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# Identity, Territory, and Self-determination in Transborder Regions of Eastern and Central Europe

Erika Harris  
University of Liverpool

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**About the author**

Erika Harris is Professor of Politics at the University of Liverpool (UK).  
Email: [E.Harris@liverpool.ac.uk](mailto:E.Harris@liverpool.ac.uk)

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## **Abstract**

The paper focuses on transborder regions of eastern and central Europe which emerged following the establishment of successor nation-states on the territories of the former communist multinational federations of Czechoslovakia, Yugoslavia and the Soviet Union. These regions span two or more states and contain a number of ethnic groups with varied legacies of statehood and/or minority status, and divergent levels of European integration; their populations exist with multiple identities and diverse territorial allegiances. Given that these regions possess a limited capacity to address people's interests, the focus of this paper is on the re-examination of the concept of self-determination so that it can be applied to transborder regions. Drawing on various examples, I analyse the historical and political context within which these regions emerged, as well as resulting dynamics between groups and states that encapsulate them. This analysis shows that these regions do not seek self-determination in terms of territorial rule, but on the basis of a more formal recognition of people's experience and their (hybrid) identity. The preliminary conclusion argues that such a reformulation of self-determination directed at peoples living in transborder territories would require the EU to address issues connected to citizenship legislation, visa regimes, access to labour markets, language laws and multilingual education, etc. in view of regional dynamics across a whole region, not piecemeal state by state.

**Keywords:** European Union, European integration, cultural diversity, self-determination, transborder territories, Eastern and Central Europe.

## Identity, Territory and, Self-determination in Transborder Regions of Eastern and Central Europe

This paper focuses on transborder regions of eastern and central Europe which emerged following the dissolution of communist multinational federations of Czechoslovakia, Yugoslavia, and the Soviet Union. The establishment of new (multinational) states created territories of cultural, kin, and historical links among regional groups, as well as emerging institutional and political arrangements pertaining to these groups. The premise here is that these regions spanning one or several states are characterized by fluid borders and populations existing with multiple identities and diverse territorial allegiances. They contain a number of ethnic groups with varied legacies of statehood and/or minority status, and divergent levels of European integration. Since transborder regions have a limited capacity to address people's interests, the contribution of this paper is in the re-examination of the concept of self-determination so that it can apply to them. The aim is to answer two interrelated questions: What kind of identity exists in transborder regions and what form of self-determination would be fitting for those regions? Discussion starts with the questioning of relevant concepts (region, ethnicity, the nation, and the state) and shows that while in practice self-determination is attached to states, it can apply to territories other than states. Drawing on various examples, the focus shifts to the historical and political context within which eastern central European transborder regions emerged and to the resulting dynamics between groups and states that encapsulate them. This analysis shows that these regions possess a certain (hybrid) identity and seek self-determination based on a more formal recognition of these territories and their peoples' experience rather than territorial rule. It would mean that the EU should approach policies connected to citizenship legislation, visa regimes, and access to labour markets, language laws and multilingual education, etc. in view of regional dynamics across a whole transborder region, not piecemeal state by state. It is argued that a more democratically reformulated self-determination, applicable to peoples and their territories, would make transborder regions more stable, particularly in postconflict zones, and ultimately more effective partners in European integration.

### Introduction

This paper focuses on transborder regions of eastern and central Europe (ECE), including the post-Soviet space and the postconflict Balkan regions. It depicts dynamic territories of cultural, kin, and historical links among regional groups, as well as past

and emerging institutional and political arrangements pertaining to these groups which tend to inhabit territories spanning one or several state boundaries—here referred to as transborder regions.

The proliferation of new states on the territories of the former post-communist multinational federations of the Soviet Union, Yugoslavia, and Czechoslovakia appeared to demonstrate the desirability of a sovereign nation state—a state of and for one nation—as the preferred political unit for the exercise of newly found democracy. The successor states that emerged from this disintegration remain multiethnic and demonstrate that the congruence between the nation, territory, and the state is unachievable generally, but particularly in ECE where the “nationality question” has historically been a great challenge to all states. As all previous reconfigurations of these territories into different nation-states after the First World War and after the Second World War, the post-communist repositioning of borders cut across many ethnic groups and transformed whole regions. It had a huge impact on the political and legal position of ethnic groups vis-à-vis their new and old states and each other; some were upgraded to independent states and some were downgraded to minorities with lesser or greater rights. The complexity of the intergroup relations within the newly transformed regions is further augmented by European integration and accession to or exclusion from the EU. The premise is that these regions are characterized by populations with multiple identities and diverse territorial allegiances which is often reflected in extensive extraterritorial (kin-state) legislations and the continued relevance of identity in political and constitutional processes (Brubaker 1996; Harris 2007, 2009, and 2012; Mabry et al. 2013).

The overall theme of this paper is the rescaling of the contemporary European nation-state into different and often overlapping levels of functions, institutions, and identity formations which requires a re-examination of self-determination by states, groups, and the European Union. The aim is to contribute to this debate by pursuing a conceptual shift from the nation-state to a region as a territory relevant to identity formation and a form of self-determination. The EU institutional architecture thus far “failed to recognize anything other than sovereign states”, which is a challenge to all substate territorial units seeking a form of self-determination (e.g., Catalonia, the Basque country, Republika Srpska, Scotland, etc.). It is even more of a challenge for transborder regions which do not have precise boundaries, but stretch across formal boundaries of states. For example, the transborder region between today’s Croatia and Bosnia and Herzegovina (henceforth Bosnia) encompasses Croatia and a substate territory of Herzegovina within Bosnia; on the Serbian side within Bosnia, there is a transborder region which encompasses a substate Republika Srpska and Serbia).

In order to give these “not self-evident” regions (Sassen 2013, 22) a degree of conceptual autonomy away from the nation-state, I start by imagining regions beyond the state

as categories of perceptions comparable to nation-states and provide conceptual definitions relevant to the forthcoming discussion. I show that there are various forms of regionality in Europe, but my objectives are, first, to convey the historical and political context within which these transborder regions emerge and are shaped and, then, to analyse dynamics among regional groups and their relationship to states that encapsulate them. In arguing that these regions possess an identity and are candidates for a form of self-determination within the EU, I elaborate on two interrelated questions: What kind of identity exists in transborder regions and what form of self-determination would be fitting for those regions?

Drawing on various examples, mostly from the Hungarian border regions and post-Yugoslav territories, I conclude that in ECE generally, the construction of identity remains ethnic whether residing in a home territory or elsewhere and frequently complemented by two different citizenships reflecting the reality of people's existence, identity, and interests. Ethnic groups which find themselves divided by one or several formal state boundaries, thus forming transborder regions, tend to possess a regional hybrid identity. I argue that these territories seek self-determination based on the recognition of the complexity of their experience and identity rather than territorial self-rule. Moreover, from the EU's perspective, such a democratic reformulation of self-determination relating to peoples of Europe rather than states would help to eliminate historical frictions among regionally relevant groups, and in the process make them more equal and effective partners in European integration.

### **Imagining regions**

Both terms region and ethnic group cover many meanings. Both are a construction as much as they are a reality, lived and experienced. Following the "boundary making" approach to the persistence of ethnic groups (Wimmer 2013), the critical feature in defining an ethnic group is membership; an ethnic group has a membership which identifies itself, and is identified by others, as constituting a category distinguishable from other categories of the same order (Barth 1969, 11). Ethnicity is a cultural trait (language, lifestyle, value orientation, morality, behaviour), but given the changeability of social, physical, and symbolic boundaries among groups, it is the self-ascription and ascription by others which maintains the boundaries among groups and implies actions and rewards. Membership involves honour, prestige, dignity, belonging, support, and security, but it may also impact on access to jobs and to political power. Hence, the maintenance of boundaries of belonging mixes these various resources into an intertwined struggle over who legitimately belongs to the group and what place in society this group occupies (Wimmer 2013, 5).

The maintenance of the group's boundary, recognition, and rewards vis-à-vis other groups is the stuff of ethnic politics, that is, collective actions inspired by ethnic identity (Brubaker and Cooper 2000, 5). The most aspirational collective action is a claim to independence for a group, a "people" whose members conceive it to constitute an actual or potential nation and therefore assume to possess the right to rule itself. This is what lies at the heart of classical national self-determination doctrine. The widely acknowledged construction and historical contingency of nations notwithstanding, nations are closely related to nationalism and the nation-state. This is in line with the most often cited definition of nationalism as a political principle holding that the "political and national unit should be congruent" (Gellner 1994, 1). Even when a nationalist movement is not seeking independence, it usually seeks a degree of political recognition in order to protect the identity of a group, to maintain (or obtain) more autonomy for it, and safeguard its unity. So, claims to self-determination can pertain to both nations and ethnic groups, subject to the context within which claims are made.

The distinction between the ethnic group and "the nation" is important in the context of transborder regions which encompass nations without a state, ethnic groups now in possession of the state, and minorities—groups culturally different from the official culture of the state. Ethnicity may be construed as a fact of one's cultural heritage, but it is not necessarily attached to any particular legal structure of the state (Harris 2009, 13). The nation, on the other hand, comes with certain values and norms that accompany a more political and territorial discourse—it claims to have a homeland and the entitlement to exercise political rights therein. In short, there is a kind of implicit hierarchy connected to ethnicity and nationhood: nations imply self-determination, but ethnic groups do not.

The above definitions make little sense in transborder regions. The fluidity of borders and affiliations creates vaguely defined territories comprising overlapping political communities and culturally diverse peoples which exist within, above, and despite states. While states remain the legal entities before the international law, the conflation between nations and states was never as clear-cut as nationalists would like, but in the context of transborder regions, this distinction must be emphasized even more emphatically. It follows then that if self-determination is understood as a democratic right, it should apply to peoples and territories they inhabit, not states only. There is a problem here though, because in practice self-determination is best understood to apply to a territorial unit, such as a state with a legal status over its territory.

Identities are lived rather than determined by state borders and in some instances a region may be closer to people's experience than an ethnic home state or the state of residence. A small ethnographic survey in Slovakia's "southern belt" on the border with

Hungary showed a strong ethno-regional identity (ethnically Hungarian), but separate from both Slovakia and Hungary which were seen as less relevant to people's everyday concerns (Harris 2007). This accords with Brubaker's (2006) in-depth study of "everyday ethnicity" and nationhood in the Romanian city of Cluj/Napoca (Kolozsvár in Hungarian) which as a capital of the Transylvanian province has a history of belonging to both Hungary and Romania at different times. The case study drawn from this Hungarian-Romanian transborder region of intensely politicized ethnic and national identifications shows that ethnicity is lived, understood, and experienced in everyday life, but produced and reproduced from above as a basic category of social and political life. It also shows that state-spanning ethnic groups have been strengthened by European integration which means that the Hungarian world in Transylvania has expanded in terms of minority rights and cultural and economic ties with Hungary. Yet, the expansion of minority rights has not prevented the nationalization of Transylvania by the post-1989 Romanian state or other economic and migratory processes which are conspiring to erode the Hungarian world at the same time (Brubaker 2006, 368).

Regions, similarly to nations, are social constructs. In border regions where state boundaries cut across ethnic groups, or where states collapsed and/or where borders have moved, regional identity may be the only stable category of perception and political activity. It is therefore puzzling why the widely acknowledged constructivism of national collective identity (most famously Gellner 1994; for the overview of this debate Harris 2009, 52-62) has eluded the scholarship into the construction of regional collective identities. Anderson in his often cited *Imagined Communities* writes that "all communities larger than primordial village of face-to-face contact are imagined," (1983, 6) but despite the influence of this book on the construction of communities, investigations into how other than national communities are imagined is very thin on the ground. One of the reasons is the "methodological nationalism" (Wimmer and Schiller 2002) which views the nation-state as the natural social and political form and its boundaries as the given in political science, social analysis, and international relations. In the context of this paper, one needs to look to political geographers who unlike political scientists tend to focus more on territory rather than on states. They suggest that regions "stretch in space, so that their social content and relations are networked across borders and that this networking constitutes regions with fluid boundaries and a form of regional identity" (Paasi 2011, 12-13).

A transborder region as presented here, refers to a territory which has a "context-specific geopolitical meaning" (Moiso et al. 2012, 753), whereby "context" refers to ethnic networks stretching across one or more states boundaries, e.g., the already mentioned Hungarian border regions with Slovakia and Romania, but also with Ukraine, Slovenia, Croatia, and Serbia. There are regions inherited from the past which usually stretch across more

contemporary states, such as Subcarpathia encompassing western Ukraine, eastern Slovakia, Poland, and Hungary, or the now borderless region between Poland and Germany (Oder-Neisse). The point to emphasize is that these regions contain ethnic groups with varied legacies of statehood or minority status, and divergent levels of European integration (e.g., within the Croatia-Bosnia transborder region Bosnian Croats are European citizens, but Bosnian Muslims who are not face more travel restrictions than their Croat co-citizens and are prevented from working abroad).

The number of these transborder regions is difficult to ascertain. The formation and shape of these territories are not a topological issue, but a result of historical and political processes, such as dissolutions of states, post-war settlements, population swaps and expulsions, conflicts, and shifting borders. While these regions represent people's experience, memory, identity, and interests and are understood by the majority of people as a region, their capacity to address people's interests remains limited. Ultimately, it is the regional states that determine social, political, legal, and cultural position of groups within their boundaries.

### **Regions initiated by European integration**

Before I focus explicitly on transborder regions in ECE, it is important to mention other forms of regionality in contemporary Europe. The EU has initiated a creation of regions within its regional policy. It will become apparent that there is a difference between the EU-initiated forms of regionality and the regionality I have in mind in this paper, territories marked by certain perceptions about cultural and historical traits linking the people living there, rather than a political project from above.

There are macro-regions which refer to territories below the EU level and above the level of member (and partner) states for purposes of collective challenges and opportunities (Gänzle 2017, 2; Silker 2017), such as the Western Balkans. It encompasses the successor states of the former Yugoslavia: Macedonia, Croatia, Montenegro, Serbia, Bosnia and Herzegovina, Kosovo and neighbouring Albania. This political region-building project in the form of the Stability and Association Process (1999) seeks to reconstruct and stabilize this post-conflict region with the aim of eventual membership (Dahlman 2009, 80). The Western Balkan enlargement is facing many challenges mostly from the divergent approach to the accession of these state and the growing gap between expectations triggered by the "Western Balkans" initiative and the diminishing commitment by the current EU to further enlarge into the macroregion it has created. Another example could be the Danube Region (2010) which embraces Austria, Bulgaria, Croatia,

the Czech Republic, Germany, Romania, Slovakia, Slovenia, and non-EU countries such as Bosnia, Moldova, Montenegro, and Serbia (Gänzle 2017). Its aim is the closer cooperation of states in improving the environment and flood defences, increasing the shipping potential and, longer term, overall socioeconomic development.<sup>1</sup> However, these macroregional strategies are intergovernmental in character (Sielker 2016) which only confirms the state's authority over its boundaries.

Closer to addressing the transnational scale of governance and closer to transborder regions is the establishment of the European Grouping of Territorial Cooperation instrument (EGTC, 2006). The earlier attempts by the Committee of the Regions (CoR) failed to address the challenge of political legitimacy of territorial units other than states, but it has been instrumental in the establishment of the EGTC. The EGT is “the only EU instrument with legal capacity aiming especially at facilitating territorial cooperation” (Evrard 2016, 514), crossborder, transnational, and interregional with the view of strengthening the socio-economic cohesion of the EU.<sup>2</sup>

The EGTC is legally and administratively very complex as it encompasses a number of substates with diverse levels of competency; where a substate is not legally competent to fulfil the remit of the cooperation, the member state enters the equation. Evrard argues that this “institutional mismatch” is one of the most obstructive barriers to EGTCs (517). According to the EGTC monitoring report 2016,<sup>3</sup> only a few states have renewed their national provisions to accommodate amendments to the EGTC regulation in 2013. It mentions Hungary as the only country with a systematic approach to supporting EGTCs which corresponds with Hungary's foreign policy focusing on “the unification of the Hungarian nation without the modification of borders,” an opportunity afforded by the membership of the EU (Harris 2012, 344).

There are 65 registered EGTCs across the EU (mostly tourism, culture and sports, transport and environment) with varied levels of implementation and some suspending operations altogether. While the introduction of border controls within the Schengen area during 2015-2016 migration crisis had a limited impact on the actual work of the affected EGTCs, the real limits to this overall promising instrument to bring regions on the institutional map of the EU lie elsewhere. First, Evrard argues that the EGTC is mostly interpreted as a matter of interest of each (sub)state authority (528) and not

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<sup>1</sup> [http://ec.europa.eu/regional\\_policy/en/policy/cooperation/macro-regional-strategies/danube/#2](http://ec.europa.eu/regional_policy/en/policy/cooperation/macro-regional-strategies/danube/#2), accessed 7 August 2017.

<sup>2</sup> <https://portal.cor.europa.eu/egtc/Pages/welcome.aspx>, accessed 8 August 2017.

<sup>3</sup> [Monitoring report and impacts of Schengen area crisis on the work of EGTCs, https://portal.cor.europa.eu/egtc/news/Pages/egtc-monitoring-report2016.aspx](https://portal.cor.europa.eu/egtc/news/Pages/egtc-monitoring-report2016.aspx), accessed 8 August 2017, p.8.

in the interest of a cross-border region. Second and foremost, the EGTC has a status of a legal EU entity, but for its application it depends on the nation-state. As such EGTCs differ from transborder regions in that they are planned projects which address only a specific aspect of a particular transborder region and not the transborder region as a territory with a certain identity seeking a recognition divorced from the states it encompasses. For example, the Tisza EGTC operating across the Ukraine-Hungary border hopes to ease border travel and improve the environmental management of the river Tisza. It would take a different initiative – a recognition of this transborder region as a whole – to address bilingual schools, the historical legacies of the Sovietization of Ukraine, current disparities related to Europeanization, etc. This kind of recognition is precisely the theme that runs throughout this paper.

An observation should be made at this point that the borderless space within the EU has other implications for some border regions which, however, have little impact on this paper's discussion. Due to high property prices in Bratislava and the convenient proximity of the Hungarian border, there is an influx of urban Slovaks buying properties in rural villages just across the Hungarian border. They commute daily to Bratislava where they work and where their children attend schools. In places such as Rajka, approximately half of some 3,000 inhabitants are Slovaks<sup>4</sup> and there are many Slovaks living in other close-by villages. Hungarians there are benefitting from the sale of their properties which must impact positively on their local economy. There are no observable tensions between the locals and new Slovak residents, but the two communities live very separate lives—their working, social, and cultural lives are separated by class and, in most cases, by language. The convenience and disparity between the Euro and the Hungarian forint have, so far, not had a significant impact on the mostly Hungarian-speaking rural population on both sides of the border nor affected domestic policies of their respective states.

Lastly, politically the most significant form of regionality emerging in the context of European integration is “new regionalism” (Keating 2004, 374). For example, substate regions such as Scotland, Wales, Catalonia, the Basque Country, Flanders, Northern Italy's Padania and Lombardy to name but a few well-known cases of Western European substate nationalisms seeking various forms of self-determination (territorial autonomy) within their existing states ranging from federalism and devolution to—at times—full independence. Self-determination of these substate territories reflects a number of processes connected to European integration: transformation of the notion of sovereignty and, with it, the dismantling of assumptions that democracy and self-determination are

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<sup>4</sup> <https://spectator.sme.sk/c/20048672/rajka-a-model-for-peaceful-coexistence.html>, accessed 30 July 2017.

attributes inherently attached to the unitary homogenous state (Keating 2004, 369). The weakening of the state, combined with discourse of human rights also decoupled from state citizenship (European Convention for the Protection of Human Rights) and a considerable rescaling of economic and administrative functions away from the state level, leads these substate territories to develop their own nationalism challenging the state's authority over their territory.

This dynamic is not very different from the rise of nationalism in subunits of the weakening post-communist multinational states, but there are fundamental differences to transborder regions in ECE. In a markedly different development to Western Europe, Western European substate regions have been territorially consolidated for much longer and within relatively democratic structures and, therefore, historical identities are less contentious than in eastern parts of the continent. As I will argue, de-ethnicisation in Eastern Central Europe is more difficult despite the internationally induced civic constitutions of multiethnic states. Civic territorial projects, such as Catalonia or Scotland, are less likely to emerge there. If anything, more recognition of transborder regions and more self-determination for these territories, under the umbrella of European integration, may result in more civic territories.

### **Intergroup dynamics in transborder regions**

Eastern and Central Europe is characterized by the multitude of ethnocultural or linguistic groups with complex relations toward each other and the states that happen to encapsulate them at the time, whether the former empires, interwar multinational states, or communist federations. Post-communist transitions were overwhelmed by the newly asserted ethnicity and self-determination claims which became a concomitant of these transitions (Harris 2002; Beissinger 2008). What followed was a further re-positioning of borders and the establishment of new states—and inevitably a dramatic change in the political and legal status of ethnic groups. On the territory of the former Yugoslavia, the changes in the status of ethnic groups became, first, a source and, then, a result of vicious wars (Banac 2009). But new states create new minorities and together they create transborder regions. The newly formed post-Yugoslav transborder regions are actually post-conflict zones and their stability depends on reducing the nationalism of new states and minorities.

While I am seeking to shift the focus from the state-centric majority–minority relationship to a transborder region, there is no denying that this is the most symbolic of intergroup relations in ECE. A brief reminder of changes in the constitutional status of

ethnic groups demonstrates the intricacy of intergroup dynamics in transborder regions when analysed from the majority–minority perspective.

Some formerly constituent nations of multinational federations became the dominant nation in independent nation-states (the Czech Republic, Slovakia, Ukraine, the Baltic states and the former Yugoslav republics), or became more divided societies where the existing minority has become numerically larger in relation to a smaller newly independent state (Hungarians in Slovakia, Russian-speakers in the Baltic states). Some changed from a position of dominant ethnic groups within larger multinational states and even regions to dominance in a new “shrunk” state (Serbs, Russians, Czechs). Some ethnic groups became divided by new states (Serbs, Croats) and became minorities or formed entities seeking different levels of autonomy within new states (Serbs and Croats in Bosnia), and some, such as Kosovars, achieved independent statehood though with limited international recognition.

The establishment of new multi-ethnic states conceived as nation-states left millions of people to contend with reconciling their sense of belonging to the state of residence and legal citizenship and to the state of their ethnicity (Brubaker 1996, 56). In an effort to explain the post-socialist exacerbation of nationalism, including the rise of irredentist politics (effort to unite ethnic kin who due to repositioned borders has been “lost” across the border), Brubaker (1996) proposes a triadic relationship between national minorities, nationalising states and external “homelands.” His starting point for the development of the “triadic nexus” paradigm is that the collapse of multi-ethnic federations (Soviet Union, Yugoslavia, and Czechoslovakia) far from solving the regional national question merely “reframed” it (1996, 4).

In Brubaker’s “reframed” scenario, the newly reconfigured nation-states and their elites promote the core self-determining national group in whose name and on behalf of which the state came into existence. The promotion of language, culture, demographic position, and political hegemony of the state-bearing ethnocultural group alienates minorities. Their resistance and growing nationalism galvanises their “external” homeland into protecting their co-ethnics in the new states, so that there are three different mutually interacting nationalisms (to varied degrees of intensity) around the borders of nearly all new states.

The external homeland is not necessarily the actual homeland; homeland, similarly to all identity-related concepts, is subject to construction by political action (Brubaker 1996, 58). In the case of “external” homeland (kin-state), the nation-building elites perceive “the nation” to have been divided by state boundaries and, hence, territories where co-ethnics live and conditions in which they live as their legitimate concern (Shelef

2016, 35). An example is Hungary's constitutional declaration as a kin-state bearing the "responsibility for the fate of Hungarians living beyond its borders," as per Article D in the 2011 Fundamental Law of Hungary (Harris 2012, 348). A more ominous example of a kin-state pursuing the reversal from its somewhat diminished status to its previous condition of regional dominance comes from Putin's speech at the NATO summit in 2008 (six years prior to the Russia-Ukraine conflict) where he said that seventeen million Russians living in Ukraine gives Russia a legitimate interest there (Kuzio 2015, 3).

Brubaker's "triadic nexus," has been criticised for presenting a static view of interethnic relations and ignoring the changing institutional and constitutional landscape within the EU (Harris 2009, 115; Kuzio 2001; Smith 2002). Nevertheless, I am referring to it because by extending interethnic dynamics to beyond states rather than confining these to within a state, it portrays a transborder region that is relevant to my argument. If we accept that ethnicity lives, is constructed, and politicized across the boundaries, then we ought to accept that life and politics of ethnic groups cannot be analysed in isolation from dynamics within a whole region where they constitute an analytically relevant socio-political category.

Opinions on the ever-rising importance of ethnic-kin in the politics of regions vary. The Hungarian-Slovak relationship in the early 1990s was well exemplified by the triadic paradigm. Slovakia's nationalizing efforts and the construction of a new national identity included new language laws and anti-Hungarian rhetoric which accused them of lack of loyalty to their new state of residence. In turn, the representatives of the Hungarian minority were presenting Slovakia as a threatening state to increase the credibility of their rising political demands. Hungary, if not explicitly stoking political tension, was certainly encouraging it (Harris 2007, 53). This is no longer the case. Both Slovakia and Hungary are member states of the EU and Hungarian ethnic parties have been part of various governing coalitions in Slovakia since 1998. A similar situation can be observed in Romania, also a member state.

More dramatically, there is little doubt that the tragedy of the Bosnian war which pitted Serbs, Croats, and Bosnian Muslims against each other was exacerbated by the efforts to expand ethnic homelands by including ethnic kin living in the territory of today's Bosnia. This dynamic no longer applies to the relationship between Croats and Bosniaks sharing the Federation of Bosnia and Herzegovina within Bosnia. However, the Serbian minority in Bosnia's substate Republika Srpska continues to threaten to hold a referendum for independence which would destabilize the already weak Bosnian state and a whole Serbia-Bosnia-Croatia transborder region. These examples show that international constraints matter in de-ethnicisation of regional politics (Seideman and Eyres 2008, 237), if with limitations.

The negative impact of politicized ethnicity on the stability of regions is greater where states look to remedy territorial loss by targeting ethnic territories in the neighbouring states as was the case in the Bosnian conflict. Where this dynamic takes place in transborder regions between states with divergent paths of political development, as is the case of Russia and Ukraine, the propensity for open conflict is even greater. While citizenship tends to correlate to the membership of the political community of the state, the reality of ECE is that boundaries of nations and states are very blurred. This is reflected in the ever-expanding numbers of people with dual citizenship. In terms of the recognition of transborder regions which I am advocating, dual citizenship is a step toward eliminating ethnicity as an obstacle to the construction of politically stable regions.

Returning to the Hungarian–Slovak relationship, I want to illustrate a further important dynamic relevant to transborder regions which is connected to historical memory. Currently, the Hungarian minority is represented in the Slovak government by the liberal Most/Híd (Bridge) party which split from the old and well-established ethnic SMK (Party of the Hungarian Coalition) with a deeper connection to the Hungarian state than its reinvented “bridge” party. This relatively new party (2009) is, however, struggling. The attempt to promote civic values and attract Slovak voters and members of other minorities does not play well with ethnic Hungarians whose electoral support is fading (SMK 11.7% in 2006, Most 8.1% in 2010, down to 6.89% in 2012, currently assumed to be 6.4%).<sup>5</sup> It appears that ethnic Hungarians in Slovakia are not comfortable with having their representation diluted by the concerns of other groups.

This may be partially a result of the lack of trust between these two communities, one based on an historical story of competing fortunes and losses rather than on the present day situation: the oppression of Slovaks during the Austro-Hungarian empire and the Hungarian annexation of parts of the Slovak territory during the Second World War which was then followed by remedial legislation by the post-war Czechoslovakia (Beneš Decrees). This legislation declared Hungarians (and Germans) “collectively guilty” and justified the confiscation of Hungarian property in Slovakia. To this day, this legislation has not been revoked and there is no restitution for confiscated Hungarian properties, unlike for Slovak properties confiscated by the communist regime or Jewish properties confiscated by the war-time Slovak state.

Historical memory tends to inform the present, despite differences in new political and institutional settings (Harris 2012, 351). It is particularly challenging in post-conflict

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<sup>5</sup> Interview with MPs Sárközy Irén and Edita Phundtnerová, Bratislava, 11 April 2017.

transborder regions, where mistrust among ethnic groups directly affects regional stability (Dembinska 2010). As national narratives are produced and propagated by nation-states, substantial research has been done into memories and their harmful impact on the intergroup relations within states (Bell in Bell 2006; Kolstø 2005; Lieberman 2006; Oberschall 2010).

In transborder regions where histories of ethnic groups are intertwined, there are no historical memories of any one group that do not affect other regional groups. Regional narratives would be required, particularly in post-conflict regions, to minimize ethnic tensions, but research into how regional narratives are presented, let alone guidelines on how they should be presented and by what agency is a long way away.

### **Transborder regions and self-determination**

The stability of regions is paramount to European integration, but it is far from clear which normative principles should guide practical policies in transborder regions as they are defined here. This brings me to the questions I proposed earlier: What kind of identity exists in transborder regions and what form of self-determination would be fitting for those regions?

The evidence shows that the change of institutions through European integration, the scrutiny of minority policies, and the EU level of arbitration—removed from the “immediacy of regional squabbles”—may have had a positive effect on interethnic relations (Harris 2009, 16; Agarín and Cordell 2016), but fundamentally, little has changed. The EU has “softened” state borders that cut across ethnic territories, it brought multiple residency and citizenship rights to some, and reduced the importance of the state, but it has not dampened the nationalism of some states or substantially reduced the relevance of ethnicity in the political life of whole regions.

The European minority rights protection regime enshrined in the Council of Europe’s Framework Convention for the Protection of National Minorities, has been implemented and remains one of the criteria for membership. Although this has come some way to dealing with ethnic diversity, the extent to which remains somewhat less optimistic. The reason is that the EU has a paradoxical approach to minorities: “minority protection being at the same time both a fundamental value of the Union and the area perceived as not lying within the scope of its competencies” (Constantin 2017: 161).

Nevertheless, being a member of the EU erodes the nation-state’s homogenising tendencies and reduces fears of security threats and instances of irredentism through

granting greater autonomy to ethnic groups (Keating and McGarry 2001; Nagle 2013). Although all of this improves intergroup relations within states, it does not adequately address intergroup relations across transborder regions which should be the next step toward mitigating ethnic frictions and disparities among regional groups toward stable transborder regions.

These regions are emblematic for studies of the relationship between identity, territory, and the state. They encompass the challenges of identity formation and its perpetuating relevance despite shifting borders, (in)sensitivity of national narratives, and the difficulty of reconciling ethnic, political, and territorial identities. The majority of interethnic relationships within transborder regions in one way or another pivot around one theme: identity. In ECE, the nation is preferably in possession of its own state, its citizenship is civic, it conforms to international agreements and expectations, but through varied and complex kin-state legislation, the state remains a protector of the ethnic nation. In transborder regions, identity construction is somewhat more complicated.

For the majority of groups living in those regions, home territory has different meanings. Is it a geographic location (for Hungarians in Slovakia or in western Ukraine, or Vojvodina in Serbia)? Is it the ethnic homeland (Hungary, Ukraine, Serbia, etc.)? Or is it actually a “host” state (Latvia for Russian speakers, Bosnia for ethnic Croats, Slovakia for Hungarians)? Nearly all groups within those regions experience the state differently at different times, depending on changes of the boundaries around them. They may be subject to minority legislation when in many cases they were only recently a majority, they may be ignored by kin-states or pulled towards them. The response to these contradicting pressures is usually a kind of pragmatic regional hybrid identity.

Transborder regions are an exemplification of the fluidity of borders and their existence undermines the assumptions of a nation-state’s authority over its territory and a people’s identity. Regional groups are defined by a homeland territory but are not bound by it. Members of these groups reside within one or even several states, but their cultural affiliation may rest elsewhere. Their identity being partially disconnected from both the state of residence and ethnic homeland, they seek self-determination based on the recognition of this identity rather than political claims to a territorial self-rule.

The hybridity of this transborder identity is indeed well exemplified by dual citizenship, but the allocation of citizenship is the subject of policies of the state. The new Hungarian dual citizenship applicable since 2011 (Papp 2017) could be an answer in a transborder region between Hungary and several other states, but it institutionalises ethnicity (ethnizenship) and can be seen as promoted by Hungary seeking “compensation” for the “loss” of territories and a part of the post-2010 increasingly less liberal

political regime. Ethnic Hungarians in Slovakia, on the other hand, can only receive Hungarian citizenship if they renounce their Slovak citizenship. It means that while both countries enjoy “friendly and good neighbourly relations” (Bolzano recommendations) and collaborate on issues of mutual interests within the EU, EGTC, and other intergovernmental organisations, they are not obliged to refrain from policies aiming at the preservation of their own political prerogatives and protect people’s interests inhabiting a region which exists across their boundaries.

What does self-determination mean in such regions where nearly every border has changed in the last 25 years and every group had to adapt to a different constitutional status? In the first place, it is the recognition that within a transborder region the constitutional arrangements need to be looked at regionally, not piecemeal, state by state, ethnic group by ethnic group. In the second place, it means that policies affecting ethnic groups living in different states should be coordinated in such a way that all enjoy a similar access to cultural, political, and economic rewards irrespective of the state they reside in.

It is futile not to acknowledge the difficulties in making a case for self-determination of transborder regions. A step in the right direction would be to probe further into the minority—majority terminology which is associated with the nation-state, but makes little sense in transborder regions. Ethnic groups within those regions are victims of political and historical schisms; they have been both majorities and minorities at different times within different state formations. The state-centricism of the majority—minority discourse perpetuates ethnicisation of politics and is not helpful in meeting contemporary challenges of divergent levels of integration and citizenship rights within those regions. This entails a more formal recognition of these regions by relevant states and the EU. Further down the line, a concerted effort to minimise disparities among regional groups may alleviate ethnic frictions and instability in post-conflict regions. This is probably the best way toward the self-determination of these regions.

## **Conclusion**

I have sought to draw academic attention to transborder regions which have emerged from the post-communist reconfiguration of geopolitical space in ECE. My aim was threefold: i) to give these regions a measure of conceptual autonomy away from the territoriality and dominance of the nation-state; ii) to examine intergroup dynamics, and iii) to reflect on identity formation and the meaning of self-determination for these territories. My last task in this conclusion is to suggest EU-related policies toward the self-determination of these regions.

The first point to stress is that in spite of empirical and theoretical interest in the role of regions, it is clear that despite all the hype, the Europe of the Regions did not materialize (Elias 2008). While there are incentives and opportunities for regional actors to develop, the EU remains an intergovernmental organisation in which the nation-state continues to be the level for the negotiations and management of intergroup relations. There is a tension between the EU and the rising nationalism of some of its member states. The “return” of the nation-state and its nationalism should not be confused with a newly acquired relevance, but with a nationalist backlash against its decline.

Neither the nation-state nor the EU are currently providing an alternative to the increasing pressures from regions above and below the state. This dynamic may even result in more aggressive substate nationalisms responding to the restrictions by their states or more withdrawal into ethnic identities across transborder regions. On the other hand, it may spur the EU into taking regions more seriously and providing clearer guidelines on self-determination of regions in the form of either the EU constitution or any other amendment to the existing treaties. There are no real legal obstacles to self-determination of regions; while the EU legal order does not explicitly allow for self-determination, it does not prohibit it either. The fundamental issue is therefore political, not legal.

Taking transborder regions seriously, particularly the post-conflict territories, requires the EU, in the first place, to shift the focus from states to regional groups and recognize them independently from their relationship to states. It means reconsidering all issues connected to citizenship, all kin-state legislation, visa regimes and access to labour markets for groups outside the EU, language laws, and multilingual education, etc. with sensitivity and in view of regional dynamics.

That can be achieved only if there is an EU-wide understanding of self-determination as a concept not akin to the classical national self-determination doctrine which relates to an outdated nation-state, but as a negotiable and democratic concept which can be realised in different forms (autonomy, shared sovereignty, federalism, etc.). Then it can be attributed to different territories in which socio-political life happens already and which are emerging either as functional political and economic units at a substate level or as territories corresponding to people’s experiences, identity, and interests across several states. Such a reformulation of self-determination for peoples of Europe would make regions more equal and effective partners in European integration.

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# Euborders

SOVEREIGNTY & SELF-DETERMINATION



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