an official of the European Commission, DG DEVCO, responsible for the ENPI CBC, conducted on the 26th of October 2011.
12. The Eastern Partnership initiative was launched in 2009 as a policy framework engaging the Eastern EU neighbouring countries, including Belarus, Moldova and Ukraine.

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