



BORDERS IN GLOBALIZATION REVIEW

Volume 4, Issue 2
Spring & Summer 2023

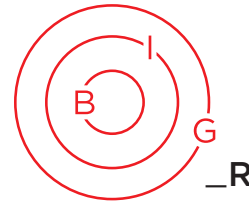
Academic and artistic
explorations of borders
in the 21st century

Cover: Mapping the Wound:
Feminine Gestures of Empathy
& Healing, by Ariane Littman
(photo by Rina Castelnuevo)



BORDERS IN GLOBALIZATION REVIEW

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Borders in Globalization Review (*BIG_Review*) provides an open-access forum for academic and creative explorations of borders in the 21st century. Our interest is advancing high-quality original works in the social sciences, humanities, and fine arts, exploring various aspects of borders in an increasingly globalized world. The journal is committed to double-blind peer review, public access, policy relevance, and cultural significance. This is made possible by a dedicated team, funding grants, and modest publication fees for academic research articles. See [About the Journal](#) and [For Contributors](#) (reproduced at the back of the issue). We welcome submissions from all disciplines and backgrounds, including artistic submissions.

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The editors wish to acknowledge with respect the lək'wəŋən peoples on whose traditional territories the university stands and the Songhees, Esquimalt and WSÁNEĆ peoples whose historical relationships with the land continue to this day. The BIG team is grateful to be able to work and live on this beautiful land.

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ROLLING CALL FOR SUBMISSIONS



BIG Review is a bi-annual, multidisciplinary, open-access, and peer-reviewed journal, providing a forum for academic, policy, and artistic explorations of borders in the 21st century. We publish **scholarly work** (academic articles, review essays, research notes, film reviews, and book reviews), **policy work** (brief and reports), and **artistic work** (photography, painting, poetry, short stories, fiction reviews, and more). The journal is committed to quality research, public access, policy relevance, and cultural significance. We welcome submissions from all disciplines and backgrounds.

Scholarly submissions should engage with the research literature on borders, including, for example, bordering processes, borderlands, and borderscapes. We encourage studies that go beyond the 'land image' by exploring borders as non-contiguous, aterritorial, mobile, electronic, biometric, functional, etc. We are especially interested in explorations of borders and global challenges such as pandemics, climate change, migration, and economic shocks. We also seek border studies that break new ground by integrating Indigenous perspectives, knowledges, and practices. We encourage innovative theoretical work as well as empirical and quantitative research. Articles should be between 7,000 and 10,000 words in length. Book and film reviews should be between 500 and 1,000 words, and essays between 1,000 and 4,000 words. Academic submissions must be previously unpublished and not simultaneously under other publishers' consideration.

Artistic submissions should pertain to borders, whether political, social, cultural, personal, or metaphoric. Borders capture the popular imagination and inspire creative works, which in turn influence the forces shaping borders. We promote portfolios and individual works of photography, painting, poetry, short fiction, video, commentary, and other forms. Under Creative Commons licensing, artists retain copyright of their work and benefit from increased exposure at no cost to them.

Policy submissions should translate research and scholarship into clear, accessible language, avoiding jargon and theory. Policy briefs (2,000 words) and policy reports (4,000 words) should inspire and enable non-experts to incorporate the findings into their policy frameworks pertaining to the governance of borders.

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Submissions are not guaranteed approval. *BIG Review* reserves the right to reject submissions on any grounds.

The call for submissions is rolling. The sooner you submit, the more likely your work could be published in the next issue.

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Letter of Introduction

Dear Readers,

The long-awaited and much anticipated new issue of *Borders in Globalization Review* is here! This outstanding collection of scholarship and artwork enriches border studies and cultural reflections on (and against) borders, and it is available for free, in open access CC-BY-NC (except where stipulated).

Leading the issue, guest-editor Birte Wassenberg, historian and Europeanist, presents a **Special Section** with five research articles advanced from a doctoral seminar on Europe's changing borders called *Frontières en mouvement*, or *Frontiers in Motion*. The papers (by scholars Claude Beaupré, Yaël Gagnepain, Nicolas Caput, Tobias Heyduk, and Morgane Chovet) illuminate diverse aspects of borders, cross-border governance, and the pursuit of continental integration. Together, the section works toward a more realistic assessment of European borders, demystifying euphemisms of 'Europe without borders' and moving beyond reductive binaries of open/closed or good/bad.

In the **Chief Editor's Choice Portfolio**, readers experience the unsettling visual creations of Israeli artist Ariane Littman. Mapping the Wound: Feminine Gestures of Empathy and Healing (featured on the cover) curates years of performative art and multimedia sculpture in which Littman applies bandages and gauze to Israeli maps, landmarks, and citizens, treating subject and object alike as wounded and torn. The work is powerful and timely, as Israeli citizens have been protesting *en masse* since early 2023 the authoritarian overreach of the Netanyahu government; in this context, the Palestinian question is jarring, even when muted or unheard.

Following the special section and cover portfolio, readers are treated to an eclectic series of academic, artistic, and policy treatments of borders today. Our **Poetry** section features poems by Sotirios Pastakas and Dvora Levin with exquisite verses on the morbidity of borders. Our **Art & Borders** section brings you a special mixed-media collection called *Embarked Lives*, featuring Chilean artist Enrique Ramírez's oceanic portrayals of cross-border migration. Readers are also treated to a **Review Essay** by a scholar of borders and film, Michael Dear, who constructs a history of the genre of US-Mexico-border cinema. And Malvika Sharma, student of border studies and native of the borderlands of Jammu and Kashmir, shares lived experiences of a homeland divided through the art form of **Short Story**, in a dreamy fiction inspired by real yearning and hope. Changing

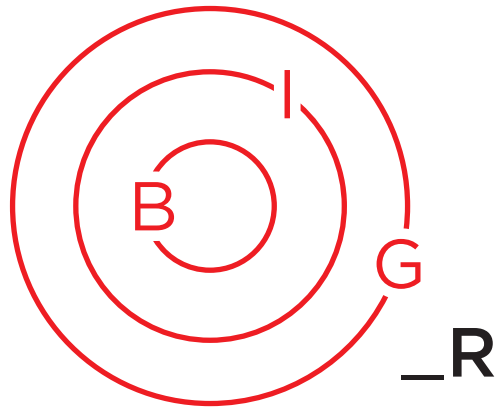
tempo, our **Policy** section presents two detailed reports on quite different technologies of cross-border governance, with Veasna Yong focusing on the behavioral technique of 'nudging' and Mary Isabel Delgado Caceres wading into the potentials of digital blockchain. This issue also features a **Research Note** in the form of an alternative map of the Canada-US border region, showing not the international boundary line but rather different kinds of Indigenous communities that straddle and thereby call it into question (even as the authors, Guntram H. Herb, Vincent Falardeau, and Kathryn Talano, are sensitive to their own adoption of settler knowledges and to themselves not being Indigenous). Readers will then enjoy two excellent **Film Reviews** of contemporary cinema showcasing the plights of refugees seeking access to European society, by borders scholars Şeyma Saylak and Natasha Sofia Martinez. Finally, the new issue closes with two **Book Reviews**: I summarize the contribution of Maurice Stierl's important book *Migrant Resistance*, and Molly-Ann P. Taylor shines a light on Michel Hogue's landmark *Métis and the Medicine Line*.

As always, *BIG_Review* is grateful to its editors for all their great work, and in this issue we want to expressly thank all Board Members and other colleagues who have undertaken the labor of reviewing article submissions for both issues of Volume 4. Those reviewers are: **Anne Laure Amilhat Szary, Anasua Basu Ray Chaudhury, Pierre Alexandre Beylier, Alan Bersin, Malgorzata Bienkowska, Anna Casaglia, Cristina Del Baggio, Edwin Hodge, Lacin Idil Ortiz, Martin Guillermo Martinez, Virginie Mamadouh, Abdoulaye NGOM, David Newman, Mirza Zulfiqur Rahman, Ben Rohrbaugh, Machteld Venken, Shoukia van Beek, Birte Wassenberg, and Jules Soupault** (any omissions are the unintended fault of the Editors).

BIG is also grateful to be at the University of Victoria, located on the unceded Indigenous lands of the Lekwungen, WSÁNEĆ, and Esquimalt peoples. We are also grateful for the hosting and support provided by the Centre for Global Studies and by University Libraries. And thanks are also due to the whole BIG team who helped make this issue possible. Please enjoy, share, and stay in touch through our [webpage](#) and [social media](#).

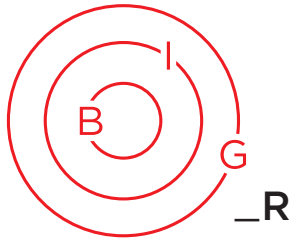
Sincerely,

Michael J. Carpenter, Managing Editor



ARTICLES

BIG_Review articles are long-form explorations of borders in a globalized world, presenting original research from diverse disciplinary backgrounds. All articles undergo at least two double-blind peer reviews, drawing on the expertise of our Editorial Board and a wider network of borders scholars, subject to the discretion of the Chief Editor. Like all *BIG_Review* publications, articles are available for free in open-access Creative Commons licensing.



SPECIAL
SECTION

Borders in Globalization Review
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INTRODUCTION

Frontiers in Motion (Frontem): Comparative Perspectives on European Borders, Cross-Border Cooperation, and Integration

Birte Wassenberg *

This special section, edited by the author, presents five articles developed from the Frontiers in Motion (Frontem) doctoral seminar held in Strasbourg, France, in October 2021, on “Borders in Motion: Borders, Cross-Border Cooperation and European Integration”. The event was organized within the framework of the Jean Monnet Network, “Frontières en mouvement: quels modèles pour l’Union Européenne (Frontem)?” (“Frontiers in Motion: what models for the EU?”)¹ which aimed at fostering knowledge and practice exchanges on cross-border management models and various perceptions of borders across European (and North American) border regions. The diverse contributions illustrate the complexity of borders in Europe and that there has never been an abolition of all types and functions of borders in the European Union (EU). It therefore offers a critical reading of the “Europe without borders” model of the EU (Cooper 1989; Brunet-Jailly & Wassenberg 2020).

In 2023, “draw me a border, please” recalls the sad yet wishful and poetic “draw me a sheep” request in *Le petit Prince* of Antoine de Saint Exupéry. Indeed, in 2019, Ursula von der Leyen, president of the European Commission, announced a new programme of which top priorities are the construction of “solid borders” for the European Union (EU) (Von der Leyen 2019, 18). Such policy, however, stands in stark contrast with the well-intended but paradoxical “Europe without borders” discourse that has long dominated the European Commission and historiography of European integration (Wassenberg 2020a, 30).

There is indeed a paradox between open and closed borders in the Union, between de-bordering and re-bordering, which has so far received little attention in European Studies. Since 2015, the various crises in Europe—terrorism, migration, pandemic—have severely shaken the image of “Europe without borders”. The return of more or less systematic border controls at the internal and external borders of the EU has led to a prevailing logic of re-bordering, which not only endangers the principle of free movement of the internal market but also leads to protectionist reactions, new nationalist movements, and the rise of Euroscepticism

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(Brunet-Jailly 2018; Conrad *et al.* 2019; Castan Pinos & Radil 2020; Hallgrimsdottir *et al.* 2020; Roos 2021; Lamour 2022). What happened to the ideal of “Europe without borders” that so many committed Europeans have fervently defended?

The process of European integration has indeed long been based on the objective of establishing a borderless Europe, whereby free movement becomes a fundamental principle. This objective has been pursued since the founding of the European Coal and Steel Community (ECSC) in 1952. It was closely linked to Jean Monnet’s functionalist approach to European integration. Indeed, the Schuman Declaration of May 9, 1950, called for “the import and export of coal and steel between the participating countries to be immediately exempted from all customs duties” (Schuman Declaration 1950). It did not explicitly mention “Europe without borders” but explained that eliminating economic borders in the coal and steel market was the first step towards a European federation: “By merging the basic industries and establishing a new High Authority whose decisions will be binding for France, Germany and the other participating countries, this proposal will form the first cornerstone of a European federation” (*ibid.*). The Treaty of Rome, signed on the 25th of March, 1957, confirmed this approach by aspiring to the general elimination of border controls, that is, “the abolition, as between Member States, of obstacles to freedom of movement for persons, services and capital” (Article 3[c]). This larger objective of de-bordering Europe was partially consolidated in 1962, when the European Economic Community (EEC) established the customs union and all internal border duties were abolished. However, it was first restricted to the elimination of borders, as barriers, to the free movement of goods (Wassenberg 2019, 44).

It was not until the mid-1980s that the objective of a “Europe without borders” formally encompassed the free mobility of people, services, and capital (Warlouzet 2019, 258–259). This project was launched in 1985 by the new president of the European Commission, Jacques Delors, and for the first time put an emphasis on the elimination of border gates and crossings to facilitate the mobility of people. Nevertheless, the interest in human mobility was economic, since it essentially aimed at the movement of workers, i.e., people as resources of production in the EEC (Thielemann & Armstrong 2012, 160). The Schengen Agreement in 1985 added a political dimension by emphasizing the movement of people. At first in 1984, it was an initiative taken by a small number of Member States (France, Germany, and the three Benelux countries) in response to a series of strikes by Italian and French border control officers, who had complained about the ever-increasing workload at the border, and following a lorry drivers’ strike. On June 14, 1985, with the intention of facilitating the free movement of goods, the leaders of those five member states sailed on the Princess Marie-Astrid boat on the Moselle River near the small town of Schengen where

they signed the Schengen Agreement. It provided for the progressive abolition of border controls at the common borders of the signatory countries (Blanco Sío-López 2015, 49–50). Originally designed to facilitate the implementation of the European Single Market, the Schengen Agreement became part of the overall mobility policy (Wassenberg 2019, 64–65). Schengen also harmonized visa requirements, giving residents of border regions the freedom “to cross borders outside designated checkpoints”, and replaced passport controls with “visual surveillance of vehicles traveling at a moderate speed”, thus allowing vehicles to “cross the border without stopping” (Infantino 2019, Introduction).

The agreement led to the 1990 adoption of the Schengen Convention, which provided for the abolition of internal border controls and a common visa policy. For the internal borders, the Schengen Information System (SIS) was set up to allow for the exchange of data and information on criminal activities and for coordinating investigation of cross-border crimes (Bever 1993, 83). The Convention did not enter into force until March 25, 1995, but by then it had also been signed by Italy, Spain, Portugal, and Greece. Also, by April 1995, Austria, Finland, and Sweden followed. It was therefore not surprising to see that, although initially developed outside the EEC legal framework, it was quickly integrated into the EU’s Amsterdam Treaty in 1997, becoming the so-called Schengen *Acquis*, or collections of laws and regulations (Official Journal of the European Communities 2000). Those *Acquis* were now applied to all Member States and were also open to neighbouring EU states. The Schengen rules were enshrined in the Schengen Borders Code in 2006, which guaranteed a uniform application of the principle of free movement of persons, i.e., the disappearance of identity checks in the Schengen area (EC Regulation 2006). In 2007, the Lisbon Treaty confirmed the institutional framework of the Schengen area and by 2015, 26 countries had successively acceded to the Schengen Agreement, four of which were non-EU members (Iceland, Liechtenstein, Norway, and Switzerland) and only two EU Member States, the UK and Ireland, were allowed to opt out. “Europe without borders” thus seemed to have become a reality, both economically and politically, even extending beyond the borders of the Union to some neighbouring countries.

Taking these achievements into account, how is it possible in 2019 that the European Commission called for the construction of “solid borders”? In fact, the notion of a “Europe without borders” stems from a misinterpretation and mystification of the objectives of European integration. The European Commission increasingly linked the model of a “Europe without borders” to the ideal of a European Federation (Wassenberg 2022, 422). When presenting his White Paper on the implementation of the Single Market (European Commission 1985), Delors focused on

eliminating “all internal European economic frontiers”. However, Delors was also a convinced federalist, and his main goal was not the Single Market *per se* but two broader projects, the monetary union and the political union. These projects were negotiated at the Intergovernmental Conference in 1991 and 1992 leading to the signature of the Maastricht Treaty. The myth of a “Europe without borders” was born by suggesting that the implementation of the internal market by 1992, which coincided with creation of the European Union (EU), would also accomplish the European Federation.

In reality, however, the Maastricht Treaty provided an institutional framework with three pillars of policy areas for the Union, two of which remained intergovernmental: the foreign and security policy, and, the justice and home affairs one. Only the first pillar of the EEC allowed for a “federalist” integration in the area of the monetary policy, where the elimination of economic borders would lead to the creation of a monetary union (Bussi re & Maes 2019, 251–252). Therefore, it had never been intended to abolish political (state) borders and the EU always remained an organization *sui generis* and has not become a European federation.

The myth therefore did not correspond to the reality, which remained a space for free movements with the elimination of mainly economic borders. This also counted for the Schengen Convention, which envisaged the abolition of border controls on persons, but did not eliminate political borders as such. Indeed, the absence of internal border controls was compensated by deploying increased controls at the external borders to regulate access outside the Schengen area (Ullestad 2018, 239). Besides, there was also the possibility for “mobile” customs controls that would not necessarily be carried out at the border itself, thus creating the notion of “mobile” borders, which can be displaced within Union Member States in order to continue, if deemed necessary, identity and customs checks (Amilhat-Szary 2015, 4–6). Thus, the myth of a “Europe without borders” was based on a pro-European discourse by the Union’s institutions regarding European integration, which did not take into account the complexity of borders and their different functions. It implicitly extended the objective of a ‘Europe without economic borders’ to an ideal vision of a ‘Europe without (all) borders’. This discourse led to two mistaken impressions about the Union among the European population: first, that all borders within the EU have negative functions and connotations, and, second, that they should be or have already been all abolished.

From 2015 onwards, the various crises in Europe led to the end of this myth, and a movement of re-bordering within the Union was documented (Wassenberg 2022, 425). The economic and financial crisis of 2008 had already resulted in protectionist measures by some EU Member States in order to soften the effects of the crisis and to protect national economies. This was

particularly noticeable in Germany, which was widely criticized for its lack of solidarity with the southern countries that were hit harder by the crisis: Greece, Spain, and France (Dujardin *et al.* 2010, Introduction). However, above all the migration crisis of 2015 and the COVID-19 pandemic of 2020 shattered the myth of “Europe without borders”, as they have led to more or less permanent border closures and controls across the Union.

When the migration crisis hit in 2015, it disrupted the principle of free movement in Europe as it led to a process of re-bordering in the Schengen area. It was German Chancellor Angela Merkel’s exclamation “*Wir schaffen das* (we can manage this)” in August 2015, which encouraged a massive influx of refugees into the EU (Schmelter 2018, 167–168). There was a domino effect after the Hungarian government decided to open its borders to neighbouring European countries, which initially led to a de-bordering process within the Schengen area. Refugees travelled to Germany via Austria, or continued their way to Sweden, where they were also welcome (Wassenberg 2020a, 32). However, the internal de-bordering quickly led to a re-bordering process in member states that were less welcoming than Germany or Sweden (Wassenberg 2023, chapter 4). For example, even if France, Denmark, Belgium, and the Netherlands were not priority-destination-countries for refugees, from the end of 2015, they began to advocate for the establishment of internal border controls (Colombeau 2017, 486). By the spring of 2016, even Germany and Sweden had revised their initial open border policy because they were overwhelmed by the uncontrolled flow of arriving refugees (Lovee 2017, 130). The media reacted uniformly to the migration crisis by announcing the end of “Europe without borders” and accused the EU of having failed its main goal of European integration (Tatjani 2018).

The COVID-19 pandemic then reinforced the trend towards re-bordering in the Schengen area. In the spring of 2020, because of the risk of the spread of the virus, most EU Member States reacted by not only introducing border controls but by systematically closing borders to people (Brunet-Jailly & Carpenter 2020). This was done everywhere without prior mutual agreement (European Parliament 2020; European Court of Auditors 2022), thus repudiating “Europe without borders”. The Member States based their re-bordering measures on several articles of the Schengen Code, in particular, Article 23, which allowed checks on the national territory and provided rights to expel individuals if the State’s sanitary security was in danger, and, Article 28, which gave States the authority, with immediate effect, to carry out border controls for a renewable period of 20 days (Wassenberg 2021, 173). The COVID-19 crisis has therefore led to the use of the border as a means of protecting oneself from the neighbour on the other side and thereby ended the myth of “Europe without borders”.

Those recent border closures and controls have been a traumatic experience in the EU where unrestricted mobility had determined everyday life of the citizens for nearly two generations (MOT 2021, 8–9). Suddenly people in borderlands found themselves in a new “Europe of borders” rather than in a “Europe without borders” (Wassenberg 2020b, 116). The symbolic value of the closed borders in the form of barriers and turnpikes was the most devastating consequence of the COVID-19 pandemic. It left the impression that the EU was being transformed into a space of disintegration rather than integration.

The Jean Monnet Network “*Frontières en mouvement: quels modèles pour l’UE (Frontem)?*” aims to exchange knowledge and practices on cross-border management models and the perception of borders in European border regions. It links two disciplinary fields that have until now been little connected: Border Studies and European Studies. The key question addressed by the network is how to assess the role of the border in the process of European integration when faced with processes of re-bordering and the re-questioning of the model of a “Europe without borders” (Wassenberg 2020a, 30–39). The objective of the Frontem network is therefore to offer a critical reading of “Europe without borders”. It starts from the observation that the EU has developed a unilateral approach to borders, which essentially retains their economic dimension as a barrier, without sufficiently taking into account other aspects, symbolic and political, in particular. The hypothesis put forward is that political borders have never disappeared and that there is an ambivalence of borders in the EU both as places of contact and exchange and means of protection and delimitation. Thanks to the comparative approach to the management and perception of borders in European cross-border regions, the network wishes to develop a more differential and multidimensional approach to the border. It therefore takes a new look at the role of the border in European integration, considering that there is not a single model of the perception and management of borders in the EU, but that they depend on the specific context of each border area concerned.

The partners of Frontem—the University of Southern Denmark in Sonderborg, the Euro-Institute in Kehl, the Hochschule Kehl, the Babes-Bolyai Cluj University, the Centre for Cross-Border Studies in Armagh in Northern Ireland, the Catholic University of Louvain, the University of Arras, the *Mission opérationnelle transfrontalière* (MOT) in Paris, the Central European Service for Cross-border Initiatives (CESCI) in Budapest—carried out a cross-analysis of border management and perception in their border areas by organizing research seminars and focus groups with local stakeholders. The University of Victoria, in Canada, provided an important contrast to both internal and external assessments of European Border functions, practices, and realities. Frontem training goals were also to bring senior

scholars and young researchers/doctoral students to this research project. This special section illustrates a diversity of border regions that brings much needed nuances to the idea of a “Europe without borders”.

Claude Beaupré, in her article “Integrative Organized Hypocrisy? Normative Contentions within the EU and the Refugee Migrant Crisis”, deals with the re-bordering process in the EU during the migration crisis in 2015. She not only criticises the lack of a unified support for border controls by the EU, but also its externalization policy which avoids obligations towards asylum seekers by not only limiting access to its territory but by shifting the EU border to external, third countries. She also reveals re-bordering in terms of rising mental borders against refugees as the vast majority of Europeans, who have no concrete experience with migrants, are exposed to media reports that distort the reality by amplifying the crisis and demonizing refugees.

Two case studies on the Franco-Belgian border then illustrate the specificity of border perception and management in the border regions concerned. Yaël Gagnepain identifies the asymmetries of border management during the interwar period from 1919 to 1939. His article “Towards Norms and Sanctions: Interwar Franco-Belgian Border Conflict over the Insalubrity of French Factories” reveals that it took more than a century of insalubrity in the cross-border Espierre valley, situated between the cities of Roubaix and Tourcoing, for France and Belgium to agree on sanitary norms and sanctions to be imposed on French manufacturers. The historical approach points to the difficulties of Franco-Belgian cross-border relations in a context of great tensions in Europe, where national re-bordering was the prevalent tendency and cross-border cooperation the exception.

Taking up a more contemporary perspective, Nicolas Caput, in his article on “Cross-Border Regional Languages: Picard and West Flemish at the Franco-Belgian Border”, shows the complexity and ambivalent role of linguistic borders in the Franco-Belgium borderlands. By investigating the role of regional language activism in the Hauts-de-France region in northern France, he first underlines that the two regional languages, Picard and West Flemish, are both cross-border, with some of the speakers being historically present in Belgium. But he then comes to the conclusion that the national border can both be perceived as a resource and as an obstacle to the development or maintenance of the cross-border regional languages.

Tobias Heyduk’s approach to border perception and management is different. Taking the example of the Upper Rhine Region between France, Germany, and Switzerland, and the borderland between Ireland and Northern Ireland, he reveals the potential for innovation of border regimes in Europe. His article, “Comparing Public Sector Innovation in Cross-Border Cooperation:

A Set-Theoretic Approach", analyses innovation by empirically applying the concept of public sector innovation on cross-border cooperation in border regions. However, his proposed typology of innovation applied to 24 cases in the two border regions also illustrates the complexity and multiplicity of cross-border management regimes. From managers of the status quo, relational and organizational innovators, to public sector innovators, there are multiple possibilities for agents and agencies of cross-border cooperation.

Finally, Morgane Chovet takes a European perspective by evaluating the EU's regional policy and its effects on borders and border regions. Her article, "'Europe of the Regions': From Slogan to Effects on European Union Borders and Regions", shows that, although not being its ultimate goal, the concept of a "Europe of the regions" plays a role apprehending the EU's objective of a "Europe without borders". Thus, its regional policy promotes territorial cohesion in Europe including in cross-border territories, where the EU promotes European integration by "erasing" the obstacles to cross the borders that exist between these territories.

The different contributions in this special issue illustrate that borders in Europe are varied and complex, and that there has never been an abolition of all types and functions of borders across the EU. Collectively, the Frontem research project offers a critical reading of the "Europe without borders" discourse.

Note

- 1 The network *Frontières en mouvement: quels modèles pour l'UE?* (611115-EPP-1-2019-1-FR-EPPJMO-NETWORK) is a Jean-Monnet Network supported by the EU's Erasmus+ program for the period between 2019 and 2023 under the leadership of the author.

Works Cited

- Amilhat-Szary, A.-L., 2015. *Qu'est-ce qu'une frontière aujourd'hui?* Paris: PUF. 4–20.
- Beyers, H. 1993. "Police Observation and the 1990 Schengen Convention" *European Journal of Crime and Policy Research* 1(4): 83–107.
- Blanco Sío-López, C. 2015. "Dialogues beyond the 'Fortress Europe': Tracing Back the Genesis and Evolution of the 'Free Circulation of Persons' Concept through European Parliament Schengen Area Debates, 1985–2015" in A. Cunha, M. Silva, and R. Frederico (eds.), *The Borders of Schengen*. Peter Lang: Brussels. 33–50.
- Brunet-Jailly, E. 2018. "Borders and the EU: The Consequences of the Schengen Crisis" Communication at the 2nd ABS World Conference, Budapest/Wien (July 10–14).
- Brunet-Jailly, E., and B. Wassenberg. 2020. "Section Introduction: Comparing and Contrasting EU Border and Migration Policy—Are They Exemplary?" *Borders in Globalization Review* 1(2): 23–29. <https://doi.org/10.18357/bigr12202019793>

- Brunet-Jailly, E., and M.J. Carpenter. 2020. "Introduction to the Special Issue: Borderlands in the Era of COVID-19" *Borders in Globalization Review* 2(1): 7–11. <https://doi.org/10.18357/bigr21202019960>
- Bussière, E., and I. Maes. 2019. "Towards Economic and Monetary Union" in *The European Commission 1986–2000: History and Memories of an Institution*. Luxembourg: Publikationsoffice der EU. 229–252.
- Colombeau, S.C. 2017. "Policing the Internal Schengen Borders—Managing the Double Bind between Free Movement and Migration Control" *Policing and Society* 27(5): 480–493. <https://doi.org/10.1080/10439463.2015.1072531>
- Castan Pinos, J., and S.M. Radil. 2020. "The COVID-19 Pandemic has Shattered the Myth of a Borderless Europe" *LSE European Politics and Policy (EUROPP) Blog* (June 12).
- Cooper, R.N. 1989. "Europe without Borders" *Brookings Papers on Economic Activity* (2): 325–340. <https://doi.org/10.2307/2534469>
- Conrad, M., E. Brunet-Jailly, and H. Hallgrímsdóttir. 2019. "Reclaiming the Idea of Europe? Brexit, Soft Euroscepticism and EU Contestation in Germany" Paper for the panel "Pro-European backlash? Responses to Euroscepticism and Right-Wing Populism in Europe" at EUSA 2019 conference, Denver, CO. <https://www.eustudies.org/conference/papers/download/630>
- Conrad, M., H. Hallgrímsdóttir, and Brunet-Jailly, E. 2019. "The Heroes and Villains of an Alternative Europe—How EU Contestation Shapes Narratives of Europe in Germany" *Politique européenne* 66: 96–119. <https://doi.org/10.3917/poeu.066.0096>
- Dujardin, V., Y. De Cordt, R. Costa, and V. De Moriamé (eds.) 2010. *La Crise Économique et Financière de 2008–2009*. Brüssel: Peter Lang.
- EC Regulation No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code). 2006 (April 13).
- European Commission. 1985. "Completing the Internal Market, White Paper from the Commission to the European Council" COM(85) 310 final (June 4).
- European Court of Auditors. 2022. Special Report: Free Movement of People in Times of COVID-19. <https://op.europa.eu/webpub/eca/special-reports/free-movement-13-2022/en/>
- European Parliament. 2020. The Impact of COVID-19 Measures on Democracy, the Rule of Law, and Fundamental Rights in the EU. <https://www.europarl.europa.eu/cmsdata/207125/Final%20version%20of%20the%20Briefing%20note.pdf>
- Infantino, F. 2019. *Schengen Visa Implementation and Transnational Policymaking: Bordering Europe*. Palgrave Macmillan Cham.
- Hallgrímsdóttir, H., A. Finnsson, and E. Brunet-Jailly. 2020. "Austerity Talk and Crisis Narratives: Memory Politics, Xenophobia, and Citizenship in the European Union" *Frontiers in Sociology* 5. <https://doi.org/10.3389/fsoc.2020.00014>
- Lamour, C. 2022. "Representing the Radical Right of the Grande Nation in the Grand Duchy: The Viral 'Fortress Europe', the Contagious 'Borderless Europe' and the Non-communicable 'Cross-border Regional Europe'" *Journal of Contemporary European Studies*. <https://doi.org/10.1080/14782804.2022.2032622>

- Lovee, M. 2017. "Politics of the Schengen/Dublin System: The Case of the European Migrant and Refugee Crisis" in C. Günay and N. Witjes (eds.), *Border Politics: Defining Spaces of Governance and Forms of Transgressions*. Springer, Cham. 127–143.
- MOT (Mission Opérationnelle Transfrontalière). 2021. "The Effects of COVID-19 Induced Border Closures on Cross-Border Regions: An Empirical Report Covering the Period March to June 2020". Paris.
- Official Journal of the European Communities (OJEC). 2000. "The Schengen Acquis" (September 22).
- Roos, M. 2021. *The Parliamentary Roots of European Social Policy: Turning Talk into Power*. Palgrave Macmillan, Cham.
- Schengen Agreement (European Union, Convention Implementing the Schengen Agreement). 1985 (June 14).
- Schmelter, L. P. 2018. "The Refugee Crisis and the German Question" in G. Besier and K. Stoklosa (eds.), *How to Deal with Refugees? Europe as a Continent of Dreams*. Zürich: LIT. 157–167.
- Schuman Declaration. 1950 (May 9).
- Tajani, A. 2018. "The Migration Crisis Threatens to Destroy the EU: We Must Not Let It" *The Guardian* (June 27). <https://www.theguardian.com/commentisfree/2018/jun/27/migration-crisis-destroy-eu-collapse-schengen>
- Thielemann, E., and C. Armstrong. 2012. "Understanding European Asylum Cooperation under the Schengen/Dublin System: A Public Goods Framework" *European Security* 22(2): 148–164. <https://doi.org/10.1080/09662839.2012.699892>
- Treaty of Rome. 1957 (March 25).
- Ullestad, U. 2018. "Protecting the Security of the EU through its External Borders" in B. Wassenberg (ed.), *Castle-talks on Cross-Border Cooperation: Fear of Integration? The Pertinence of the Border*. Stuttgart: Steiner Verlag. 219–239.
- Von der Leyen, U. 2019. "A Union that Strives for More: My Agenda for Europe" European Commission, Political Guidelines for the next European Commission 2019–2024 (October 9), Brussels. <https://www.europarl.europa.eu/resources/library/media/20190716RES57231/20190716RES57231.pdf>
- Warlouzet, L. 2019. "At the Heart of the Recovery in the 1980s, the Internal Market" in *The European Commission 1986–2000: History and Memories of an Institution*. Luxembourg: Publication Office of the EU. 258–268.
- Wassenberg, B. 2019. "Frontières, Coopération Transfrontalière et Intégration Européenne" in B. Wassenberg and M. Aballéa (eds.), *Frontières, Géopolitique et Relations Internationales, Cahier Fare* 16, Paris: Harmattan.
- Wassenberg, B. 2020a. "The Schengen Crisis and the End of the 'Myth' of Europe without Borders" *Borders in Globalization Review* 1(2): 30–39. <https://doi.org/10.18357/bigr12202019599>
- Wassenberg, B. 2020b. "'Return of Mental Borders': A Diary of COVID-19 Closures between Kehl, Germany, and Strasbourg, France" *Borders in Globalization Review* 2(1): 115–117. <https://doi.org/10.18357/bigr21202019886>
- Wassenberg, B. 2021. *Médiation et Gestion de Crises aux Frontières de l'UE*. Cahier Fare 20. Paris: Harmattan.
- Wassenberg, B. 2022. "Europa Ohne Grenzen/Muthus oder Realität? Eine Historische Analyse" in B. Wassenberg (ed.) *Frontières, Acteurs et Représentations d'Europe (Fare)*. Brussels: Peter Lang. 415–439.
- Wassenberg, B. 2023. "De-bordering and (Re-)bordering in the EU during the 2015 Migration Crisis: The End of a 'Europe without Borders?'" in M.J. Carpenter, M. Kelly, and O. Schmidtke (eds.), *Borders and Migration: The Canadian Experience in Comparative Perspective*. University of Ottawa Press.



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Integrative Organized Hypocrisy? Normative Contentions within the EU and the Refugee Migrant Crisis

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In 2015 and 2016, 2.3 million individuals applied for asylum in Europe, the highest number since the creation of the EU. The unprecedented strain on the Common European Asylum policies (CEAS), along with the asymmetric pressure on external border countries and the lack of unified support for border controls, highlighted the tensions between member-state sovereignty and regional competence. According to Lavenex (2018), the Refugee and Migrant Crisis (RMC) was first and foremost a crisis of governance, expressing doubts about the EU's ability to "fail forward" into further integration in the long-run because of "organised hypocrisy", an unintended organisational strategy deployed to cope with otherwise irreconcilable differences between normative aspirations and real-life actions concerning asylum. This article revisits Lavenex's premise of European governance and organised hypocrisy and argues for a more optimistic outlook on European integration. Using the infrastructural Europeanism framework as identified by Pelizza and Loschi (2023), this article argues that despite the legal and legislative gridlocks that surround important issues such as asylum, European integration in relation to asylum is 'failing forward' in no small part due to organised hypocrisy and not in spite of it.

Introduction

The Refugee and Migrant Crisis (RMC) in Europe—variously known as the Refugee Crisis, the Migrant Crisis, or the Migration Crisis—refers to a period in 2015 and 2016 when human migration from Asia and Africa toward Europe was at the fore of local and international debates. The world became captivated in April 2015 after five boats sank in the Mediterranean Sea, resulting in the loss of 2,000 lives. This period arguably ended with the EU–Turkey refugee-return agreement of March 2016, when Europe agreed to pay Turkey six billion euros in exchange for restricting the number of migrants crossing into Europe (Papademetriou 2017). Ultimately, the RMC led to regional and national debates vis-à-vis immigration, identity, and security in many parts of the world, most of which are ongoing (Papademetriou 2017; Lavenex 2018).

In 2015 and 2016, 2.3 million undocumented individuals were found to be in Europe, the highest number in decades (European Parliament 2017). These numbers contrast with those of the five years prior (2010 to 2014) and after (2017 to 2021), which averaged to 141,000 and 164,000 individuals respectively (Statista Research Department 2023a). For some of Europe's—and notably the EU's—portal countries, such as Greece, Italy, and Hungary, gaining thousands of incomers daily while in the midst of administering those already present pushed their capacities to the breaking point. In addition, there were an estimated 4,000 to 5,000 deaths (respectively) in the Mediterranean linked with this increase in human mobility (Statista Research Department 2023b). In many ways, these were atypical and trying times for many, yet labelling the European

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experience as a “crisis” is hyperbolic. While sensitive to the concerns of all individuals and communities involved, one must be wary of over-sensationalizing the RMC. Doing so stigmatizes the individuals involved by rendering them as mere statistics to be handled or threats to be withstood while also setting an alarmist and politicizing tone that fosters emotionally charged responses (Krzyżanowski *et al.* 2018). The influx in 2015 and 2016 accounted for merely 0.2 percent of the EU’s 510 million population and primarily affected six member states, leaving the others largely unaffected (Lavenex 2018, 1196). For most Europeans, the RMC was first and foremost a perception of events rather than an experience of events, quite removed from the actual experience of the migrants or asylum seekers (Krzyżanowski *et al.* 2018; Wallace 2018), leaving some like Lavenex (2018, 1196) to argue that it was primarily a crisis of governance, one that had been anticipated years prior and yet remains unresolved to this day.

In her 2018 article “‘Failing Forward’ Towards which Europe? Organised Hypocrisy in the Common European Asylum System”, Lavenex detailed how the RMC as a crisis of governance was emblematic of a growing dissociation between the EU’s normative aspirations and the practical limits imposed by its political and institutional structures. This is an instance of “failing forward” (Jones *et al.* 2016), referring to a cyclical dynamic of European integration in which member states agree to lowest-common-denominator solutions and/or incomplete bargains which prove inadequate and, consequentially, hold the potential for crisis. These crises, in turn, generate new lowest-common-denominator solutions which lead to the next incomplete agreement, thereby moving Europe ‘forward’ in incremental, limited steps. The Union’s approaches to asylum, Lavenex argues, have been a continuous de-coupling of protective (rights-enhancing) aspirations and protectionist (access-reducing) policies, leaving the protective aspects to the discretion of member states. As a result, Lavenex likened the lack of coherent internal responses to the influx of asylum requests in the EU and the subsequent externalisation of RMC responses onto foreign powers to an “organised hypocrisy” (Lavenex 2018, 1196, citing Brunsson 1989 for the concept), that is, “an unconscious organisational strategy to cope with irreconcilable differences” (Lavenex 2018, 1196). In doing so, Lavenex questions member states’ abilities to bridge normative expectations with political action, ultimately shedding doubt on the EU’s ability to not only ‘fail forward’ towards a common European policy on asylum, but also to maintain its long-term credibility as an international actor (2018, 1208).

Nearly a decade since the RMC and half a decade since Lavenex (2018) published her premise about European governance and organised hypocrisy, this article argues for a more optimistic outlook on European integration by demonstrating how attempts towards a common approach to asylum have resulted in additional

integration, especially when integration is understood holistically. Using the infrastructural Europeanism framework as identified by Pelizza and Loschi (2023), this article argues that despite the legal and legislative gridlocks that surround important issues such as asylum, European integration in relation to asylum can be viewed as ‘failing forward’ in no small part thanks to organised hypocrisy and not in spite of it. Methodologically, the information and arguments presented in this article build upon existing academic literature and official European documentation linking European integration and the CEAS, using the RMC as a case study of a time of heightened sensitivity towards transnational human migration and political upheaval.

The article is divided into four parts. The first part looks into how the RMC exposed the cleavage between theory and practice surrounding asylum, despite already having a system specifically designed to tackle the issue. The second part builds upon Lavenex’s work, demonstrating how and why EU member states turned to a form of organised hypocrisy when faced with the unusually high influx of 2015 and 2016. The third section follows a similar logic as the second but focuses on asylum-related, EU-level developments since the RMC. The fourth and concluding part of this article presents methods of rethinking regional integration that demonstrate how organised hypocrisy is not a sign of cooperative failure, but that it is instead working to facilitate the EU’s ‘failing forward’ towards regional cohesion using the infrastructural Europeanism framework as identified by Pelizza and Loschi (2023). While EU member states have yet to consolidate solutions to the systemic discrepancies brought to light by the RMC, this article identifies reasons for optimism about more effective and cooperative responses to future largescale influxes of migrants to the European continent .

The EU, the CEAS, and the RMC

EU member states and many other countries have established their asylum policy based on the 1951 Geneva Convention on the Protection of Refugees, the European 1967 Protocol Relating to the Status of Refugees, and other human rights conventions, such as the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Covenant on Civil and Political Rights (Upadhyay 2016). Following the adoption of the Schengen Agreement in 1985 and the 2004 Amsterdam Treaty, the post-Cold War EU undertook the harmonisation of national refugee and asylum laws amongst its member states to handle a small number of refugees and migrants from Eastern to Western Europe. This endeavour led to the creation of the Common European Asylum System (CEAS) between 1999 and 2005, establishing a joint system and common standards to process asylum applications as well as intra-state financial solidarity to shoulder refugee protection (Migration and Home Affairs n.d).



Furthermore, the Dublin rule is an important aspect of the CEAS. In combination with the Schengen Agreement and the Treaty of the Functioning of the European Union, the Dublin rule provides both joint and individual provisions and guidelines for dealing with an influx on a theoretical level. The Dublin space consists of 28 EU member states, plus Iceland, Norway, Liechtenstein, and Switzerland. It establishes that the member state responsible for asylum applications is the first country in which the asylee first enters EU territory. The Dublin system was devised to eliminate confusion and potential contentions relating to asylum processing in and between member states. Discussions about asylum standards and procedures began as early as 2001 with the adoption of the Temporary Protection Directive, introducing a scheme for voluntary burden-sharing in situations of mass influx. Common standards were adopted at a later time, first through ‘minimum standards directives’ on asylum procedures, reception conditions, and status determination between 2003 and 2005 (Heijer *et al.* 2016; Slominski & Trauner 2018), followed by their recast into ‘common standards’ between 2011 and 2014. However, the recast remained relatively vague and anchored in sovereign power, leaving much of their application to the discretion of ratifying member states (Trauner 2016).

The Dublin system was constructed on the presumption that ratifying states maintained the same definitions of refugeehood, as well as comparable procedures of asylum-seeker administration—thereby negating the need for a more defined policy or discussions on its underlying values (Lavenex & Wagner 2007; Lavenex 2018). The right to asylum is informed by the supposed universal logic of human rights to life and protection, to which most states adhere through international conventions. Even so, member states were found to differ greatly in both reception conditions and recognition practices for asylum seekers, irrespective of the legislative attempts to reform and a presumed ideological conformity (Scipioni 2018; Lavenex 2018). From an operational standpoint, Lahusen and Wacker (2019, 154) refer to the Dublin system as a European administrative field, enforcing a system of mutual exchanges, joint working conditions, and an interdependent division of labour. While abiding states retain the sovereign right to control their borders and decide who may enter their territory, they must also live up to EU laws and international conventions. In practice, however, the system fails to consider a member state’s particularities, which include administrative capacities, notions of territorial security, and political disposition. It is organised in a way that individual member states’ compliance with its regulations is strongly impacted by not only each other’s bureaucracies and their abilities, but also—and most importantly—their willingness.

The RMC highlighted the systemic inequities and inefficiencies of the CEAS and the Dublin system, demonstrating a cleavage between the normative,

protective aspirations and the existing protectionist practice adopted by member states vis-à-vis the RMC and asylum in general. Said cleavage was already established prior to 2015. Indeed, according to Scipioni, the RMC was “years in the making” and “more than a simple accident”, as the CEAS advanced cooperation with incomplete, lowest-common-denominator agreements with respect to emergency measures, thereby creating the conditions for failure (2018, 1357, 1363).

In 2011, the EU Court of Justice ruled its migration regulatory bodies (including the CEAS and the Dublin rule) dysfunctional and insufficient (Genschel & Jachtenfuchs 2013; Lavenex 2018). Critics, such as Pries, called the inherent systemic inequality and the resulting non-compliance the consequence of “a mechanism of organised non-responsibility” between member states (2020).

The ‘first country of entry’ clause, for example, results in portal countries, usually either Italy or Greece, receiving significantly higher levels of asylum requests than other EU countries, creating uneven bureaucratic and financial pressure due to geographic positioning (Heijer *et al.* 2016; Zaun 2017). As described by Thielemann and Armstrong (2013), the CEAS and the Dublin system, in general, are based on a “responsibility principle” rather than a “capacity principle”, making member states responsible for the asylum seekers they let into their—and therefore the Schengen—territory. Consequently, as the reception and protection of applicants are viewed as a burden on receiving countries due to financial, administrative, social, and political implications, it has rendered the registrations of asylum hopefuls to be viewed as an encumbrance (Wagner *et al.* 2019). It is documented that asylum hopefuls sought to bypass the ‘first country of entry clause’ as knowledge spread of portal countries overloading with asylum cases, attempting instead to register in another ‘more desirable’ country (Wagner *et al.* 2019; Juhász *et al.* 2015, 6; Niemann & Zaun 2018, 4). The practice colloquially known as ‘asylum shopping’ has been encouraged by some EU member states, at times actively refusing to register asylum claims or encouraging individuals to transit through their country in stark violation of international and European law (Human Rights Watch 2020).

It deserves clarification that neither the CEAS nor the EU at large have formal responsibility towards—or means of exerting pressure on—the elaboration of policies surrounding the integration of immigrants into member state societies; that much falls under the prerogative of state sovereignty. Legislation surrounding migration and asylum stand distinct from those concerning integration into the receiving state. At most, EU institutions may be utilised to discuss and, in turn, encourage preferred strategies to ‘welcome’ newcomers (Adam & Caponio 2018; Borevi 2022). That being said, some authors denote a certain level

of convergence on national policies between member states, a shift they attribute to regional integration (i.e., Europeanisation); see for example Block and Bonjour (2013) and Kaunert and Léonard (2012). During the RMC, Borevi (2022) found that states altered their procedures to either incite or deter immigration; indeed, should one member state provide conditions viewed as more “welcoming” than its counterparts, it is thought to “furnish potential immigrants with an incentive to choose that particular country as their destination” (211). It follows the dual-functionality of civic integration, in which strict conditionality and selectivity promote both immigration control and facilitate integration (Goodman 2014). Divergences between Sweden’s 2015 and 2016 immigration regimes are a prime example. Initially a favored destination for asylum seekers, it hardened its position in the latter year to give itself “time to breathe” (Stern 2017, 7) and to avoid being “an asylum magnet” (Borevi 2022, 212). Following a similar logic, many other member states adopted stricter measures to dissuade the inflow of asylum seekers, such as: restricting family reunification, changing the safe third country list, switching from permanent to temporary protection, and even shortening the duration of residence permits (European Migration Network 2017).

Consequently, Lavenex (2018) argued that joint EU-level and state-level responses to the RMC were a failure of coordination and a crisis of governance, resulting in open discontent towards supranational politics and a divide in internal EU politics. The crisis of governance, as Lavenex established, stemmed from the EU member states’ limited ability and even willingness to coordinate both state-level and regional RMC responses, not the least of which can be linked to migration being an increasingly contentious and politicized matter. Most notably, when faced with the unusually high influx in 2015 and 2016, member states were reluctant to abandon the ‘responsibility principle’ in favour of a ‘capacity principle’ set in the Dublin regulation, resulting in a push for the externalisation of responses outside of EU territorial boundaries.

Internal EU Responses to the RMC

As the capacities of portal countries were pushed to their breaking point with the high number of incomers, the CEAS and the Dublin system proved to be both inadequate and contentious (Roots 2016). The initial EU-level reactions to the RMC were ad hoc measures designed to ease the situation at the ports of entry, including failed relocation mechanisms and the establishment of asylum-processing ‘hotspots’ in Greece and Italy (European Commission 2016; Lavenex 2018). The erection of emergency ‘hotspots’ aimed to mitigate the geographic inequality of the Dublin system by strengthening the processing and containing capacities of portal EU countries. Between September 2015 and September 2017, they were set up to contribute to the

temporary emergency relocation mechanisms that helped to transfer asylum-seekers from Greece and Italy to other member states (European Parliament Briefing 2020). It is worth mentioning that these hotspots were found to be not only violent and inadequate but also unsanitary, to the detriment of those dwelling in them (European Commission 2016).

The CEAS was ill-designed to redistribute asylum applications between member states, especially with these elevated numbers. To ease the burden of portal states, in April 2016, the European Commission proposed the Fairness Mechanism as a way to counter “organised non-responsibility” (Pries 2019) by urging the redistribution of pending asylum requests between member states according to countries’ wealth and population sizes (European Parliament News 2023). The Mechanism would rely on an automated system that would record and track all asylum claims to EU member states and help determine each country’s capacity to process the claims, ensuring that none would be under “disproportionate pressure” (European Commission 2016). It further stipulated that for any country deemed under too much pressure, additional asylum claims would be sent to other member states with a lesser “pressure quotient” or receive a financial “solidarity contribution” per applicant should the individual not be apt to move. Ultimately, the mechanism was never implemented. Its proposal met strong opposition from some member states, particularly Poland, Slovakia, Hungary, and the Czech Republic.

The Fairness Mechanism was the second attempt at reforming the CEAS, the first of which had meager success. On September 14, 2015, a year prior, the European Council adopted a plan to redistribute 160 thousand asylum seekers from Greece and Italy throughout the union over the next two years (Legislative Train 2023a). The plan was devised on the basis that member states would receive a quota of asylum seekers measured by 40 percent of the size of their population, 40 percent of their GDP, 10 percent of their past number of asylum applications, and 10 percent of their unemployment rate. In some cases, strong supporters of this quota initiative such as Germany, France, and the UK agreed to take on more to alleviate the burden of the RMC on the overwhelmed coastal countries (Upadhyay 2016, 12). Ultimately, however, the implementation of the initiative was met with staunch opposition, chiefly from the same four member states which would later oppose the Fairness Mechanism.

In both undertakings, their opposition was based on concerns surrounding notions of state sovereignty and control. Some member states, for example, viewed the burden of migration (asylum) as a zero-sum phenomenon, one that incited policymakers to promote stricter deterrence policies than those of neighbouring countries (Thielemann 2018, 71), ultimately creating



what Nikolic and Pevcin (2022, 250) called a race to the bottom. Slovakia and Poland, for example, announced they would solely relocate refugees of Christian faith within their sovereign territory, citing concerns about state security (Hughes 2016). Hungary and Slovakia, furthermore, filed a legal case against the quota plan in the European Court of Justice, stating that it was flawed on two premises: "that the adoption of the decision was vitiated by errors of a procedural nature or arising from the choice of an inappropriate legal basis", and "that the decision was neither a suitable response to the migrant crisis nor necessary for that purpose" (CJEU 2017). This lawsuit, while eventually dismissed by the European Court of Justice in September 2017, served to stall reform. Only two percent of the expected number of asylum seekers were relocated as of July 2017 (Scipioni 2018, 1368), and only Malta and Finland met their obligations towards Italy and Greece (Benková 2017). Hungary, Austria, and Poland, moreover, refused to follow both schemes while other countries such as the Czech Republic, Bulgaria, Croatia, and Slovakia joined the initial quota system to a limited degree (Benková 2017).

State-level Responses to the RMC

At state level, the challenges of responding to the RMC cohesively stemmed from—and resulted in—member states leaning towards the 're-nationalisation' of policies surrounding asylum and migration (Borevi 2022), not the least of which included the reintroduction of controls along internal Schengen borders. Postelnicescu (2016) stated that Europe, facing the RMC, was "at a crossroad, divided between the need to remain faithful to its core democratic values and freedoms, maintaining an area of freedom and justice and the need to protect its citizens against the new terrorism and the rise of nationalistic leaders and parties that require less Europe and more power back to the nation states" (203). No freedom, however, has since been more challenged by the migration influx than the freedom of movement within Europe's internal borders as established by the Schengen Agreement. According to the European Commission (n.d.), between September 2015 and December 2019, border controls have been reintroduced and prolonged almost 50 times (European Parliament 2016). Prior to the RMC, contrastingly, there had been only 36 cases of reintroduced border controls since 2006, most of which were linked to ensuring the safety of high-profile international meetings. Since then, however, the "serious threats [from the RMC and instances of terrorism] compelled some member states to prolong reintroduced border control several times until the exhaustion of the legal time frames", supported by Article 25 *et seq.* (European Parliament 2016). While discouraged, reintroducing border controls along internal Schengen borders remains within the rights of member states. Article 25 *et seq.* (25 to 35) of the Schengen Borders Code provides these

sovereign member states with this possibility "in the event that a serious threat to public policy or internal security has been established" (European Commission n.d.). Making use of these articles is always meant to be a last resort, proportional, and, more importantly, short lived, a view reiterated in 2017 when the European Commission published a proposal for an amendment to the Schengen Borders Code giving Schengen states greater leeway when addressing threats to national security (European Commission 2017).

In relation to Central and Eastern European member states' unwillingness to partake in relocation efforts, moreover, there are two additional logics that deserve consideration. The first, as devised by Upadhyay (2016, 21), highlights internal cultural divisions between member states, in which former Soviet Bloc members are more culturally homogenous and therefore more reticent to take in migrants from foreign cultures and religions. In contrast, more immigration in Western European countries in the 20th and 21st centuries has made them more diverse and accustomed to other peoples. Upadhyay's premise is empirically supported by European statistics on foreign-born populations (OECD 2023). The second logic is linked to the 2014 Russian invasion of Crimea, which resulted in numerous Ukrainians claiming asylum in neighboring countries. High concentrations of Ukrainian refugees in Central and Eastern member states could partially explain their unwillingness in 2015 to host additional refugees. The argument, of course, could be seen as complementary to the initial ideo-sociological East-West divide argument, as Ukrainians would be perceived as culturally and racially akin to their host societies.

State-level contentions dissuading regional cooperation are highlighted during the RMC as human mobility moved to the fore of debates. In 2015, the continent was attending to the complexities of the increasingly frequent Islamist-linked terrorist attacks since 2006, the 2008 financial crisis, the Greek debt crisis of 2010, the Crimea/Ukraine crisis of 2014, as well as the rise of right-wing, nativist political parties agitating EU politics (European Union Agency for Law Enforcement Cooperation 2018). As Postelnicescu (2016) advances, by 2015, the EU was at a "crossroad" (203), divided between its ideals of freedom and justice on the one hand and the rise of nationalistic fervour and Euroscepticism on the other. While the EU faced the financial and debt crises through cooperation, the RMC resulted in state-level responses. Some EU member states, notably (but not exhaustively) Germany, Austria, France, Denmark, Sweden, Norway, and Hungary, chose to publicly move against EU regulations, reverting towards the state-level management of human flows and increasing border controls to varying degrees (Hauswedell 2018). Lehne (2018) called member states' inward responses to the RMC the result of a 'logic of renationalisation', combining xenophobia and identity politics to the detriment of regional collaboration.

By 2015, sensitivities towards foreigners, especially those of the Muslim faith, were heightened in most of Europe. The perception of asylum seekers involved in the RMC played a role in how they were welcomed by civil society and policymakers alike (European Social Survey 2017). In 80 percent of EU countries surveyed by the Pew Research Center in September 2016, respondents on the political right discursively associated refugees with security rather than a humanitarian cause (Poushter 2016). The threat perception stems from the origin of asylum seekers involved in the RMC, most of whom came from Muslim-majority countries, discursively associating them with ISIS and/or other Islamist terrorist groups. The characterisation of Muslims as terrorists invading the Western world, as rooted into the post-9/11 mainstream, is highly problematic for multiple reasons, perpetuating unfair and frankly unwarranted labels on the men and women who simply wish for a fresh start and harbor no ill-wishes unto their host societies. The narrative has been promoted by law enforcement organisations, such as Europol (2016) which states:

A real and imminent danger is the possibility of elements of the (Sunni Muslim) Syrian refugee diaspora becoming vulnerable to radicalisation once in Europe and being specifically targeted by Islamic extremist recruiters. It is believed that a number of jihadists are travelling through Europe for this purpose. According to unconfirmed information, German authorities were aware of around 300 recorded attempts made by jihadists to recruit refugees who were trying to enter Europe by April 2016 (9).

While one cannot say that the association of asylum seekers and terrorist aspirations has no basis *per se*, it is worth highlighting that it has been stretched and inflamed to the extent of fearmongering. An infamous example of this dates back to the November 13, 2015, Paris attacks, when a Syrian passport was found near the body of one of the aggressors (franceinfo 2016). While it would later become known that the passport had been stolen from a completely unrelated party—an asylum seeker who had arrived in Greece a few weeks earlier—the narrative remained (Kingsley 2016). It further entrenched the linkages between the threat of Islamic-extremist terrorism to the ongoing RMC (Farmer 2016). Islamophobia then becomes a form of “strategic opportunism” for anti-immigration and anti-integration parties, mobilising fear to justify both action and support all in the name of security and control (Postelnicescu 2016, 206). The 2016 Brexit referendum in the UK, for example, is said to have been predominantly driven by RMC-fueled fears over transnational migration and a desire to ‘regain control’ from the EU on corresponding policies (Clarke *et al.* 2017; Ford & Goodwin 2017; Prosser *et al.* 2016).

During the RMC, media and political rhetoric frequently focused on administrative and economic demands, as well as perceptions of refugee disingenuousness in their

claims (Wallace 2018). Studies have suggested that in a general sense, the ‘mediatized’ coverage of migration-related events is often overly negative (Wallace 2018; Krzyżanowski *et al.* 2018), with journalists, as Gois and Faraone (2018, 139) put it, “exploiting receiving societies’ fears and ignorance in search of audiences and profit”. The media has become a platform for the spread of “anxious politics” towards immigration (Albertson & Gadarian, 2015) which are chiefly constructed on fears and misinformation propagated by sensationalistic media and xenophobic rhetoric, infusing migration discourses with marked elements of security (Hier & Greenberg 2002; Gois & Faraone 2018).

Throughout 2015 and 2016, more specifically, the RMC was interchangeably referred to as the “refugee crisis” or the “migrant crisis”. A study by Berry, Garcia-Blanco, and Moore (2015) on media coverage of the RMC demonstrated that European countries utilised different terminology when covering the same events. While the German and Swedish media referred to incomers as ‘refugees’ or ‘asylum seekers’, media in the UK and Italy used ‘migrant’, and in Spain, in turn, used ‘immigrant’. The distinction between the terms implies certain assumptions that contribute to a range of framings from support and sympathy to rejection and threat. The term migrant, or economic migrant, implies that an individual aims to join the workforce of the receiving country to become a permanent member of the local society. These two elements, however, are not well received by those who are anxious that these economic migrants might ‘steal’ available jobs, impacting locals’ chances of employment, but might also eventually come to “blemish” the local status quo with their own diverse cultures. By using these two terms interchangeably, the fear that stems from migrant arrivals is transferred to refugees, creating confusion and taking away attention from people who require and are entitled to legal protection (Krzyżanowski *et al.* 2018, 6). Aided by xenophobia, Islamophobia, and the willful or inadvertent muddling of terminology, right-leaning politicians were able to legitimise their discourse of fear and aid their anti-immigration positions. A few well-known examples of this are: Hungarian Prime Minister Victor Orbán referring to incomers as “Trojan horses of terrorism”, French Presidential Candidate Marine Le Pen insinuating that the RMC was comparable to the “barbarian invasion” of the fourth century, former Polish Prime Minister Jarosław Kaczyński comparing the influx to “parasites and protozoa”, and former British Prime Minister David Cameron comparing newcomers to Europe to a “swarm” of insects (Viktor 2015; LePoint 2015; Cienski 2015; BBC News 2015).

While suggestions for new asylum procedures seemed to polarise the continent between East/Central vs. West, it is apparent on the scale of state-level politics that this issue was just as divisive independently of their geographic position. As a result of what seemed like irreconcilable differences between member states

and substantial hindrances in coordinating cohesive institutional, regional solutions, there was a tendency to externalize the EU's responses to the RMC outside of the CEAS and Europe.

External EU Responses to the RMC

Accounting for nearly 30 percent of incomers (Eurostat 2015, 2016), the EU as a whole had taken in more Syrian refugees by 2018 than Australia, Canada, and the US combined (Lavenex 2018). In addition, the RMC generated some genuine humanitarian action from IOs, NGOs, and civilian groups alike (see for example Signe *et al.* 2016). It could even be argued that the sheer amount of coverage generated in social and traditional media has shed more light on the plight of asylum seekers than ever before, but each of those silver linings were met with considerable resistance. Indeed, it will remain unclear how many Syrians would have been taken in by EU member states had they not been forced to by their physical arrival. And while there was a great deal of solidarity demonstrated towards refugees throughout the RMC, public opinion polls in member states tended to lean towards a call for more humanitarian assistance, with the caveat that it did not occur in their own country (Lavenex 2018). Those humanitarian moments, moreover, were met with a multitude of policies criminalising giving help to refugees in hopes of deterring the ‘flow’ (Hayes & Barat 2017; Dearden 2016). As such, faced with the seemingly impossible task of not only fixing the internal system of refugee admission but also mustering support for a joint solution, the lion's share of EU initiatives in relation to the RMC resulted in the externalisation of its responses (Slominski & Trauner 2018; Lavenex 2018). Such externalisation carried one logic: reducing administrative pressure within the EU by preventing migrants from reaching Europe. It was performed in two ways, through the militarisation of the external borders of the Schengen zone and the incitement of non-European states along traditional RMC routes to withhold human mobility towards Europe.

Ensuring security and managing external border controls for the Schengen zone is a joint effort, as there are no permanent border controls between Schengen countries. While member states retain primary responsibility for their frontiers, Frontex was created in 2004 and granted limited powers and operational capacity regarding EU external borders, performing technical assistance, training, data collection, and risk analysis tasks (Segura 2016). It has since become a central point of contact, setting standards for all European border guards to share intelligence with all border authorities. Frontex does not have its own equipment nor its own border guards, relying instead on national EU countries resources. Throughout the RMC, more specifically, Frontex Joint Operation Triton in Italy and Frontex Joint Operation Poseidon in

Greece joined the deployment of Frontex Rapid Border Intervention teams in the Aegean which helped save more than 400,000 people in 2015 and nearly 100,000 in 2016 (Council of the European Union 2023). Other EU Agencies, such as Europol Eurojust, have similarly scaled up their operations (European Commission 2016). In June of 2015, Triton joined forces with the Common Security and Defence Policy (CSDP) military operation EU Naval Force Mediterranean (EUNAVFOR Med) ‘Sophia’, targeting smuggling networks and consequently irregular migration (European External Action Service 2017a; 2017b). Moreover, to curb human smuggling and irregular mobility outside of the designated hotspots, an agreement was struck on the strengthening of external EU border patrolling, resulting in the creation of the European Border and Coast Guard Agency (the successor of Frontex) with additional competences (Segura 2016). Apart from a new name, the new guard was given more money, equipment, staff, and responsibilities in border management and in return operations. The development came after portal countries like Italy and Greece complained of the systemic inequality created by the Dublin system (Segura 2016).

By February 2016, international pressure to respond to the RMC became so insistent that the EU turned to NATO to assist with the crisis. NATO's role was to provide support in international efforts to curb trafficking and undocumented migration in the Aegean Sea, working closely with Greek and Turkish coastguards as well as other national authorities (Stoltenberg 2016). They acted via a Standing Maritime Group in collaboration with Canada, Germany, Greece, and Turkey.

All militarised efforts aimed to prevent migrants from reaching Europe entirely, while policy initiatives in collaboration with non-European member states were more subtle. A communal Safe Third Country list, for example, was suggested in May 2015. While ratifying EU members pledged to help those needing protection, each abided by their own list of safe countries. It should be noted that the concept of the Safe Country of Origin is different from that of the Safe Third Country; the first one describes a country in which its citizens do not face persecution and are therefore not legally entitled to asylum elsewhere, and the second one refers to host countries deemed safe enough for asylum seekers to make their claim and remain. The Safe Third Country concept is mainly used to rule about the admissibility of an asylum application, given that the asylum seeker could have presented the request in some other country, and to systemise the return process of those who may be accused of the aforementioned ‘asylum shopping’. The main purpose of this list was to prevent abuses of the EU and national asylum system and “support the swift processing of asylum applications from countries designated as safe” (Benvenuti 2016). Unfortunately, however, similarly to the relocation quota and the Fairness Mechanism, the idea of the common

Safe Country of Origin list was dropped following futile discussions over which countries should be included. Since then, EU member states have turned inwards and returned to their pre-existing lists, creating difficulties under the shared Dublin System over what is considered a valid asylum claim.

In attempts to mitigate migration to European soil altogether, the EU took steps to spur third-party states to stem the human flows. In June 2015, in an attempt to curb the migrant flow from Libya to Italy and the precarious smuggling practices associated with the route, the EU made a deal with Libya. The deal aimed to establish ‘safe’ refugee camps within Libya, repatriate refugees who are willing to return to their countries of origin, boost training and equipment to Libya’s struggling coastguard, and become more involved with neighboring nations of Algeria, Tunisia, and Egypt to contain flows of migrants (Karakoulaki 2018). With conditions being too dangerous on the ground, the EU-Libya deal, while funded by the EU, was implemented by locals with the help of the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM). Similarly, in March 2016, the EU struck a deal with Turkey, known colloquially as the EU-Turkey deal, stipulating that all new irregular migrants crossing from Turkey to the Greek islands would be returned to Turkey. Additionally, for every Syrian returned to Turkey from the Greek islands, the EU would commit to resettling a legal refugee in Europe. In exchange, the EU committed itself to reduced visa restrictions for Turkish citizens, both to speed up the membership negotiations between Turkey and the EU and to allocate sizeable funds to Turkey aimed at tackling the flow of refugees and migrants (Legislative Train 2023b). As of April 2018, the EU-Turkey deal resulted in the relocation of over 12,000 Syrians from Turkey to EU member states, headed primarily to Germany and the Netherlands, and, in return, over 2,000 refugees were sent to Turkey from Greece (Lavenex 2018; Karakoulaki 2018).

By 2017, European Commission President Juncker (2017) announced that measures to stem flows of migrants along the Eastern Mediterranean and Central Mediterranean routes had resulted in reductions of 97 percent and 81 percent respectively in comparison to the previous year. Even so, the apparent success had not eradicated the sources of Europe’s governance crisis, leaving the EU dependent on third countries’ co-operation for control of irregular human flows into the continent. Member states benefited from externalizing their responses to the RMC, not the least of which includes access to third-party capabilities that are faster, cheaper, and require fewer resource commitments (Abbot 2015). It, moreover, mitigated internal conflict as well as domestic politicization, refocused accountability away from EU governments and institutions, and bought time to defer EU capacity-building. It, however, also implies surrendering control

over goals, outcomes, and procedures, especially on long-term projects. Such was the case with President Erdoğan, who threatened on multiple occasions to withdraw Turkish co-operation if the EU failed to comply with his demands, as well as with the UNHCR who leveraged the withdrawal of co-operation because the EU-Turkey deal infringed upon migrants’ rights under international law (Slominski & Trauner 2018; Genschel & Jachtenfuchs 2018). Both the EU-Turkey and the EU-Libya deals were highly criticized for creating poor conditions for migrants and even inciting human rights abuses linked to the ‘road block’ created by both deals (see, for example, Karakoulaki 2018; Scazzieri & Springford 2017).

The EU and the CEAS post-RMC

Years after the peak of the influx, the pressure for European solutions seemed much reduced, along with the perception of crisis. Even so, numerous additional EU-level initiatives were undertaken or maintained surrounding asylum, organised in a way that aimed to address existing deficiencies and promote future collaboration. Below are a few key EU-level and state-level developments concerning asylum post-RMC.

In April 2016, to further enforce the initial quota system on the non-cooperating member states, the European Commission began penalizing them by setting a penalty prize of €250,000 per migrant, an effort that fueled the Visegrád Group (Poland, Czech Republic, Hungary, and Slovakia) to counter-offer with the suggestion that RMC-mitigation efforts would be better spent on other activities, such as protection of external EU borders and return operations of rejected asylum claims (Benková 2017). In June 2017, the European Commission initiated an infringement procedure against Poland, Hungary, and the Czech Republic, citing non-compliance with their obligations under the 2015 Council Decisions. Three years later, in April 2020, the Court of Justice of the European Union concluded that each aforementioned country had failed to meet their obligation to varying degrees, stating that their non-compliance due to sovereign security concerns was insufficient (CJEU 2020). While the ruling was linked to past (in)actions, European Commission President Ursula von der Leyen stated that it would provide “guidance for the future”, both in terms of legal precedent and as a warning to member states wishing to shirk their legal obligations should similar events occur in the future.

In 2018 and early 2019—moreover, at the end of the 2015 relocation quota—informal and voluntary-based arrangements to disembark and relocate asylum seekers were introduced to ease political tensions surrounding geographic inequality created by the Dublin regulation and the consequent border closure of Mediterranean member states (ECRE 2019, 3; Carrera & Cortinovis 2019a). One such informal arrangement

was the joint Malta declaration, proposed by the interior ministers of Italy, Malta, France, and Germany in the fall of 2019 (Carrera & Cortinovis 2019b). The declaration proposed standard operating procedures for disembarkations, relocation of migrants, and search and rescue efforts in the Mediterranean (European Council n.d.). It was a non-legally binding “joint declaration of intent” that suggested voluntary solidarity mechanisms to address important issues that the RMC made apparent. Ultimately, the declaration was viewed as mere ‘political talk’ rather than genuine action and did not muster much attention, according to Frasca and Gatta (2020), at the expense of migrants, many of whom were dying at sea. Similar to previous mechanisms, its implementation raised questions about the EU’s accountability to migrant rights during the disembarkation and relocation procedures (Carrera & Cortinovis 2019b).

On a more formal note, in the summer of 2018, the European Council agreed on a set of measures aimed to ‘solve’ issues surrounding asylum, including intensified co-operation with external third parties in the Sahel region, Libya, and Turkey, along with additional search and rescue operations (Ripoll Servent 2019, 293). The initiative followed the same logic of externalising RMC-responses both by strengthening the EU’s external borders and by using third-party states. The RMC prompted a sizeable increase in EU efforts and funding of external border controls and third-country transit capacities. Frontex received a sevenfold increase in its budget as a direct result of the RMC, from €19 million in 2006 to €14 billion in 2015, as well as receiving another sevenfold increase to €75 billion in 2022 (Statista Research Department 2023c). According to Raineri and Strazzari (2021), externalizing such responses served as a “compromise” between the fear that Europe-bound rescue operations could incentivise irregular sea-crossings and the illegal practice of returning rescued migrants and asylum seekers to third-party states viewed as unsafe under EU Human Rights law. While the number of reported crossing-related deaths in the Mediterranean decreased sizeably after the introduction of various European Coast Guard and Frontex initiatives, there was an increase in the proportion of deaths per crossing in the following years, linked with a growing military presence and increasingly aggressive smuggling practices. Deaths per crossing statistics peaked in 2018 at approximately one in ten (Missing Migrant Project n.d.). Andersson (2014) argued that the externalisation of migration control created a vicious circle in which smuggling networks would benefit from incentivizing rescue missions. Throughout the RMC, some men and women determined enough to enter the EU were subject to increasingly creative smuggling practices such as Jet Ski trips from Morocco to Spain, parachute jumps from Turkish cargo flights, and in some more creative instances, “some kind of self-made submarines” (UNHCR 2017, 44). Yet, according to Borevi (2022), there remained a strong

emphasis on externalizing migration control, precisely because it was “one of the few areas where the member states have managed to reach agreement” (196).

According to Raineri and Strazzari (2021), the EU’s externalisation efforts come at a high reputational cost, citing cases in Mali (Lebovich 2018), Niger (Raineri 2018), Sudan (Molenaar *et al.* 2018), Turkey (Pierini 2018), and Libya (Micallef *et al.* 2019) in which the EU turned a blind eye in exchange for cooperation on migration and border policing. In doing so, the EU may have (in) directly aided the empowerment of authoritarian and criminal leadership abroad, shedding doubts on the EU’s ambitions of promoting good governance and liberal state-building. Still, the EU’s external responses are being rationalised and discursively associated with humanitarian norms, mitigating, as Cusamano (2019) argues, the perceived need for further reform.

On European territory, new migration centers were opened since the RMC (Ripoll Servent 2019, 293). These centers followed the same aim as the RMC’s hotspots, processing and determining the legal status of arriving individuals. During the RMC, hotspots were initially created to be reception and identification centers working in conjunction with a migrant relocation mechanism. Internal contentions between member states and growing numbers of incomers, however, turned hotspots into containment camps to varying degrees (Close 2022). According to the European Council of Refugees and Exiles, Greek island hotspots essentially became open-air prisons (ECRE 2023). In October 2019, the Council of Europe Commissioner for Human Rights decried the “desperate conditions” of those dwelling in these camps, dubbing the situation “explosive” and calling for urgent measures to address the “desperate conditions in which thousands of human beings are living” (Council of Europe 2019). A month later, the Director of the EU Fundamental Rights Agency characterised the situation as “the single most worrying fundamental rights issue that we are confronting anywhere in the European Union” (Nielsen 2019). Allowing for some temporary closure during the COVID-19 pandemic in 2020 and 2021, Italy alone maintained four hotspots operational by the end of 2022 (ECRE 2023).

In September 2020, the European Commission introduced the New Pact on Migration and Asylum of the EU, leaving many hoping for future policy cohesion. Even then, debates and contentions surrounding asylum and CEAS systemic discrepancies were still prevalent (De Bruycker 2022). As such, the proposal lacked novelty, suggesting shared responsibility between member states and a ‘new’ solidarity mechanism premised on willingness and capacity. Ultimately it was merely a reiteration of past CEAS reform attempts (Borevi 2022). It provided, moreover, amendments to the standardisation of the hotspot approach in the reception of asylum seekers in the EU,

further entrenching the already debatable practice. In June 2022, the French presidency of the European Council proposed CEAS reforms that addressed issues of solidarity and responsibility-sharing by advancing a “declaration on a voluntary solidarity mechanism” with the ambition of relocating 10,000 people in adhering member states (French Presidency 2022). It was signed by 21 EU member states (ECRE 2023). The Declaration aimed to introduce a new ‘modus operandi’ with the EU, signalling what Pelizza and Loschi (2023) term “the continuation of operational cooperation and the significance of administrative activities in the CEAS” (6).

Conclusion: The EU, the CEAS, and Failing Forward Post-RMC

The seeming lack of development in CEAS reform during and post-RMC follows the ‘policy stalemate’ logic established by Zaun (2018) and Ripoll Servent (2019), in which contentions between EU-level jurisdictions and member states make consensus difficult and stall reform. If more changes result in more of the same, what does this mean for Europe and the future of the EU more specifically?

Going back to Lavenex’s (2018) text, European integration ‘failing forward’ implies innovation and collaboration, leading to more integration through need and urgency (i.e., a crisis). Lavenex concludes her article on a pessimistic note, sustaining that while European Integration has always been anchored in normativity, normative ambition being decoupled from political action is likely to become status quo surrounding asylum (1198, 1209). She bases her position on existing and varied approaches in the literature, including intergovernmentalist (Biermann *et al.* 2017), neofunctionalist (Schimmelfennig 2018), a “failing forward” (Scipioni 2017), and postfunctionalist perspectives (Börzel & Risse 2018), all of which, she says, “converge on the assertion that, unlike for the euro area, no meaningful integration steps resulted from the CEAS crisis” (Lavenex 2018, 1198). Ultimately, they conclude that the gap created between expectations and reality may undermine the EU’s long-term credibility as a political actor, extending this vision to issues beyond CEAS reforms. Many others share this pessimistic vision. Genschel and Jachtenfuchs (2018), Ripoll Servent (2019), and Nikolic and Pevcin (2019), for example, are pessimistic about the future of the Union, decrying the time, money, and energy lost in debating RMC responses in jurisdictional gridlocks. Some, like Zaun (2018, 44), even go so far as to state that the Dublin regulation has “clearly failed” due to the inability of member states to agree to fair redistribution of migrants during the RMC. In a sense, these authors are right, in as much as EU policies in general have become more salient and contentious on the domestic level following the RMC, with regional politics figuring prominently in state-level elections

(Genschel & Jachtenfuchs 2018; Ripoll Servent 2019). From an organisational, supranational, policy, or even a moral (i.e., human rights) standpoint, the CEAS and the related Dublin regulation in their existing structure have indeed limited the development of effective and/or fair state-level and EU-level responses. Failure in the face of the RMC does not, however, signal the ‘inevitable’ demise of the EU.

Viewing European integration from Pelizza and Loschi’s (2023) sociotechnical perspective, for example, would demonstrate a more holistic and less pessimistic vision of the future of the CEAS and the EU as a whole. Pelizza and Loschi’s analysis includes a recognition of a gap between the “insurmountable” legal limitations in state-level cooperation and CEAS operationalisation, a divergence between theory and practice they call a “paradox”, which resembles Lavenex’s vision of asylum-related organised hypocrisy as an organisational strategy. Their sociotechnical perspective provides a means to discern tangible, cooperative continuity despite the “gaps in policy design and its implementations” (Pelizza & Loschi 2023, 3)—i.e., hypocrisy. Delving into the role of on-the-ground actors, they demonstrate that even with the gridlocks in state-level negotiations, a variety of actors—state and non-state—ensured operational continuity, and in doing so promoted further regional integration. Ultimately, they argue that even if collaboration and negotiations seem to stagnate at the level of ‘talk’, real-life exigencies actually promote member state cooperation and further intertwine respective capacities. It is a vision in league with Tsourdi (2020), in which the CEAS is not merely concerned with legislative rules, but also considers the series of actors that implement these rules themselves. Consequently, allowing for failed schemes, contentious actions, and even ongoing conflicts, the continuity of on-the-ground operations by a series of state-level, EU-level, and non-governmental bodies in relation to asylum—not the least of which includes the formalisation and standardisation of norms and rules but also administrative routines, both joint and individual—exhibits both continuity and even a form of systemic stability (Lahusen & Wacker 2019; Tsourdi & De Bruycker 2022). As such, Pelizza and Loschi (2023) argue that debates on European integration that focus solely on legal outcomes (i.e., supranational and inter-governmental) are “ill-equipped” (7) to tackle the CEAS paradox.

Lavenex’s notion of organised hypocrisy as it relates to the idea of ‘failing forward’ may be better suited. The same logic that deterred EU-level cooperation during the RMC is still at play today. Asylum-related policies since the RMC are nothing if not emblematic of the growing dissociation between the EU’s normative aspirations and the practical limits imposed by its political and institutional structures. Member states still call for the externalisation of migration control to third-party states. The normative contentions that

inform said dissociation in such a large and complex body of sovereign states as the EU are likely to persist as long as sovereignty and state interest are involved.

Nearly a decade has passed since the RMC and there is no knowing what the future of the EU holds, but one may retain hope for its ability to ‘fail forward’ past the most contentious issues. Despite the legal and legislative gridlocks surrounding asylum since the RMC, huge on-the-ground initiatives were undertaken by and in the name of the EU. Decoupling talk and action reconciled conflicting expectations of member states. Organised hypocrisy as such enabled action when faced with otherwise “irreconcilable” differences, permitting a form of integration which—while not as blatantly obvious as supranational agreements—can be viewed as inching its way forward. While EU member states have yet to consolidate a systemic approach to increases in irregular migration, this author maintains that in the event of future influxes into the European continent, there are reasons to remain optimistic for more effective and cooperative responses.

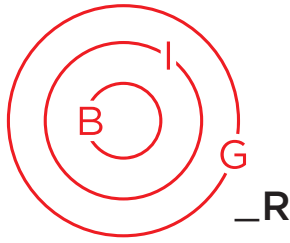
Works Cited

- Abbott, Kenneth W (eds.). 2015. *International Organizations as Orchestrators*. Cambridge: Cambridge University Press.
- Adam, Ilke, and Tiziana Caponio. 2019. “Research on the Multi-Level Governance of Migration and Migrant Integration: Reversed Pyramids” in Agnieszka Weinar, Saskia Bonjour, and Lyubov Zhyznomirska (eds.) *The Routledge Handbook of the Politics of Migration in Europe*. London: Routledge. 26–37.
- Andersson, Ruben. 2014. *Illegality, Inc.: Clandestine Migration and the Business of Bordering Europe*. Oakland, California: University of California Press. <http://dx.doi.org/10.1525/9780520958289>
- BBC News. 2015. “David Cameron Criticised over Migrant ‘Swarm’ Language” *BBC News* (July 30). <https://www.bbc.com/news/uk-politics-33716501>
- Benková, Livia. 2017. “Europe’s Response to the Migration Crisis” Austria Institut für Europa und Sicherheitspolitik (March). https://www.aies.at/download/2017/AIES-Fokus_2017-03.pdf
- Benvenuti, Bianca. 2016. “The European Safe Country of Origin List: Challenging the Geneva Convention’s Definition of Refugee?” *Reset Dialogues* (March 14). <https://www.resetdoc.org/story/the-european-safe-country-of-origin-list-challenging-the-geneva-conventions-definition-of-refugee/>
- Berry, Mike, Inaki Garcia-Blanco, and Kerry Moore. 2015. “Press Coverage of the Refugee and Migrant Crisis in the EU: A Content Analysis of Five European Countries” Cardiff School of Journalism, Media and Cultural Studies. Report for UNHCR (December). <https://www.unhcr.org/media/press-coverage-refugee-and-migrant-crisis-eu-content-analysis-five-european-countries>
- Block, Laura, and Saskia Bonjour. 2013. “Fortress Europe or Europe of Rights? The Europeanisation of Family Migration Policies in France, Germany and the Netherlands” *European Journal of Migration and Law* 15(2): 203–224. <http://dx.doi.org/10.1163/15718166-12342031>
- Borevi, Karin. 2022. “Immigration and Asylum in the EU: A Resilient Policy for Integration?” in Antonina Bakardjieva Engelbrekt, Per Ekman, Anna Michalski, and Lars Oxelheim (eds.) *Routes to a Resilient European Union*. Switzerland: Springer International Publishing AG.
- Brunsson, Nils. 1989. *The Organization of Hypocrisy: Talk, Decisions and Actions in Organizations*. New York: John Wiley & Sons.
- Carrera, Sergio, and Roberto Cortinovis. 2019a. “Search and rescue, disembarkation and relocation arrangements in the Mediterranean sailing away from responsibility?” Centre for European Policy Studies. Report No. 2019-10 (June). https://www.ceps.eu/wp-content/uploads/2019/06/LSE2019-10_ReSoma_Sailing-Away-from-Responsibility.pdf
- Carrera, Sergio, and Roberto Cortinovis. 2019b. “The Malta declaration on SAR and relocation: A predictable EU solidarity mechanism?” Centre for European Policy Studies. Report No. 2019-14 (October). https://www.ceps.eu/wp-content/uploads/2019/10/PI2019_14_SCRC_Malta-Declaration-1.pdf
- Cienski, Jan. 2015. “Migrants Carry ‘Parasites and Protozoa,’ Warns Polish Opposition Leader” *Politico* (October 14). <https://www.politico.eu/article/migrants-asylum-poland-kaczynski-election/>
- CJEU. 2017. “Judgment in Joined Cases C-643/15 and C-647/15 Slovakia and Hungary v Council” Court of Justice of the European Union. Press Release No. 91/17. <https://curia.europa.eu/jcms/upload/docs/application/pdf/2017-09/cp170091en.pdf>
- CJEU. 2020. “Judgment in Joined Cases C-715/17, C-718/17 and C-719/17 Commission v Poland, Hungary and the Czech Republic” Court of Justice of the European Union (April 2). <https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-04/cp200040en.pdf>
- Clarke, Harold D., Matthew J. Goodwin, and Paul Whiteley. 2017. *Brexit: Why Britain Voted to Leave the European Union*. Cambridge: Cambridge University Press.
- Close, Josepha. 2022. “The EU Policy of Containment of Asylum Seekers at the Borders of Europe: (1) The Hotspot Approach” *International Law Blog* (April 4). <https://internationallaw.blog/2022/04/04/the-eu-policy-of-containment-of-asylum-seekers-at-the-borders-of-europe-1-the-hotspot-approach/>
- Council of the European Union. 2023. “Saving Lives at Sea and Fighting Migrant Smuggling” European Council and Council of Europe (February 9). <https://www.consilium.europa.eu/en/policies/eu-migration-policy/saving-lives-sea/>
- Council of Europe. 2019. “Greece Must Urgently Transfer Asylum Seekers from the Aegean Islands and Improve Living Conditions in Reception Facilities” Council of Europe Portal (October 31). <https://www.coe.int/en/web/commissioner/-/greece-must-urgently-transfer-asylum-seekers-from-the-aegean-islands-and-improve-living-conditions-in-reception-facilities>
- French Presidency of the Council of the European Union. 2022. “First Step in the Gradual Implementation of the European Pact on Migration and Asylum: Modus operandi of a voluntary solidarity mechanism” (June). <https://www.statewatch.org/media/3351/eu-council-asylum-voluntary-solidarity-mechanism-9360-22-add1.pdf>
- De Bruycker, Phillipe. 2022. “The new pact on migration and asylum: What it is not and what it could have been” *EU Immigration and Asylum Law and Policy* (December 15). <https://eumigrationlawblog.eu/the-new-pact-on-migration-and-asylum-what-it-is-not-and-what-it-could-have-been/>

- Dearden, Lizzie. 2016. “Denmark ‘criminalising decency’ with crackdown on helping refugees, says woman prosecuted for giving lift” *The Independent* (March 12). <https://www.independent.co.uk/news/world/europe/denmark-criminalising-decency-with-crackdown-on-helping-refugees-says-woman-prosecuted-for-giving-a6927676.html>
- ECRE. 2023. “Conditions In Reception Facilities” *European Council on Refugees and Exiles* (June 8) <https://asylumineurope.org/reports/country/greece/reception-conditions/housing/conditions-reception-facilities/>
- ECRE. 2019. “Relying on Relocation” European Council on Refugees and Exiles. Policy Paper 6 (January). <https://www.ecre.org/wp-content/uploads/2019/01/Policy-Papers-06.pdf>
- European Commission. 2016. “Communication from the commission to the European Parliament and the council on the State of Play of Implementation of the Priority Actions under the European Agenda on Migration” COM(2016) 85 final (February 10) <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=celex:52016DCC0085>
- European Commission. 2017. “Regulation of the European Parliament and of the Council” (September 27). [https://www.europarl.europa.eu/RegData/docs_autres_institutions/commission_europeenne/com/2017/0571/COM_COM\(2017\)0571_EN.pdf](https://www.europarl.europa.eu/RegData/docs_autres_institutions/commission_europeenne/com/2017/0571/COM_COM(2017)0571_EN.pdf)
- European Commission. n.d. “Temporary Reintroduction of Border Control”. https://home-affairs.ec.europa.eu/policies/schengen-borders-and-visa/schengen-area/temporary-reintroduction-border-control_en
- European External Action Service (EEAS). 2017a. EUNAVFOR Med—Operation Sophia factsheet (April 25).
- European External Action Service (EEAS). 2017b. EUNAVFOR Med—Operation Sophia factsheet (June 19).
- European Migration Network. 2017. “2016 Annual Report on Migration and Asylum” European Migration Network (EMN) (April 25). <https://www.emn.at/wp-content/uploads/2016/12/EMN-Annual-Report-on-Migration-and-Asylum-2016.pdf>
- European Parliament Briefing. 2020. “Hotspots at EU External Borders: State of Play” Think Tank: European Parliament (September 25). [https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI\(2020\)652090](https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2020)652090)
- European Parliament News. 2023. “Reforming the Common European Asylum System” *News: European Parliament* (April 26). <https://www.europarl.europa.eu/news/en/headlines/society/20170627STO78418/reforming-the-common-european-asylum-system>
- European Parliament. 2022. “Asylum and Migration in the EU: Facts and Figures” *News: European Parliament* (May 8). <http://www.europarl.europa.eu/news/en/headlines/society/20170629STO78630/eu-migrant-crisis-facts-and-figures>
- European Social Survey. 2017. “Attitudes towards immigration in Europe: myths and realities” European Parliament (June 19). https://www.europeansocialsurvey.org/docs/findings/IE_Handout_FINAL.pdf
- European Union Agency for Law Enforcement Cooperation. 2018. “European Union Terrorism Situation and Trend Report” Europol. https://www.europol.europa.eu/cms/sites/default/files/documents/tesat_2018_1.pdf
- Europol. 2021. “Changes in Modus Operandi of Islamic State (IS) Revisited” Europol Public Information (November). <https://www.europol.europa.eu/publications-documents/changes-in-modus-operandi-of-islamic-state-revisited>
- Eurostat. 2017. “1.2 Million First Time Asylum Seekers Registered in 2016” Eurostat (March 16). <https://ec.europa.eu/eurostat/documents/2995521/7921609/3-16032017-BP-EN.pdf/e5fa98bb-5d9d-4297-9168-d07c67d1c9e1?t=1489575151000>
- Eurostat. 2016. “Record Number of Over 1.2 Million First Time Asylum Seekers Registered in 2015” Eurostat (March 4). <http://ec.europa.eu/eurostat/documents/2995521/7203832/3-04032016-AP-EN.pdf/790eba01-381c-4163-bcd2-a54959b99ed6>
- Farmer, Ben. 2016. “Who is Salah Abdeslam and Who Were the Paris Terrorists? Everything We Know about the ISIL Attackers” *The Telegraph* (March 18). <https://www.telegraph.co.uk/news/worldnews/europe/france/11996120/Paris-attack-what-we-know-about-the-suspects.html>
- Ford, Robert, and Matthew Goodwin. 2017. “Britain After Brexit: A Nation Divided” *Journal of Democracy* 28(1): 17–30.
- franceinfo. 2016. “Abdeslam, Abaaoud, Mostefai : qui sont les suspects des attentats du 13 novembre ?” (March 21). https://www.francetvinfo.fr/faits-divers/terrorisme/attaques-du-13-novembre-a-paris/enquete-sur-les-attentats-de-paris/abdeslam-abaaoud-mostefai-qui-sont-les-personnages-implicques-dans-les-attentats-du-13-novembre_1366689.html
- Frasca, Eleanora, and Luigi Gatta. 2020. “The Malta Declaration on Search & Rescue, Disembarkation and Relocation: Much Ado about Nothing” *EU Immigration and Asylum Law and Policy* (March 3). <https://eumigrationlawblog.eu/the-malta-declaration-on-search-rescue-disembarkation-and-relocation-much-ado-about-nothing/>
- Genschel, Philipp, and Markus Jachtenfuchs. 2018. “From Market Integration to Core State Powers: The Eurozone Crisis, the Refugee Crisis and Integration Theory” *Journal of Common Market Studies* 56(1): 178–196. <http://dx.doi.org/10.1111/jcms.12654>
- Gois, Pedro, and Maria Faraone. 2018. “Reconstructing the migration communication discourse.” in Stephen M Croucher, Joao R. Caetano, and Elsa A. Campbell (eds.) *The Routledge Companion to Migration, Communication, and Politics*. Boca Raton, FL: Routledge.
- Goodman, Sara Wallace. 2014. *Immigration and Membership Politics in Western Europe*. Cambridge: Cambridge University Press.
- Hauswedell, Charlotte. 2018. “Border Controls in Europe’s Schengen Zone” *InfoMigrants* (May 23). <http://www.infomigrants.net/en/post/8750/border-controls-in-europe-s-schengen-zone>
- Hayes, Ben, and Frank Barat. 2017. “Europe’s Quiet Offensive against People Helping Refugees” *Euractiv* (October 30) <https://www.euractiv.com/section/global-europe/opinion/europes-quiet-offensive-against-people-helping-refugees/>
- Heijer, Maarten Den, Jorrit Rijpma, and Thomas Spijkerboer. 2016. “Coercion, Prohibition, and Great Expectations: The Continuing Failure of the Common European Asylum System” *Common Market Law Review* 53(3): 607–642.
- Hughes, Rebecca. 2016. “Addressing the Refugee Crisis: Will the ‘Fairness Mechanism’ Make a Difference?” *Michigan Journal of International Law* 38 (November). <http://www.mjilonline.org/addressing-the-refugee-crisis-will-the-fairness-mechanism-make-a-difference/>
- Human Rights Watch. 2020. “Greece/EU: Allow New Arrivals to Claim Asylum” Human Rights Watch (March). <https://www.hrw.org/news/2020/03/10/greece/eu-allow-new-arrivals-claim-asylum>

- Jones, Erik, R. Daniel Kelemen, and Sophie Meunier. 2016. “Failing Forward? The Euro Crisis and the Incomplete Nature of European Integration” *Comparative Political Studies* 49(7): 1010-1034. <http://dx.doi.org/10.1177/0010414015617966>
- Juhász, Attila, Bulcsú Hunyadi, and Edit Zgut. 2015. “Focus on Hungary: Refugees, Asylum and Migration” Heinrich-Böll-Stiftung. https://www.boell.de/sites/default/files/2015-focus-on-hungary_refugees_asylum_migration.pdf
- Juncker, Jean-Claude. 2017. State of the Union Address (September 13).
- Karakoulaki, Marianna. 2018. “EU-Turkey Deal: The Burden on Refugees in Greece” *Open Migration* (April 11). <https://openmigration.org/en/analyses/eu-turkey-deal-the-burden-on-refugees-in-greece/>
- Kaunert, Christian, and Sarah Léonard. 2012. “The Development of the EU Asylum Policy: Venue-Shopping in Perspective” *Journal of European Public Policy* 19(9): 1396-1413. <http://dx.doi.org/10.1080/13501763.2012.677191>
- Kingsley, Patrick. 2016. *The New Odyssey*. London: Guardian Books.
- Krzyżanowski, Michał, Anna Triandafyllidou, and Ruth Wodak. 2018. “The Mediatization and the Politicization of the ‘Refugee Crisis’ in Europe” *Journal of Immigrant & Refugee Studies* 16(1-2): 1-14. <http://dx.doi.org/10.1080/15562948.2017.1353189>
- Lahusen, Christian, and Marius Wacker. 2019. “A European Field of Public Administration?: Administrative Cooperation of Asylum Agencies in the Dublin System” in Martin Heidenreich (eds.) *Horizontal Europeanisation*. Abingdon, Oxon: Taylor & Francis. 153-174.
- Lavenex, Sandra, and W.M. Wagner. 2007. “Which European Public Order? Sources of Imbalance in the European Area of Freedom, Security and Justice” *European Security* 16(3-4): 225-243.
- Lavenex, Sandra. 2018. “‘Failing Forward’ Towards Which Europe? Organized Hypocrisy in the Common European Asylum System” *Journal of Common Market Studies* 56(5): 1195-1212. <http://dx.doi.org/10.1111/jcms.12739>
- Lebovich, Andrew. 2018. “Halting ambition: EU migration and security policy in the Sahel” European Council on Foreign Relations (ECFR) Policy Brief (September 25). https://ecfr.eu/publication/halting_ambition_eu_migration_and_security_policy_in_the_sahel/
- Legislative Train. 2023b. “EU-Turkey Statement & Action Plan” European Parliament (May). <https://www.europarl.europa.eu/legislative-train/carriage/eu-turkey-statement-action-plan/report?sid=7001>
- Legislative Train. 2023a. “Permanent EU relocation mechanism” European Parliament (May 20). <https://www.europarl.europa.eu/legislative-train/carriage/permanent-eu-relocation-mechanism/report?sid=7001>
- Lehne, Stefan. 2018. “The EU Remains Unprepared for the Next Migration Crisis” Carnegie Europe (April 3) <https://carnegieeurope.eu/2018/04/03/eu-remains-unprepared-for-next-migration-crisis-pub-75965>
- LePoint. 2015. “Marine Le Pen compare l'afflux de migrants aux invasions barbares” (September 14) https://www.lepoint.fr/politique/marine-le-pen-compare-l-afflux-de-migrants-aux-invasions-barbares-14-09-2015-1964773_20.php
- Micallef, Mark, R. Horsley, and A. Bish. 2019. “The Human Conveyor Belt Broken: Assessing the Collapse of the Human-Smuggling Industry in Libya and the Central Sahel” The Global Initiative Against Transnational Organized Crime and Clingendael (March). https://globalinitiative.net/wp-content/uploads/2019/04/Global-Initiative-Human-Conveyor-Belt-Broken_March-2019.pdf
- “Migration and Home Affairs” (n.d). European Commission. https://home-affairs.ec.europa.eu/policies/migration-and-asylum/common-european-asylum-system_en
- Missing Migrant Project. 2023. “Migration Within the Mediterranean”. https://missingmigrants.iom.int/region/mediterranean?region_incident=All&route=All&year%5B%5D=2503&month=All&incident_date%5Bmin%5D=&incident_date%5Bmax%5D=
- Molenaar, Fransje, Jerome Tubiana, and Clothilde Warin. 2018. “Caught in the Middle: A Human Rights and Peace-Building Approach to Migration Governance in the Sahel” Clingendael CRU Report (December). The Hague: Clingendael Institute.
- Nielsen, Nikolaj. 2019. “Greek migrant hotspot now EU’s ‘worst rights issue’” *EUObserver* (November 7). <https://euobserver.com/migration/146541>
- Niemann, Arne, and Natascha Zaun. 2018. “EU Refugee Policies and Politics in Times of Crisis: Theoretical and Empirical Perspectives: EU Refugee Policies in Times of Crisis” *Journal of Common Market Studies* 56(1): 3-22. <http://dx.doi.org/10.1111/jcms.12650>
- Nikolić, Bruno, and Primož Pevcin. 2022. “How to Improve Sustainability of the Schengen Agreement on Open Borders?” *International Migration* 60(1): 244-257. <http://dx.doi.org/10.1111/imig.12850>
- OECD. 2023. “Foreign-born population (indicator)” <https://doi.org/10.1787/5a368e1b-en/>
- Papademetriou, Demetrios G. 2017. “The Migration Crisis Is over: Long Live the Migration Crisis.” Migration Policy Institute (June 1). <https://www.migrationpolicy.org/news/migration-crisis-over-long-live-migration-crisis>
- Pelizza, Annalisa, and Chiara Loschi. 2023. “Telling ‘More Complex Stories’ of European Integration: How a Sociotechnical Perspective Can Help Explain Administrative Continuity in the Common European Asylum System” *Journal of European Public Policy* (ahead-of-print): 1-22. <http://dx.doi.org/10.1080/13501763.2023.2197945>
- Pierini, Marc. 2018. “The 2018 Turkey Regress Report” Carnegie Europe (March 14). <https://carnegieeurope.eu/2018/03/14/2018-turkey-regress-report-pub-75794>
- Postelnicescu, Claudia. 2016. “Europe’s New Identity: The Refugee Crisis and the Rise of Nationalism” *Europe’s Journal of Psychology* 12(2): 203-209. <http://dx.doi.org/10.5964/ejop.v12i2.1191>
- Poushter, Jacob. 2016. “European Opinions of the Refugee Crisis in 5 Charts” Pew Research Center (September 16). <http://www.pewresearch.org/fact-tank/2016/09/16/european-opinions-of-the-refugee-crisis-in-5-charts/>
- Pries, Ludger. 2020. “‘We Will Manage It’ – Did Chancellor Merkel’s Dictum Increase or Even Cause the Refugee Movement in 2015?” *International Migration* 58(5): 18-28. <http://dx.doi.org/10.1111/imig.12684>
- Prosser, Chris, Jon Mellon, and Jane Green. 2016. “What Mattered Most to You when Deciding how to Vote in the EU Referendum?” British Election Study (11 July). <https://www.britishelectionstudy.com/bes-findings/what-mattered-most-to-you-when-deciding-how-to-vote-in-the-eu-referendum/>

- Raineri, Luca, and Francesco Strazzari. 2021. “Dissecting the EU Response to the ‘Migration Crisis’” in Roger Mac Ginty, Sandra Pogodda, and Oliver P. Richmond (eds.) *The EU and Crisis Response*. Manchester, England: Manchester University Press. 201–226. <https://doi.org/10.7765/9781526148346.00015>
- Raineri, Luca. 2018. “Human Smuggling Across Niger: State-Sponsored Protection Rackets and Contradictory Security Imperatives” *The Journal of Modern African Studies* 56(1): 63–86. <http://dx.doi.org/10.1017/S0022278X17000520>
- Ripoll Servent, Ariadna. 2019. “Failing Under the ‘Shadow of Hierarchy’: Explaining the Role of the European Parliament in the EU’s ‘Asylum Crisis’” *Journal of European Integration* 41(3): 293–310. <http://dx.doi.org/10.1080/07036337.2019.1599368>
- Roots, Lehte. 2016. “Burden Sharing and Dublin Rules—Challenges of Relocation of Asylum Seekers” *Athens Journal of Law* 3(1): 7–20. <http://dx.doi.org/10.30958/ajl.3-1-1>
- Scazzieri, Luigi, and John Springford. 2017. “How the EU and third countries can manage migration” Centre for European Reform (November). https://www.cer.eu/sites/default/files/pbrief_amato_migration_inov17.pdf
- Scipioni, Marco. 2018. “Failing Forward in EU Migration Policy? EU Integration after the 2015 Asylum and Migration Crisis” *Journal of European Public Policy* 25(9): 1357–1375. <http://dx.doi.org/10.1080/13501763.2017.1325920>
- Segura, Natalia. 2016. “Frontex’s New Mandate, a Controversial EU Approach to the Refugee Crisis” *European Public Affairs* (October 26). <http://www.europeanpublicaffairs.eu/frontexs-new-mandate-a-controversial-eu-approach-to-the-refugee-crisis/>
- Signe, Sofie Hansen. 2016. “Humans of Calais Migration from the Perspective of Migrants” King’s College London Migration Research Group (November 10). https://issuu.com/signesofiehansen/docs/humans_of_calais_issuu
- Slominski, Peter, and Florian Trauner. 2018. “How Do member states Return Unwanted Migrants? The Strategic (non)use of ‘Europe’ During the Migration Crisis” *Journal of Common Market Studies* 56(1): 101–118. <http://dx.doi.org/10.1111/jcms.12621>
- Statista Research Department. 2023c. “Annual Budget of Frontex in the European Union from 2005 to 2022” *Statista*. <https://www.statista.com/statistics/973052/annual-budget-frontex-eu/>
- Statista Research Department. 2023a. “Number of Illegal Crossings between Border-crossing Points in the European Union from 2009 to 2021” *Statista*. <https://www.statista.com/statistics/454775/number-of-illegal-entries-between-bcps-to-the-eu/>
- Statista Research Department. 2023b. “Number of recorded deaths of migrants in the Mediterranean Sea from 2014 to 2022” *Statista*. <https://www.statista.com/statistics/1082077/deaths-of-migrants-in-the-mediterranean-sea/>
- Stern, Rebecca. 2017. “Responses to the ‘Refugee Crisis’: What is the Role of Selfimage among EU Countries?” *European Policy Analysis* Issue 2016(10) . <https://ssrn.com/abstract=2933381>
- Stoltenberg, Jens. 2016. “NATO and Europe’s refugee and migrant crisis” *NATO Newsroom* (February 26). https://www.nato.int/cps/en/natohq/opinions_128645.htm
- Thielemann, Eiko, and Carolyn Armstrong. 2013. “Understanding European Asylum Cooperation Under the Schengen/Dublin System: a Public Goods Framework” *European Security* 22(2): 148–164. <http://dx.doi.org/10.1080/09662839.2012.699892>
- Thielemann, Eiko. 2018. “Why Refugee Burden-Sharing Initiatives Fail: Public Goods, Free-Riding and Symbolic Solidarity in the EU” *Journal of Common Market Studies* 56(1): 63–82. <http://dx.doi.org/10.1111/jcms.12662>
- Trauner, Florian. 2016. “Asylum Policy: The EU’s ‘Crises’ and the Looming Policy Regime Failure” *Journal of European Integration* 38(3): 311–325. <http://dx.doi.org/10.1080/07036337.2016.1140756>
- Tsourdi, Evangelina. 2020. “The emerging architecture of EU asylum policy: Insights into the administrative governance of the Common European Asylum System” in F. Bignami (ed.) *EU Law in Populist Times: Crises and Prospects*. Cambridge: Cambridge University Press. 191–226. <https://doi.org/10.1017/9781108755641.008>
- Tsourdi, Evangelina, and Philippe De Bruycker 2022. “The evolving EU asylum and migration law” in Evangelina Tsourdi and Philippe De Bruycker (eds.) *Research Handbook on EU Migration and Asylum Law*. Cheltenham: Edward Elgar Publishing. 1–55.
- UNHCR. 2017. “From a Refugee Perspective” Regional Bureau for Europe, Communicating with Communities Unit.
- Upadhyay, Dinoj K. 2016. “Migrant Crisis in Europe: Causes, Responses and Complexities” Indian Council on World Affairs (April 26). https://www.icwa.in/showfile.php?lang=1&level=3&is_id=542&lid=410
- Viktor, Orban. 2015. “Speech of Viktor Orbán at the EPP Congress” Website of the Hungarian Government (October 26). <https://2015-2019.kormany.hu/en/the-prime-minister/the-prime-minister-s-speeches/speech-of-viktor-orban-at-the-epp-congress20151024>
- Wagner, Martin, Jimy Perumadan, and Paul Baumgartner. 2019. “Secondary Movements” CEASEVAL Research on the Common European Asylum System (34). http://ceaseval.eu/publications/34_SecondaryMovements.pdf
- Wallace, Rebecca. 2018. “Contextualizing the Crisis: The Framing of Syrian Refugees in Canadian Print Media” *Canadian Journal of Political Science* 51(2): 207–231. <https://doi.org/10.1017/S0008423917001482>
- Zaun, Natascha. 2018. “States as Gatekeepers in EU Asylum Politics: Explaining the Non-Adoption of a Refugee Quota System: States as Gatekeepers in EU Asylum Politics” *Journal of Common Market Studies* 56(1): 44–62. <https://doi.org/10.1111/jcms.12663>
- Zaun, Natascha. 2017. *EU Asylum Policies: The Power of Strong Regulating States*. Cham: Springer International Publishing.



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Towards Norms and Sanctions: Interwar Franco–Belgian Border Conflict over the Insalubrity of French Factories

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Downstream from the industrial French cities of Roubaix and Tourcoing, it took more than a century of exceptional insalubrity in the cross-border Espierre valley for France and Belgium to move towards the idea of adopting sanitary norms and sanctions to be imposed on French manufacturers. We propose to focus on the interwar period to try to understand the path that was followed for the different actors to agree on this idea. By tracing the history of an environmental controversy that was among the first to end up before an international jurisdiction, we highlight the important place this question had in the construction of Franco–Belgian border relations during a period of great tensions in Europe.

Introduction

In 1974, the Parliamentary Assembly of the Council of Europe adopted a *Draft European Convention for the Protection of International Watercourses Against Pollution*, which aims to provide a framework for the use of transnational river waters. In 1979, a convention was signed at the United Nations on long-range transboundary air pollution. The practices and norms resulting from these texts were guided by the level of cooperation that already existed within the European Economic Community. However, the issue of massive transboundary pollution in Western Europe has existed since the early days of the first industrial revolution. To fully understand the construction of border relations in this region would be impossible without considering their environmental dimensions. Whether in the management of resources or pollution,

cross-border regions have often been the site of strong tensions whose resolution, or lack of resolution, has put diplomatic relations to the test.

This historical work deals with Franco–Belgian relations during the interwar period around the question of the insalubrity of the Espierre valley. A typical case of exacerbated tensions and asymmetrical positioning, it features a multitude of actors who all played a role in the perpetuation of large-scale nuisances. This article proposes to bring some elements forth to understand the dynamics at work in the status quo imposed by the industrialists concerning the treatment of their wastewater at the origin of the pollution. During the interwar period, anxious to spare an important ally, the French central administration seemed to want to act

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in the face of the inaction of the industrialists and the municipalities. However, we will see that despite the rise of the hygienist current and sanitary considerations, the public authorities did not enact any measures to make the pollution of French industries disappear.

This study is based on original archival documents, in particular French and Belgian press articles, the archives of the Espierre purification syndicate, *Fond du syndicat de l'Espierre 1892-1937* (AMR 5M 115-116), the deliberations of the Roubaix city council, *Bulletins communaux, 1919-1939* (AMR 1 D 171-191) and the minutes of the meetings of the wool combers' cartel, the corporation's employers' union, *Fonds du peignage Amédée Prouvost, Syndicat des Peigneurs de Laine* (ANMT 1997 014 221). This work is part of the field of environmental history; this historiographic approach has, since its inception, taken into account the question of borders in its studies (Worster 1982). More recently, it has renewed the study of the history of industrial pollution, highlighting the place of its management in the development of contemporary industrial societies (Massard-Guilbaud 2010; Jarrige & Roux 2020). River pollution has been specifically studied, as it represents moving and visible pollution that can alter the way of life of population far from the places the pollution occurred (Steinberg 1994; Castonguay & Evenden 2012).

The Beginnings of the Espierre Valley Insalubrity

Throughout the 19th century, the cities of Roubaix and Tourcoing experienced a spectacular expansion of their textile industry. At the beginning of the 20th century, the place of these two agglomerations in the industrial complex of the country was central. These agglomerations were then the capital of French textile production, and the city of Roubaix was given the nickname of "French Manchester". For wool in particular, the Roubaix-Tourcoing complex was unrivaled, accounting for 59.3 percent of French wool fabric sales, four times more than Reims, the second largest production center (Daumas 2020, 217-330). In 1902, the agglomeration had 21 combing workshops and more than 1,300 combing machines, which treated 65,000 tons of wool annually and also ensured 60 percent of French exports (Goblet 1903, 82). In these workshops, around 12,000 men and women worked for a handful of large companies. The wools, once cleaned and combed, were woven in 90 weaving workshops, which employed around 17,000 workers (Daumas 2020, 293).

The conditions that allowed the development of this important industrial complex have been studied in several academic works. The matrimonial strategies of the bourgeoisie of Roubaix and Tourcoing allowed them to constitute a powerful fabric whose cohesion allowed them to defend their economic interests with

efficiency (Mastin 2007). This bourgeoisie was able to keep control of municipal power in Roubaix until 1892, and to some extent until 1930 in Tourcoing. Its interests were also well represented in the Chamber of Deputies and the General Council of the Nord department. A few geographical elements must also be taken into account to understand the success of the complex. The proximity of the mining basins of the Borinage in Belgium, and later of the Nord and Pas-de-Calais in France, made inexpensive coal available to the towns, thanks to an efficient navigable network. Thus, the first mechanized workshops were able to use steam engines from the beginning of the 19th century, whereas the transition would be later in New England (Steinberg 1994) and in England (Malm 2013). This facility allowed all the wool factories—along with the dyeing factories, weaving mills, and cotton spinning mills—to ensure a high level of mechanization by taking advantage of a certain number of technical innovations imported from the Netherlands or from England. However, this technological level seems to have waned at the beginning of the 20th century, as evidenced by the German report on industry in occupied France written in 1916 (Industrie 1916).

The proximity of the border also provided the agglomeration with an important asset. Among the almost exclusively working-class population of the city, a significant part was made up of Belgian workers who either settled in France or crossed the border daily to get to the factory. The availability of this abundant labor force had historically played an important part in the success of the region's industries. Employers benefited from advantageous hiring conditions, but could also use this foreign population as a reservoir when the economic situation required it. Belgians were often paid less, relegated to menial tasks, and could be used as strikebreakers in times of social tension in France. The "salutary" fear of deportation allowed employers to play on wages, which remained almost stagnant between 1882 and 1913 (Hennebicque 1968, 85). Although the proportion of Belgian workers varied regularly, at certain times they constituted more than half of the active population of the city of Roubaix (Daumas 2020, 266; Petillon 2006, 83-164; Lentacker 1987).

Other geographical considerations could have been a barrier to the development of industry in the region: in particular, the water shortages that hit the factories from the beginning of the 19th century onward. The wool industry was especially water-intensive, with wool imported from France, Argentina, Australia, and South Africa arriving at the port of Dunkirk and being transported to Roubaix, where it arrived dirty and needing to be washed. Washing and combing is the first stage of processing in the wool industry. It consists of removing all sorts of impurities that constitute the wool's suint while untangling the fibers. These processes require a lot of water, but the cities of

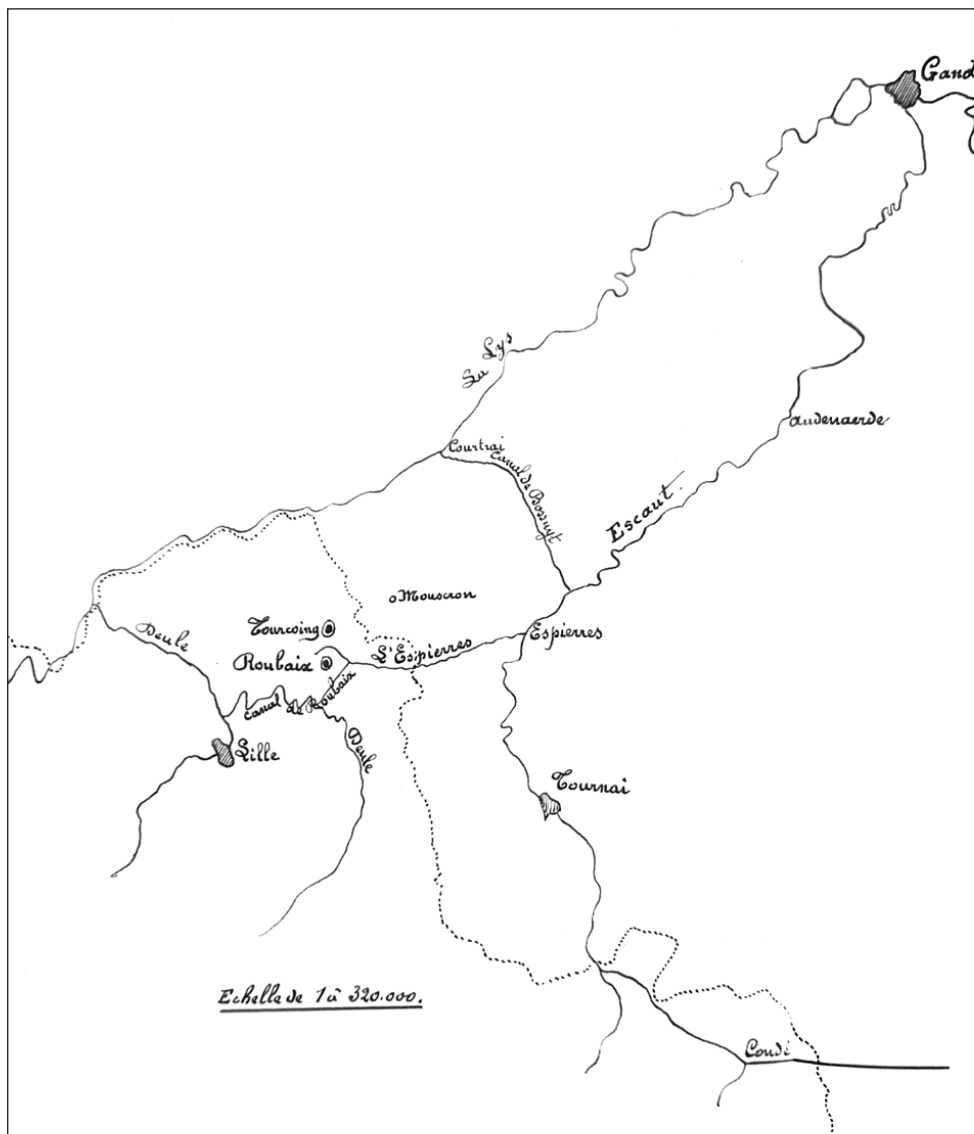


Figure 1. Hydraulic Network around Roubaix-Tourcoing, mid-19th century.
 Image source: the author, based on data from AGR T039 05 296.

Roubaix and Tourcoing are only crossed by two small streams that flow into the Espierre, a river that runs a few kilometers in France before passing into Belgium and joining the Scheldt. Drilling into the groundwater table proved insufficient to meet the need for water during the explosion of the wool industry in the early 19th century. However, despite the lack of water, the industrialists reiterated time and time again their choice to maintain the production centers in the agglomeration. Throughout the 150 years of the city's textile history, investments outside the agglomeration by the large families were rather rare, and this, perhaps, raised questions. It turns out that the availability of manpower has always been a key factor in the decision to locate factories. This dynamic can be compared to the production centers in England. In his study on the origin of fossil capital in the British wool industry,

Andreas Malm explains the choice made by British manufacturers at the beginning of the 19th century to abandon the remoted production colonies located near large rivers and out in the countryside in order to settle in cities. This priority given to the availability of labour thus accelerated the shift from water power to coal and steam, despite the economic inferiority of the latter at the time (Malm 2013).

The industrialists therefore lined up in order of battle to provide the cities with several infrastructures in order to bring water to the agglomeration. First, a canal was built between 1835 and 1877 along the Espierre River. This development not only provided the town with a navigable waterway, but also allowed for numerous pumping operations in the canal, which the industrialists used as a water source. Later, two other pumping plants

were built under the impulse of the municipalities. One in Bousbecques, completed in 1863, pumped the waters of the Lys river for the benefit of industry. The second one in Anchin, at the end of the century, about 40 kilometers south, drew drinking water from another groundwater table, for both domestic and industrial uses. These very important water supplies created a hydrographic imbalance, and the flow of the Espierre River increased tenfold over the course of the century, swollen by all the wastewater, both domestic and industrial, from the agglomeration (Gagnepain 2021a).

It was in the 1850s, with the installation and multiplication of the first mechanical combing factories in Roubaix, that the problems of insalubrity in the Espierre valley appeared. These problems were of two types: first, the hydrographic imbalance caused regular floods downstream of the cities, and second, the bed of the Espierre proved unable to accommodate the sewers of Roubaix and Tourcoing, especially when significant rainfall affected the region. Floods regularly devastated the whole valley, from Wattrelos in France, to Espierres, a small village at the confluence of the Espierre and the Escaut. But these floods were not the only problem: the quality of water released in the Espierre soon drew tensions with the Belgians. Indeed, the river was considered by the industrialists as the natural collecting sewer of the two cities. The industrial waters were thus released there without any treatment. The wool combing industry, the most water-intensive, was quickly singled out by the French and the Belgians. The washing and combing waters were sludge loaded with grease and organic matter. The riparian inhabitants of the Scheldt and the Espierre complained that the rivers carried water that was unfit for the most basic uses. Fishing was impossible and the odors emanating from the river and the canal were accused of being the cause of fever and typhoid epidemics. Several studies show that the water of the river was more polluted than the water of the sewers of big industrial cities like London or Paris. The industrialists of Gandt were also worried about not being able to use the river water for their machines when the water of the Espierre became so dirty and so abundant that it could no longer dissolve in the Scheldt.

Belgium imposed several international commissions on France in order to propose solutions to the situation. The most important one took place between 1882 and 1884, and ended with a promise from the French side to build a purification station at the border to treat the waters of the Espierre. Indeed, the industrialists refused to treat their discharges themselves, arguing that the State could not impose that on them. Above all, they opposed Belgian demands with thinly veiled threats regarding the employment of their nationals in the French factories.¹ At the border, the experimental Grimont water treatment plant was built during the last decade of 19th century. It quickly proved to be undersized for the treatment of all the water in the

river, and the technical solution chosen—which was to purify the water by spreading it over the ground—quickly accumulated quantities of sludge that the plant was unable to get rid of. After several failed technical experiments, the plant closed in 1908. The promises and commissions, as well as the improvement of the Espierre riverbed, only marginally reduced the problem of insalubrity in the valley. Diplomatic tensions continued to rise, to the point that Belgium threatened on several occasions to build a dam at the border to flood Roubaix and Tourcoing with their industrial waste (Gagnepain 2021b). A budget was voted in the Chamber and land was purchased for this purpose. This fanciful project never came to fruition, but it demonstrated both how much Belgium was affected by this situation and how powerless it was to impose serious measures on the industrialists of Roubaix and Tourcoing. It is therefore reasonable to consider that this ease given to pollute, thanks to the nearby presence of the border, was a major asset in the development of the textile industrial complex of the agglomeration, and such sanitary conditions could certainly not have been maintained in another river in the middle of the national territory. It was not until the period between the two world wars that political pressure was sufficient to impose standards and sanctions on industry. We will focus on this period in the continuation of the paper below.

1919 to 1930: The Industrialists Temporarily

During the First World War, the cities of Roubaix and Tourcoing, like Belgium, were occupied by the German army. Industrial activity was largely suspended and the infrastructure suffered significant damage. The Roubaix canal, for example, was put out of service by the occupying army when it retreated in 1918. The city council did everything in its power to rehabilitate the facilities, and major work was financed in part by the war damages paid by Germany under the Treaty of Versailles. From 1918, industrial activity resumed, as did the water distribution network. The volume of water distributed by the Roubaix and Tourcoing water department doubled between 1917 and 1919, from an average of 8,000 cubic meters per day to more than 16,000 cubic meters per day, almost back to pre-war levels (AMR 1 D 171, 66, 352). The wool industry also resumed its activity; for Roubaix-Tourcoing, this period between the two world wars certainly marked a halt to the uninterrupted growth of the 19th century, but production quickly returned to pre-war levels before slightly exceeding them at the end of the 1920s (Daumas 1997), then falling back when the economic crisis of the 1930s hit the region. The municipalities did everything they could to encourage industrialists to use the water service and to abandon the drillings that some still used. To do this, they adopted sliding scale tariffs: the more water a private individual used, the less he paid. These tariffs, adopted in 1920 and 1921, were designed for the large industrialists and in particular for the wool



combers, who were the biggest consumers (see Table 1). The sums recovered by the water department were very large, making nearly a quarter of the municipal budgets throughout the period. However, far from representing a financial windfall for the cities, the water department’s budget was just balanced overall, with sales covering only the operating costs of the water collection plants and investments each year.

Table 1. Price of Water from 1921 to 1926 in Roubaix-Tourcoing (price per cubic meter). Table source: the author, based on data from AMR 1 D 173, 268.

Drinkable water	River water	
0.80 Fr	0 to 4,000 m ³ / trimester	0.70 Fr
	4,000 to 30,000 m ³ / trimester	0.40 Fr
	More than 30,000 m ³ / trimester	0.10 Fr

With the resumption of the industrial activity, the state of the Espierre and its valley deteriorated again. The complaints from the river’s residents resumed. On the French side, the floods in Wattrelos poisoned the banks, and on the Belgian side, the cities complained about the quality of the water. The city of Ghent, located fifty kilometers downstream of the confluence of the Espierre and the Scheldt, denounced the pollution of the French industry: the mayor wrote to the Ministry of Foreign Affairs of the Kingdom to encourage its intervention in the French government’s operations (*La Dernière Heure* 1922, 4). The newspapers, as well as the Belgian parliamentarians, systematically recalled the age of the question and the inaction of French public authorities and industrialists. Although the French law was supposed to prohibit discharges without prior authorization, few industrialists had taken the necessary step, but no sanctions had ever been imposed. Following the Belgian complaints, the Prefecture of the North of France issued a new decree on November 27, 1922 to reiterate the ban on the discharge of industrial effluents into the Espierre. However, the press as well as the industrialists did not really believe that this decree would change anything in the discharge practices.

Thus, *Le Journal de Roubaix* reported without conviction on February 6, 1923 the wish of the mayor of Wattrelos to see the new decree applied:

Recently, Mr. Briffaut, mayor of Wattrelos, expressed the hope that the Prefect’s decree concerning water purification would be entirely applied. It is necessary to consider that in Wattrelos, the Espierre flows in the open air and the inhabitants are strongly inconvenienced by the pestilential emanations. Naturally, the Prefect knows that he cannot require the application of his decree, and, however, the black waters of this stream continue to flow.

To understand the position of the industrialists, one can look at the minutes of the meetings of the cartel of the wool combers. This group, which had been organizing the owners of the combing mills since the mid-1880s, was central to the corporation and did everything it could to defend their interests (Mastin 2011). In 1923, the combers discussed the issue of wastewater from their factories several times at their meetings (ANMT 1997 014 221). They were first of all summoned by the Prefect to come and be accountable during the intermunicipal commission of water purification. They decided on February 22 to send Mr. Duhamel there from Tourcoing. Faced with the commission—which, under Belgian pressure, was looking for solutions for the treatment of wastewater—he recalled the great difficulty of getting rid of the sludge from the wool washing. He stated that in Bradford, a stronghold of the British wool industry, a factory built by the municipality had left a large operating deficit. On May 29, the combers once again discussed how to proceed following a second meeting of the purification commission in which they participated:

Two policies can be followed towards the prefectural administration: either to oppose that the problem of wastewater is absolutely insoluble or to continue to study the question in sub-commission and to make the discussion last. This last method seems preferable.

They therefore chose to promise that tests of a new decanting process would be carried out at the Droulers combing factory. A few months later, on December 27, they announced at a meeting that the tests had been completed and seemed to have satisfactory results, yet they mandated that one of their members “prolong the discussion by alleging that experiments were currently being carried out in the combing plants”. At the beginning of the following year in 1924, a decree from the Prefect of the North once again prohibited the discharge of water from wool washing into rivers, this time specifically targeting the combers. The cartel reaffirmed its position at its meeting of January 22: “it does not appear to the members present that the question is urgent, and the policy followed until now in this matter must be to temporize”. This choice of temporization—one that they would follow for decades—seems once again to be the good one, because despite the prefectorial decree, the frequency of the floods, and the multiple articles of press that address the situation, one does not find traces of new attempts carried out by either the municipalities nor by the prefecture to force the combers to raise their standards of purification. For several years the situation remained unchanged.

It is necessary to wait until the beginning of 1927 for a new decree to be published by the prefecture. The content was similar to that of the previous ones, but this time it specifically targeted the combers and the

washing of wool. During their meeting of January 27, the combers quickly swept the question aside. "After an exchange of views, the combers decided to abstain and wait", not deviating from their previously observed strategy. But, over the course of the year, the requests of the prefectorial authority were to become more pressing. On July 27, the combers held a meeting specifically pertaining to the question of wastewater, because the prefecture asked them all to comply with a specific wool washing process, that of Mr. Duhamel, which seemed to produce less contaminated water. The combers argued that this was a wool washing process and not a purification process, and that they could not be obliged to use it because it would go against their industrial freedom. They therefore informed the prefect "that they were forming a commission to study this possibility", once again seeking to gain time. When they were once again questioned by the prefecture in November, it appears that they still had not gathered their commission. It was finally in January 1928 that they submitted a report to the prefectorial authority. Their argumentative strategy consisted of refusing to take the full responsibility for the pollution. They put forward that they were not the only ones to pollute, that other corporations such as the dyeing and tanning factories discharged their water into the Espierre, and that the domestic water of the agglomerations also brought quantities of sludge in the river. However, the very fact that the combers felt compelled to answer and justify themselves shows a change of situation compared to the previous period.

It must be said that the Belgian recriminations were more pressing, and the cartel was summoned to meet for an international commission about the Espierre River. A delegation of three combers met with the Belgian delegates, who directly accused them of not doing anything to treat their wastewater. We can see in the report made by the delegation of combers to the cartel that it was the Belgians who were at the origin of the requirement to comply with the Duhamel process. In order to gain time once again, the combers invited the Belgian delegates to visit some plants so that they could see the diversity of the efforts made by the combers to purify their water. Five officials, considered as good students of this subject by the union, were selected in Roubaix, Croix, and Tourcoing; the visits took place in fall of 1928. In 1929, the Belgian delegates submitted a complete report to the French government in which they again denounced the wool combers; they reiterated the old Belgian threat to block the Espierre River with a dam in order to flood the cities of Roubaix and Tourcoing. The Belgian report recommended prescribing the purification of water directly in the factories because the experiment of a centralizing factory had not been successful. The prefecture once again asked the combers to purify their waters if they had not been doing so, and to make efforts to improve their devices if they had been doing so already.

Municipalities that Buy Peace

In 1912, a socialist and workers' list won the elections for the Roubaix city council. Influenced by the hygienist movement, it pursued a proactive policy on the issue of sanitation. During the interwar period, the municipal team led by Jean Lebas was systematically re-elected, and at each election it committed itself to this issue and highlighted its achievements: the construction of tuberculosis clinics, a large municipal swimming pool, school camps to keep sick children away from the factories, and the generalization of access to drinking water by increasing the density of the distribution network. These advances are far from negligible and represent important investments by the city council. However, as we will see, the city council never really confronted the industrialists on the issue of their wastewater and their discharge into the Espierre.

If the prefecture seems to give the impression that it wanted to act on the discharges of the industrialists, the municipalities of this period acted as a buffer between the industrialists and the complaints of the riparian residents along the river. As we have seen, since the middle of the 19th century, municipalities have been the providers of water resources by setting up distribution infrastructures for the industries. It is therefore logical that they were singled out when the floods multiplied. The phenomenon of flooding in the Espierre valley was not new to the interwar period. At the beginning of the century, some farmers of Wattrelos took up the habit of systematically asking for damages from the cities during these episodes. At first, the cities were recalcitrant to compensating the victims, but they were eventually judged as responsible for the outbursts by the prefecture council. Experts were originally dispatched to the scene of the disaster by the municipalities to observe the damage and defend the cities in court. But during the interwar period, the compensation was systematized because the cities considered that the legal experts were too expensive, while the amount of compensation was low. Indeed, the Espierre river only flows a few kilometers in France, crossing Leers and Wattrelos, so there were few French victims.

Residents adapted to the systematization and generalization of compensation. While at the beginning of the century only a few farmers asked for financial compensation, the number of complainants increased during the 1920s. An association was created in 1930 by tenants and owners whose cellars were regularly flooded by the Espierre. They founded the *Association Watrelosienne des victimes de l'Espierre* [Watrelosian Association of Espierre victims], with the aim of "defending the interests of the people who were victims of the inconveniences caused by the course [...] of the Espierre" (AMR 5M 116-2-20). In the first year, they succeeded in getting the municipalities to accept the

compensation of 54 co-complainants, each of whom received between 30 and 1,600 francs, depending on the damage suffered (AMR 1D-184, 404). Thereafter, these reimbursements were frequent, with the municipalities even giving a lump sum to the association, leaving the association with the task of distributing the sum among the complainants.

The frequency of the floods, up to seven episodes compensated in 1935, gives an idea of the nuisance that the river must have represented for the residents who, with each significant rainfall, were likely to find their cellars, their houses, or their fields drowned under nauseating water. Figure 2 depicts the number of floods compensated by the water department of Roubaix and Tourcoing each year between 1930 and 1939. However, in spite of the frequency of the disasters and the number of victims, the sums advanced by the cities were never truly substantial and did not exceed a few tens of thousands of Francs each year, which can be compared to the five-to-seven million that the water distribution service brought in.

The cities were also made quite regularly to plan and pay for improvements of the riverbed, so that it would be less likely to overflow and would run more easily. Works were also to cover some part of the nauseating river in the most urbanized areas. This solution of the development of the riverbed is one that was put forward in the speeches of the combers, who saw it as a technical solution likely to alleviate the problems without having to engage in purification efforts.

Far from putting pressure on the industrialists, the municipalities, although they were in favor of the hygienist theses, finally managed to deal with the damages caused by the industries by financing installations and by compensating the victims. In 1929, the municipality of Roubaix was forced by the prefecture to complete the city's sanitary regulations. It ordered the installation in each factory of "watertight sumps intended to collect wastewater before it is evacuated into the sewer system [...] equipped with devices that allow samples of the water they contain to be taken" (AMR 5M 116-2-18). The new regulation gave the industrialists three months to comply with the installation requirements, but it did not provide for any pollution standards above which a fine could be imposed.

1933 to 1939: Exacerbated Tensions

At the beginning of the 1930s, the textile industry of the North was affected by the economic crisis, and the production levels decreased. As a result, the level of sanitation in the river stabilized slightly, and the Belgians let the industrialists have some rest. The employers were more concerned about the powerful strikes that interrupted the production in the factories.

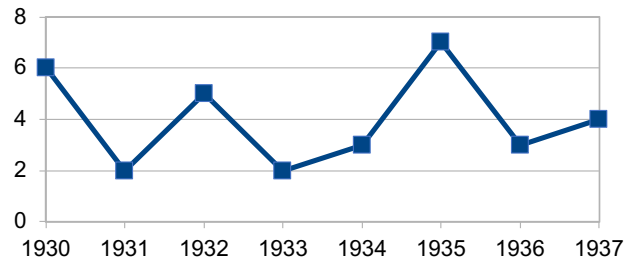


Figure 2. Number of Floods Compensated by the Water Department of Roubaix and Tourcoing Each Year. Chart source: the author, based on deliberations of Roubaix City Council, 1930-1937 (AMR 1D182-189).

The workers were worried about the wage cuts imposed by the bosses under the pretext of the economic crisis. This situation temporarily interrupted the negotiation with Belgium on the question of the Espierre, and once again allowed the combers to not comply with the requirements of purification prescribed to them.

When production resumed in a more significant way in 1933, the levels of pollution and nuisances went up inexorably. The prefecture initiated the umpteenth international commission to which it summoned the combers. The report that the delegation of the combers made to the trade union makes it possible to realize that the central administration took the question more and more seriously under the henceforth double pressure of the Belgian and Dutch diplomats:

The question of wastewater treatment has entered an acute phase. Following complaints from the Belgians and the Dutch, who threatened to take the matter to the court in The Hague. An interministerial meeting concluded that the combers were the main culprits for the pollution of the Espierre waters. [...]

The Ministry of the Interior gave very strict orders to the Prefect to find a solution without delay to the treatment of the combing water. [...]

Mr. Lhoste [the delegate of the combers] explains that in a conversation he had with the chief engineer of the Ponts et Chaussées [French national civil service corps of building engineers], the question was clearly put to him to know if the combers intended to collaborate with the Administration to find a process likely to produce tangible results, or on the contrary if the combers intended to remain in a passive attitude. He reminds that the Administration has taken decrees that it can execute immediately, and that on the other hand it can ask for the classification of the combings as unhealthy establishments and if these establishments do not conform to the degree of purification that one fixes to them, their directors or administrators incur correctional penalties.²

The combers began to feel that it was no longer possible for them not to answer to the administration's

injunctions. They were now afraid that if they did not guarantee their compliance, the administration would build an expensive water recovery network with a treatment plant, the financing of which would be billed to the combers. They preferred to commit to treating their waters in each factory, which had been demanded of them many times in the last several decades. They asked that a reasonable standard be given to them, so that they would be able to comply with it; they also asked that the state put in place a protectionist policy on the suint market, so that they could make profit with the product of their purification by producing fertilizer. They pushed for the signature of an agreement in 1934 between the wool combers' union and the purification union of Espierre, which represented the different cities. The agreement proposed to set the concentration of grease allowed in the washing water discharged into the sewer at 600 milligrams per liter (AMR 5M 116-9-26). This concentration was still ten times higher than the rates mentioned a few years earlier by the Belgian delegates to the international commission. Nevertheless, the French government did not validate this convention and continued to work on the project of an epuration plant in France that would collect the water from the factories, whose industrialists they no longer trusted (AMR 5M 116-2-49).

However, all the approaches of the French public authorities and the promises of the industrialists were no longer able to calm public opinion in Belgium. Internal tensions, fed by the rise of the Rexist party and Flemish nationalism, forced the government to take the lead, as the state of river water in Flanders was a recurring point of tension. The country therefore undertook the building of its own experimental water treatment plant to try to treat the water of the Espierre before its confluence with the Scheldt. This brand new plant was built quite quickly, and purification tests took place as early as 1935.

In 1936, meetings at the highest diplomatic level took place between France and Belgium. On several occasions the Belgian Prime Minister, Paul van Zeeland, visited France. During his talks with the French ministers, mainly one subject was discussed: the military question, following the remilitarization of the left bank of the Rhine by Nazi Germany. However, at each of these meetings, in February as well as in May, the insalubrity of the Espierre valley was discussed.³ Some Belgian newspapers did not hesitate to mix up the issues, arguing that if France wanted to continue to hold Belgium as an ally, it should treat its inhabitants a little better. A few months later, Belgium withdrew from the Franco-Belgian military alliance of 1920, preferring, in the face of German rearmament, to declare itself neutral in the event of a conflict in Europe.

Following this double reversal of circumstance, the construction of a purification station in Belgium, and the diplomatic distancing of the two countries,

the question of the Espierre seemed less pressing in France. The prefecture, in a letter to the city council of Roubaix, related a visit which was carried out at the station of Espierres: it said there was not any more reason to consider the construction of a new station in France because it would be redundant. The prefecture finally sided with the convention that had been proposed by the cities and the combing companies for individual treatment in the factories (AMR 5M 116-2-52). It took several more months for the agreement to be rediscussed, stabilized and accepted by all parties. The agreement set out which materials could be discharged, at what rate, and the required treatment processes. It also provided accounts for penalties for industrial offenders. Factories were given 18 months to comply. This deadline, as well as the improvement of the Espierre treatment plant, allowed the *Courrier de l'Escaut*, a Belgian newspaper, to headline "Espierre : A promise of water purification is acquired for 1940".

If the year 1940 did see an interruption of the industrial activity of Roubaix, the reason was quite different, and the problems of the insalubrity of the Espierre would continue in various forms after the Second World War and until the deindustrialization of the region. The advanced state of insalubrity in the Espierre valley during this period between the two world wars was therefore an important element in the relationship between France and Belgium. This study has made it possible to highlight the multiplicity of positions of the French actors, who, far from forming a homogeneous block, were each more or less permeable to the pressures exerted by Belgium. The municipalities, although close to the hygienist theses, only acted under the constraint of the prefectural authority. The prefectural authority, which represented the State, only really pushed the municipalities and the industrialists when the Belgian requests, to which those of the Dutch were added, were sufficiently pressing. These elements allow us to put forward a perfect case of non-cooperation, where industrial interests prevailed over the common good. It was only because of the presence of the border that the manufacturers could afford to impose such a high level of insalubrity for so long. If the border, and in particular the one between France and Belgium, is only an artificial construction, it is in no way an obstacle to the spread of industrial pollution, and even more so it seems to have been a vector, allowing French actors to turn a deaf ear on Belgian protests. The asymmetry of the relationship between the two countries is twofold: their economic and diplomatic power is not comparable, and one is located upstream and the other downstream. This discrepancy is well summarized by a Belgian parliamentarian: "if the situation had been the opposite, our industrialists would have been forced to clean up a long time ago". Nevertheless, this period has allowed us to progress gradually towards the idea of standards imposed on industry and penalties for offenders. This type of long history of insalubrity is undoubtedly to be taken into account if one wants to understand the

logics that presided over the establishment of a more important cooperation on the issues of transboundary pollution, particularly in Western Europe where the absence of standards and common practices have persisted and poisoned entire populations for more than a century.

Notes

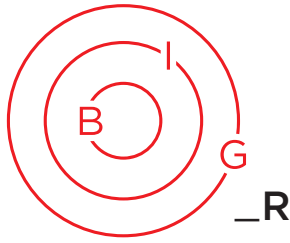
- 1 For the detailed reports of this commission, see: ADN M420-23.
- 2 Meeting of the cartel of combers of October 26, 1933 (ANMT 1997 014 221).
- 3 These interviews are summarized by the Belgian and French press, see for example the May 15, 1936 issue of *l'Égalité Roubaix-Tourcoing*.

Works Cited

Archival sources

- Digitized newspapers are available online at www.bn-r.fr (French) and belgicapress.be (Belgian). The original archives consulted are found in several locations:
- AMR: Archives municipale de Roubaix, Roubaix, France
 ANMT: Archives nationales du monde du travail, Roubaix, France
 ADN: Archives départementale du Nord, Lille, France
 AGR: Archives Générales du Royaume, Bruxelles, Belgium
- Castonguay, Stéphane, and Matthew Evenden (eds.). 2012. *Urban Rivers: Remaking Rivers, Cities, and Space in Europe and North America*. Pittsburgh: University of Pittsburgh Press. <https://muse.jhu.edu/book/14661>
- Daumas, Jean-Claude. 1997. "L'industrie lainière en France : un siècle de mutations (1870-1973)" *Matériaux pour l'histoire de notre temps* 47(1): 14-20. <https://doi.org/10.3406/mat.1997.404261>
- . 2020. *Les territoires de la laine : Histoire de l'industrie lainière en France au XIXe siècle*. Villeneuve d'Ascq: Presses universitaires du Septentrion. <http://books.openedition.org/septentrion/52920>
- La Dernière Heure*. 1922. Newspaper (June 24).
- Gagnepain, Yaël. 2021a. "Du canal de Roubaix à l'insalubrité de la vallée de l'Espierre. Une histoire environnementale du contrôle de l'eau par les industriels de Roubaix au XIXe siècle" *Histoire Politique* 43. <https://doi.org/10.4000/histoirepolitique.415>

- . 2021b. "Face aux pollutions de l'industrie textile roubaisienne, la menace d'un barrage belge pour bloquer l'Espierre et inonder la France (1877-1900)" *Revue du Rhin supérieur* 3: 41-60. <http://www.ouvrir.fr/rrs/index.php?id=185>
- Goblet, Alfred. 1903. "Le peignage de la laine à Roubaix-Tourcoing et son évolution économique et sociale" PhD diss., Université de Lille. Tricot: Lille.
- Hennebicque, A. 1968. "A propos de la conjoncture économique dans l'arrondissement de Lille au début du XXe siècle" *Revue du Nord* 50(196): 75-87. <https://doi.org/10.3406/mnord.1968.6091>
- L'industrie en France occupée*. 1916. Paris Imprimerie nationale 1923, translated from *Die Industrie im besetzten Frankreich Bearbeitet im Austrage des Generalquartiermeisters*.
- Jarrige, Francois, and Thomas Le Roux. 2020. *The Contamination of the Earth: A History of Pollutions in the Industrial Age*. Translated by Janice Egan and Michael Egan. Cambridge, Massachusetts: The MIT Press.
- Lentacker, Firmin. 1987. "Un épisode de la Révolution industrielle : Ouvriers à demeure, ouvriers immigrés dans l'industrie cotonnière de Roubaix de 1857 à 1864" *Revue du Nord* 69(275): 767-75. <https://doi.org/10.3406/rnord.1987.4333>
- Malm, Andreas. 2013. "The Origins of Fossil Capital: From Water to Steam in the British Cotton Industry" *Historical Materialism* 21(1): 15-68. <https://doi.org/10.1163/1569206X-12341279>
- Massard-Guilbaud, Geneviève. 2010. *Histoire de la pollution industrielle: France, 1789-1914*. Paris: EHESS edition.
- Mastin, Jean-Luc. 2007. "Capitalisme régional et financement de l'industrie, région lilloise, 1850-1914" PhD diss., Lille; 1971-2017, France: Université Charles de Gaulle.
- . 2011. "L'entente et le marché : le cartel des peigneurs de laine de Roubaix-Tourcoing (1881-1914)" *Revue d'histoire moderne et contemporaine* 2(58): 120-45.
- Petillon, Chantal. 2006. *La population de Roubaix : Industrialisation, démographie et société 1750-1880*. Villeneuve-d'Ascq: Presses Universitaires du Septentrion.
- Steinberg, Theodore. 1994. *Nature Incorporated: Industrialization and the Waters of New England*. Reprint edition. Amherst: University of Massachusetts Press.
- Worster, Donald. 1982. "World without Borders: The Internationalizing of Environmental History" *Environmental Review: ER* 6(2): 8-13. <https://doi.org/10.2307/3984152>



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Cross-Border Regional Languages: Picard and West Flemish at the Franco-Belgian Border

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This article investigates the role of the Franco-Belgian border in regional language activism in the Hauts-de-France region in northern France, as well as whether activists perceive it as a resource for or obstacle to the valorisation or revitalisation of regional languages. Hauts-de-France, which was recently formed after the merger of two former regions, now recognises two regional languages: Picard and West Flemish. Both are considered endangered by UNESCO and are cross-border, in that both languages have also been historically spoken in parts of Belgium. Based on a study of the institutional context and fieldwork carried out with activists who promote these languages, the aim of this contribution is to highlight how activists perceive the border. The Franco-Belgian border is sometimes seen as an obstacle, sometimes as a resource on the West Flemish side, and more often ignored on the Picard side. This article stands midway between cultural geography and political geography, because one of the challenges of studying representations of the border is to understand the role it can play in activists' strategies.

Introduction

The two languages studied in this contribution are Picard and West Flemish, both of which are cross-border languages spoken in Belgium and France. On 14th December 2021, a new circular from the French Ministry of Education was published. It legislated and authorised the teaching of Picard and West Flemish, the two languages currently recognised by the newly-formed institutional region “Hauts-de-France”. This development was a victory for language activists as the state had never before permitted the teaching of these languages in public institutions. Both languages are cross-border, in that they are also spoken in Belgium and they are treated differently in the Belgian regions.

West Flemish is not recognised as a language in Belgian Flanders and is only considered as a dialect of Standard Dutch, the official language of the Flemish Region of Belgium (Fauconnier 2018). Picard is understood as an ‘endogenous regional language’ in Wallonia but has limited financial backing. Initiated within the framework of the FRONTTEM doctoral seminar organised by the Jean Monnet Network in October 2021, this article examines the place and representations associated with the Franco-Belgian border in relation to Picard and West Flemish and how this border is perceived by activists who support the transmission of these regional languages. The first section of the article

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Figure 1. Map of Regional Languages of the Hauts-de-France. Image source: Région Hauts-de-France (2021).

examines the context in which the initiatives of regional language activists evolve. There are several discontinuities superimposed on different scales to consider. On the one hand, there is the Franco-Belgian border, which delimits two national territories with very different linguistic histories; the French state is often seen as a model of monolingualism, while the present-day Belgian state has several national languages that have played a role in crystallising social and political conflicts, especially between Walloons (French speakers) and Flemings (Dutch speakers) (Vandermotten 2020). On the other hand, the creation of the Hauts-de-France region is the result of a merger between two former administrative regions, Nord-Pas-de-Calais and Picardy, and the former regional demarcation still exists and influences activist practices today. Another element that requires attention is the linguistic 'border' between Picard and West Flemish. Historically, the two activist movements have not had much contact with each other, but institutional changes at the national and regional levels in recent years have had an impact on this situation. With the context established, the article then focuses on the activist practices and representations associated with the Franco-Belgian border. It discusses the perception of the border as an obstacle to the development of West Flemish. Indeed, this language is not recognised by the Belgian state and

its qualification as 'dialect' is opposed by activists. We also consider the Franco-Belgian border as a possible resource for activists, whether through different border effects or when, for example, it is mobilised in the framework of European programmes (Sohn 2022). Finally, the article interrogates the weak presence of this national border in the Picard activist movement, for which the former regional delimitations often seem to be more important.

This article is based particularly on fieldwork carried out as part of a thesis on activist movements that promote regional languages in the Hauts-de-France region. The research presented here draws principally from a series of semi-structured interviews conducted between the summer of 2020 and the summer of 2021 with activists, but it also considers activist public communication (or 'information') campaigns and field observations. Interviews have been translated from the French by the author.

The article is not about the speakers of the regional languages discussed, but rather the activist actions carried out by different actors to highlight and promote these languages. Some of these actors do not wish to be considered as 'activists', as the term is too closely associated with a political dimension. On the contrary,

most of the activists we met sought to present a ‘depoliticised’ image of their struggle by positioning the debate in the field of culture, which is understood as non-political. Nevertheless, we use ‘activist’ throughout this article given that the term ‘regional language activist’ refers to actors who, through their practices and actions, seek to have the disappearance of regional languages recognised as a ‘public problem’ while participating in their maintenance by a variety of means: writing, creating live shows, teaching, implementing bilingual signage, etc. (Neveu 2015). The fieldwork carried out is not exhaustive and does not aim to produce quantitative or statistical data on what activists think. Rather, the aim of the qualitative research project on which this article is based is to question different dimensions of their actions and to understand the internal dynamics of these activist environments. As a result, the comments presented in this contribution must be nuanced, because, of course, not all the activists we met would necessarily agree with all the extracts included. Finally, for the sake of simplicity, we speak here of the ‘Flemish activist movement’ and the ‘Picard activist movement’ without distinguishing the subtleties that exist within each of them. However, some activists operate in different environments, and to consider that there is only one network or ‘environment’ is an overly simplistic presentation of reality for which a more nuanced definition is required to be precise.

For confidentiality, the first names of the respondents have been changed. The people interviewed were either members of associations whose aim is to promote regional languages or employees of these associations. We have not included the statutes and names of the associations of the people interviewed as the different actors referred to in these are easily identifiable and their inclusion would, therefore, risk undermining the anonymity of our participants.

1. Picard and West Flemish: Multiple Borders on Different Scales

1.a. France and Belgium, two different linguistic histories

The definition of ‘regional languages’ is not always clear, as the representations and status given to the same idiom may vary according to different actors or periods. Indeed, these languages are sometimes described as ‘patois’, a term used to describe improper and incorrect variations of a standardised national language or languages (Boyer 2021). Regional language activists generally claim a linguistic status equivalent to that of ‘official languages’ and attempt to highlight the differences between the languages they promote and standard languages so that they are not considered dialects. We consider here that the statuses given to idioms are arbitrary, and that judging them as languages, dialects, or ‘patois’ is a political choice resulting from power relations (Bourdieu 2001).

The linguistic history of France is often seen as a model of centralising and unifying language policies that began with the French Revolution and was further reinforced through compulsory education and the Jules Ferry laws during the Third Republic. The French language was understood as a basis for national identity, and teaching it to the whole population was supposed to emancipate individuals by allowing them access to politics (Harrison & Joubert 2019). According to regional language activists, the institutional context today remains unfavourable to the promotion of regional languages, even if some progress has been made. The history of the European Charter for Regional or Minority Languages is one example that illustrates this political and institutional context.

The European Charter for Regional or Minority Languages is a European treaty issued by the Council of Europe and adopted in 1992 (Jensdottir 2002). It was intended to be used as a tool to protect human rights, particularly in response to the broadening of the European project following the fall of the USSR. Nevertheless, several countries have not ratified the charter, including France and Belgium. In France, the two houses of parliament—the National Assembly and the Senate—have discussed the possibility of ratification on several occasions, the most recent of which dates back to 2015 (Rojas-Hutinel 2016). For opponents, the main point of contention relates to the charter’s constitutionality; they regard the ratification of the charter as incompatible with the principle of indivisibility of the French Republic as it would give rights to specific groups, i.e., Bretons, Corsicans, etc. (Rojas-Hutinel 2016). For political actors in favour of ratification, it is only a political debate over how to support the promotion of regional languages, and the refusal to ratify this charter is interpreted as hostility towards minority languages (Jensdottir 2002). In 1992, France adopted a constitutional entry in Article 2, “the language of the republic is French”, in preparation for the creation of the European Union in 1993 through the Maastricht Treaty; this was done in order to “protect” the French language against the “invasion” of English (Locatelli 2002, 168). This constitutional entry has since been evoked several times as an argument against the possibility of promoting regional languages and against the ratification of the charter in 1999 and again in 2015. The Ministry of National Education, Research and Technology and the Minister of Culture and Communication commissioned a public report on the languages of France with paths to ratification in 1999. Known as the “Cerquigliani Report”, it listed 75 minority languages in France, including Picard and West Flemish, but it did not provide exact figures on the number of speakers of these languages, as the authors found it difficult to estimate (Cerquigliani 1999). In the 2008 constitutional revision, an amendment was tabled to include regional languages in the constitution in Article 75-1, “*les langues régionales appartiennent au patrimoine de la France*” (“regional languages belong

to the heritage of France”), which can be seen as a form of compromise. This article was relatively well received by activists. Recognising the existence of regional languages created, on the one hand, a legal basis for the promotion of languages. Yet, recognising languages as “heritage” and therefore something belonging to the past raised questions about the scope of this article (Giordan 2008, 29; Malo 2011, 74). That the charter is yet to be ratified is evidence of tensions surrounding the recognition of regional languages in France.

In France, teaching regional languages is certainly the major point of tension between activists and successive governments. Activists consider efforts to teach these languages as incomplete, if not non-existent, due to a lack of resources and an appropriate legislative framework. Nevertheless, a bill relating to the protection of heritage of regional languages as well as their promotion was adopted in 2021. Although the content of the law is not revolutionary, its adoption still testifies to a change of perspective, as it is the Fifth Republic’s first law that is primarily concerned with regional languages (French Law 2021-641).

The linguistic context of Belgium is very different. The country obtained its independence from the Netherlands after the Belgian Revolution of 1830 and now suffers from a genuine linguistic cleavage between Flemings and Walloons. Initially a unitary state, Belgium federalised in 1970 and is now divided into three regions: the Flemish Region, the Walloon Region, and the Brussels-Capital Region (Vandermotten 2020). Furthermore, the linguistic division of the country does not correspond to institutional regional delimitations; rather, this partition relates to three linguistic subdivisions: the Flemish Community, the French Community of Belgium, and the German-speaking Community of Belgium. The major political tensions in Belgium concern the Flemish and French communities, and the origin of these is often attributed to the hegemony of the French language since the Belgian state was founded. For example, the Dutch language (the official language of the Flemish Community) was only recognised in penal law in 1873, then in the educational system in 1883, before finally obtaining official status in 1898 (Vandermotten 2020). However, French was associated with the dominant classes and was mandatory for Dutch speakers who wanted to become civil servants. Conversely, nothing obliged French speakers to learn Dutch and this element became a source of tension when Flanders became the economic motor of the country (Witte 2011, 39). As the Walloon movement refused bilingualism at a national level (which was already the situation in Flanders), this led the Belgian state to create a territorial linguistic policy (Witte 2011). This context is key to understanding the current situation and the status of regional languages in Belgium. The Belgian government has neither signed nor ratified the European Charter for Regional or Minority Languages, but the Walloon

Region did create an endogenous regional languages service (*service des langues régionales endogènes*) in 1990. This service recognises Brabançon, Picard, Champenois, Lorrain, Luxembourgeois, and Walloon languages, but the situation is different in Flanders. The national political parties and the regional government have adopted Dutch in the education system and do not consider that there are specific languages, such as West Flemish, but only “dialects” or variations of Dutch (Fauconnier 2018). Consequently, they have been opposed to signing the charter, because they suspect it could serve as an argument against the unification of the Flemish Community’s official language, Dutch. In the French Community of Belgium, the creation of an endogenous regional languages service has formalised the recognition of regional languages, but it has limited means. This policy can be considered as essentially “heritage-making”. This means, as Jean-Marie Klinkenberg has argued, it contributes to the process of heritagisation, even if it does tend to increase recognition that regional languages are still spoken today (Klinkenberg 2016). This service has implemented two projects: the creation of a label *ma commune dit oui aux langues régionales* (“my municipality says yes to regional languages”) and the establishment of a *Fête aux langues de Wallonie* (“Celebration of Walloon Languages”). According to a survey respondent in Wallonia, most elected people do not have an aversion to regional languages, but they are often indifferent towards them:

There are people in all parties who don't care but pretend to be benevolent because they realise that it's positive in terms of image, of communication, and so there's no one who's really against it, there are just a lot of people who don't care so they don't do anything.

— Hervé, Picard activist, living in Belgium

The situation is, therefore, different in the two countries, but it is clear that the national contexts are not particularly favourable for the promotion and revitalisation of regional languages.

1.b. The language border, a militant border?

West Flemish is spoken in a relatively small area in the north of the Hauts-de-France region, as well as across the border in Belgian Flanders. In France, some activists promote West Flemish as a fully fledged language, whereas by others it is viewed as a Dutch dialect, such as in Belgium. This difference in evaluation—language vs. dialect—can cause issues when valorising or revitalising the language. For example, in the case of actors who consider it a dialect, the establishment of a Dutch teaching programme is a target, while those who favour the fully fledged recognition of West Flemish would prefer that West Flemish be taught, instead of standard Dutch. The oft-cited figure for West

Flemish speakers in France is approximately 60,000 or 80,000 while there are more than a million in Belgium, according to the activists we met. However, there are no major surveys to our knowledge (Hamez 2004, 165). West Flemish is a language with rather Germanic and sometimes Anglo-Saxon influences.

Picard, on the other hand, is part of the Oil language family, of which French is also a member, and is, therefore, more closely related to other Latin languages. The Picard linguistic area includes most of the former administrative region of Picardy and about half of Nord-Pas-de-Calais, as well as part of the Hainaut Province in Belgium. Of course, these are very rough delimitations, as trying to map linguistic usage is often difficult.

Both West Flemish and Picard are considered endangered by UNESCO; West Flemish is labelled as “vulnerable” and Picard as “severely endangered”. *The Atlas of the World’s Languages in Danger*, published online by UNESCO (2020), estimates that there are currently approximately 700,000 Picard speakers (500,000 in France and 200,000 in Belgium). However, Julie Auger, a linguist, “doesn’t really trust these numbers” and considers that, according to the INSEE (National Institute of Statistics and Economic Studies in France) Picard has fewer than 250,000 speakers (Julien 2017, author translation). The difference between these figures shows how difficult it is to collect data on regional languages, as well as the complexity inherent in defining the term “speaker”. For instance, what level is someone required to have before being considered a “speaker”? Or is it sufficient for someone to self-define as a speaker? One point, however, on which the different observers appear to agree is the fact that the number of speakers of both languages is decreasing. One of the elements needed to maintain a language is intergenerational transmission, especially through family circles. Currently, the lack of this form of transmission makes it difficult to maintain most regional languages in France, and activists often try to offset this with educational propositions (Harrison & Joubert 2019).

Currently, the activist network promoting West Flemish in France appears to be more active than the Picard network. The West Flemish network has many volunteers who teach the language, while the Picard network does not organise as many teaching sessions. In 2004, a number of associations that promote West Flemish banded together to form the Akademie voor Nuuze Vlaemsche Tael (ANVT). According to the federation’s website, it publishes works in Flemish and French about Flemish (ANVT, n.d.). Moreover, since 2015, the ANVT heads a service that assists municipalities who wish to change to bilingual signage in their communities. Municipalities who benefit from the ANVT’s signage support also sign a charter entitled “Yes to Flemish” (“*Ja om’t Vlamsch*” in Dutch or “*Oui au flamand*” in French), which, once signed, requires them

to make a certain number of commitments to promote the language (similar to the Walloon label in Wallonia). Similarly, the Picard movement, thanks to the work of the Regional Agency for the Picard language, has also been working on implementing a charter for bilingual signage and the promotion of the language and culture (“*Eme commeune ale o k er el picard*” in Picard and “*Ma commune aime le picard*” in French) since 2021.

In spite of the geographical proximity of where these two languages are spoken and where the two activist movements operate, there are not any historical links between the movements. Although some activists may know each other, there is no real cooperation according to our field observations. On a national scale, the two activist movements seem to have evolved in different networks. For example, the ANVT is a member of the Federation for Regional Languages in Public Education (FLAREP), but this is not a federation that is really known or active in Picardy. The ANVT is also active in a collective known as *Pour que vivent nos langues* (“To Keep Our Languages Alive”), a national movement supported by the French Member of Parliament Paul Molac, after whom the law on the protection of the heritage of regional languages is named (Loi 2021-641 or *loi Molac*). The Picard movement appears to be relatively more isolated on a national scale, despite its cooperative links with other movements for the promotion of Oil languages through the collective *D fense et Promotion des Langues d’Oil* (“Defence and Promotion of Oil Languages”). Nevertheless, recent changes in the legislative and institutional frameworks have had an impact on this situation.

1.c. The Hauts-de-France Region and the former Nord-Pas-de-Calais/Picardy delimitation

Both Picard and West Flemish are now recognised by the Hauts-de-France Region and they benefit from some support from regional institutions. The Hauts-de-France Region is a territorial political institution that was established as the result of the merging of two former regional entities, Nord-Pas-de-Calais and Picardy, as part of a territorial reform in 2015. The two former regions did not have the same policy towards regional languages and this still has an impact on the structure of the activist movements.

In the Hauts-de-France region, the merging process has altered the recognition of regional languages, beginning in 2015 with the promulgation of France’s NOTRe Law. Picard had been recognised in Picardy and supported by the region since the 1990s. Conversely, the Regional Council of Nord-Pas-de-Calais had shown no support towards either West Flemish or Picard (Dawson 2018). Since the creation of the Hauts-de-France region and the election of Xavier Bertrand as region president from the right-wing party Les R publicains, the new Council has recognised the status of these languages and has organised initiatives for regional languages.

These actions are publicised in statements issued in support of the region's president, and West Flemish has also received financial backing, especially thanks to the intended creation of an office for the Flemish language. Picard has not received additional funds for its development, despite being the object of favourable political statements resulting from the regional merger. Nevertheless, regions in France do not have jurisdiction over the education system and, therefore, cannot develop an independent education policy. They can, however, subsidise associations and promote visibility through cultural actions, among other strategies.

Where the Picard movement is concerned, the former political-administrative delimitation of Picardy marks an important boundary in the social representations associated with this language group. Indeed, while Picard has long been recognised in the former Picardy region, it has not often been called by this official name in the Nord-Pas-de-Calais area, where the term 'Ch'ti' is more often used (Dawson 2012). The term 'Ch'ti' mostly refers to a particular linguistic variation as an accent or 'patois' that signifies "bad French" and is, therefore, not often accepted by the activists we met during our fieldwork. Activists try to maintain the status of Picard as a language and therefore sometimes see this term as a threat, although it is more popular, especially since the release of the film "Welcome to the Sticks" (*Bienvenue chez les Ch'tis*). This film, which according to Picardy linguists conveys a distorted and pejorative view of Picard, sold more than 20 million tickets, making it one of the most successful commercial films in French cinema. In one of his surveys, Alain Dawson has argued that there is a "border effect" in the linguistic representations conveyed by some of his respondents (Dawson 2018). According to him, Ch'ti is associated with Nord-Pas-de-Calais; it is a popular, festive, and understandable dialect. Picard, on the other hand, is perceived as a rather learned, "serious" language, which is difficult to understand and should be learned in educational institutions. Indeed, this distinction is often perceived in the interviews we conducted and from our observations, even if it tends to be outdated:

Some Picardian activists from the north fell inferior. It's as if the real Picard came from the Somme, and the North is more patois, deformed French. So, Picard has historically enjoyed prestige thanks to the elites in Amiens, which it hasn't enjoyed on the north side, which has remained a popular, working-class language.

— Sylvain, Picard language activist, living in France (Somme), working in an association promoting Picard.

For some cultural actors in Nord-Pas-de-Calais, the term "Picard" is linked to the former Picardy region and does not correspond to their way of speaking, even if some actors sometimes use both terms:

I prefer to say "Picard language" or even "the ch'ti" now, because, at the end of the day "ch'timi" is, it's Picard, but re-learned by others that is more specific to the mining basin, to the Nord-Pas-de-Calais Region. Why not? But it's still Picard.

— Daniel, "Ch'ti" activist, living in France (Pas-de-Calais), president of an association promoting Picard.

Currently, the term "Ch'ti" often has commercial interest and is used in marketing, even sometimes by actors in the Picard movement (Dawson 2012).

Relations between activists and the media, especially with regional daily newspapers, also have an impact on different representations in both former administrative regions. The *Courrier picard* (distributed in Picardy) has a regular Picard column and provides a partial translation of the entire paper once a year, but, according to a survey respondent, the *La Voix du Nord* newspaper (initially distributed in Nord-Pas-de-Calais) does not want the same format, and refused a proposal to include a Picard column or translate one of its editions:

We wrote to the Voix du Nord to see if they wanted to do the same thing. In Picard or in Ch'ti if they wanted to call it Ch'ti. They replied that they were not interested, without further explanation.

— Sylvain, Picard language activist, living in France (Somme), working in an association promoting Picard.

However, this newspaper did publish a column entitled "Parlaches", which was written by Guy Dubois, a Nord-Pas-de-Calais activist, a few years ago.

The former demarcation between Nord-Pas-de-Calais and Picardy still has an impact on the activist milieu, particularly in the Picard movement, and the representations of the various actors. Since the beginning of the merging process, the "Regional Agency for Picard" was renamed the "Regional Agency for Picard language" to avoid possible confusion about its activities. It seems that the agency wanted to develop links with Nord-Pas-de-Calais actors but does not have enough financial or human resources (Engelaere 2018). During our field observations, we noted that there was a desire for cooperation among other activists in Nord-Pas-de-Calais, in Wallonia, or in French Flanders, but nothing tangible exists yet. When they call themselves "patoisants", Nord-Pas-de-Calais cultural actors do not seem opposed to cooperation. But the "Ch'ti" linguistic field, even if this label is questionable, appears to attract groups of individuals who are not part of the Picard linguistic field and who do not seem willing to join it, although this needs to be examined further in future research.¹

The merger between Nord-Pas-de-Calais also altered the possible forms of cooperation between actors promoting Picard and those promoting West Flemish. For example, we observed a protest held in front of Lille’s education authority in May 2021, which demanded that both languages be taught; representatives of both movements were present and coordinated for this event. Thanks to the work of specific Picard and West Flemish activist initiatives, as well as their joint efforts, both languages may be included in a national ruling that allows for them to be taught in France in the same way as other languages are, such as Breton or Corsican. The regions in France have no jurisdiction over education policy (this remains the purview of the Ministry of Education), but the merger of the former regions has led to a rapprochement between the Lille and Amiens academies, which are now grouped together in the Hauts-de-France academic region, allowing the two activist movements to share the same intermediary.

Internationally, there are multiple discontinuities present in the region. On the one hand, there is the Franco–Belgian border, which demarcates two different national histories and institutional contexts. On the other hand, the linguistic delimitation between Picard and West Flemish has not led to historical cooperation between the activists promoting these languages; the Picard movement has a greater presence in the former Picardy region, while the West Flemish movement is present in the north of the former Nord-Pas-de-Calais region. Nevertheless, the recent merger between the two regions has modified militant initiatives within the movement promoting Picard, as well as between the two activist movements. These different elements allow us to contextualise these networks in the wider framework of the Franco–Belgian border itself, particularly in regard to the roles and representations associated with it by the activists we met.

2. Roles and Representations Associated with the Franco–Belgian Border

The Franco–Belgian border, beyond delimiting two institutional contexts, is perceived differently by the activists we met. It is considered an obstacle by West Flemish activists, but it may also be possible to mobilise it as a resource. As for Picard activists, the border does not seem to be as important for them: its existence does not hinder their activities, but it does not provide significant opportunities for them either.

2.a. The border as an obstacle to language development

The proximity of the Franco–Belgian border can sometimes be perceived as a constraint for activists in French Flanders. Indeed, the region of Belgian Flanders (which has comparatively more power than the French region) does not recognise the existence

of West Flemish as a language. It is perceived as a dialect of Dutch, and, as such, it is not considered in public policies in Belgian Flanders (Fauconnier 2018). However, this representation of West Flemish by Belgian authorities can influence policies in France. According to some activists, the teaching of Dutch is formally supported by representatives of the Belgian state, and this is accompanied by a discourse that generally denies the existence of West Flemish. Christian-Pierre Ghillbaert, an activist and academic who promotes West Flemish in France, believes that “*the notion of a Flemish regional language continues to be questioned, to the great displeasure of its French defenders and despite its recognition by the Ministry of Culture, by mainly foreign actors [...] the designation of Standard Dutch as a cross-border regional language corresponds to a recent political project, consubstantial with Belgian Flemish nationalism*” (Ghillbaert 2018, 105, author translation). He is therefore expressing that these political pressures have hindered the development of West Flemish language teaching.

It is not only Belgian authorities who classify West Flemish as a dialect; activists residing in France and engaged in the promotion of standard Dutch also make a similar claim. Actions promoting Dutch in France have sometimes been associated with independence or *rattachiste* movements: in other words, movements who aim to have their region (re-)attached to Belgian Flanders. As one Flemish activist told us:

It is the transpiration of the Belgian cleavage that occurred in our territory [...], the transpiration of the Flemish nationalist movement in Belgium that dreams of one thing, that is separation from the other French-speaking territories in order to create a Flemish state.

— Ludovic, West Flemish activist, living in France (North), president of an association promoting West Flemish.

For the Flemish independence or *rattachiste* movements, the presence and expansion of West Flemish has not always been tolerated. This division between West Flemish and Dutch activists has also been due to political disagreements that Dutch activists often associate with extreme right-wing movements:

We agree, he [another activist] and I are on the same page about this: no fascists among us. And that is for two reasons, first because we are not an extreme-right wing movement, neither he nor I, and secondly because, historically, that is where the promotion of Dutch mistaken for Flemish comes from.

— Adam, West Flemish activist, living in France (North), commission member in an association that promotes West Flemish.

This proximity to identity movements is also one of the effects of the Franco-Belgian border that West Flemish activists seek to combat. Indeed, the general confusion around the definition of ‘Flemish’ activists (both activists in favour of Standard Dutch in France and Belgium and activists in favour of West Flemish are all called ‘Flemish’) has contributed to confusion around the supposed political motivations of these ‘Flemish’ activists. For example, one activist told us about his encounter with the activist community:

I found I had no information, but I was wary of potential sources of information because of the image of the Flemish milieu I had in general, this, this image was essentially marked by ‘Danger, danger, danger’ signals. Extreme-right.

— Adam, West Flemish activist, living in France (North), commission member in an association promoting West Flemish.

West Flemish activists do not claim any political affiliation—most stay far away from extreme right-wing movements—as they try to remain in dialogue with all local elected officials. They therefore suffer from this association and have been obliged to work on the movement’s public image to remain politically acceptable. A symbolic element helps illustrate these differences: the two different versions of the Flanders flag (RTBF 2019). Both represent the lion of Flanders, but one of the lions has red claws and a red tongue, while the other one has black claws and a black tongue. The latter is emblematic of the Flemish nationalist movements in Belgium and France.

Finally, there is relatively little cooperation between West Flemish activists in Belgium and activists in France. Our interviewees sometimes mentioned knowing some people but had difficulty finding the names of the associations, thus indicating a certain distance, at least in their daily activist practices.

These different elements demonstrate that the French-Belgian border can be perceived as an obstacle to the development of West Flemish. This is due to the influence of language policy of the Belgian Flanders region and differing goals between activists; different groups mobilising Flemish culture exist, but they defend different languages. It is also important to note that, for the West Flemish activists we met, it was essential that they not be portrayed as ‘identitarian’ with separatist intentions.

2.b. The border as a resource

Despite its many drawbacks, the Franco-Belgian border is also a resource for Flemish activists in many ways. The border can be seen as an “opportunity structure” for activist movements, in the words of Christophe Sohn (2022). Indeed, according to the activists, a significant

part of the population in Belgian Flanders still speaks West Flemish daily, in addition to standard Dutch. This proximity to a living linguistic environment supports some activists in learning and developing the language. During our fieldwork, several activists mentioned the social practice of enrolling their children in school in Belgium, for example, where they learn Dutch but speak Flemish in the playground:

There are lots of French people who send their children to school in Belgium. So, the kid, he speaks French at home, he learns Dutch, even if it’s just across the border, they learn official Dutch. But, in the playground with the other kids, what do they speak? They talk like they do at home. And a good proportion of the people in the Belgian Westhoek speak the Western language.

— Nicolas, living in France (North), West Flemish activist, working in an association promoting West Flemish.

According to this interviewee, proximity to the border can be considered an element that helps maintain West Flemish:

We’re still a generation between 60 and 80 years old who understand a lot, and a part of these people, we can say, who can speak it quite easily, because they’ve come back to it, because a fraction continues to speak it amongst them, and also when we are near the border. There. When we move away from the border, it slightly crumbles.

— Nicolas, living in France (North), West Flemish activist, working in an association in favour of West Flemish.

The activist movement for West Flemish also uses this linguistic proximity to address the issue of employment. The border can be considered as a development tool for West Flemish. For example, according to the ANVT’s website, its president Jean-Paul Couché participated in a 2016 meeting of the departmental council, which discussed the “Flemish regional language and cross-border employment” (ANVT, n.d.). According to the same website, the ANVT was represented at a cross-border employment forum in Steenvoorde in 2019 to provide training advice. This forum was organised by the *Communauté de communes de Flandre intérieure* (“Community of Municipalities of Interior Flanders”) under the framework of an Interreg project on employment without borders, which hoped to benefit from economic dynamism of West Flanders (ANVT, n.d.). In February 2019, an amendment proposed the *École de la confiance* (“School of Trust”) law, the aim of which was to give regional councils the power to determine which regional language could be taught

in each region. This amendment was rejected, but mobilised West Flemish as an example because it “allowed [West Flemish] local inhabitants to access many jobs offered in tourism sectors, cross-border trade, and in companies set up in Belgian Flanders” (Amendment 445 2019, author translation). It is therefore clear that the Franco–Belgian border can be, and has been, mobilised at a national scale to promote the economic aspects of maintaining and teaching regional languages.

On the Picard side, there is a history of cooperation between Picard activists in France and those in Picard Wallonia (Wallonie Picarde), particularly in the Tournai area. Picard Wallonia became an official territorial name in 2006 and it covers several communities of municipalities in the same area. This identity-based name is, on a regional scale, a way for this territory to assert its difference and mobilise an identity thanks to the proximity of the border. It also serves to turn the attention of these political communities towards France (Leloup 2017). However, this designation has not had a major impact on the development or maintenance of the Picard language as ‘Picard Wallonia’ does not have any real power, even though the political climate is favourable towards the promotion of the language.

The presence of the border has sometimes been mobilised as a resource by activists through cross-border Interreg projects. One of the projects carried out thanks to financial support from the Interreg Development program of a common cross-border culture was the Picard initiative ‘I speak Picard’, which was implemented by the Regional Agency for Picard (in Picardy, France), the Insanne Federation (in Nord-Pas-de-Calais, France), the Theatrical Caravan, *La Roulotte théâtrale* (Hainaut Province, Belgium), and El Môjo dès Walons (Hainaut Province, Belgium). This project brought together other initiatives, such as interregional choral meetings between schools in France and Belgium and the creation of a prize to reward Picard writing, although it already existed in other forms (Engelaere 2018). Currently, however, activists do not seem inclined to launch new projects like ‘I speak Picard’ as they can be very time consuming, even if greater cooperation is desired.

Indeed, the administrative dimension of European projects requires considerable investment for the activists, especially as Interreg projects only provide temporary financial support and are, therefore, not necessarily sustainable.

2.c. The invisible border

For West Flemish activists in French Flanders, the border has a real impact, as an obstacle as well as a resource, on their efforts to promote the language. Picard activists, on the other hand, are rather indifferent to the presence of this national border. They have mobilised the border

on occasion, but it has never been a central element in their activities. One of the interviewees who lives in Belgium, Hervé, indicated that “the border doesn’t exist” because of his family experience and his mobility:

[The border] exists for commercial routes, for elections... for the health crisis it exists. But for the rest, the families are cross-border.

— Hervé, Picard activist, living in Belgium.

He considered himself as Picard, and as close to France as to Belgium. Similarly, Picard classes (reading, writing, and conversation tables) that are organised in the Cultural House (*Maison de la Culture*) of Tournai attract inhabitants of nearby Lille, who happen to be volunteers in associations in France. However, even if the border does not represent a barrier, it is not considered as a resource by the activists either. Historical proximity between Picard and Belgian activists has not allowed for the creation of a territorial structure for Picard language. Indeed, interregional days were organized in 2006, 2007, and 2008 with many different actors—especially activists who belonged to different associations and Belgian and Picard elected officials—where the desire to found an Interregional Picard Agency was expressed, but “the projects remained in their draft states” (Engelaere 2018, 156). This was due to a lack of interest shown by the elected officials of the Nord-Pas-de-Calais, who did not attend the meeting. Olivier Engelaere, director of the Regional Agency for Picard language, considered that political choices made by the former Regional Council of Nord-Pas-de-Calais complicated cross-border co-operation, with “the Nord-Pas-de-Calais region appearing as a kind of glacié” (Engelaere 2018, 148) between Picardy and Wallonia, both relatively geographically distant. Another element that became apparent to us was the fact that the two existing structures, the Regional Agency for Picard language and the Regional Endogenous Languages Service, are both very different.

The multiple discontinuities present in the Hauts-de-France, Flemish, and Walloon regions certainly explain this difference in the representations of the border and the roles attributed to it by the two activist movements. The most important element in this demarcation is the presence of two official languages in the West Flemish language area—standard Dutch and French—whereas the Picard language area may also be cross-border, but both areas it covers have the same official language.

Conclusion

The present contribution has examined the different roles and representations attributed to the Franco–Belgian border by regional language activists who promote Picard or West Flemish. The findings presented here are based on fieldwork carried out as

part of a thesis on the practices and representations associated with regional languages in the Hauts-de-France region. The research was carried out through semi-directive interviews, observation, and reading activist public communications. The discourses and actions of the interviewees revealed that the presence of the Franco-Belgian border could be both an obstacle and a resource for the development of West Flemish, whereas its existence has almost been ignored in the Picard activist movement; it is, in fact, the former regional demarcation between Nord-Pas-de-Calais and Picardy that has had a far greater impact on the structure and activities of the pro-Picard movements. Of course, these observations must be qualified as they are the result of research that is still in progress and the situation appears to have evolved quite rapidly over the course of the past few years. The possibility that these French states will allow Picard and West Flemish to be taught in official settings may bring the movements closer together, but it could also have an impact on the other side of the Franco-Belgian border. Indeed, the teaching of a language through official channels, beyond the practical knowledge gained by the pupils, also symbolically valorises the language by showing that it is officially recognised.

Note

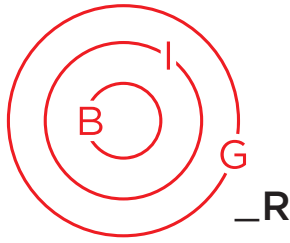
1. We can observe, for example, an article written for a blog by Alain Dawson in 2006. He considered that a comic strip translator used "incorrect" Picard. The translator responded on his own website that his translation distinguished between Picard used by academics, and Ch'ti, which was, according to him, spoken by most people. Alain Dawson, on the website "Chtimi-picard: [100% chti, 0% picard, ou: Comment assassiner le picard plus vite que son ombre]". Published on 25 April 2006, consulted on 14 September 2020.

Works Cited

- "Agence régionale de la langue picarde". *Agence régionale de la langue picarde*. www.languepicarde.fr
- Amendment 445. 2019. Made to "École de la confiance" 1629. <https://www.assemblee-nationale.fr/dyn/15/amendements/1629/AN/445>
- Amlhat-Szary, Anne-Laure. 2015. *Qu'est-ce qu'une frontière aujourd'hui ?* Paris: Presses Universitaires de France.
- "ANVT". *Akademie voor Nuuze Vlaemsche Tael/Institut de la Langue Régional Flamande*. Accessed 20 November 2021. www.anvt.org
- Bourdieu, Pierre. 2001. *Langage et pouvoir symbolique*. Paris: POINTS.
- Boyer, Henri. 2021. "Patois". *Langage et société* HS1: 255–258.
- Cerquiglini, Bernard. 1999. "Les langues de France: rapport au ministre de l'Éducation nationale, de la Recherche et de la Technologie et à la ministre de la Culture et de la Communication". <https://www.vie-publique.fr/rapport/24941-les-langues-de-france-rapport-au-ministre-de-leducation-nationale-de>

- Dawson, Alain. 2018. "Linguistique, interétatique, inter-régionale: le picard dans toutes ses frontières" in Jean-Michel Eloy (ed.) *De France et d'au-delà: des langues régionales transfrontalières*. Carnets d'atelier de sociolinguistique. Paris: Éditions L'Harmattan. 127–144.
- Dawson, Alain. 2012. "Le picard est-il bienvenu chez les Chtis ? Identité(s) régionale(s), marketing et conscience linguistique dans le Nord de la France" in Michel Bert, James Costa, Colette Grinevald & Jean-Baptiste Martin (eds). *Langues de France, langues en danger: Aménagement et rôle des linguistes*. *Cahiers de l'Observatoire des Pratiques Linguistiques* (DGLFLF—Ministère de la Culture et de la Communication) 3: 41–53.
- Dawson, Alain. 2006. "100% chti, 0% picard, ou: Comment assassiner le picard plus vite que son ombre" *Chtimi-picard* (April 25). <http://chtimipicard.free.fr/spip.php?article70>
- Engelaere, Olivier. 2018. "Une politique transfrontalière du picard ?" in Jean-Michel Eloy (ed.) *De France et d'au-delà: des langues régionales transfrontalières*. Carnets d'atelier de sociolinguistique. Paris: Éditions L'Harmattan. 145–158.
- Ghillbaert, Christian-Pierre. 2018. "Daigner en parler pour dénier un « parler ». Impertinence des propos faisant obstacle à une politique linguistique en faveur de la langue régionale flamande en France" in Jean-Michel Eloy (ed.) *De France et d'au-delà: des langues régionales transfrontalières*. Carnets d'atelier de sociolinguistique. Paris: Éditions L'Harmattan. 81–108.
- Giordan, Henri. 2008. "Les langues régionales dans la Constitution: un pas en avant très ambigu" *Diasporiques* 3: 25–30.
- Hamez, Grégory. 2004. "Du transfrontalier au transnational: Approche géographique. L'exemple de la frontière Franco-belge". PhD diss., Université Panthéon-Sorbonne.
- Harrison, Michelle, and Aurélie Joubert (eds). 2019. *French Language Policies and the Revitalisation of Regional Languages in the 21st Century*. London: Palgrave MacMillan.
- Jensdottir, Regina. 2002. "Qu'est-ce que la Charte européenne des langues régionales ou minoritaires ?" *Hérodote* 105(2): 169–177. <https://doi.org/10.3917/her.105.0169>
- Julien, Fabrice. 2017. "L'identité régionale se perd" *Courrier picard* (September 28). <https://www.courrier-picard.fr/art/59947/article/2017-09-28/node/26459>
- Klinkenberg, Jean-Marie. 2016. "'Grandes langues' et langues minoritaires: deux politiques linguistiques ?" *Lengas* 79. <https://doi.org/10.4000/lengas.1048>
- Leloup, Fabienne. 2017. "La transcommunalité à l'épreuve du fédéralisme: une illustration en Région wallonne" *Revue française d'administration publique* 162: 353–368. <https://doi.org/10.3917/rfap.162.0353>
- Locatelli, Rinaldo. 2002. "Les objectifs et les intentions des initiateurs et auteurs de la Charte européenne des langues régionales ou minoritaires" *Hérodote* 105(2): 166–168. <https://doi.org/10.3917/her.105.0166>
- Loi n° 2021-641 du 21 mai 2021 relative à la protection patrimoniale des langues régionales et à leur promotion, NOR: MENX2012548L, JORF n°0119 du 23 mai 2021.
- Malo, Laurent. 2011. "Les langues régionales dans la Constitution française: à nouvelles donnes, nouvelle réponse?" *Revue française de droit constitutionnel* 85: 69–98. <https://doi.org/10.3917/rfdc.085.0069>

- Neveu, Erik. 2015. *Sociologie politique des problèmes publics*. Collection U. Paris: Armand Colin. <https://doi.org/10.3917/arco.neve.2015.01>
- Région Hauts-de-France. 2021. “Nos langues régionales” Région Hauts-de-France (June 17). <https://www.hautsdefrance.fr/langues-regionales/>
- Rojas-Hutinel, Nisla. 2016. “La problématique persistante portée par la Charte européenne des langues régionales ou minoritaires: entre conflit de ratification et impératif de protection” *Revue française de droit constitutionnel* 107(3): e23–e44.
- RTBF. 2019. “Drapeau flamand ou flamingant: quelles différences?” *RTBF* (August 17). <https://www.rtbfb.be/article/drapeau-flamand-ou-flamingant-quelles-differences-10293915>
- Sohn, Christophe. 2022. “La frontière comme ressource: vers une redéfinition du concept” *Bulletin de l'association des géographes français* 99(1): 11–30. <https://doi.org/10.4000/bagf.8940>
- Vandermotten, Christian. 2020. *La Belgique*. Que sais-je. Paris: Presses Universitaires de France. <https://doi.org/10.3917/puf.vande.2020.01>
- UNESCO. 2020. *The Atlas of the World's Languages in Danger*. Online version. Accessed September 11 2020. <http://www.unesco.org/languages-atlas/fr/atlasmap.html>
- Witte, Els. 2011. “La question linguistique en Belgique dans une perspective historique” *Pouvoirs* 136: 37–50. <https://doi.org/10.3917/pouv.136.0037>



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Comparing Public Sector Innovation in Cross-Border Cooperation: A Set-Theoretic Approach

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This article analyses innovation by developing and empirically applying the concept of public sector innovation in cross-border cooperation. The focus on intra- as well as inter-institutional characteristics provides a conceptual framework for identifying empirical differences and shared characteristics revealing different types of innovation. The proposed typology is operationalised with six dimensions and empirically applied to 24 cases in the two border regions on the island of Ireland and on the Upper Rhine. On an organisational level, four ideal types are developed, i.e., (1) managers of the status quo, (2) relational innovators, (3) organisational innovators, and (4) public sector innovators in cross-border cooperation. The results reveal empirical diversity of public sector innovation in cross-border cooperation and can be regarded as a starting point for the development of a systematic and generalisable description of public sector innovation in cross-border cooperation.

1. Introduction

In cross-border cooperation studies, institution-building plays a major role (Beck 2018, 21; Chilla *et al.* 2012, 973; Blatter 2004, 545; Wassenberg 2017, 229; van Houtum & Strüver 2002, 144). Institution-building has frequently been described as innovations in regional policy and European integration (Lagana 2017, 296; Perkmann 2007, 876) due to the development of new ways of cooperation, complex governance systems, and diverse structures and organisations observable in various border regions (Beck 2022, 28; Colomb 2018, 108). However, the questions of what type of innovation that institution-building represents and which innovations

emerge in the entities built are still sparsely addressed in the literature. In order to enable and facilitate the analysis of innovation in cross-border cooperation, this article has the objective of transferring the concept of public sector innovation to a cross-border cooperation context and of identifying different types of public sector innovation in cross-border institution-building. Public sector innovation is conceptualised as “[...] a process through which new ideas, objects and practices are created, developed or reinvented, and which are new for the unit of adoption” (Walker *et al.* 2011, 96; see also Cinar *et al.* 2019, 265). It is particularly suitable

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for application due to the predominance of public actors in cross-border cooperation and the objectives of cross-border governance arrangements (Beck 2018, 11; Wassenberg 2017, 219). Indeed, here I understand public service innovation as a multi-dimensional notion and I develop a conceptualisation comprising internal features of cross-border institutions, intra-institutional innovation, as well as external features of cross-border institutions and inter-institutional innovation as outlined below. Previous literature on change and innovation has mainly focused on the inter-institutional dimension in the form of new governance arrangements and cooperation patterns (Beck 2018, 20; Scott 2000, 153; Perkmann 1999, 664). The focus on intra-institutional characteristics in this article has the potential to reveal and analyse new types of innovation. On an organisational level, four ideal types are developed, i.e., managers of the status quo, relational innovators, organisational innovators, and public sector innovators in cross-border cooperation.

The set-theoretic approach to conceptualising and analysing concepts treats them as sets or categories, allowing for cases or observations to possess varying degrees of membership in these sets. This perspective recognises the possibility of partial membership in multiple concepts, acknowledging that observations can exhibit nonzero membership in semantically related concepts (Goertz & Mahoney 2012a, 18). Within this framework, the hypothesised associations between concepts are formulated in logical terms, utilizing notions of necessity, sufficiency, and superset/subset relationships (Goertz & Mahoney 2012a, 18). Moreover, when conceptualising, it is recommended to employ ideal types, which represent the extreme ends of the underlying continuum, allowing for a clear and distinct conceptualisation (Goertz 2020, 76-77). One important consideration is the issue of aggregation, as different dimensions of a concept may carry varying levels of significance. Aggregation rules play a critical role in measuring concepts and determining the overall explanatory strategy. For instance, employing weakest link aggregation rules can significantly impact the measurement of a concept and shape the analysis (Goertz 2020, 93). To assess the fit of cases with ideal types, empirical indicators are employed to determine the set membership of each case. By separately examining each dimension of a case, its adherence to ideal types can be evaluated (Kvist 2007, 478). The dimensions are subsequently combined using logical operators, enabling a comprehensive analysis that takes into account the various aspects of a concept (Kvist 2007, 479).

The set-theoretic approach employs set membership to establish whether a case aligns with a specific concept. This method allows for the conceptual definition of qualitative differences, as sets are divided into dimensions and combined based on logical operator rules. These rules are derived from theoretical and

conceptual considerations, facilitating an analytical approach to complex conceptual structures and the formation of ideal types (Schneider & Wagemann 2012, 24-25; Hudson & Kühner 2013, 311). By adopting a set-theoretic approach, researchers can achieve a qualitatively rich framework for comparing different types of administrative innovation across regions. This approach focuses on identifying distinct types of innovation and patterns of innovation introduction, rather than quantifying the level of innovativeness within the organizations under investigation (Hudson & Kühner 2013, 311).

This work's ambition is to contribute to the literature of cross-border cooperation in several ways. It provides a conceptual contribution by introducing public sector innovation into cross-border cooperation research in order to make a part of the role of public administration in cross-border cooperation and cross-border institutions systematically visible. It is therefore a novel attempt to advance the theoretical and conceptual discussion of border and public administration research by complementing the institutional and organisational view of cross-border cooperation with a sound and applicable interdisciplinary conceptualisation as well as an empirical classification. The concept provides an empirical approximation grounded in set-theory of different types of innovation in cross-border cooperation, enabling systematic comparison across different institutions and border regions and contributing to the identified need for interregional comparison in cross-border cooperation research (Wassenberg *et al.* 2019, 201; Beck 2019, 16; Mastenbroek & Martinsen 2018, 422; Roose & Kaden 2017, 36; Payan 2014, 3). The differentiation of types of innovation is a prerequisite to understanding the antecedents and effects of innovations in cross-border cooperation, as they have different characteristics and exhibit different preconditions and outcomes (Walker 2006, 331; de Vries *et al.* 2016, 152). The proposed typology provides a framework for identifying empirical differences and shared characteristics. It is operationalised with six dimensions and applied to 24 cross-border entities in two border regions. Furthermore, empirically applying the concept of public sector innovation to cross-border cooperation allows for a more systematic assessment of their role in cross-border governance. The objective of the article is to provide a starting point for the development of a systematic and generalisable description of public sector innovation in cross-border cooperation.

The first part of this article is a review of the relevant literature and theoretical approaches for the analysis of public sector innovation in cross-border cooperation. Subsequently, the conceptual framework of public sector innovation in cross-border cooperation is developed, building on Public Administration and cross-border cooperation literature. The third section justifies the methodology and case selection before presenting the data of the study. A comparative set-theoretic was



conducted encompassing cross-border administrative entities in the border regions on the island of Ireland and on the Upper Rhine. The study uses process data analysed with a qualitative content analysis as well as a subsequent set theoretic analysis. In the fourth section, the results are presented. The two final sections discuss the results and limitations of the study as well as implications of the research approach for the field of cross-border cooperation research.

2. Conceptualising Public Sector Innovation in Cross-Border Cooperation

The conceptual discussion in border studies has intensified over the past two decades (Roose & Kaden 2017, 35). This is happening with the understanding that borders refer to political borders that separate territories from one another, whereby borders are directly associated with statehood and state sovereignty (Eigmüller 2016, 51; Mau *et al.* 2008, 123; Paasi 2005, 18; Anderson 2001, 220). The borderlands perspective considers the border as a phenomenon constituting a specific space and distinguishes the border region itself from non-border regions. This space is institutionalised, and as such has its own internal set of rules that govern behaviour, are self-perpetuating, and are resistant to change (Newman 2003, 14). The discussion in this perspective looks predominantly at these border spaces with the connotation of an encounter space with bridges and interaction entanglements, with accompanying hybridisations and mixtures through the encounter of different structures and the people from these contexts (Newman 2006, 8). Such a perspective makes it possible to examine specifics arising from the drawing of borders as well as from border crossers, i.e., a horizontal perspective on cross-border cooperation. From this perspective, it can be deduced that innovations in cross-border cooperation may have an inter-institutional character, whereby innovations have novelties in the relation between institutions—specifically regarding the perception and interpretation of institutions, mechanisms of action within different institutional contexts, and communication between institutional settings. In an interpretation less bound to territoriality, however, further dimensions of the border phenomenon are taken into account. A de-territorialisation of the concept of border in border research and attention enables borders to be understood in a broader context (Cunningham & Heyman 2004, 291). De-territorialisation is not to be understood as a detachment from territoriality, but rather in the overcoming of so-called territorial traps and the consideration that territoriality is to be regarded as disentangled (Agnew 1994, 55; Chilla *et al.* 2012, 964). From this perspective, it can be deduced that innovations in cross-border cooperation have an intra-institutional characteristic, whereby innovations have novelties of cross-border institutions regarding processes in border regions as well as cross-border policies.

Cross-border cooperation is characterised by asymmetries between different systems, different organisations, different individuals, different institutions. Bridging and transmitting these asymmetries can be interpreted as novel. Cross-border cooperation can similarly be seen as a relatively new phenomenon with increasing dynamism in recent decades; this together with its possession of a low degree of pre-existing structures and processes forms a context with newly arising needs in the framework of integration and de-bordering. Consequently, innovation in cross-border cooperation encompasses institution-building to formalise cooperation, reduce complexity, facilitate and enable coordination, and promote joint strategy and policy development as well as joint actions and implementation. Furthermore, a permanent consolidation should be ensured. Public administrations innovate in cross-border cooperation both to overcome obstacles and to utilise potentials by developing and establishing new ways and forms of cooperation through transmitting existing processes, synchronising existing institutional paths, establishing cross-border paths, interfacing systems, organisations, and actors, as well as developing, introducing, and changing governance modes of interaction. Borders are dualistic in terms of potentials and hurdles with regard to innovation. Innovations are often re-combinations of the existing. In cross-border cooperation, this creates potential for innovation across the border through recombination. However, innovations must also be compatible with the existing in order to be functional and not too foreign (scripts, behaviours, existing knowledge, and competences for action) in order to be accepted.

For the analysis of public sector innovation in the specific context of cross-border cooperation, existing conceptualisations of innovation need to be broadened regarding the dimensions of interdependencies and governance. So far, research has focused on interfaces (1) between the public and the private sector; (2) between the public sector and society; (3) across governmental levels within the public sector, i.e., policy formulation, public administration, and service production; (4) across public sector levels in a vertical perspective; or (5) across policy fields (Bloch & Bugge 2013, 135). Considering multi-level interdependencies, a horizontal dimension of cross-public administration levels needs to be added for a more holistic understanding of innovation, extending the cross-public sector dimension to complement the conceptualisation. The development of administrative structures across existing spaces of governance comes hand-in-hand with innovation, since existing instruments may reach limits (Stone Sweet *et al.* 2001, 10). Cross-border administrative structures do not exist based on constitutional or public-law enactments but are established in an informal framework as novel setups. Their operating procedures and instruments constitute policy innovations (Perkmann 2007, 867). Furthermore, due to expertise and institutional learning, they function

as norm entrepreneurs to overcome border obstacles (Mastenbroek & Martinsen 2018, 430). Regardless, the literature on public sector innovation in cross-border cooperation is limited. Therefore, in the following section, I will present the conceptualisation of innovation from other contexts and further develop it for application to cross-border cooperation.

The concept of public sector innovation has been developed in distinction to private sector and technological innovation in order to analyse innovation in public administration and government-related contexts. Innovation in public administration research captures the adoption of new knowledge, new organisations, new management, and/or procedural skills resulting in organisational change (Damanpour & Evan 1984, 393; Osborne & Brown 2005, 4; Moussa *et al.* 2018, 232). The central term *new* references a distinguishing between past and present, implying change and discontinuity (Peters & Pierre 1998, 581; Bloch & Bugge 2013, 136; Osborne & Brown 2011, 1338). This includes both entirely new phenomena in the sense of previously non-existent ones as well as changes that lead to a significant change (Bloch & Bugge 2013, 143). Since innovation is a contextual concept, the novelty is to be understood as “new (1) at the time of implementation [and] (2) for the entity” (Koch & Haunke 2005, 9). It is crucial that the phenomenon represents a change of action for the organisation, i.e., for the cross-border administration, and not compared to other organisations for society as a whole. Thus, transfers and mimic takeovers are also to be interpreted as innovations if they did not exist before in the specific context of the cross-border administration.

Based on the systematic literature review by de Vries, Bekkers, and Tummers (2016), the applied definition and conceptualisation of different studies on public sector innovation can be concluded, as well as their strengths and weaknesses in terms of their applicability in the context of studying public sector innovation in cross-border cooperation. Most conceptualisations include internal administrative, often technology-driven, processes but pay less attention to other types of innovation, particularly governance and conceptual but also inter-organizational innovations (de Vries *et al.* 2016, 153, 154).

Arundel & Huber identify 18 studies on public sector innovation wherein “none of the large-scale studies cover all types of public sector organizations” (2013, 147). Furthermore, some approaches of unpacking and operationalising public sector innovation consist of single survey items of questions of the ‘introduction of new procedures’, ‘introduction of new processes’, or, more abstractly, the ‘introduction of innovations’ without further unpacking what encompasses these broad and general terms. Demircioglu & Audretsch’s study is a highly valuable contribution due to its identification of

conditions for innovation in public sector organisations (2017). However, the measurement of innovation relies on answers to the survey question “in the last 12 months, has your work group implemented any innovations?” with no further differentiation of types and dimensions of public sector innovation (Demircioglu & Audretsch 2017, 1684). Walker develops a three-dimensional conceptualisation of innovation in the public sector, covering product innovation, process innovation, and ancillary innovation encompassing new services, new governance arrangements, as well as organisation-environment boundary innovations which are “dependent on factors outside an organization’s control” (Walker 2006, 314). The explicit overlap of the three dimensions and the instance that the third dimension—ancillary innovation—overlaps with product and process innovation occurs in a way that the only distinction is the boundary-crossing nature reduces the complexity of innovation to two dimensions. Furthermore, the operationalisation of the two dimensions reveals a more technical understanding of innovation focused on services as well as technological and organisational aspects (Walker 2006, 318), underemphasising relational and interorganisational dimensions of public sector innovation. Although suitable for the research question and context of the respective study, it does not seem suitable for application in the context of cross-border cooperation due to the importance of interorganisational aspects in cross-border cooperation (Blatter 1997, 152).

In more recent publications, public sector innovation has been developed more complexly. In the following, I will rely on three influential works that opened the black box of public sector innovation, namely the works of Bloch & Bugge (2013), de Vries *et al.* (2016), and Windrum (2008b). The frameworks of these three studies are adopted for this paper for at least two reasons. On the one hand, these three studies developed a fine grained and complex conceptualisation of sub-dimensions, while other more explorative or condition- and effect-oriented works do not sufficiently define the different dimensions of public sector innovation in-depth, dimensions which are of interest in this study, namely the inter-institutional dimensions of public sector innovation. On the other hand, while using different terms and choosing different delineations of the types of innovation and different classifications, the phenomena encompassed by the frameworks are comparable and overlapping, as shown below. Through combination and small additions, the properties theorised by the authors can be captured. Table 1 provides an overview of the innovation types or dimensions that have been formed. Bloch & Bugge apply the concept as developed by Windrum (2013, 137; 2008b). However, in their measurement, the types of innovation included change slightly, so that the types of innovation included in the table correspond to the measurement and the respective definition in the appendix of their publication (Bloch & Bugge 2013, 143).

Table 1. Types or Dimensions Developed in Research.

Source: the author (based on the three publications cited in table).

Windrum (2008a, 233)	de Vries et al. (2016, 154)	Bloch & Bugge (2013, 140)
Service innovation	Process: administrative & technological innovation	Product innovation
Service delivery innovation	Product/service innovation	Process innovation
Administrative & organizational innovation	Conceptual innovation	Organisational innovation
Conceptual innovation	Governance innovation	Communication innovation
Policy innovation	Other	Innovation cooperation
Systemic innovation		

The classification of innovation types or dimensions presented in Table 1 encompasses various aspects of public sector innovation. Service/product innovation is considered a dimension of all conceptualisations. Service delivery innovation overlaps with both process innovation and administrative/organisational innovation. Furthermore, a clear distinction from service or product innovation is not always clear-cut and is largely dependent upon the exact understanding and measurement (Osborne & Brown 2005, 124). These interconnections suggest that an explicit distinction of service delivery innovation causes more demarcation problems than it offers analytical added value in the distinction (Osborne & Brown 2005, 124). For instance, it is barely possible to find a meaningful differentiation between the introduction of 'new working methods' and 'new ways of delivering services' since the latter can be interpreted as a subset of new working methods in the particular context of service delivery (de Vries *et al.* 2016, 154; Bloch & Bugge 2013, 137). Governance innovation captures governance-related aspects and also intersects with parts of systemic innovation (Windrum 2008b, 11). Conceptual innovation is present across all dimensions, while communication innovation is discussed by Bloch & Bugge in the measurement context, and is also associated with parts of systemic innovation (2013). Systemic innovation, as defined by Windrum, encompasses new or improved ways of interacting with other organizations and knowledge bases, similar to Walker's ancillary innovations (2006, 314). By differentiating governance, communication, and parts of systemic innovation, along with the inclusion of conceptual aspects, a more detailed analytical framework is established.

Drawing on these considerations of the three typologies, public sector innovation will be further developed in the following section and distinguished in a way that, on one hand, administrative innovation is to be understood in a more technical way concerning structures and instruments, as described by intra-

institutional innovation, while on the other hand, inter-institutional innovation is to be thought of as taking place in a social subsystem, encompassing strategic-conceptual and governance-related aspects (Osborne & Brown 2011, 1340; Hartley 2005, 33; Damanpour 1991, 563). The perspective of institutions encompasses institutional capacity built across borders (Beck 2018, 20), regarding cross-border institutions as the actor of interest in the concept of public sector innovation in cross-border cooperation (Beck 2018, 20). The intra-institutional sub-concept concerns internal phenomena within these institutions, while the inter-institutional sub-concept's external innovations aim to change cooperation of or with other actors in border regions.

Figure 1 graphically illustrates the underlying structure of the concepts of public sector innovation, differentiating two sub-concepts with three dimensions each. Intra-institutional innovation encompasses process innovation, product or service innovation, and policy innovation (de Vries *et al.* 2016, 153). Process innovation is the implementation of changes to internal organisational processes and management methods, new techniques, and new working methods as well as new procedures and processes, the design of procedures, new methods of service, and product delivery (Bloch & Bugge 2013, 139). Service or product innovation is related to basic work activities and encompasses the introduction of new or significantly-changed services or products as compared to existing ones (Koch & Haunkes 2005, 13). This comprehends all modifications in the attributes of service products and service designs (Windrum 2008b, 8). Service or product innovation can be motivated by the desire to meet the needs of external actors, to implement coordinated problem-solving or exploitation of potential, as well as to joint-implement policy or task-delivery (Damanpour 1991, 561; Beck 2018, 14). Policy innovation describes novelties in policies and policymaking. Policy is understood here in institutional and substantive terms, as well as internal and external

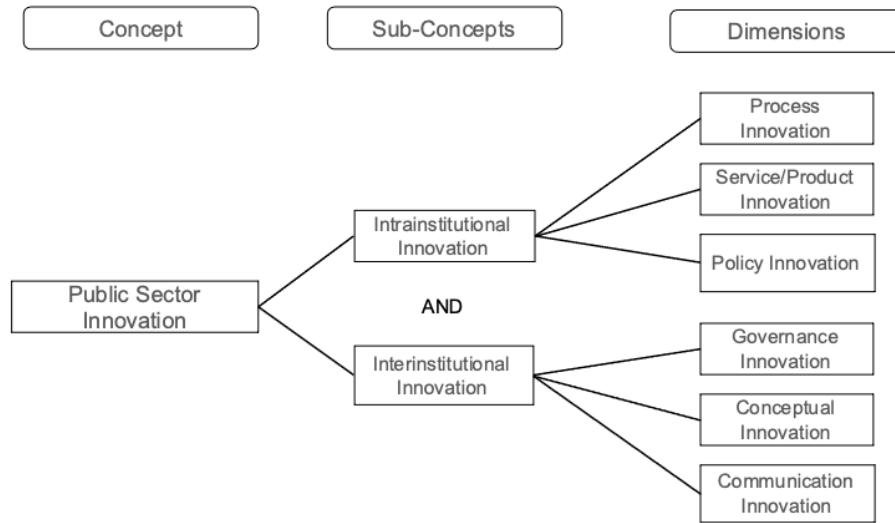


Figure 1 - The Concept of Public Sector Innovation. Source: author illustration.

scopes as conceptualised by Knill & Bauer (2016, 951). Policy innovations encompass changes in thought or behavioural intentions within a policy belief system, involving incremental or radical innovation driven by policy learning and conceptual innovation (Arundel *et al.* 2019, 792). These innovations are facilitated by learning processes related to improving policy instruments, conceptual understanding of problems and courses of action, and evolving social interactions and governance (Windrum 2008b, 10). Besides the content of policy, the usage of new policy instruments also falls under this dimension of innovation (Koch & Haunkes 2005, 13).

Inter-institutional innovation comprises governance, conceptual, and communication innovation (de Vries *et al.* 2016, 153; Hartley 2005, 28). Governance innovation aims at new forms of networking as well as establishing and maintaining partnerships with other organisations and actors (Hartley 2005, 28). Furthermore, governance practices and the development of new forms and processes for the coordination of different actors is a feature of this dimension (de Vries *et al.* 2016, 153). Conceptual innovation comprises the processes of “the development of new world views that challenge assumptions that underpin existing service products, processes and organisational forms” (Windrum 2008b, 8; see also Bloch & Bugge 2013, 137). It means a shift in the perspective of actors can be observed, which is accompanied by the adoption of novel meanings, such as the conceptualisation of what constitutes a *Grenzgänger*, or cross-border commuter. Conceptual innovation highlights a differentiation in abstract categories and typologies as well as perceptions of problems and opportunities in cross-border cooperation. Communication innovation is the implementation of new ways of promoting

the organisation or its services, or new methods of influencing cross-border cooperation of other actors, as well as first time promotions of services or products (Bloch & Bugge 2013, 139; Hartley 2005, 28).

On an organisational level, an ideal-typology can be conceptualised based on the set membership of cases in the dimensions, in the form of the following conceptual structure as summarised in Figure 2. The concept of public sector innovation in cross-border cooperation is divided in two sub-concepts: intra- and inter-institutional innovation. The sub-concepts are logically connected with the Boolean operator AND. Each sub-concept comprises three dimensions. The dimensional level is structured through a family resemblance approach, constituting a set membership in the sub-concepts with any set membership combination of either two or three of the dimensions (Oana *et al.* 2021, 54-55).

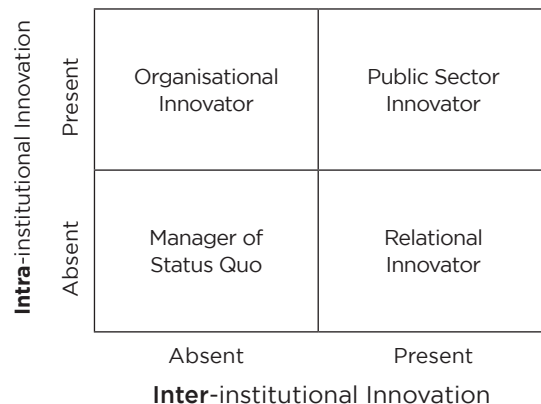


Figure 2. Four Ideal Types of Cross-Border Entities. Source: author illustration.

Besides different types of administrative innovation, typologies differentiate according to the degree of novelty. Incremental innovation in the following section describes innovation as based on the identification and definition of border-related problems and the solving of these problems through innovation, specifically by transferring existing solutions into new contexts, which can be related to isomorphism (Meyer & Rowan 1977, 346; DiMaggio & Powell 1983; de Vries *et al.* 2016, 156). Generic innovation on the other hand is the radical introduction of formerly non-existent innovations that are developed through or on the basis of research and are always implemented in projects due to their novelty. In this study, this distinction is not relevant, as the types of innovation are of interest, not the degree of novelty. However, both degrees of novelty—incremental and radical innovations—are included in the analysis as innovations.

3. Case Selection, Methods, and Data

From an epistemological point of view, extreme cases that are close to ideal types are particularly suitable for a qualitative research design (Goertz & Mahoney 2012b, 214). Consequently, the case selection is based on a most likely approach regarding the identification of different types of public sector innovation in cross-border cooperation. The research questions will be explored through a comparative analysis of cross-border cooperation institutions on the island of Ireland and on the Upper Rhine. Both border regions are described in the literature as highly integrated and institutionalised in comparison to other European border regions, and the cross-border institutions have been identified as important in various perspectives (Tannam 2018, 251, 2011, 1214; Beck 2018, 20; Wassenberg 2016, 316; Badariotti 1997, 221; Graf 2021, 10; Kaucic & Sohn 2021, 16; Nagelschmidt 2005, 151). Furthermore, the research objectives share basic characteristics such as their set up by multilateral agreements and their possession of technical, managerial, or scientific functions. The policy fields in which the objects of study are specialised are similar in both border regions (i.e., education, public health, transport, regional economic policy, agriculture, environment, language/culture). The basic political and strategic goals of the superordinate institutional structures are identical (peace-building, reconciliation, integration), as are the specific fields of work, i.e., exchanging information, identifying and boosting common interests, overcoming disagreement, and contributing to solidarity between authorities (Wassenberg 2017, 229; Beck 2019, 14, 2018, 8). However, the given diversity by different degrees of institutionalisation, both within and across the two regions, makes the occurrence of different types of innovation likely.

The present study comprises 91 public sector innovations in 24 organisations of the regional level of the island of Ireland and the Upper Rhine, i.e., six implementation

bodies and six areas of cooperation of the North-South Ministerial Council (NSMC) and 12 working groups and their respective expert groups of the Upper Rhine Conference (URC). For the empirical investigation, process-produced data was collected and subsequently analysed with a qualitative content analysis (Salheiser 2019, 1120). In other analyses of comparable study designs and research interests, corporate publications and official documents used as data sources—along with the technique of a textual analysis—were identified as appropriate and purposeful for answering the research questions raised (see Bauer & Ege 2016, 1028; Svensson 2020, 7; Harguindéguy & Sánchez Sánchez 2017, 252; Liguori *et al.* 2018, 308). A total of 195 publications—predominantly corporate publications, including reports of the administrations on their activities, publications of the institutions as well as press releases and contents of the websites of the respective organisations—were processed and analysed. All corporate publications, official papers, joint communiqués, and charters as well as research and policy publications between 2015 and 2021 (as available on the institutions' websites) were taken into account in the analysis. 54 documents did not contain any information relevant to this study, making the volume of the corpus 141 documents. With regard to the data, it should be noted that the Implementation Bodies have a more extensive database compared to the Areas of Cooperation of the NSMC and the working groups of the URC, and thus there are limitations in the comparability of the data. This is due to the institutional design and the associated different reporting obligations. Furthermore, constituent legal regulations and agreements were included in the set of data. The sources of data are suitable for gathering information for a subsequent analysis which is interested in cross-border administrative innovation on an organisational level. The documents used are written communications that are transparently accessible to the public. This data is particularly suitable for the investigation of organisational framework conditions (Meyermann *et al.* 2019, 1333). On the one hand, it is a non-reactive method (Schnell *et al.* 2011, 398), meaning it can be repeated at will and is therefore easily verifiable (Geißler 2013, 493). Compared to the survey of interview data, process data has a particular methodological advantage regarding interpretation biases. The notion of innovation is relatively new in the context of the public sector, which may also lead to different interpretations of the terminology. This is difficult to confirm based on the survey results, but could be examined through cognitive testing (Bloch & Bugge 2013, 141).

The collected documents were analysed using the technique of a structuring qualitative content analysis (Mayring & Fenzl 2014). Through a systematic extraction, the analysis aims to “filter out particular aspects of the material [...] according pre-determined ordering criteria” and “to assess the material according to certain criteria” (Mayring 2014, 64). The coding followed the underlying rules of qualitative content analysis. Codes

were related to the described conditions, outcomes and developed indicators. The aim of the present social science qualitative content analysis is to infer patterns of interaction as well as institutional contexts of action from manifest textual content to latent social contexts (Mayring & Fenzl 2019, 633). In order to enable an examination of these latent properties, an exact and theory-based determination of the category scheme is highly relevant. All characteristics to be recorded must be clearly assignable to a category. The assignment of data to a category and thus to an indicator is done interpretatively in the sense of qualitative work. Categories and coding rules were defined for each deductively developed category, determining the assignment to a certain category (Mayring 2000, 15). Further detailed outline of the coding and calibration procedure, the codebook, and a list of the sources can be found in the supplementary appendix.

Activities stated in multiple publications were referenced once with a citation of the first source of appearance during the analysis. The search for relevant statements was carried out both by an automated search for the keywords and a manual review of the documents. The codebook, i.e., the coding rules, was refined in several stages following content analysis and coding development techniques. First, a limited number of documents—from the institutions under research but from time frames not included in the main analysis—were analysed in order to pre-test the codebook and coding rules as well as to identify ambiguities and to verify whether the wording and differentiation of the categories were appropriate; minor changes to the rules were made.

4. Results

The results of the empirical analysis identifying 91 public sector innovations are presented in the following section. Based on the conceptualisation and measurement presented above, dimensions of public sector innovation are identified, and the 24 cases of cross-border entities are categorised alongside the ideal typology developed above. The qualitative data points are assigned to the qualitative content analysis according to the calibration rules of set membership. The subsequent aggregation is concept-based on the logical AND as well as family resemblance relationships. In the following, anchor examples of the six dimensions of public sector innovation are presented and the coding is exemplarily described and justified. In total, 41 intra-institutional innovations, 20 process, 11 product/service and 10 policy innovations as well as 71 inter-institutional innovations—of which there were 33 governance, 19 conceptual, and 19 communicational innovations—were coded. The total of 91 cases is exceeded by the codified types since some innovations represent more than one type of innovation. Firstly, coded innovations of the three dimensions of the intra-institutional sub-concept

are outlined. Exemplary examples are presented in more detail for each dimension. Secondly, the results of the ideal type analysis are presented.

The Special EU Programmes Body (SEUPB) introduced an online applications procedure. There is a newly established opportunity for all applicants to apply online. “Applicants will be able to review the status of their application online. [...] Lead partners will have access to up-to-date monitoring and financial information on-line” (Special EU Programmes Body 2018b, 95). The introduction of online applications constitutes a process innovation and service innovation, since the introduction of online application possibilities for all applicants is a process innovation based on the usage of technology. In the policy field of public health, a toolbox for the management of cross-border health projects was developed and published online. The toolbox for managing cross-border health projects provides actors with practical assistance, checklists, and methods for the individual project phases (project definition, planning, implementation, and evaluation). It also highlights problems that typically arise in cross-border health projects (TRISAN 2022). The introduction of a new toolbox is a service innovation, since this is a previously non-existent tool for use by cross-border actors in the policy field of public health. InterTradelreland’s All-Island Seedcorn Investor Readiness Competition is a policy innovation offering a cash prize fund. “Seedcorn is primarily a way to help make your business investor ready and provides advice to significantly improve your chances of securing venture funding” (InterTradelreland 2019c, 2).

Regarding inter-institutional innovation, a cross-border fund for the implementation of cross-border youth events and programmes has been established in the Upper Rhine Region. The German-French-Swiss Upper Rhine Conference promotes cross-border cooperation in various areas such as economy, transport, environment, culture, and youth in the Upper Rhine (Deutsch-Französisch-Schweizerische Oberrheinkonferenz 2018c). The fund is a new instrument to change the self-organisation of the network in the field of cultural policy. In order to realise cross-border encounters and joint projects, funding is needed. The aim of the project fund is to bring German, French, and Swiss young people from the Upper Rhine region closer together (Deutsch-Französisch-Schweizerische Oberrheinkonferenz 2020d). It aims to facilitate networking of other groups in the field of youth work (Deutsch-Französisch-Schweizerische Oberrheinkonferenz Arbeitsgruppe Jugend 2016, 2). Conceptual innovation in the form of a new research approach in the analysis of international trade patterns uncovers and conceptualises the concentrated nature of trade: “as referred to throughout the article, there has been a shift in research focus in recent years away from country-level analysis of international trade patterns towards more empirical analysis of how

firms engage in trade. This work has uncovered the extremely concentrated nature of trade, driven by a small number of firms who are typically larger, more capital-intensive, more skills-intensive, more productive and pay higher wages than firms that do not either export or import” (IntertradeIreland 2019b, 30). On the other hand, regarding communication, the creation of award-winning digital campaigns has capitalised connections with Game of Thrones and Star Wars, with the innovation goal of reaching new audiences across the world. “Campaigns with the major air and sea carriers serving the island of Ireland, and with traditional and on-line tour operators, leverage significant funding each year from the commercial sector—encouraged also by investment by Irish Ferries and Stena Line in last few years” (Tourism Ireland 2018b, 5). This is coded as a communication innovation, since the focus lies on the promotion of tourism on a cross-border and all-island basis, as well as the services provided by the institution. The award recognises innovation in the field of communication, i.e., campaigning.

Regarding public sector innovation on an organisational level, Table 2 shows the empirical results for the analysis of the ideal types of public sector innovation based on dichotomous set memberships of the cases. The coding of 1, i.e., presence, is labelled based on the finding of at least one innovation of this type. If the dimension is absent, it is coded with 0. The coding of intra- and inter-institutional innovation is based on the presence and absence of the respective dimensions and the logical connection in form of a family resemblance approach, constituting a set membership in the sub-concepts with any set membership combination of either two or three of the dimensions.

Based on the results, the 24 cross-border entities can be typified alongside the above developed formation of ideal types, illustrated in Figure 3: eleven administrations appear as managers of status quo (46 percent of the sample), three are organisation innovators (13 percent), six relation innovators (25 percent), and four public sector innovators (17 percent). Intertrade Ireland, Tourism

Table 2. Type of Public Sector Innovation on an Organisational Level.

Source: the author (based on Ege 2017, 564).

	pro	serv	pol	intra	gov	con	comm	inter	Type
ITI	1	1	1	1	1	1	0	1	<i>Public Sector Innovator</i>
PH	1	1	0	1	1	1	1	1	<i>Public Sector Innovator</i>
SEUPB	1	1	0	1	1	0	1	1	<i>Public Sector Innovator</i>
TI	1	0	1	1	1	1	1	1	<i>Public Sector Innovator</i>
DR	0	0	0	0	1	1	0	1	<i>Relational Innovator</i>
EduVoc	0	0	0	0	1	0	1	1	<i>Relational Innovator</i>
EnvURC	0	0	0	0	1	1	0	1	<i>Relational Innovator</i>
RP	0	0	0	0	1	0	1	1	<i>Relational Innovator</i>
ST	0	0	0	0	1	0	1	1	<i>Relational Innovator</i>
E&L	0	0	0	0	1	1	1	1	<i>Relational Innovator</i>
FSPB	1	1	0	1	1	0	0	0	<i>Organisational Innovator</i>
NSLB	0	1	1	1	0	0	1	0	<i>Organisational Innovator</i>
WI	1	1	0	1	0	0	1	0	<i>Organisational Innovator</i>
AgriNSMC	0	0	0	0	1	0	0	0	<i>Manager of Status Quo</i>
AgriURC	0	0	0	0	1	0	0	0	<i>Manager of Status Quo</i>
Cult	0	0	0	0	1	0	0	0	<i>Manager of Status Quo</i>
EDU	0	0	0	0	1	0	0	0	<i>Manager of Status Quo</i>
EnvNSMC	0	0	0	0	1	0	0	0	<i>Manager of Status Quo</i>
HNSMC	0	0	0	0	1	0	0	0	<i>Manager of Status Quo</i>
LA	1	0	0	0	1	0	0	0	<i>Manager of Status Quo</i>
RTP	0	0	0	0	1	0	0	0	<i>Manager of Status Quo</i>
SP	0	0	0	0	1	0	0	0	<i>Manager of Status Quo</i>
Trans	0	0	0	0	0	0	1	0	<i>Manager of Status Quo</i>
YP	0	0	0	0	1	0	0	0	<i>Manager of Status Quo</i>

Organisational Innovation	Present	Organisational Innovator <i>WI, FSPB, NSLB</i>	Public Sector Innovator <i>ITI, SEUPB, TI, PH</i>
	Absent	Manager of Status Quo <i>LA, AgriNSMC, EDU, EnvNSMC, HNSMC, Trans, YP, Cult, RTP, AgriURC, SP</i>	Relational Innovator <i>EduVoc, DR, RP, EnvURC, E&L, ST</i>
		Absent	Present
		Relational Innovation	

Figure 3. Typification of 24 cross-border entities.
Source: author illustration.

Ireland, the SEUPB and Public Health/TRISAN show different dimensions of public sector innovation capturing both the organisational and relational dimensions. The contextual framework given by the two border regions seems to have an influence, likely due to the clustering of organisations in the membership of type sets, however, it does not appear as a deterministic condition but is rather to be interpreted as an intervening factor.

5. Discussion

As most studies, this illustrative and preliminary analysis in the area of public sector innovation in cross-border cooperation comes with limitations. This study can only be understood as a first preliminary study in several respects. Conceptually, further work is needed to achieve a better theoretical understanding of institutional characteristics in cross-border cooperation. In this context, Beck’s suggestion of linking to the research of the EAS and the IPA should be followed, as conceptually illustrated by Heyduk (2019; 2021). The concept of public sector innovation represents a promising direction for theory and practice. Methodologically, the prerequisites and possibilities of set theoretic and configurational approaches in cross-border cooperation should be further discussed. Furthermore, the cross-case analysis approach applied in this article should be complemented by within-case studies to unravel more characteristics as well as effects and determinants of public sector innovation in cross-border cooperation. Regarding the exemplary empirical study, first, the size and scope have limitations. In terms of the size, the selection of 24 cross-border entities and 91 innovations represents a small number of cases. As for the scope, the number of two border

regions and the focus on the regional level does not allow generalisation beyond the population selected. The conceptual scope is related to cross-border entities on a subnational, i.e., regional, level in border regions. The measurement is particularly case-specific, so that it is not assumed to be mappable across levels and geographics; the measurement also needs to be revised regarding travelling to other cross-border cooperation arrangements. Generalisation to other levels, such as local level, cannot be drawn without further research and analysis; empirical generalisation is limited to the cases in the two border regions. More comparative research and additional empirical data from other border regions is necessary in order to be able to generalise across regions.

Analytical generalisation can be drawn regarding the multidimensional conceptualisation of public sector innovation in cross-border cooperation as well as the typology developed. The analysis of ideal types concerns the identification of patterns and regularities and is consequently about analytical generalisation. However, context particularities need to be considered (Goertz & Mahoney 2010, 314). Cross-border cooperation on the island of Ireland and on the Upper Rhine has been considered as comparatively highly institutionalised and has particular socio-economic and political context conditions (Koukoutsaki-Monnier 2015, 220; Coakley & O’Dowd 2007, 878; Bew & Meehan 1994, 98). Their influence on public sector innovation in cross-border cooperation needs to be analysed before modest generalisations can be drawn. Besides, the process data used is appropriate for an explorative study of cross-border administrative innovation and has the potential for results that can help build hypotheses and function as an *attention dirigiste* for further research on necessary and also sufficient conditions of cross-border administrative innovation. Nevertheless, further data needs to be collected, particularly through questionnaires, but also through qualitative interviews, in order to analyse public sector innovation more comprehensively as well as the causes and effects of the objects studied and the extension of the study to other border regions. Similar results in other studies would increase confidence for the typology of public sector innovation in cross-border cooperation. Moreover, triangulation is necessary to ensure that the study is not biased by measurement errors.

6. Conclusion and Outlook

Based on the need for more interregional comparative research identified by cross-border cooperation scholars, this article has proposed a research approach that places the analysis of ideal types in cross-border cooperation at the centre of the research interest. This approach has the advantage of reducing complexity, which is particularly high in the interdisciplinary, intercultural, and interregional field of cross-border cooperation research,



and therefore needs to be taken into account. Using a technique developed specifically for this purpose, a set theoretic approach, it could be shown that this is a promising approach that complements previously existing methodologies (Goertz & Mahoney 2012a, 18). These results not only provide preliminary empirical insights for innovation in cross-border cooperation but also go beyond existing perspectives by deploying a more fine-grained analysis of different types of public sector innovation. By comparing different border regions, generalisation, theory-building, mutual learning between researchers, and the transfer of concepts and research approaches from one region to another have the potential to lead to new insights. The identification of types in an interregional view can make an important contribution to this. This identification of additional similarities and differences is a main reason why more interregional comparative research is necessary for a more comprehensive understanding of cross-border cooperation.

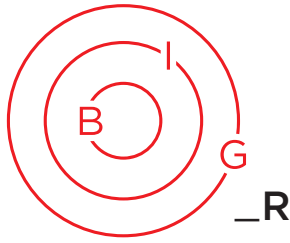
In this study, both, inter- and intra-institutional innovations were identified in addition to different types of public sector innovation, demonstrating that the approach of this analysis offers a fruitful framework for the identification of key characteristics of cross-border cooperation. The article has provided an illustration of the possibility of measuring innovation in cross-border cooperation through transferring the concept of public sector innovation. However, particularities of the context of cross-border cooperation need to be integrated. In particular, these are the two sub-concepts comprising an organisational and relational perspective. The relational one seems to be more dominant in the analysis. However, most entities under investigation show only a limited diversity of public sector innovations, indicating that further empirical analyses are necessary. Further research should focus on the identification of factors for the types of innovation, particularly if institutional and formal characteristics play a role. Here, research regarding Open Government and Administrative Entrepreneurship are promising links to the ongoing discussion in scientific and practitioner communities (Beck 2022; Heyduk 2021).

Works Cited

- Agnew, John. 1994. "The Territorial Trap: The Geographical Assumptions of International Relations Theory" *Review of International Political Economy* 1(1): 53–80. <https://doi.org/10.1080/09692299408434268>
- Anderson, James. 2001. "Towards a Theory of Borders: States, Political Economy and Democracy" *Annales, Series Historia et Sociologia* 2(26): 219–232.
- Arundel, Anthony, Carter Bloch, and Barry Ferguson. 2019. "Advancing Innovation in the Public Sector: Aligning Innovation Measurement with Policy Goals" *Research Policy* 48(3): 789–798. <https://doi.org/10.1016/j.respol.2018.12.001>
- Arundel, Anthony, and Dorothea Huber. 2013. "From Too Little to Too Much Innovation? Issues in Measuring Innovation in the Public Sector" *Structural Change and Economic Dynamics* 27: 146–159. <https://doi.org/10.1016/j.strueco.2013.06.009>
- Badariotti, Dominique. 1997. "Fronts D'hier, Frontières : Le Rhin Supérieur" *Revue de géographie de Lyon* 72(3): 213–222. <https://doi.org/10.3406/geoca.1997.4695>
- Bauer, Michael W., and Jörn Ege. 2016. "Bureaucratic Autonomy of International Organizations' Secretariats" *Journal of European Public Policy* 23(7): 1019–1037. <https://doi.org/10.1080/13501763.2016.1162833>
- Baur, Nina, and Jörg Blasius (eds.). 2019. *Handbuch Methoden der empirischen Sozialforschung*. Wiesbaden: Springer Fachmedien Wiesbaden.
- Beck, Joachim. 2018. "Territorial Institutionalism—Capturing a Horizontal Dimension of the European Administrative Space" *Journal of Borderlands Studies* 8(2): 1–27. <https://doi.org/10.1080/08865655.2018.1530608>
- Beck, J. 2019. "Cross-Border Cooperation in Europe as an Object in Transdisciplinary Research. An Introduction." in J. Beck (ed.) *Transdisciplinary Discourses on Cross-Border Cooperation in Europe*. Brussels: Peter Lang. 13–23.
- Beck, Joachim (ed.). 2019. *Transdisciplinary Discourses on Cross-Border Cooperation in Europe*. Brussels: Peter Lang.
- Beck, Joachim. 2022. *Horizontal Integration: An Administrative Science Perspective on Cross-Border Cooperation in Europe*. Baden-Baden: Nomos. <https://directory.doabooks.org/handle/20.500.12854/91967>
- Bew, Paul, and Elizabeth Meehan. 1994. "Regions and Borders: Controversies in Northern Ireland About the European Union" *Journal of European Public Policy* 1(1): 95–113. <https://doi.org/10.1080/13501769408406949>
- Blatter, Joachim. 1997. "Explaining Crossborder Cooperation: A Border-focused and Border-external Approach" *Journal of Borderlands Studies* 12(1–2): 151–174. <https://doi.org/10.1080/08865655.1997.9695502>
- Blatter, Joachim. 2004. "From 'Spaces of Place' to 'Spaces of Flows'? Territorial and Functional Governance in Cross-Border Regions in Europe and North America" *International Journal of Urban and Regional Research* 28(3): 530–548. <https://doi.org/10.1111/j.0309-1317.2004.00534.x>
- Bloch, Carter, and Markus M. Bugge. 2013. "Public Sector Innovation—from Theory to Measurement" *Structural Change and Economic Dynamics* 27: 133–145. <https://doi.org/10.1016/j.strueco.2013.06.008>
- Chilla, Tobias, Estelle Evrard, and Christian Schulz. 2012. "On the Territoriality of Cross-Border Cooperation: 'Institutional Mapping' in a Multi-Level Context" *European Planning Studies* 20(6): 961–980. <https://doi.org/10.1080/09654313.2012.673563>
- Cinar, Emre, Paul Trott, and Christopher Simms. 2019. "A Systematic Review of Barriers to Public Sector Innovation Process" *Public Management Review* 21(2): 264–290. <https://doi.org/10.1080/14719037.2018.1473477>
- Coakley, John, and Liam O'Dowd. 2007. "The Transformation of the Irish Border" *Political Geography* 26(8): 877–885. <https://doi.org/10.1016/j.polgeo.2007.10.003>
- Colomb, Claire. 2018. "A European Perspective on Anglo-Scottish Cross-Border Cooperation: Lessons from EU-Funded Territorial Cooperation Programs" *Journal of Borderlands Studies* 33(1): 103–122. <https://doi.org/10.1080/08865655.2016.1267585>

- Cunningham, Hilary, and Josiah Heyman. 2004. "Introduction: Mobilities and Enclosures at Borders" *Identities* 11(3): 289–302. <https://doi.org/10.1080/10702890490493509>
- Damanpour, Fariborz. 1991. "Organizational Innovation: A Meta-Analysis of Effects of Determinants and Moderators" *Academy of Management Journal* 34(3): 555–590. <https://doi.org/10.5465/256406>
- Damanpour, Fariborz, and William M. Evan. 1984. "Organizational Innovation and Performance: The Problem of 'Organizational Lag'" *Administrative Science Quarterly* 29(3): 392–402. <https://doi.org/10.2307/2393031>
- de Vries, Hanna, Victor Bekkers, and Lars Tummers. 2016. "Innovation in the Public Sector: A Systematic Review and Future Research Agenda" *Public Administration* 94(1): 146–166. <https://doi.org/10.1111/padm.12209>
- Demircioglu, Mehmet A., and David B. Audretsch. 2017. "Conditions for Innovation in Public Sector Organizations" *Research Policy* 46(9): 1681–1691. <https://doi.org/10.1016/j.respol.2017.08.004>
- DiMaggio, Paul J., and Walter W. Powell. 1983. "The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organizational Fields" *American Sociological Review* 48(2): 147–160. <https://doi.org/10.2307/2095101>
- Ege, Jörn. 2017. "Comparing the Autonomy of International Public Administrations: An Ideal-Type Approach" *Public Administration* 95(3): 555–570. <https://doi.org/10.1111/padm.12326>
- Eigmüller, Monika. 2016. "Der duale Charakter der Grenze" in Monika Eigmüller and Georg Vobruba (eds.) *Grenzsoziologie*. Wiesbaden: Springer VS. 49–68.
- Geißler, René. 2013. "Neue Steuerungsinstrumente in Den Landesverwaltungen" der moderne staat—Zeitschrift für Public Policy, Recht und Management 6(2): 485–506.
- Goertz, Gary. 2020. *Social Science Concepts and Measurements*. Princeton: Princeton University Press.
- Goertz, Gary, and James Mahoney. 2010. "Scope in Case Study Research" in David Byrne and Charles C. Ragin (eds.) *The Sage Handbook of Case-based Methods*. Los Angeles: SAGE. 307–317.
- Goertz, Gary, and James Mahoney. 2012a. *A Tale of Two Cultures: Qualitative and Quantitative Research in the Social Sciences*. Princeton, N.J.: Princeton University Press. <http://www.jstor.org/stable/10.2307/j.cttq94gh>
- Goertz, Gary, and James Mahoney. 2012b. "Concepts and Measurement: Ontology and Epistemology" *Social Science Information* 51(2): 205–216. <https://doi.org/10.1177/0539018412437108>
- Graf, Lukas. 2021. "Leveraging Regional Differences and Cross-border Collective Institutions: The Case of Skill Formation and Employment in the Border Region of France, Germany, and Switzerland" *Swiss Political Science Review* 3(2): 1–21. <https://doi.org/10.1111/spsr.12442>
- Harguindéguy, Jean-Baptiste, and Almudena Sánchez Sánchez. 2017. "European Cross-Border Regions as Policy-Makers: A Comparative Approach" *Journal of Borderlands Studies* 32(2): 249–265. <https://doi.org/10.1080/08865655.2016.1195706>
- Hartley, Jean. 2005. "Innovation in Governance and Public Services: Past and Present" *Public money and management* 25(1): 27–34. <https://dx.doi.org/10.1111/j.1467-9302.2005.00447.x>
- Heyduk, Tobias. 2021. "Why and How Does the Horizontal Dimension of the European Administrative Space Matter in the Context of the Aachen Treaty?" in J. Beck (ed.) *Grenzüberschreitende Zusammenarbeit nach der Pandemie/ La coopération transfrontalière après la pandémie*. Brussels, Berlin, Bern, New York, Oxford, Warszawa: Peter Lang. 105–160.
- Hudson, John, and Stefan Kühner. 2013. "Beyond Indices: The Potential of Fuzzy Set Ideal Type Analysis for Cross-National Analysis of Policy Outcomes" *Policy and Society* 32(4): 303–317. <https://doi.org/10.1016/j.polsoc.2013.10.003>
- Kaucic, Jiannis, and Christophe Sohn. 2021. "Mapping the Cross-Border Cooperation 'Galaxy': An Exploration of Scalar Arrangements in Europe" *European Planning Studies* 1: 1–21. <https://doi.org/10.1080/09654313.2021.1923667>
- Knill, Christoph, and Michael W. Bauer. 2016. "Policy-Making by International Public Administrations: Concepts, Causes and Consequences" *Journal of European Public Policy* 23(7): 949–959. <https://doi.org/10.1080/13501763.2016.1168979>
- Koch, Per M., and Johan Haunkes. 2005. "On Innovation in the Public Sector—Today and Beyond" *Publin Report D20*. <https://nifu.brage.unit.no/nifu-xmlui/bitstream/handle/11250/226573/d20-innovation.pdf?sequence=1>
- Koukoutsaki-Monnier, Angeliki. 2015. "Towards a Trans-Border Identity in the Upper Rhine Area? Regional Cohesion in the Grip of the Nation-State" *Studies in Ethnicity and Nationalism* 15(2): 213–229. <https://doi.org/10.1111/sena.12139>
- Kvist, Jon. 2007. "Fuzzy Set Ideal Type Analysis" *Journal of Business Research* 60(5): 474–481. <https://doi.org/10.1016/j.jbusres.2007.01.005>
- Lagana, Giada. 2017. "A Preliminary Investigation on the Genesis of EU Cross-Border Cooperation on the Island of Ireland" *Space and Polity* 21(3): 289–302. <https://doi.org/10.1080/13562576.2017.1379928>
- Liguori, Mariannunziata, Ileana Steccolini, and Silvia Rota. 2018. "Studying Administrative Reforms Through Textual Analysis: The Case of Italian Central Government Accounting" *International Review of Administrative Sciences* 84(2): 308–333. <https://doi.org/10.1177/0020852315619023>
- Mastenbroek, Ellen, and Dorte S. Martinsen. 2018. "Filling the Gap in the European Administrative Space: The Role of Administrative Networks in EU Implementation and Enforcement" *Journal of European Public Policy* 25(3): 422–435. <https://doi.org/10.1080/13501763.2017.1298147>
- Mau, Steffen, Lena Laube, Christof Roos, and Sonja Wrobel. 2008. "Grenzen in der globalisierten Welt. Selektivität, Internationalisierung, Exterritorialisierung" *Leviathan* 36(1): 123–148. <https://doi.org/10.1007/s11578-008-0008-z>
- Mayring, Philipp. 2000. "Qualitative Content Analysis [28 Paragraphs]" *Forum: Qualitative Social Research* 1(2). <http://nbn-resolving.de/urn:nbn:de:0114-fqs0002204>
- Mayring, Philipp. 2014. *Qualitative Content Analysis: Theoretical Foundation, Basic Procedures and Software Solution*. Klagenfurt: Beltz.
- Mayring, Philipp, and Thomas Fenzl. 2014. "Qualitative Inhaltsanalyse" in Nina Baur and Jörg Blasius (eds.) *Handbuch Methoden der empirischen Sozialforschung*. Wiesbaden: Springer VS. 543–556.
- Mayring, Philipp, and Thomas Fenzl. 2019. "Qualitative Inhaltsanalyse" in Nina Baur and Jörg Blasius (eds.) *Handbuch Methoden der empirischen Sozialforschung*. Wiesbaden: Springer Fachmedien Wiesbaden. 633–648.

- Meyer, John W., and Brian Rowan. 1977. "Institutionalized Organizations: Formal Structure as Myth and Ceremony" *American Journal of Sociology* 83(2): 340-363. <https://doi.org/10.1086/226550>
- Meyermann, Alexia, Tobias Gebel, and Stefan Liebig. 2019. "Organisationsdaten" in Nina Baur and Jörg Blasius (eds.) *Handbuch Methoden der empirischen Sozialforschung*. Wiesbaden: Springer Fachmedien Wiesbaden. 1321-1336.
- Moussa, Mahmoud, Adela McMurray, and Nuttawuth Muenjohn. 2018. "A Conceptual Framework of the Factors Influencing Innovation in Public Sector Organizations" *Journal of Developing Areas* 52(3): 231-240. <https://doi.org/10.1353/jda.2018.0048>
- Nagelschmidt, Martin. 2005. *Das oberrheinische Mehrebenensystem: Institutionelle Bedingungen und funktionale Herausforderungen grenzübergreifender Zusammenarbeit in Europa*. Basel: Schwabe.
- Newman, David. 2003. "On Borders and Power: A Theoretical Framework" *Journal of Borderlands Studies* 18(1): 13-25. <https://doi.org/10.1080/08865655.2003.9695598>
- Newman, David. 2006. "The Lines That Continue to Separate Us: Borders in Our 'Borderless' World" *Progress in Human Geography* 30(2): 1-19. <https://doi.org/10.1191/0309132506ph599xx>
- Oana, Ioana-Elena, Carsten Q. Schneider, and Eva Thomann. 2021. *Qualitative Comparative Analysis Using R: A Beginner's Guide*. Cambridge: Cambridge University Press.
- Osborne, Stephen P., and Kerry Brown. 2005. *Managing Change and Innovation in Public Service Organizations*. London, New York: Routledge.
- Osborne, Stephen P., and Louise Brown. 2011. "Innovation, Public Policy and Public Services Delivery in the UK. The Word That Would Be King?" *Public Administration* 89(4): 1335-1350. <https://doi.org/10.1111/j.1467-9299.2011.01932.x>
- Paasi, Anssi. 2005. "The Changing Discourses on Political Boundaries: Mapping the Backgrounds, Contexts and Contents" in Henk van Houtum, Olivier Kramsch, and Wolfgang Zierhofer (eds.) *B/ordering Space*. Burlington: Ashgate Publishing. 17-31.
- Payan, Tony. 2014. "Theory-Building in Border Studies: The View from North America" *Eurasia Border Review* 5(1): 1-18. <https://scholarship.rice.edu/handle/1911/92502>
- Perkmann, Markus. 1999. "Building Governance Institutions Across European Borders" *Regional Studies* 33(7): 657-667. <https://doi.org/10.1080/00343409950078693>
- Perkmann, Markus. 2007. "Policy Entrepreneurship and Multilevel Governance: A Comparative Study of European Cross-Border Regions" *Environment and Planning C: Government and Policy* 25(6): 861-879. <https://doi.org/10.1068/c60m>
- Peters, Guy B., and John Pierre. 1998. "Institutions and Time: Problems of Conceptualization and Explanation" *Journal of Public Administration Research and Theory* 8(4): 565-583. <https://doi.org/10.1093/oxfordjournals.jpart.a024396>
- Roose, Jochen, and Ulrike Kaden. 2017. "Three Perspectives in Borderland Research. How Borderland Studies Could Exploit Its Potential" in Zbigniew Kurcz, Elzbieta Opilowska, and Jochen Roose (eds.) *Advances in European Borderlands Studies*. Baden-Baden: Nomos. 35-45.
- Salheiser, Axel. 2019. "Natürliche Daten: Dokumente" in Nina Baur and Jörg Blasius (eds.) *Handbuch Methoden der empirischen Sozialforschung*. Wiesbaden: Springer Fachmedien Wiesbaden. 1119-1134.
- Schneider, Carsten Q., and Claudius Wagemann. 2012. *Set-Theoretic Methods for the Social Sciences: A Guide to Qualitative Comparative Analysis*. Cambridge University Press.
- Schnell, Rainer, Paul B. Hill, and Elke Esser. 2011. *Methoden der empirischen Sozialforschung*. München: Oldenbourg.
- Scott, James W. 2000. "Transboundary Cooperation on Germany's Borders: Strategic Regionalism Through Multilevel Governance" *Journal of Borderlands Studies* 15(1): 143-167. <https://doi.org/10.1080/08865655.2000.9695545>
- Stone Sweet, Alec, Neil Fligstein, and Wayne Sandholtz. 2001. "The Institutionalization of European Space" in Alec Stone Sweet, Wayne Sandholtz, and Neil Fligstein (eds.) *The Institutionalization of Europe*. Oxford University Press. 1-28.
- Svensson, Sara. 2020. "Resistance or Acceptance? The Voice of Local Cross-Border Organizations in Times of Re-Bordering" *Journal of Borderlands Studies* 2(4): 1-20. <https://doi.org/10.1080/08865655.2020.1787190>
- Tannam, Etain. 2011. "Explaining British-Irish Cooperation" *Review of International Studies* 37(3): 1191-1214. www.jstor.org/stable/23025416
- Tannam, Etain. 2018. "Intergovernmental and Cross-Border Civil Service Cooperation: The Good Friday Agreement and Brexit" *Ethnopolitics* 17(3): 243-262. <https://doi.org/10.1080/17449057.2018.1472422>
- van Houtum, Henk, and Anke Strüver. 2002. "Borders, Strangers, Doors and Bridges" *Space and Polity* 6(2): 141-146. <https://doi.org/10.1080/135625702200003590>
- Walker, R. M. 2006. "Innovation Type and Diffusion: An Empirical Analysis of Local Government" *Public Administration* 84(2): 311-335. <https://doi.org/10.1111/j.1467-9299.2006.00004.x>
- Walker, Richard M., Claudia N. Avellaneda, and Frances S. Berry. 2011. "Exploring the Diffusion of Innovation Among High and Low Innovative Localities" *Public Management Review* 13(1): 95-125. <https://doi.org/10.1080/14719037.2010.501616>
- Wassenberg, Birte. 2016. "La coopération transfrontalière dans l'espace du Rhin supérieur : un modèle de réconciliation franco-allemande ?" in Nicolae Paun and Sylvain Schirmann (eds.) *Borders, Identities, Communities*. Baden-Baden: Nomos. 295-316.
- Wassenberg, Birte. 2017. "Secondary Foreign Policy as a Peace-Building Tool: A European Model? The Contribution of Cross-Border Cooperation to Reconciliation and Stability in Europe" *Regional & Federal Studies* 27(3): 219-237. <https://doi.org/10.1080/13597566.2017.1343720>
- Wassenberg, Birte, Martine Camiade, and Katarzyna Stokłosa. 2019. "Borders, Objects of Historical Studies: Case-Studies from the Upper Rhine and Catalan Region in the West and from Central and Eastern Europe" in Joachim Beck (ed.) *Transdisciplinary Discourses on Cross-Border Cooperation in Europe*. Brussels: Peter Lang. 173-210.
- Windrum, Paul. 2008a. "Conclusions: Public Innovation and Entrepreneurship" in Paul Windrum and Per M. Koch (eds.) *Innovation in Public Sector Services*. Cheltenham, UK, Northampton, MA: Edward Elgar. 228-243.
- Windrum, Paul. 2008b. "Innovation and Entrepreneurship in Public Services" in Paul Windrum and Per M. Koch (eds.) *Innovation in Public Sector Services*. Cheltenham, UK, Northampton, MA: Edward Elgar. 3-20.
- Windrum, Paul, and Per M. Koch (eds.). 2008. *Innovation in Public Sector Services: Entrepreneurship, Creativity and Management*. Cheltenham, UK, Northampton, MA: Edward Elgar.



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'Europe of the Regions': From Slogan to Effects on European Union Borders and Regions

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This article shows that the integrationist trend of 'a Europe of the regions' shapes the way the different scales of territories in the European Union are considered. Due to this trend, European institutions evolved their processes of legislation within the EU. Institutions are now able to promote cohesion between all scales of territory composing the European continent, including cross-border territories. Thus, this trend participates in the promotion of European integration by erasing or blurring the state borders that exist between these territories. However, a Europe of the regions is not the ultimate goal of the European Union, and the results of this trend can be mitigated. This article's analysis is mainly structured around European law, including both primary and secondary law but also case law of the European Union Court of Justice. In order to strengthen its approach, the article also draws from other disciplines such as history and political science.

Introduction

The slogan "a Europe of the regions" first appeared in the 1960s, principally developed by Swiss theorist Denis de Rougemont (de Rougemont 1970). Since its coinage, its place as a recurring theme in European political discourse has been cemented. The main purpose of promoting this "Europe of the regions" is to enhance the involvement of the continent's various regions in the European policy-making process: this necessitates the deconstruction of Europe as we know it, suggesting a counter-separatist approach in which individual states are foregone as central constituents "in favour of other levels of government" (Luedtke 2005, 101). In the wake of the concept's introduction, many scholars began to elaborate upon it while the European Union was first emerging. However, the European Union is not the first organization to use this slogan to

promote the consolidation of regions and territories. Indeed, historically this slogan is mostly found in the rhetoric of the Council of Europe, an organization which quickly became a significant lobbying body in favour of unity of the regions (Labasse 1991, 12). By contrast, the European Union started playing such a role only later on. This phenomenon can be explained by the fact that the European Union had "centralistic tendencies" since the 1970s, and therefore did not pay significant attention to the regions and to the role that they could have played in the promotion of European integration (Seliger 1999, 4).

The recognition of the regions by the Council of Europe in the second half of the twentieth century is a direct consequence of World War II. Indeed, the

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failure of European nation-states to keep peace was an important factor in the build-up and subsequent breakout of the war. The establishment of international and supranational organizations, such as the Council of Europe, aimed to prevent such a war from happening again. Regions were thought to be able to play a similar peace-keeping role if they became a significant enough component of the quickly modernizing European landscape. This move away from states as the primary unit of European political organization was fed by a change in attitudes, one which no longer considered the state as “the optimal unit of political organization” (Luedtke 2005, 101). These are the ideas that emerged in the 1960s in the wake of the war (Le Galès & Lequesne 1998, vii).

With this shifting sentiment in mind, the Council of Europe began to grant rights and increasing autonomy to its member states’ regional groups; this decision has since been regarded as a pioneer in regional development (Marcori & Thoin 2011, 9). For instance, the first legal tools that were established for cross-border cooperation in Europe were developed by the Council of Europe. In 1980, the Madrid Convention—known in full as the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities—was launched to allow local authorities from different states to make agreements with one another without the consent of their central governments. This is a significant historical example of the process of the weakening of traditional nation-states through helping autonomous regions take part in international relations.

One of the reasons why the European Union began to promote its territories so much later than the Council was the significantly valued role of the Single Market. Nevertheless, the European Union placed importance on regional units since at least 1957. Indeed, the Treaty of Rome declared that the states were “anxious to strengthen the unity of their economies and to ensure their harmonious development by reducing the differences existing between the various regions and the backwardness of the less favoured regions” (The Treaty of Rome 1957, Preamble). However, at the time there was no will to establish a regional policy, largely because the Single Market was seen as being able to reduce the differences between the European regions by itself. Actions in favour of the regions were therefore totally dependent on liberalization policies (Terpan 2010, 1172). Despite this confidence, a realization that the Single Market alone could not reduce disparities between regions began to dawn (Dupeyron 2008, 44). Indeed, while there had been an overall growth in the EU, disparities between territories had also increased. This increase was compounded by other factors, such as the enlargement of the European Union and the economic crises that took place in the 1970s (Leclerc 2011, 295). Moreover, the United Kingdom’s entry into the European Economic Community in 1973 played a

role in the creation of more regionally based policies. From the point of view of the United Kingdom, the common agricultural policy was considered as too costly and too much in favour of France, leading to the negotiation of another spending policy that could benefit its territories (Blumann 2011, 41; Faludi 2007, 30).

Jacques Delors, as President of the European Commission between 1985 and 1995, began to develop a regional policy which would later be dubbed a cohesion policy. It was conceptualized and built as a support policy to the Single Market, wherein funds were progressively established in order to support regions with difficulties (Jouen 2011, 13). For instance, the European Regional Development Fund was created in 1975. The European Social Fund, while created in 1957, benefited from the Delors Commission, under which its budget was significantly increased. Lastly, the Cohesion Fund was spearheaded in 1994. At this time the perception of cross-border regions evolved, and their importance began to be acknowledged; they also began to be perceived as “small Europes”, or as laboratories of Europe (Baudelle 2006, 356). Following the Council of Europe, the European Union thus established legal tools to facilitate cross-border cooperation. This decision highlights the cooperation and cohesion of the two organizations on this subject.

Even if it was the first organization to have promoted the autonomy of regions, the slogan “a Europe of the regions” did end up permitting a certain degree of freedom from the political sphere of the Council of Europe. Thanks to its lobbying, regions were able to use this slogan “to advance their claims for autonomy and policy capacity in the face of deepening European integration” (Hepburn 2018, 538). They were therefore able to play a role outside of their established place in the national political scene, where they were often excluded from the decision-making process (Le Galès & Lequesne 1999, 24). This drive for self-governance stemmed from a fear “that more and more formerly regional competences became European competences without any influence of the regions” (Seliger 1999, 9). Thus, the slogan “a Europe of the regions” strengthened during the 1990s (Wassenberg & Aballéa 2019, 10). At a certain point, the movement gained such traction that it became “an intellectual and political fashion” (Le Galès & Lequesne 1998, vii).

Since their increase in power, regions have progressively been perceived as strong allies of the European Union against states that don’t apply or respect European Union law (Blumann 2013, 6). This can explain their gradual recognition: they are able to be harnessed to contribute to the strengthening of European integration and unity. A parallel can be drawn between this process and the establishment of a European Union citizenship status: similarly, the recognition of a ‘European citizen’ contributed to foster European

integration. As a consequence of this status, European law has granted rights to European citizens that can be vindicated against their own member states that failed to apply this European law. This occurred thanks to a bold case law of the Court of Justice of the European Union that lasted until 2013, which made European citizens strong allies of the European Union (Aubin 2015, 821). However, the Court had to limit the scope of its case law concerning European citizens in order to not interfere with the authority of member states. This decision was also linked to the contemporary political context of the European Union as influenced by the threat of the Brexit and the fear of “social tourism”, a concept which had begun to emerge in public opinions of the member states (Iliopoulou-Penot 2020, 180). Because of this pressure, the Court reacted with the *Dano* judgement in 2014 (ECJ, 11 November 2014, *Dano*, C-333/13). This judgement had the consequence of changing the special link between the European Union and European citizens that had helped to foster European integration. Indeed, European law can now be interpreted in a way that grants less rights to European citizens than before the *Dano* judgement. Because of this change in case law, citizens can no longer be significant allies of the European Union in its ability to enforce European law, as they had once been, meaning that the European Union has had to find other ways to bind member states to respect and implement European law. In view of these elements concerning citizenship, regions become a different matter entirely, as they continue to be a valuable method in the pursuit of European integration. Instead of granting more and more rights to citizens, made even more difficult by the *Dano* judgement, the European Union is able to grant rights and opportunities to European regions. Thus, the regions themselves can bind their member states to respect European law and take part in European integration. In this regard, promoting a “Europe of the regions” can be seen as an alternative to a Europe of the states or a Europe of the citizens.

The continued use of the rhetoric of “a Europe of the regions” has become a kind of trend in the political discourse. One of the principal reasons for this use is that significant inequalities remain between European regions since the regional policy was established under the Delors Commission (European Commission 2017, 74). The slogan “a Europe of the regions” carries a strong implication pertaining to the notion of ‘borders’ and their impact. Indeed, an important component in reducing inequalities between regions may be decreasing the negative consequences of borders in the EU, potentially even the ‘debordering’ of the continent. In fact, internal borders can still produce obstacles even though the Single Market has been established. These obstacles affect not only the development of the regions in the European Union, but also territorial cohesion. In this way, decreasing the negative consequences of borders represents a significant effort for two primary reasons. On one hand, Europe is a heavily fragmented

territory in regards to its borders, so much so that it has been characterized as having a “borders obsession” (Descamps 2013, 195). On the other hand, the regions of Europe constitute a kind of messy patchwork due to their inequalities in size, power, and histories (Labasse 1991, 11). Thus, the “Europe of the regions” trend appears as another way of fostering European integration by enabling a “closer union among the peoples of Europe” and by eliminating “the barriers which divide Europe” (Treaty of Lisbon 2007, Preamble).

This article argues that the slogan of “a Europe of the regions” had and continues to have an impact on the discourse of different scales of territories, including cross-border territories, regions, states’ territories, and the European territory. The phrase links all scales of territories in the European Union and, in the process, effectively furthers European integration. This was achieved thanks to the cohesion policy, even if its results are mitigated because of its lack of prioritization by the EU. Section 1 delves into how the “Europe of the regions” trend has had a tempering effect on legislation strategies concerning regions and borders in the European Union. Section 2 expands upon this, exploring how this trend also had an impact on every territorial scale in the European Union.

1. The Tempering Effect of the “Europe of the Regions” Trend on Legislation

The “Europe of the regions” trend has an impact on the method of legislation within the European Union, so much so that a new body was created in response: the European Committee of the regions (as explored in section 1.a). Moreover, all institutions of the European Union changed their legislation strategies in the process of taking into account the trend (as explored in section 1.b). However, the success of this trend has to be tempered.

1.a. *The Committee of the regions*

The Committee of the regions was created in reaction to the “Europe of the regions” trend (section 1.a.i). However, its effect on borders and regions has to be moderated because its capacities are limited (section 1.a.ii).

1.a.i. Emergence of the Committee of the Regions

The Committee of the Regions was established in 1994 as a result of the “Europe of the regions” trend, at a time when Jacques Delors was still the President of the European Commission. Indeed, Article 198a of the Maastricht Treaty set forth the establishment of “a committee consisting of representatives of regional and local bodies, hereinafter referred to as “the Committee of the Regions””. Thus, the Committee of the Regions permits official, legislation-influencing representation

of the regions in a European Union body, which directly impacts European Union policy. Article 198c of the Maastricht Treaty established the requirement that “The Committee of the Regions shall be consulted by the Council or by the Commission where this Treaty so provides and in all other cases in which one of these two institutions considers it appropriate”. This can still be found in the Treaty of Lisbon in Article 300 §1, which states that “the European Parliament, the Council and the Commission shall be assisted by an Economic and Social Committee and a Committee of the Regions, exercising advisory functions”.

Jacques Delors was sensitive to the regions’ claims to be represented in the EU, but this was not the only element that led to the creation of this new body. Indeed, lobbying first took place in Strasbourg at the Council of Europe and at the European Parliament (Labasse 1991, 12). Subsequently, this lobbying of the regions occurred at the European Commission, which finally led to the creation of the Committee of the Regions in 1994 (Hepburn 2008, 538). This move granted the substates’ parties a larger power in the European Union law-making process. As a result, the Committee of the Regions functions as a new “political arena for voicing regional demands” (Hepburn 2008, 538). Moreover, it was not simply established as a site for regional representation, but also as a setting wherein bodies could work to remedy “a crisis of democratic legitimacy in the European project that was emerging at the EU” (Kuligowski 2019, 76–77). It should thus be noted that the European Union is not only a union of states: European governance also values the role of regions.

The Committee of the Regions plays both an advisory and a political role in the EU. As it is divided into political groups like the European Parliament, this means its representatives vote “along party lines” (Hönnige & Panke 2012, 454). This political committee has progressively gained autonomy, demonstrating the impact of the “Europe of the regions” trend on European institutions. The Treaty on the functioning of the European Union (TFEU) contains guidance on various matters for its member states, and as such guidelines for when the Committee must be consulted. For instance, it outlines protocols for “provisions for sea and air transport” (Article 100 §2 TFEU), for “draw[ing] up guidelines which the member States shall take into account in their employment policies” (Article 148 §2 TFEU), for “adopt[ing] and] implementing regulations relating to the European Social Fund” (Article 164 TFEU), and so on. Since its creation, the areas in which the Committee of the Regions must be consulted has increased—the Lisbon Treaty in particular brought new possibilities to the Committee. Indeed, according to Article 263 of the TFEU, the Committee can bring an action to the Court of Justice of the European Union “for the purpose of protecting [its] prerogatives”. Moreover, according to Article 8 §2 of the second Protocol of the

TFEU, the Committee can also bring an action to the Court “against legislative acts for the adoption of which the Treaty on the Functioning of the European Union provides that it be consulted” if it suspects that the principle of subsidiarity has not been respected.¹ The enhanced autonomy of the Committee of the Regions can also be observed in its budget increases, which boast larger numbers each year (Kuligowski 2019, 83).

The Committee of the Regions is a significant achievement for the representation of the territories in the European Union for two reasons: first, the regions have the ability to claim rights, which can lead to the deepening European integration; second, it helps to create solidarity between different scales of territories. Through this assembly strategy, regions can understand that they possess similar problems and claims. In this way, the creation of solidarity between territories of the European Union can lead to a reduction of the negative effects of national borders. Nevertheless, this process and the powers of the Committee of the Regions should not be overestimated.

1.a.ii. Limited effects of the Committee of the Regions

The Committee of the Regions is only a consultative body, which means that its power and its effects in the European Union legislative process are limited. Indeed, it is often perceived as a weak and inefficient body (Pasquier 2015, 155). If its opinions are requested, they do not necessarily have to be followed by the European Union legislative institutions: this explains why the Committee of the Regions does not boast the status of an “institution” according to the Treaty on European Union. Article 13 of the TEU states that the Union’s institutions shall be the European Parliament, the European Council, the Council, the European Commission, the Court of Justice of the European Union, the European Central Bank, and the Court of Auditors—notably missing is the Committee. For this reason, Hönnige and Panke explain that the Committee of the Regions has limited influence, especially as its recommendations are often ignored (2012, 467). As a consequence, the claim that the regions work to deepen European integration is also limited.

Representation in the Committee of the Regions is problematic. The weighting mechanism is based on the states rather than the regions or local authorities, meaning that the delegations that are part of the Committee are called national delegations. Moreover, the regional and local members of the Committee are proposed by member states to the Council of the European Union, which officially appoints the members of the Committee. This demonstrates that the member states have significant power within this body, even if its primary focuses are regions and local authorities. In addition, the choices made by the member states are not coordinated. Some countries choose regional representatives, while other states

choose both regional and local representatives, or only local representatives. Bernhard Seliger argues that “this leads to a heterogenous membership in the COR, which increases difficulties for a strong regional representation” (Seliger 1999, 11). There is controversy over “the division between the regional or local representatives”, a discordance that undermines unity in the Committee of the Regions (Van Der Knaap 1994, 91). Thus, the influence of member states and the problem of representation pose difficulties to the assumption that regions are able to deepen European integration.

In light of these elements, Marjorie Jouen argues that the Committee of the Regions was established with the main goal of regulating all the lobbies which were more and more present at the European Commission in Brussels (Jouen 2011, 35). Thus, the true primary aim of creating such a body was to satisfy the needs of the regional lobbies, but also to redirect their many lobbies away from the European Commission, which is a decisional institution. The “Europe of the regions” trend was not enough to create an institution with concrete, autonomous powers and effects within the realms of regions, borders, and European integration. Nevertheless, it is still a “young” body that can progress further. The Committee effectively spotlights regions that were once forgotten in the European construction, and it helps to bring different scales of territories together by familiarising regions with European institutions. Moreover, it can play a kind of supporting role for the institutions that are attempting to consider regions’ specific needs in their policies.

1.b. Considering regions through a transversal cohesion policy

With the emergence of a cohesion policy in the European Union introduced by the “Europe of the regions” trend, European institutions began to become increasingly interested in territories. Regions can now take part in the legislative process at the European level with the Committee of the Regions, and the European level tries to more regularly consider and involve the input of regions. In every policy they try to implement, they must also take into consideration the cohesion policy and the desires of territories (section 1.b.i). However, the cohesion policy is not always the priority of European Union institutions, sometimes leaving regional and territorial concerns to fall to the wayside (section 1.b.ii).

1.b.i. Taking into account the cohesion policy in all European policies

A significant consequence of the “Europe of the regions” trend has been the establishment of the cohesion policy in the European Union, which has quickly become the European Union’s most significant budget item. At first,

only economic and social cohesion could be found as an objective in the treaties. The territorial aspect, which was already an underlying objective, only explicitly appeared in the Treaty of Lisbon in 2007.

Having only a cohesion policy is not enough to reduce disparities between territories, though. Indeed, each policy has to take territories and their specificities into account, and as such need to move on a case-by-case basis, as was made explicit in the Treaties. Article 174 of the TFEU estimates that “the Union shall aim at reducing disparities between the levels of development of various regions and the backwardness of the least favoured regions”. Later, Article 175 of the TFEU states that “The formulation and implementation of the Union’s policies and actions and the implementation of the Single Market shall take into account the objectives set out in Article 174 and shall contribute to their achievement”. Thus, the objective of cohesion is a transversal one in the European Union, showing that the cohesion policy not only has a large scope of application, but has a specific role on regional scales in the project of European integration.

It is possible to observe this large scope since the 1990s, in many communications from the European Commission concerning cohesion policy and other thematic policy. For instance, the Commission issued a communication in 1996 about “cohesion policy and culture” (COM(960) 512 final) and in 1999 about “cohesion and transport” (COM(1998) 806 final). More concretely, the Common Agricultural Policy has played a leading role in promoting cohesion between the territories of the Community. Article 39 of the Treaty of Rome states that one objective of the Common Agricultural Policy is “to ensure thereby a fair standard of living for the agricultural population, particularly by the increasing of the individual earnings of persons engaged in agriculture” (Article 39, b), Treaty of Rome). There has been an evolution since its inception, and the territorial aspect of this policy is more and more present. Indeed, since 2003, the second pillar of the Common Agricultural Policy is rural development. One objective of this policy is to promote this kind of development with the goal of further enhancing cohesion in the European Union. Thus, the European Agricultural Fund for Rural Development is a fund of the Common Agricultural Policy that promotes cohesion. On the one hand, it helps to adapt Union agricultural policy to the specificities of its member territories. On the other hand, it permits opening up the fund to non-agricultural actors (Berriet-Sollicec & Trouvé 2010, 404). The role played by the Common Agricultural Policy is therefore needed to foster cohesion, which the cohesion policy is not able to play by itself. This shows that all fields, including the Single Market, are concerned with the objective of cohesion. When they legislate, European institutions have to care about the regional scales of territories; the idea is that by taking



them into account in every policy, it should be possible to reduce disparities between territories and to deepen European integration.

The “Europe of the regions” trend led the European Union to take regional scales of territories into account in every policy it develops. Nevertheless, this practice is complex, and failures caused by opposing interests can be observed.

1.b.ii. Cohesion policy’s lack of priority

Taking into account the territorial cohesion objective is not an easy process, largely because the European policies often possess opposing interests. As an example, it seems quite obvious that the transport policy, the environmental policy, and the cohesion policy may have very diverging interests. In the 2000s, transport policy, which took the cohesion policy into account, did not respect the environmental norms established by the European Union. There are many cross-links between all the European policies, and a lack of coordination between them can affect all the policies and their objectives. The best method of legislating in the European Union and the role of the institutions can thus be the subject of much debate. The Commission’s portfolios can, for instance, be questioned. Indeed, 27 different portfolios may not be very efficient in the pursuit of coherent objectives, leading to inconsistency between European policies. Finally, the cohesion policy and regional decisions are not always taken into account, which can slow down the process of European integration. The European policy-making process can therefore have adverse effects on regional scales of territories and their decision-making.

Another observation is linked to the context in which the cohesion policy takes place. In many cases, the policy has been misused, and its economic parts can sometimes take precedence over its territorial ones: the regulation laying down common provisions on the European Structural and Investments Funds after the 2008 economic crisis is a notable example. This regulation authorizes withholding funds from regions if a member state did not achieve Union-outlined financial objectives. There has thus been a shift from taking cohesion policy into consideration to putting conditions on cohesion policy. Moreover, it is possible to observe a trend in the use of more and more “competitiveness” instead of cohesion in political rhetoric (Drevet 2017, 21). If the regions can still be seen as a priority, the competitiveness that takes place between them is highlighted. The consequences of too much competitiveness are the reinforcement of borders and the deepening of inequalities. In the face of this, European integration seems harder to reach.

At the institutional level, there is not any specific Council of Ministers for the cohesion policy, which is surprising

as the cohesion policy has the most significant budget of the European Union. The Barca report of April 2009 (also known as “An Agenda for a reformed cohesion policy, A place-based approach to meeting European Union challenges and expectations”) stated that creating a council for the cohesion policy is a necessity. Without a council, real debates on the cohesion policy cannot happen outside of the budget negotiations that take place every seven years (Jouen *et al.* 2016, 482).

If the “Europe of the regions” trend had an impact on legislation strategies and the drive to take cohesion policy and regions into account, it should not be overestimated, and the Committee of the Regions should be further strengthened. The other European Union institutions should be made to take regions into consideration more comprehensively. By doing so, reducing the negative effects of the borders and helping regional scales of territories to deepen European integration can be made easier. The impact of this legislative methodology on the regions and borders can now be analysed.

2. The Impact of the “Europe of the Regions” Trend on Territories and Borders

The “Europe of the regions” trend impacted not only European institutions, but also regions and territories. First, by taking into account these scales of territories, European institutions reinforce regional cohesion, and regions can then take part in the European integration process by reducing the negative effects of the borders. It can result in a kind of virtuous circle (section 2.a), but cross-border regions are certainly best-suited to do so (section 2.b).

2.a. Effects of the “Europe of the regions” trend on scale: the search for a virtuous circle

Taking regions into consideration does not only have an impact on the targeted, specific regional territories, but can reinforce other scales of territorial cohesion, which can further deepen European integration. In the European Union, there are different scales of territorial cohesions: local cohesion, regional cohesion, cross-border cohesion, national cohesion, and European cohesion. As a consequence, a problem has to be faced: how is it possible to take all these different territorial cohesions into account, especially if we aim to do so equally? For instance, are national cohesion and European cohesion compatible? These questions are very pervasive; Ivan Krastev, for instance, argues that we are not facing a lack of solidarity but a clash of solidarities in the European Union (Krastev 2017, 62). He explains that it happens in our societies but also between nation-states. It is possible to deduce that this clash plays out at every scale of territories in the European Union that can be classified as “a multilevel system” (Kommer 2017, 185). This implies that

clashes can take place between national solidarities and cross-border solidarities, or also between local solidarities and European solidarities. These clashes resurrect borders in the European Union, those seemingly deconstructed by the trend of “a Europe of the regions”. These resurrected borders may be internal national borders or borders between local territories.

The European Union has made progress by recognizing the importance of local territorial cohesions. For instance, European legislative institutions take specific measures in favour of local territories, which can be seen with the regulations pertaining to outermost regions. Indeed, Article 349 of the Treaty of Lisbon states that “the Council shall adopt the measures [...] taking into account the special characteristics and constraints of the outermost regions” (Article 349, Treaty of Lisbon). The common European law has since adapted to these specific territories. For instance, the European Commission estimates that “in 2021 alone, the Commission reflected these regions’ specificities in almost 30 legislative proposals, policy initiatives and work programmes” (European Commission 2022, 23). However, besides the adaptations made by the legislative institutions, the Court of Justice of the European Union is also able to adapt its measures to specific territories. Indeed, in order to grant local territorial cohesions, it has already limited freedoms of movements that would permit the achievement of the Single Market. The reason was the recognition of “*localismes légitimables*”, which means that local measures restricting freedoms of movement have the possibility to be justified in the face of the Single Market (Berrod 2018, 682). This can be observed in the *Simma Federspiel* judgement of the Court of Justice of the European Union of 2017 (ECJ, *Simma Federspiel* 2017, C-419/16). This judgement pertained to a measure that aimed to keep doctors that were trained in the Province of Bolzano in the region for a period of five years. The objective of this measure was to ensure “that high-quality healthcare is available in both official languages of that region, that is to say, German and Italian” (ECJ, *Simma Federspiel* 2017, C-419/16, §48). In a deft a balancing act, the Court opted not to give priority to the Single Market, and instead decided to grant local territorial cohesion. The Court recognized the specificities of territories and demonstrated that the objective of the European Union is not to completely erase borders, but “to promote its overall harmonious development”, referring to the objective of the Article 174 of the Treaty of Lisbon. The Court also aims at reconciling local solidarities with overall European solidarity. With this kind of articulation and specificity in regards to the different types of cohesions or solidarities, the Court places importance on all scales of territorial cohesion and is able to avoid a “clash of solidarities” between them.

In the search to prevent this disconnect between scales of cohesion, an answer can be found in the concept of

a virtuous circle. Achieving a local territorial cohesion could lead to the fostering of European territorial cohesion, while pursuing European territorial cohesion could lead to the achievement of local territorial cohesions. This relates to the definition of integration given by Alain Buzelay, who states that integration can be defined as a framework of desired, organized, and united interdependencies between states that could face globalization (2014, 286). These interdependencies can be managed between states, but should ideally also be managed between every scale of territories. An example of this phenomena is the allowance of Funds by the European Union to local territories as a direct result of the “Europe of the regions” trend. The European Structural and Investments Funds began to play a significant role while a more developed regional policy was emerging in the Single European Act in 1987. This allowance of funds has, by consequence, reinforced territorial cohesion in this local territory, but it has also achieved the European objective of reducing disparities between regions. By doing so, this allowance reinforces European territorial cohesion. This is a reason why the regional policy is crucial in the European Union: its effects vary across kinds of territories and it helps to avoid clashes of solidarities.

The “Europe of the regions” trend does not only have an effect on regions, it can also create positive effects on other scales of territories, like European and national ones. This demonstrates the emergence of an articulation or a virtuous circle between every scale of territories, a kind of feedback loop. By being pursued, this virtuous circle can be strengthened. With these virtuous circles, the deepening of European integration is easier, as it avoids clashes between territorial solidarities. Cross-border regions can also play a significant role in this virtuous circle, further leading to European integration.

2.b. The specificity of cross-border regions

Cross-border regions have been particularly positively affected by the “Europe of the regions” trend (Labasse 1992, 192). Indeed, cross-border regions suffer especially from the negative effects of borders, since national borders often partition and oppose the territories straddling them (Gomez 2018, 94). The establishment of the Single Market exacerbated this (European Commission 1990, 2). Nevertheless, more and more legal tools have been created to support these regions, which is linked to the “Europe of the regions” trend (Siat 2010, 326).

Cross-border regions do not have the same opportunities to develop as other regions due to their positions across borders. For example, developing companies in these territories is not easy because reaching nearby consumers is often more difficult. Moreover, the establishment of the Single Market consequently led

to the disappearance of economic activities that were related to borders. Such is the case of police agents, currency exchanges offices, and customs officials (Casteigst 2003, 3). Being in competition with other regions in the Single Market was therefore a difficult situation for cross-border regions whose economies are already vulnerable (Gendarme 1970, 896). These circumstances led the European Commission to consider that “special attention should be paid to creating alternative employment opportunities in border areas affected by significant job losses as a consequence of the completion of the internal market” in 1990 (European Commission 1990, 2).

Thanks to the “Europe of the regions” trend, though, cross-border regions have also increasingly been considered. The Council of Europe has been able to more successfully challenge national authorities’ perception of regions and cross-border territories. For example, before a law of 1982, French local authorities were not allowed to develop external relations by themselves.² The establishment of this law followed the Madrid Convention of the Council of Europe of 1980. Then, legal tools were created for European regions in general, and special legal tools were also developed for cross-border regions in particular. The European Union followed the trend of the Council of Europe in this area, which shows a kind of “competition” or “complementarity” between the European Union and the Council of Europe (Berrod & Wassenberg 2016, 11). It led to the establishment of many tools for cross-border regions. Indeed, a kind of “parallelism in time” can be observed in the creation of the legal tools by these two organizations (Odendahl 2011, 101).

These tools are mainly groupings that offer a structure for local authorities to cooperate: they are not always intended for cross-border regions specifically, but they can be used as such. These groupings complement financial tools like the INTERREG program, and the European Grouping of Territorial Cooperation (EGTC) is one of them. Established by the Regulation (EC) n° 1082/2006 of July 5, 2006, and modified in the Regulation (EU) n° 1302/2013 of December 17, 2013, it was the first tool created in this field (Charles Le Bihan 2017, 189). The Committee of the Regions played a significant role in this modification, advising to modify it and showing the progress that could be made by doing so (Jouen 2011, 98). Its recommendations were followed, confirming that the institutions could indeed be receptive to the “Europe of regions” trend, as demonstrated previously. The EGTC has the specificity needed to facilitate cooperation between different actors, which eases multilevel governance. It “allows public authorities to be brought together, according to a variable institutional geometry, by virtue of their levels of responsibility and to promote an enlarged partnership with socioeconomic actors” (Committee of the Regions 2009, 23). Reuniting these different

actors in the same grouping helps to pursue all the varying different scales of territorial cohesion. States and regional or local representatives can be part of this grouping, leading to a better understanding of each cohesion issue and the pursuit of virtuous circles.

Moreover, the European Union institutions still work on cross-border cooperation. The Communication from the Commission to the Council and the European Parliament “boosting growth and cohesion in EU border regions”, adopted on September 20, 2017, shows that the trend in favour of a “Europe of the regions” continues to have an impact in the European Union. As a result of this observation, in 2018 the European Commission proposed the adoption of a regulation (EU) n° 2018/0198 on a mechanism to resolve legal and administrative obstacles in a cross-border context. Even if the legislative procedure seems to be blocked on this subject, European institutions continue to try to find ways to improve the situation of cross-border regions step-by-step. Indeed, cross-border territories are now seen as being able to fulfill the aims of the Single Market while in the process of erasing the negative effects of the internal borders. Thus, one can see that the “Europe of the regions” trend is now fully a part of the European Union law-making process. Initiatives are taken regarding the subjects of regional and territorial autonomy, even if the Europe of the regions is not the ultimate goal of the European Union.

Fostering cross-border cooperation can play a significant role in the virtuous circles mentioned above, which can be seen as laboratories of European integration. The virtuous circle reinforces European territorial cohesion and deepens European integration; for example, the Tyrol-South, Tyrol-Trentino Euroregion. The close cooperation between these three components of the Euroregion helped to resolve a political conflict between Italy and Austria when the Brenner border had been closed because of migration. They helped to ease tension and normalize relations (Lambertz 2019, 33). This example demonstrates the importance of local solidarities and the effects that they can have on broader European solidarities. Another significant example of a virtuous circle can be seen at the Irish border: “the European Union has both facilitated and ‘normalised’ cross-border activity” even if it is a place “where the legacy of the conflict remains deeply significant” (Diez & Hayward 2008, 48–56). There is still work to be done, but this cooperation continues to help normalize inter-territorial relations and solidarities.

Conclusion

This paper aimed to demonstrate how the European Union is able to organize and articulate the interdependencies between every scale of territory on its journey towards deepening European integration. But

to do so, the Union must take into account the vast range of scales of territories composing the European Union, in turn fostering territorial cohesion and helping to decrease the negative effects of internal borders. Without this articulation between every scale of territories, the European Union risks increasing disdain and resentment between them (Supiot 2015, 29).

Notes

- 1 The subsidiarity principle is defined at the article 5§3 TEU: “Under the principle of subsidiarity, in areas in which do not fall within its exclusive competence, the Union shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level”
- 2 *Loi n°82-213 du 2 mars 1982 relative aux droits et libertés des communes, des départements et des régions.*

Works Cited

Aubin, Emmanuel. 2015. “L’arrêt Dano de la CJUE: quand sonne le glas de la citoyenneté sociale européenne ?” *Actualité juridique Droit administrative* 14: 821. <https://halshs.archives-ouvertes.fr/halshs-02220459>

Baudelle, Guy. 2010. “Les zones frontalières en Europe: des espaces d’intégration privilégiés ?” in Catherine Flaesh-Mougin and Joël Lebullenger (eds.) *Regards croisés sur les intégrations régionales: Europe, Amériques, Afrique*. Bruxelles: Bruylant, 343-364.

Baudelle, Guy, and Danielle Charles-Le Bihan (eds.). 2017. *Les régions et la politique de cohésion de l’Union européenne*. Rennes: Presses Universitaires de Rennes.

Berriet-Sollic, Marielle, and Aurélie Trouvé. 2010. “Chapitre 13/ La politique Agricole commune est-elle territoriale ?” in Bertrand Hervieu, Nonna Mayer, Pierre Muller, François Purseigle, Jacques Rémy (eds.) *Les mondes agricoles en politique*. Paris: Presses de Sciences Po. 397-413.

Berrod, Frédérique. 2018. “Chronique du Marché intérieur—Le localisme “légitimable” dans le marché intérieur” *RTDEur: Revue trimestrielle de droit européen* 03: 682. <https://halshs.archives-ouvertes.fr/halshs-02262115>

Berrod, Frédérique, and Birte Wassenberg (eds.). 2016. *Les relations entre le Conseil de l’Europe et l’Union européenne Complémentarité ou Concurrence?* Paris: Éditions L’Harmattan.

Blumann, Claude (ed.). 2011. *Politique agricole commune et politique commune de la pêche*. Bruxelles: Éditions de l’Université de Bruxelles.

Blumann, Claude (ed.). 2013. *Les frontières de l’Union européenne*. Bruxelles: Bruylant.

Boutayeb, Chahira (ed.). 2011. *La solidarité dans l’Union européenne, Éléments constitutionnels et matériels*. Paris: Dalloz.

Buzelay, Alain. 2014. “La solidarité économique et financière en Europe: une valeur devenue précaire?” in Laurence

Potvin-Solis (ed.) *Les valeurs communes dans l’Union européenne—Onzièmes Journées Jean Monnet*. Bruxelles: Bruylant, 285-296.

Casteigts, Michel. 2003. “Enjeux et limites de la coopération transfrontalière” *Territoires 2040—Revue d’études et de prospective*. <https://halshs.archives-ouvertes.fr/halshs-01558396>

Charles-Le Bihan, Danielle. 2017. “Le GECT outil opérationnel de gestion de projets de développement territorial et/ou structure de gouvernance multiniveaux ?” in Guy Baudelle and Danielle Charles-Le Bihan (eds.) *Les régions et la politique de cohésion de l’Union européenne*. Rennes: Presses Universitaires de Rennes. 187-200.

Colavitti, Romélien. 2022. “Éléments organisationnels: européanisation et institutionnalisation de la coopération transfrontalière” in Géraldine Bachoué-Pedrouzo and Romélien Colavitti (eds.) *La gouvernance transfrontalière*. Bruxelles: Bruylant, 35-48.

Committee of the Regions. 2009. The Committee of the Regions’ white paper on multilevel governance, C-211/01.

de Rougemont, Denis. 1970. *Lettre ouverte aux Européens*. Paris: Albin Michel.

Descamps, Olivier. 2013. “La formation historique des frontières européennes” in Claude Blumann (ed.) *Les frontières de l’Union européenne*. Bruxelles: Bruylant, 195-214.

Diez, Thomas, and Katy Hayward. 2008. “Reconfiguring Spaces of Conflict: Northern Ireland and the Impact of European Integration” *Space and Polity* 12(1): 47-62. <https://doi.org/10.1080/13562570801969432>

Drevet, Jean-François. 2017. “Histoire de la politique régionale de l’Union européenne” in Guy Baudelle and Danielle Charles-Le Bihan (eds.) *Les régions et la politique de cohésion de l’Union européenne*. Rennes: Presses Universitaires de Rennes. 19-26.

Dupeyron, Bruno. 2008. *L’Europe au défi de ses régions transfrontalières, Expériences rhénane et pyrénéenne*. Bern: Peter Lang.

ECJ. 2014. *Dano*, C-333/13.

ECJ. 2017. *Sabine Simma Federspiel*, C-419/16.

European Commission. 1990. Notice C(90) 1562/3 to Member States laying down guidelines for operational programmes which Member States are invited to establish in the framework of a Community initiative concerning border areas (Interreg).

European Commission. 2017. Seventh Report on Economic, Social and Territorial Cohesion.

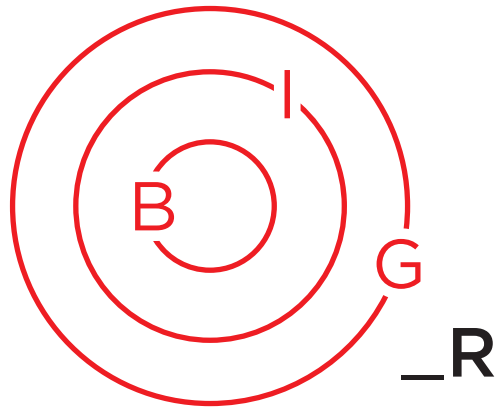
European Commission. 2022. Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions “Putting people first, securing sustainable and inclusive growth, unlocking the potential of the EU’s outermost regions”, COM(2022) 198 final.

Faludi, Andreas. 2007. “La dimension territoriale de l’intégration européenne” *L’information géographique* 71(4): 27-42. <https://doi.org/10.3917/liq.714.0027>

Flaesh-Mougin, Catherine, and Joël Lebullenger (eds.). 2010. *Regards croisés sur les intégrations régionales: Europe, Amériques, Afrique*. Bruxelles: Bruylant.

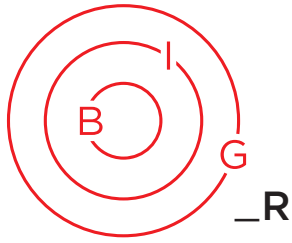
Gendarme, René. 1970. “Les problèmes économiques des régions frontières européennes” *Revue économique* 21(6): 889-917.

- Gomez, Jordi. 2018. “Les limites de la coopération transfrontalière: l'exemple catalan” *Pôle Sud* 1(48): 91-112.
- Hepburn, Eve. 2008. “The Rise and Fall of a ‘Europe of the regions’, The Territorial Strategies of Substate Political Parties 1979-2006” *Regional & Federal Studies* 18(5): 537-555. <https://doi.org/10.1080/13597560802351572>
- Hönnige, Christoph, and Diana Panke. 2012. “The Committee of the Regions and the European Economic and Social Committee: How Influential are Consultative Committees in the European Union?” *Journal of Common Market Studies* 51(3): 452-471. <https://doi.org/10.1111/j.1468-5965.2012.02313.x>
- Iliopoulou-Penot, Anastasia. 2020. “Article 7. Droit de séjour de plus de trois mois” in Anastasia Iliopoulou-Penot (ed.) *Directive 2004/38 relative au droit de séjour des citoyens de l'Union européenne et des membres de leur famille*. Bruxelles: Bruylant. 77-123.
- Iliopoulou-Penot, Anastasia. 2020. *Directive 2004/38 relative au droit de séjour des citoyens de l'Union européenne et des membres de leur famille*. Bruxelles: Bruylant.
- Jouen, Marjorie. 2011. *La politique européenne de cohésion*. Paris: La documentation française.
- Jouen, Marjorie, Nicolas Lete, and Matthieu Hornung. 2016. “Les autorités locales et régionales dans la formation des positions nationales en matière de politique de cohésion” *Revue française d'administration publique* 2(158): 477-490. <https://doi.org/10.3917/rfap.158.0477>
- Kommer, Florian. 2017. “The Clash of Solidarities in the European Union, Rethinking Jürgen Habermas’ Conception of Solidarity in the Transnational Context” *Fudan Journal of the Humanities and Social Sciences* 11(2): 175-190. <https://doi.org/10.1007/s40647-017-0193-8>
- Krastev, Ivan. 2017. *Le destin de l'Europe: une sensation de déjà vu*. Paris: Premier Parallèle.
- Kuligowski, Rafal. 2019. “25 years of the Committee of the Regions and its impact on the EU legislative process: remarks in the light” *The Copernicus Journal of Political Studies* 2: 75-87. <https://doi.org/10.12775/CJPS.2019.013>
- Labasse, Jean. 1991. *L'Europe des régions*. Paris: Flammarion.
- Lambertz, Karl-Heinz. 2019. “Conflits et coopérations aux frontières de l'Union européenne. Le point de vue du Comité européen des régions” in Birte Wassenberg and Marion Aballéa (eds.) *La diplomatie des collectivités territoriales des années 1980 à nos jours*. Paris: Éditions L'Harmattan, 31-39.
- Leclerc, Stéphane. 2011. “La politique régionale: régions, Etats et solidarité” in Chahira Boutayeb (ed.) *La solidarité dans l'Union européenne, Éléments constitutionnels et matériels*. Paris: Dalloz, 295-307
- Le Galès, Patrick, and Christian Lequesne. 1998. *Regions in Europe*. London: Routledge.
- Luedtke, Adam. 2005. “Review: A Europe of the Regions: Rhetoric or Reality?” *International Studies Review* 7(1): 101-103. <https://www.jstor.org/stable/3699633>
- Marcori, Claude, and Muriel Thoin. 2011. *La coopération transfrontalière*. Paris: La documentation française, DATAR.
- Pasquier, Romain. 2015. “La fin de ‘l'Europe des régions?’” *Politique européenne* 50(4): 150-159. <https://doi.org/10.3917/poeu.050.0150>
- Pingel, Isabelle (ed.). 2010. *De Rome à Lisbonne, Commentaire article par article des Traités UE et CE*. Bâle: Heibling.
- The Treaty of Rome. March 1957.
- Terpan, Fabien. 2010. “Titre XVII Cohésion économique et sociale, Article 158 CE” in Isabelle Pingel (ed.) *De Rome à Lisbonne, Commentaire article par article des Traités UE et CE*. Bâle: Heibling, 1171-1194.
- Seliger, Bernhard. 1999. “The Role of the Regions in the European Integration Process—Towards a ‘Europe of the Regions?’” *International Area Review* 2(1): 3-18.
- Siat, Guy. 2010. “L'approche juridique de la coopération transfrontalière” in Birte Wassenberg (ed.) *Vivre et penser la coopération transfrontalière (Volume 1): les régions frontalières françaises, Contributions du cycle de recherche sur la coopération transfrontalière de l'Université de Strasbourg et de l'Euro-Institut de Kehl*. Stuttgart: Franz Steiner Verlag, 323-330.
- Supiot, Alain. 2015. *La Solidarité, Enquête sur un principe juridique*. Paris: Odile Jacob.
- Van Der Knaap, Peter. 1994. “The committee of the regions: The outset of a ‘Europe of the regions?’” *Regional Politics and Policy* 4(2): 86-100. <https://doi.org/10.1177/22338659990200101>
- Wassenberg, Birte, and Marion Aballéa. 2019. “Introduction” in Birte Wassenberg and Marion Aballéa (eds.) *La diplomatie des collectivités territoriales des années 1980 à nos jours*. Paris: Éditions L'Harmattan, 9-30.
- Wassenberg, Birte, and Marion Aballéa (eds.). 2019. *La diplomatie des collectivités territoriales des années 1980 à nos jours*. Paris: Éditions L'Harmattan.



PORTFOLIO

BIG_Review publishes portfolios of artist collections related to the world of borders—whether political, material, cultural, or conceptual borders. Portfolios are chosen by the Chief Editor and featured on the cover of each issue, and, like all *BIG_Review* publications, available for free in open-access Creative Commons licensing, unless otherwise specified.



PORTFOLIO

Chief Editor's Choice

Borders in Globalization Review
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Mapping the Wound: Feminine Gestures of Empathy and Healing

Ariane Littman



As a woman artist and as a mother learning to live in a country with relapse of violence, wars, and temporary truces never to be taken for granted, I often reflected on the meaning of art and wondered if it was a luxury no one really needed except for a few aesthetes. Over the years, yearning for a more compassionate Terra Mater (Motherland), I started to deconstruct maps to heal them anew, cutting and stitching new imaginary borders and dressing them in gauze. Such acts of dressing reminded me of the role of women as nurses in hospitals and on battle fields while my sewing performances reminded me of those mythical women weaving alternative fates.

I was born and raised in Switzerland as a British citizen, speaking both French and English. At a young age I was confronted with antisemitism and had to learn to bear a fractured identity. On my maternal side, I carried the expulsion of the Jewish community from Egypt in 1956, and on my paternal side, I carried the Shoah, which my Polish grandparents escaped by emigrating to the USA in the 1920s. At 18, I left all that I knew for a country at war, where my religion would not be a stain yet where I once more became a "foreigner", a stranger who did not completely belong. Emigrating alone to Israel in October 1981 to study Middle Eastern Studies and International Relations at the Hebrew University in Jerusalem, barely speaking Hebrew, I lived through my first traumatic war, the 1982 Lebanon War. Ten years later, when I graduated from the Bezalel Academy of Art and Design in 1991, I faced my two-year old daughter with a gas mask during the Gulf War. Witnessing the recurring violence resulting from the Israeli-Palestinian conflict, I started to question in my art this complex and painful reality. During the Second Intifada of the early 2000s, and following a suicide bombing at my brother-in-law's café, which left many dead and wounded, I left my studio, eager to grasp the violence of the Palestinian-Israeli conflict. Crossing borders back and forth as a freelance news-photographer, bearing witness and documenting checkpoints, barrier walls, and new borders, I created a body of works entitled Border Land.



But it was more specifically following the Second Lebanon War (2006) and Operation Cast Lead in Gaza (2008-2009) that I felt the urge to find my personal way to express the wounds resulting from the "Disasters of War" in this part of the world in the 21st century. Though I had already used plastered bandages on 'Closure Maps' of Jerusalem printed by the OCHA Humanitarian Information Centre during a performance in 2004, it was the accident in which my nine-year-old daughter suffered third-degree burns, skin grafts, and daily dressing for a year, that triggered my obsessive use of gauze bandages in my artwork. At home I dressed my daughter's wounds while in the studio I dressed 'wounded' cartographic maps of Jerusalem. The map was her body and vice versa: Wounded Land, Grafted Land, and Shredded Land were all

series of maps that both echoed her wounded body and the wounded land around me. In my studio, I felt less helpless as I became the surgeon 'operating' and 'healing' cartographic maps: cutting, stitching, and dressing in gauze and plaster, erasing and removing borders, checkpoints, and hegemonic power.



In the Grafted Land series of maps started in 2015, disputed areas are detached from the body of the map then covered in gauze and stitched with a green thread, this surgical procedure leaving red stains and scars over the shattered body of the new map. While excising segments from the mother map, I realized that the disputed area designated as Judea and Samaria on Mandatory Maps of Palestine or the West Bank following its occupation by Jordan in 1948 or the Occupied Territories since 1967, bore an uncanny resemblance to a human embryo. The map had become a Motherland who bore in its midst an unborn embryo, desired by two peoples engaged in a deadly fight after the fall of the Ottoman Empire in 1919 but most fiercely following the end of the British Mandate in Palestine in May 1948.

My most ambitious project to date is an ongoing map, Wounded Land, started during the pandemic bearing four overlapping maps: a road map of the Holy Land printed by Freytag and Berndt (2016), the "Traffic Light Map" showing the changing colors of COVID-19 morbidity during the pandemic, the 2020–2021 "Black Flag Protest" map against the government of P.M. Netanyahu, and the National Emergency Portal Map of missiles shot into Israeli territory and riots occurring in mixed Arab and Jewish cities during the Gaza conflict between Hamas and Israel in May 2021.

In alternance with my wounded maps, since 2010, I have been performing and creating short films of dressing wounds with gauze in meaningful historical places across the country. This is a different way of creating a different map, this time through the slow process of mapping liminal spaces—the spaces of sometimes invisible and forgotten wounds that nonetheless remain present in the memory of the landscape, the city, the body, and the psyche.

— Ariane Littman



Born in Switzerland, **Ariane Littman** is an interdisciplinary artist working in Jerusalem, holding an MFA in Fine Arts from the Bezalel Academy of Arts and Design and an MA in Art and Aesthetics from the Hebrew University of Jerusalem. Between 1991 and 1994, she was assistant curator at the Department of International Contemporary Art at the Israel Museum, and she has been teaching since 1998 in the DAN department of Creative Human Design at Hadassah College in Jerusalem. Inspired by maps for over twenty years, her interest in borders was enhanced while covering major national events after she started working as a freelance news photographer between the years 2002 and 2008. Littman's work has been featured in academic conferences, workshops, film festivals, and art exhibitions in Israel and beyond.

For further information:
<http://ariane-littman.com>



Wounded Map (2020-2021) (with details)

Map, gauze bandages, fabric, plaster, ink, thread, and fabric. 340 x 170 cm. Based on the Holy Land "Road Map of Israel-Palestine 1:150,000" printed by Freytag & Berndt (2016), the Corona "Traffic Light Map" of the National Emergency Portal (2020-21), "The Black Flag Protest Map" (2020-21), and the "National Emergency Portal" during the Israel-Hamas conflict (2021). Photos: Udi Katzman.



Grafted Land (2016-2017)

Fragments of map, gauze bandages, plaster, fabric, red pigments, and green thread. 165 x 135 cm.

Based on Map of the Holy Land: Palestine & Israel, printed by the Palestine Mapping Center in Bethlehem (2010).

Photo: Avi Hai.



Red Embryo (2023)

Map, gauze bandages, fabric, plaster, red ink, and thread. 140 x 99 cm.
Photo: Michael Amar.



Erasure (2006)

Performance at the Bloomfield Science Museum, Jerusalem, with projected map of Jerusalem from 1947.
Photos: Oded Antman.



Virgin of Israel (2023)

Installation: Red Embryo and Gauze Dress (dress in collaboration with Design Studio Lemberg).

Photo: Michael Amar.



The Artist and Her Muse (2020)
Wet Plate Collodion, 80 x 70 cm.
Photo: Edward Kaprov.



Operating on an OCHA closure map of Jerusalem (2004)

Still from the film *DADA-JERUSALEM* (2014).
Photo: David Atzmi.



Shredded Land, Index (2010).

Paper mache.
Photo: Udi Katzman.



Shredded Land (2010)
Paper mache, series of 12 maps.
55 x 64 cm.
Photos: Udi Katzman.



The Green Thread (2011)

Performance at the Damascus Gate in Jerusalem Old City.
Photo: Yair Tsriker.



Wounded Map of Jerusalem (2009)

Fabric, fragments of map, gauze bandages, plaster, and green thread. 73 X 89 cm.
Photo: Udi Katzman.



Top: *The Muse* (2020)
Performance at Metsuke Dragot, Judean Desert.
Photo: Avgar Idan.

Bottom: *The Olive Tree* (2011)
Performance at the Hizme Checkpoint, Jerusalem.
Photo: Rina Castelnuovo.

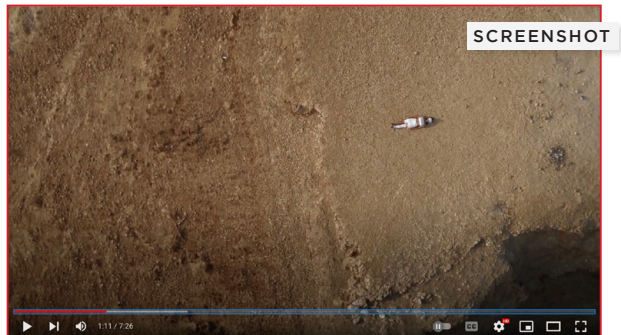


Top: *After The Watchman* (2018)
Performance at Alexander Zaïd Monument, Jezreel Valley.
Photo: Gal Mosenson.

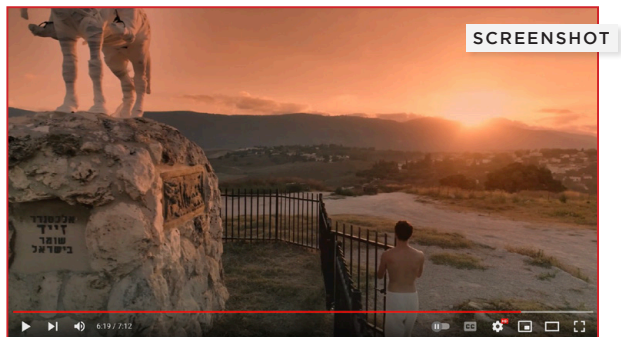
Bottom: *Sea of Death* (2010)
Performance at the Dead Sea.
Photo: Jim Hollander.

Artist Videos

A selection of videos featuring Littman's artwork and performances available on her YouTube channel:



The Muse (2021) (7 min., 27 sec.):
https://youtu.be/Na_8H0lhZlk



After the Watchman (2018) (7 min., 37 sec.)
<https://youtu.be/gdi2MKiqUhg>



DADA-JERUSALEM (2014) (6 min., 11 sec.)
<https://youtu.be/VwahnbyWro>



The Olive Tree (2012) (12 min., 56 sec.)

https://youtu.be/j_iBjcbuzfs



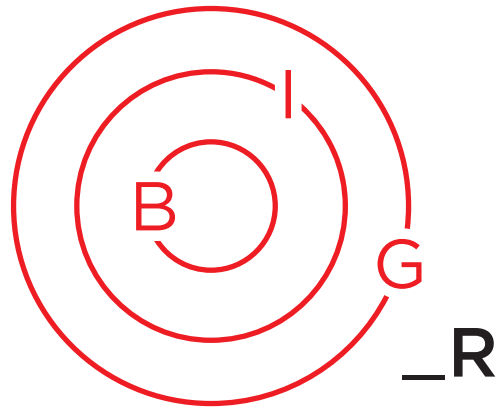
Border Land - Alternative Ways of Mapping Jerusalem (2012) (29 min., 20 sec.):

<https://youtu.be/IAMujZWIXG4>



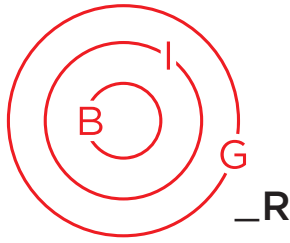
Sea of Death (2010) (9 min., 19 sec.)

<https://youtu.be/U1axF9NFGly>



POETRY

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POETRY

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Four Poems on Borders

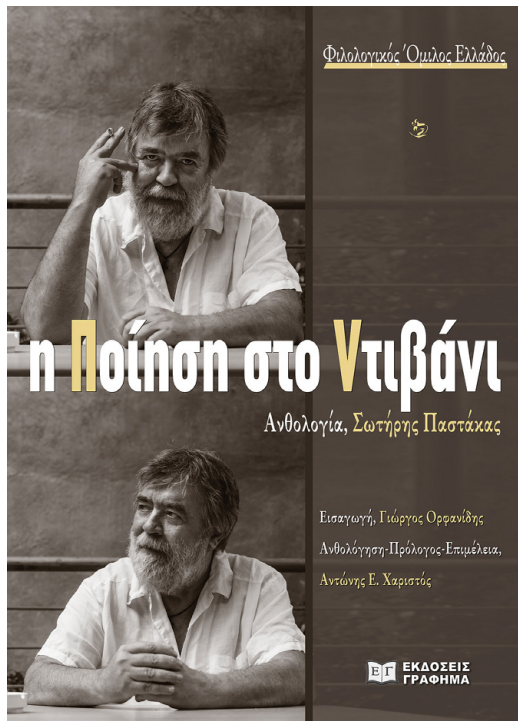
Sotirios Pastakas

Poet's Introduction

The poems presented here are part of the collection *Learning to Breathe*, written between 1983 and 1990, after the poet returned to Greece from medical studies in Rome, translated into English from the original Greek by Yannis Goumas.

About the Poet

Sotirios Pastakas (Larissa, Greece, 1954), poet. He studied Medicine in Rome and Psychiatry in Athens. He has published 18 poetry collections. His work has been translated into 20 languages and has taken part in international poetry festivals (San Francisco, Sarajevo, Izmir, Rome, Naples, Siena, Cairo, Istanbul, Medellin, Caracas, etc.). Four poetry collections (*Corpo a corpo*, 2016; *Jorge*, 2019; *Monte Egaleo*, 2020; and *Isola di Chios*, 2023) are published in Italy, where he won the NordSud Prize in 2016, one in the USA (*Food Line*), and one in Spain (*Cuerpo a cuerpo*). The latest publication of his work is the Greek anthology *Poetry on the Couch* (Grafima 2023). In 2019 he donated his library to the Municipal Library of Rapsani. He is a member since 1994 of the Greek Writers' Society and since 2021 National Coordinator of the World Poetry Movement for Greece. He is the founder and editor of the international poetry blog Exitirion.Wordpress.com.



Η ποίηση στο ντιβάνι: Ανθολογία, Σωτήρης Παστάκας
Poetry on the Couch: An Anthology, Sotiris Pastakas
Grafima Publications 2023

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TICKETS TO ITALY

The National Road from Corinth to Patras
after a certain point leads
to an unknown landscape. The traveller
looks up amazed, ignoring
the distance covered so far,
as happens when with the corner of the eye
we observe someone familiar
as alien and a total stranger.
For it to lead us afterwards to the soul's
actual landscape, you cease
knowing the way, if you are coming
or going, if you are welcomed or
if you are kissing goodbye to a part of your life.
Alone at last on the quay,
you look at the sea which you'd think
swells, rolls and ripples just for you,
until the waves surge, departure's
blue becoming once again
blue of death.

THE CHAGRIN OF A REPATRIATED YOUTH

Many are the cars with foreign number plates
this summer. Kilometres
that didn't displace me. Years
that'll become time, one-dimensional and final.
I no longer run after foreign cars like a dog
gone gaga. I growl.

A TOAST

If Borges* is ignorant of the existence
of Larissa — a town well known
to Sinópoulos,** Sereni*** and Engonópoulos**** —
it is because literature too
has its own atlas,
its own coordinates,
with the colourful *-ism* states
and their unassailable frontiers,
as each voice holds forth
from its strictly fixed position
and admits of no interference —

jail and spell of poetry
through meridians and latitudes.

* Jorge Luis Borges (1899-1986): Argentinean author

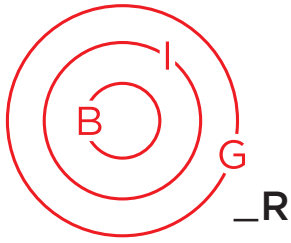
** Takis Sinópoulos (1917-1981): Greek poet

*** Vittorio Sereni (1913-1983): Italian poet

**** Nikos Engonópoulos (1907-1985): Greek poet and painter

MIGRATORY PLANTS

The pots we planted so patiently
and devotedly now bloom and leaf
on other balconies. When I look up
at other people's houses, tall and removed,
I recognize your plants: the bougainvillea
and the lemon tree, the jasmine with the geraniums,
the fern, the hydrangea, the oleanders.
I recognize them all. Their
nature and habits are known to me.
If paradise is what we loved
released from the threat of loss,
then they'll follow us, you can be sure:
not a single yellow leaf shall wound us
when we live together again in a splendid
penthouse with all our friends.



POETRY

Borders in Globalization Review
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Borders

Dvora Levin



Photo credit: the poet.

Poet's Introduction

This previously unpublished poem emerged after meeting a scholar of border studies at breakfast in the spring of 2023. I was amazed that so many academic careers could be defined by one word: Borders. I began to list all the borders and non-borders that came to mind and found I had written this list poem, embracing many of my own experiences.

About the Poet

Dvora Levin served as a systems' change agent both in B.C. Canada and in Israel. She has published six collections of her own poetry and edited two poetry collections written by the homeless, sex workers, and addicts in recovery. For several years, she led poetry writing sessions with men on parole. She now makes her home by the ocean in Victoria, B.C.

Email: devlevin@telus.net

BORDERS

The so-called United States are inked
in opposing reds and blues, bordered
by sharp, straight lines.

First Nations once had undulating borders,
until they were forced into
stamp-sized reserves.

Israelis push their borders into
Palestinian homes, orchards,
proclaiming God given lands.

Borders marked by cement block walls,
both tempting and dangerous,
invite infiltration.

Honey bees, racoons, bears,
all wild things, know only those borders
they intuit to survive.

The Kurdish people know
too many borders, struggle
to have a border of their own.

Médecins Sans Frontière doctors
offer their care without bordering
as other non-profit caregivers do.

The ocean has borders of sand and rock,
while fish and other ocean creatures
live unbordered lives.



Rivers have borders imperceptibly shifting
over time, while swift moving hurricanes,
tornadoes race about unconstrained.

Forest fires have no borders
until we desperately try
to safely border them.

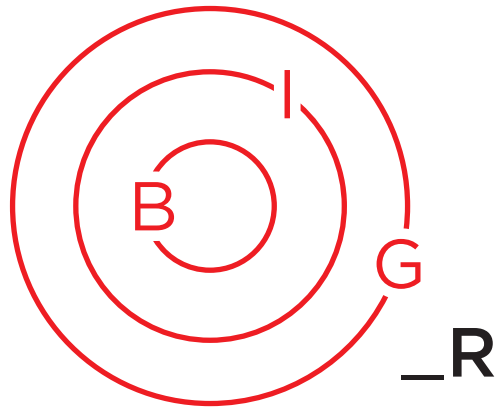
Dawn and dust have pixelated borders,
as light appears and disappears
on our twirling ball.

Galaxies have frayed borders, yet
the universe is boundless as
it races outwards, forever expanding.

Our minds are bordered by ignorance,
preconceptions, biases, although we dream
of porous consciousness infused with light.

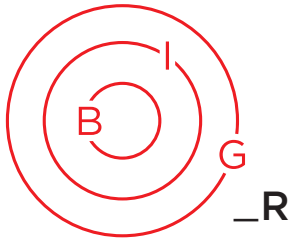
Romantic love is always bordered despite vows
of unity, even soulmates divide into two
by our inescapable unique oneness.

Until the moment we are forever enfolded
into the vast flow of unbordered
Ineffable Energy.



ART & BORDERS

BIG_Review publishes art features, including original artworks, essays, and interviews related to the world of borders—whether political, material, cultural, or conceptual. The Art & Borders Section is curated by Dr. Elisa Ganivet, and, like all *BIG_Review* publications, is available for free in open-access Creative Commons licensing, unless otherwise specified.



ART & BORDERS

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Embarked Lives

Enrique Ramírez

About the Artist



Enrique Ramírez, 2020
photo credit: Felipe Ugalde

Website:

www.enriqueramirez.net

On social media:

 <https://www.instagram.com/enriqueramirez/>

 <https://vimeo.com/enriqueramirez>

 <https://enriqueramirez.bandcamp.com/>

 <https://soundcloud.com/user-627134414>

Enrique Ramírez was born in 1979 in Santiago (Chile). He lives and works between Paris (France) and Santiago (Chile). He studied popular music and cinema in Chile before joining the postgraduate master in contemporary art and new media at Le Fresnoy—Studio National des Arts Contemporains (Tourcoing, France). In 2014, he won the discovery prize of Les Amis du Palais de Tokyo, Paris, France. His work has since been exhibited at Palais de Tokyo and the Centre Pompidou in Paris (France), Museo Amparo, Puebla (México), Museo de la memoria, Santiago (Chile), Parque de la Memoria and Centro Cultural MATTA, Buenos Aires (Argentina), Galerie de l'UQAM, Montréal (Canada), Center for Contemporary Art, Tel Aviv (Israel), Kunsthalle Bielefeld (Germany) among others. In 2017, he was part of the 57th Venice Biennale in the international exhibition "Viva Arte Viva" (curator Christine Macel).

Ramírez's work combines video, photography, music, sculptures, and installations. Ramírez appreciates stories within stories, fictions straddling countries and epochs, the mirages between dream and reality. The Chilean artist often uses image and sound to construct a profusion of intrigues and to occupy the equilibrium between the poetic and the political. His imaginary worlds are attached to one obsessional element: his thinking starts with the sea, a space for memory in perpetual movement, a space for narrative projections where the fate of Chile intersects with grand narratives of voyage, conquest, and migratory flows. His images speak of the sparkle of a truth in permanent flight, the backwash of history, always repeating and never the same.

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Editor's Introduction

The work of Franco-Chilean Enrique Ramírez is polymorphous. His favorite medium is video installation, but he also excels in other media. He is one of those artists whose medium is less important than the messages to be conveyed. Ramírez is known for his treatment of the Chilean dictatorship (2023 marks the 50th anniversary of the coup d'état of dictator Pinochet). This selection for *BIG_Review* focuses on exile, but it is also linked to the idea of destiny. What marks a life? Irregularities and meaning. To the shipwrecked is induced a loss but also a reconstruction that can be significant to the immigrants but not only. In this way, Ramírez's work can vibrate within us with its humanistic and poetic vision.

Un homme sans image ("A man without an image") can suggest drowning, despair, the rescue of a person who has traveled thousands of miles to reach a goal. What path, what destiny? That of *4820 brillos* ("4820 beams") refers to the missing in the Mediterranean Sea in 2016. *Doce botes para un continente, Europa* ("Twelve boats for one continent, Europe") are the stars of the European flag that inevitably sink in the face of the "migratory crisis" leaving little hope of rescue. The series of photos *Volonté* ("Will") announces a possible rescue through collective effort. While in the series of *Calais* the shelters of fortune are present contrary to the people, suggesting a route and daily life shaken by suffering. In *Cruzar un muro* ("Crossing a wall"), it is the frail boat that institutes a customs office. In *La gravedad* ("Gravity"), bits of paper are tossed about. Light and volatile, they play with the randomness of brushstrokes and the inevitability of falling back, engaging then with a double sense of gravity. Finally, in *Los extranjeros* ("Strangers") exogenous trees find themselves embarked together on the same territory. It is thanks to their differences that they harmonize a single forest.

This selection of powerful works by the artist Enrique Ramírez evokes the fate and determination of those in exile, and the potentials of Life.

— Elisa Ganivet



Enrique Ramírez

Un homme sans image..., 2020

2K video, sound, color

9 minutes

Courtesy the artist and Michel Rein, Paris/Brussels; Die Ecke, Santiago

Watch the trailer:

<https://vimeo.com/832534852>



Enrique Ramírez

Un homme sans image..., 2020

2K video, sound, color

9 minutes

Courtesy the artist and Michel Rein, Paris/Brussels; Die Ecke, Santiago



Enrique Ramírez

Un homme sans image..., 2020

2K video, sound, color

9 minutes

Courtesy the artist and Michel Rein, Paris/Brussels; Die Ecke, Santiago



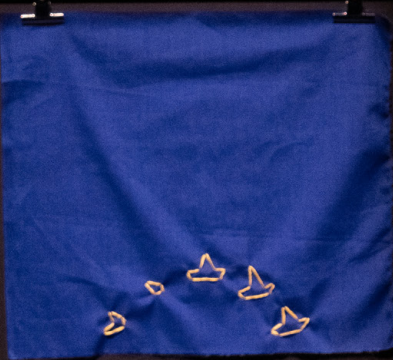
Enrique Ramírez

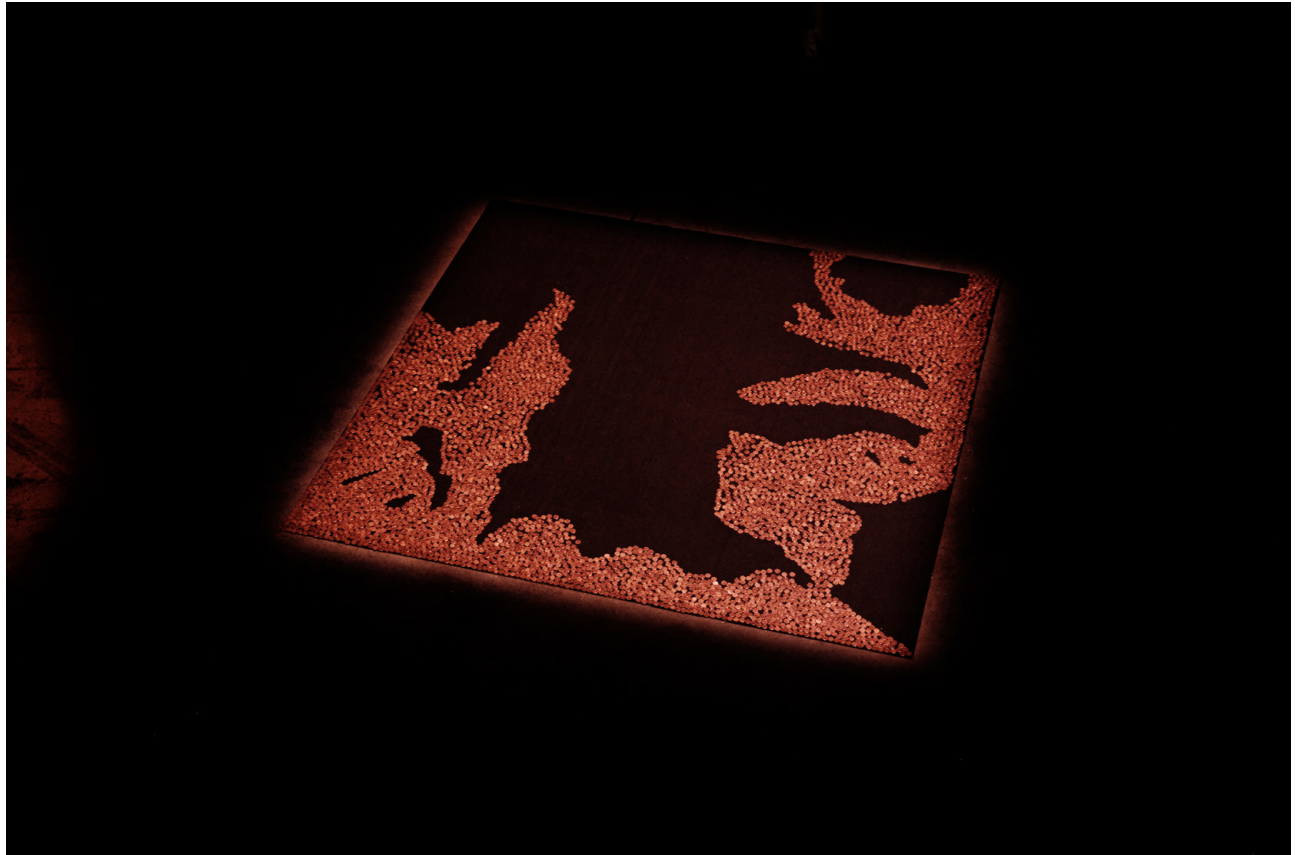
Un homme sans image..., 2020

2K video, sound, color

9 minutes

Courtesy the artist and Michel Rein, Paris/Brussels; Die Ecke, Santiago





Enrique Ramírez

4820 brillos, 2017

4820 copper coins

250 x 250 x 40 cm

Courtesy of the artist and Michel Rein, Paris/Brussels

Enrique Ramírez

Doce botes para un continente, europa, 2016

4 hand-embroidery on cotton fabric, metal pliers, wooden frame,
glass 40 x 48 cm (each)

Courtesy the artist and Michel Rein, Paris/Brussels



Enrique Ramírez

Volonté, 2009

Horizon series

lambda print, wooden frame, plexiglass

80 x 80 cm (print)

Courtesy the artist and Michel Rein, Paris/Brussels; Die Ecke, Santiago



Enrique Ramírez

Volonté, 2009

Horizon series

lambda print, wooden frame, plexiglass

80 x 80 cm (print)

Courtesy the artist and Michel Rein, Paris/Brussels; Die Ecke, Santiago



Enrique Ramírez

Calais N9, 2009

lambda print mounted on dibond, wooden frame, glass

74 x 49 cm (print)

Courtesy the artist and Michel Rein, Paris/Brussels



Enrique Ramírez

Calais N13, 2009

lambda print mounted on dibond, wooden frame, glass

74 x 49 cm (print)

Courtesy the artist and Michel Rein, Paris/Brussels



Enrique Ramírez

Cruzar un muro, 2012

HD video, colour, sound

5 minutes, 15 seconds

Courtesy the artist and Michel Rein, Paris/Brussels; Die Ecke, Santiago

Watch the trailer:

<https://vimeo.com/832532176>



Enrique Ramírez

Cruzar un muro, 2012

HD video, colour, sound

5 minutes, 15 seconds

Courtesy the artist and Michel Rein, Paris/Brussels; Die Ecke, Santiago



Enrique Ramírez

La gravedad, 2015

HD video 24 FPS, color, sound

11 minutes, 26 seconds

Courtesy the artist and Michel Rein, Paris/Brussels; Die Ecke, Santiago

Watch the trailer:

<https://vimeo.com/837854578>



Enrique Ramírez

Los extranjeros, 2023

synchronized double projection

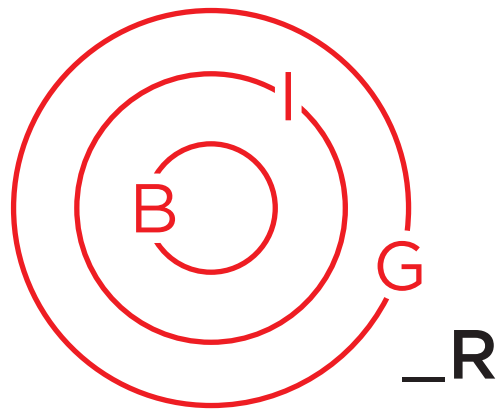
4K video, color, sound

7 minutes, 30 seconds

Courtesy the artist and Michel Rein, Paris/Brussels

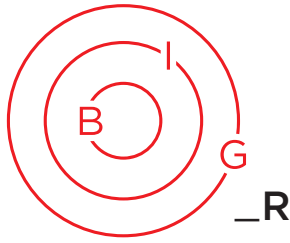
Watch the Trailer:

<https://vimeo.com/832538086>



ESSAYS

BIG_Review essays are shorter-form explorations of borders in a globalized world, allowing for more flexibility in focus and method, including fictional work. Scholarly essays undergo at least one double-blind peer review, drawing on the expertise of our Editorial Board and a wider network of borders scholars, subject to the discretion of the Chief Editor. Creative and fictional works are published at the discretion of the editors. Like all *BIG_Review* publications, essays are available for free in open-access Creative Commons licensing.



REVIEW ESSAY

Borders in Globalization Review
Volume 4, Issue 2 (Spring & Summer 2023): 115–120
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One Hundred Years of US–Mexico Border Film

Michael Dear *

This essay examines the structure, content, and evolution of an emerging Border Film Genre derived from an examination of over one hundred years of film concerned with the US–Mexico borderlands and originating from both sides of the border. The task of this particular essay is to demonstrate how film themes change and evolve over time, based on evidence from the film catalogue. The essay examines examples of transition pertaining to: the changing representations of women in film; the difference between Mexican and American filmmakers' portrayals of undocumented migration; generational shifts in bordertown racisms; and the catastrophic consequences of law enforcement's loss of the war against drug cartels, including the 'domestication' of violence and the decay of communities occupied by cartels.

My goal in this short essay is to introduce a new genre of border film that pertains to the US–Mexico borderlands as evidenced in the film catalogues from both sides of the border during the past one hundred years of filmmaking. The earliest research on a border film genre appeared in the early 1990s, since when a flood of new releases warrants reconsideration of the topic. I focus on the principal thematic transitions during a century of filmmaking, indicating avenues for further investigations. (For a detailed account of this project, see Dear 2023).

Orientation to a New Border Film Genre

The representation of women in US–Mexico border film during the early decades of the 21st century has undergone a remarkable evolution. First she was a stereotypical *Survivor*, the woman who stoically outlasted all trials and torments; then she morphed into something more powerful, a *Final Woman* capable of transcending survival to affect demonstrable changes in her condition

and surroundings; and finally she was transformed into *Warrior Woman*, a strong, skilled combatant capable of premeditated actions involving courage and leadership in situations of great risk.

Among the most jarring transitions in the recent history of border film is the remaking of a 2011 Mexican film called *Miss Bala* (Miss Bullet, in English) into a 2019 American version with the same name. For clarity I refer to these films as *Miss Bala 1* and *Miss Bala 2*, respectively. In the original film version, a young woman named Laura plans to enter a Miss Baja California beauty competition in Tijuana. She encounters gang leader Lino who coerces her to work as a 'mule' (a cross-border smuggler), promising in return to advance her progress in the Miss Baja competition. He also schemes to use Laura to assassinate a powerful general. Terrified for her life, Laura warns the general of the plot, but in return she is severely beaten by the general's troops and dumped onto an anonymous street of warehouses and factories. She survives, but only just.

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The 2019 American remake, *Miss Bala 2*, involves a female director, a Latina lead, and a predominantly Latinx crew. It replays the opening beauty competition and nightclub killings, but the onscreen violence is more muted in keeping with the film's PG-13 rating (the original was R-rated). *Miss Bala 2*'s heroine, now called Gloria, is transformed into a fable of female revenge and empowerment. The original film is reimagined through a soft-focus haze of glamour as Gloria and gang leader Lino flirt their way toward a Stockholm-syndrome kind of romance. In the film's final confrontation, however, Gloria is the one who seizes a gun, shoots the general, and kills Lino. Instead of a beating, she is escorted to swanky digs to meet her CIA handler. He flatters her that the country needs someone like her to help win the war on drugs. To date, we have been spared a sequel.

In *Men, Women and Chain Saws*, Carol Clover (1992, 35–41) made a case that the most enduring image of the young threatened female in 'slasher' films of the 1990s was of a Survivor, she who does not die. Clover referred to her as the 'Final Girl'. By this account, Laura, *Miss Bala 1*, is a resilient woman who achieved 'Final Woman' status. In contrast, Gloria in *Miss Bala 2* is portrayed as a mutant 'Woman Warrior', a superhero who runs toward danger. This evolution in the Laura/Gloria character was part of the radical transformation of women's roles as reflected in shifting film genres.

The term genre refers to films that share common characteristics relating to themes and styles of filmmaking (such as Westerns, or film noir). The foremost challenge in constructing a 'Border Film Genre' involves the selection of noteworthy films from the vast archives of borderlands-related films accumulated in the century-long catalogues of two nations. I began by defining a 'border film' simply as taking place in a borderland setting, with a thematic focus on the lives of border people and their cross-border connections. To be considered for inclusion in the genre, a film would do more than simply treat the border as *background*. It should reveal the border's transformative impact on person and plot, in essence becoming a *character* in the film. In its most developed form the border would become the topical focus or *subject* of the film (in which case, the film is said to be *about* the border).

My choice of films was personal and idiosyncratic. Once background-only films had been eliminated from further consideration, I concentrated on character- and subject-oriented films for further investigation. I adopted conventional standards of appraisal, such as qualities in plot, screenplay, acting, photography, and music, but also retained an eye on authenticity and the film's significance in border film history. I preferred to let the films speak for themselves rather than invoking prior theoretical or philosophical framings. Only narrative feature films (i.e., fiction) were included, although a few documentary and international examples were invoked when they conveyed special insights or perspectives.

Over two-hundred films were considered from both sides of the border, including co-productions: seventy-two of these were retained for detailed analysis and formed the basis for defining my Border Film Genre, and twenty-five (from 1935 to 2021) were identified as the core 'classics' of the genre that are the subject of this essay. The topical emphases in the seventy-two films were Drama (24%), Migration (18%), Mystery/crime (18%), and Westerns (15%, including films about the Border Patrol). Together these accounted for three-quarters of the films comprising the Border Film Genre (Dear 2023, Introduction, ch. 15).

A second challenge was making interpretive sense across such an extensive catalogue drawn from a century of filmmaking in two countries. One example of how pitfalls and confusions arise is *Bordertown*, a 1935 border film noir. Johnny (Paul Muni) is an ambitious Mexican-American in Los Angeles whose law practice fails when it confronts a racist profession. Denied his American Dream, Johnny heads south to Mexico and takes a job at a casino. The casino owner's wife, Marie (Bette Davis), falls hard for him, murdering her husband to ease Johnny's path to her boudoir. For his part, Johnny is infatuated by a white society playgirl who cruelly rejects him.

Such sexual permutations are engaged in the recent marketing of *Bordertown*. The box containing a DVD copy of the film is decorated with a lurid sketch of a very white and sparsely clad Bette Davis, brooding languidly. Behind her looms the figure of a Mexican man (meant to be Johnny?) whose complexion is much darker than actor Paul Muni's. He gazes at her with lust, stretching out his hand as if to grab her. This is, of course, one of the oldest stereotypes in cinema, involving a brown or black male threatening a white female. Except that in the actual film, the violence of *Bordertown* is actually provoked by the white woman's desire for a brown male. Who knows how many DVDs were purchased on the basis of such false expectations? See **Figure 1**.

Border Film Genre: *Emergence* (1900–1967)

Based on the twenty-five border films identified as classics of the genre, the remainder of this essay describes the structure and evolution of four periods in border film history: emergence, consolidation, Golden Age, and the present day. The key films of each era are listed, even though my discussion of thematic transitions focuses only on a small number of characteristic films.

1936	<i>Vámonos Con Pancho Villa!</i>	Fernando De Fuentes	Revolution
1949	<i>Border Incident</i>	Anthony Mann	Migration
1955	<i>Espaldas Mojadas</i>	Alejandro Galindo	Migration
1958	<i>Touch of Evil</i>	Orson Welles	Crime
1969	<i>The Wild Bunch</i>	Sam Peckinpah	Western



Figure 1. *Bordertown*: Who is the predator?

In the mid-20th century, the era of a distinctive border film genre was announced by the appearance of two ground-breaking films, one from the US and the other from Mexico. A tectonic shift occurred in US border filmmaking with the 1949 release of Anthony Mann's *Border Incident*. The film resembled other border films in adopting the passage to modernity as its creative spark. *Border Incident* imagined an optimistic post-World War II rationality that would demonstrate how binational cooperation among law enforcement agencies could accelerate reconstruction of war-depleted societies. It also conveyed unpleasant truths about the exploitation of Mexican migrants crossing over to work in the US. The film's narrative follows the cross-border voyage of a group of migrants without entry papers, and the dangers they confront: the physical and mental endurance required by the journey itself, the risk of harm from human traffickers and law officers, and exploitation by unscrupulous employers and abusive racists on the other side. Yet the film ends with a triumphant celebration of successful binational efforts to protect migrant workers. There is much smiling and flag-waving from optimistic representatives of the two nations. See **Figure 2**.

Four years after *Border Incident*, Alejandro Galindo's *Espaldas mojadas* (*Wetbacks*, 1953) was released, eventually winning recognition as a Mexican border classic. The film offers an intensely negative view of the US: Americans are represented as obsessively materialistic, racist, and violent; they erect observation towers along the militarized borderline and instruct border guards to shoot to kill any undocumented migrants. In



Figure 2. *Border Incident*: Binational partners in law enforcement celebrate their success.

contrast, this Mexican portrait of migration emphasizes the ordinary heroism and nobility of decent citizens bound for *el norte*. While not flinching to convey the hazards involved in crossing the line, *Espaldas mojadas* focuses more on the inner torments of the migrant—loneliness, alienation, and confusion relating to identity and belonging. The migrants find comfort and relief from enduring cultural values and traditions of the homeland, especially religion and family. Sentimental ballads interrupt the film's action at regular intervals to reinforce these foundational attachments.

The depth of Mexican traditions and US materialism is encapsulated in the on-screen relationship between Mary and Rafael. Mary is a *pocha* (Mexican-American) who helps the Mexican migrant, Rafael, to navigate his new life in the North. Later, as her tentative tryst with Rafael turns to love, she changes her name to the Spanish equivalent, María. By the time the couple are preparing for their return to Mexico, María has adopted other Mexican ways, including a subordinate gender role. Notably, *Espaldas mojadas* establishes the border as a space of fusion embracing people on both sides. In this hybrid/*mestizaje* ecology, north- and south-bound crossings are everyday events, and altered identities are commonplace (even though they may not always be permanent).

Border Film Genre: *Consolidation* (1970–2000)

1983	<i>El Norte</i>	Gregory Nava	Migration
1987	<i>Born in East LA</i>	Cheech Marin	Comedy
1991	<i>Como Agua Para Chocolate</i>	Alfonso Arau	Revolution
1991	<i>Cabeza de Vaca</i>	Nicolás Echeverría	History
1994	<i>El Jardín del Edén</i>	María Novaro	Migration
1995	<i>Lone Star</i>	John Sayles	Western
1998	<i>La Otra Conquista</i>	Salvador Carrasco	History
1998	<i>Bajo California</i>	Carlos Bolado Muñoz	Fantasy

The last decades of the 20th century witnessed an upsurge in undocumented migration into the US from Mexico and Central America, and steady growth in the number of films focusing on the borderlands. The best-known of these films is undoubtedly *El Norte*, a moving account of a brother and sister who flee from persecution in their home country, only to encounter tragedy in the US. The era was also marked by diversification in thematic concerns, including comedy, history and spirituality (respectively, in *Born in East LA*; *Como Agua para Chocolate*, *Cabeza de Vaca* and *La Otra Conquista*; and *Bajo California*). Perhaps the most representative film of this era was *Lone Star*—an ambitious account of the lives of three generations of white, black, and brown people in a small Texas border town. Its crowded screenplay addresses racism, incest, and miscegenation, corruption and murder, perilous crossings by undocumented migrants, guilt, and memory. The narrative underscores how borderlanders’ lives are configured by the existence of many borders (internal and external, literal and metaphorical) beyond the physical bulk of the international boundary and its infrastructures.

The devil at the center of *Lone Star* is Sheriff Charlie Wade, a corrupt lawman justifiably regarded by brown and black residents alike as a race-baiting killer. Wade is eventually murdered at a Darktown saloon owned by Otis Payne, a stalwart member of the local black community. Years later, the new town Sheriff, Sam Deeds, sits alongside the white manager of a local bar who nods approvingly in the direction of a black woman and white man affectionately sharing a booth. The bar owner avows he is happy that black and white people nowadays can sit together unimpeded, but insists that: “to run a successful civilization, you’ve got to have your lines of demarcation”, telling Sam how former Sheriff Wade understood that: “most people don’t want their salt and sugar in the same jar”. See **Figure 3**.

By now, the younger generations in the town have begun trampling on traditions. Sheriff Sam’s overly strict father has favored a Mexican mistress with whom he has a daughter named Pilar. Unaware that they have the same father, Sam and Pilar develop an affection for each



Figure 3. *Lone Star*: Are lines of racial demarcation disappearing?

other even though they are vigorously kept apart by their parents. Later in life, Sam and Pilar are free to affirm their love. Pilar removes one obvious hurdle blocking their union by revealing that she is no longer able to have children. Seeking further assurance of Sam’s willingness to face the stigma connected with the “big sin” of incest, Pilar is defiant: “all that other stuff, all that history. To hell with it, right? Forget the Alamo”.

Border Film Genre: *The Golden Age* (2000–2021)

2000	<i>Traffic</i>	Steven Soderbergh	Crime
2003	<i>Yo la Peor de Todas</i>	María Luisa Bemberg	History
2004	<i>And Starring Pancho Villa ...</i>	Bruce Beresford	Western
2008	<i>Sleep Dealer</i>	Alex Rivera	Fantasy
2008	<i>Purgatorio</i>	Roberto Rochín	Migration
2009	<i>Sin Nombre</i>	Cary Joji Fukunaga	Crime
2010	<i>Machete</i>	Robert Rodríguez	Fantasy
2015	<i>Sicario</i>	Denis Villeneuve	Crime
2015	<i>600 Millas</i>	Gabriel Ripstein	Crime
2016	<i>Transpecos</i>	Greg Kwedar	Migration
2019	<i>Ya no Estoy Aquí</i>	Fernando Frías de la Parra	Migration
2021	<i>Sin Señas Particulares</i>	Fernanda Valadez	Drama

Around 2000 there was an explosion of film releases concerning the Mexico-US border, a predictable consequence of the prominence of the activities of Mexican drug cartels on both sides of the line, but also stimulated by the subsequent fortification along the Mexico-US borderline. Part of this trend was driven by the exciting emergence of a new wave (*buena onda*) of Mexican filmmaking at the end of the century (Wood 2021, xvii–xix). The films expressed inventive and entertaining departures into worlds of fantasy (e.g., *Sleep Dealer*, 2008), comedy (*And Starring Pancho Villa as Himself*, 2004), and resistance (*Machete*, 2010), again involving both sides of the line. See **Figure 4** and **Figure 5**.

The release of *Traffic* in 2000 signaled the emergence of what I refer to as a ‘Golden Age’ in border filmmaking, epitomized by blockbuster, big-budget films addressing the organization of drug trafficking on a global scale. *Traffic*’s action takes place simultaneously in Tijuana, Washington, D.C., and Southern California. The Tijuana story concerns rivalries among corrupt law enforcement agents and military personnel engaged in the war against drug lords. The Washington, D.C. plot features US government efforts to develop more effective



Figure 4. Before the wall, Ciudad Juárez and El Paso border, 2011. Boundary monument number 1 is in the background at the right side. The border line was unenclosed, permitting encounters and conversation across the line.



Figure 5. After the wall, Ciudad Juárez and El Paso border, 2020. The US Department of Homeland Security constructed fortifications to prevent communication across the line. The fortification ends at the hilltop on the upper right.

ways of preventing drug trafficking. And the Southern California episodes feature Drug Enforcement Agency (DEA) officials who are building a case to prosecute a local drug lord, even as they are outfoxed by a local Anglo female drug trafficker.

Time and again, *Traffic* returns to the existential and moral dilemmas confronting individuals on both sides who are caught up in the trafficking business and the parallel universe of the drug cartels. The film paints the borderline as a porous space where crossing over in both directions is a daily routine not only for the *narcos*, but also for schoolkids, workers, and family members paying attention to shopping, health needs, recreation, and commerce (such connections are discussed in Dear 2015 and Payan 2014). As one *Traffic* character attests, the enormity of daily transborder connections is evidence that: "the border is disappearing".

Fifteen years after *Traffic*, another border *narco* blockbuster hit the screens. *Sicario* (Assassin, Denis Villeneuve, 2015) uncovered a dystopian world in which the war against drugs had been won by the cartels. FBI agent Kate meets Matt, who is not your typical suit-and-tie FBI agent but instead an untidy, flip-flop-wearing long-hair who enjoys reminiscing about the good old days in Colombia when there was only one cartel to combat. Today, he tells Kate, too many cartels and law enforcement agencies clutter the battlefields, each vying for small, temporary gains in territory, which they know will be lost again tomorrow. The drug war will never be won, he explains, because the rules of engagement are constantly changing. His Mexican partner warns Kate that "nothing will make sense to your American ears. And you will doubt everything that we do. And in the end, you will understand nothing". See Figure 6.

Traffic's optimism and *Sicario's* cynicism were complemented in the border film catalogue by a series of representations of the personal consequences of drug wars. *600 Millas* (600 Miles, 2015) moved beyond their international choreographies and orchestrated violence to focus instead on the depth of cartel penetration into the everyday lives of community and individuals on both sides of the line. This shift of scale has as its subject the domestication of violence. *600 Millas* is a Mexican production focused on the illegal sale of guns from the US to Mexican cartels, colloquially known as the 'Iron River' (Grillo 2021). It is a demanding job and sometimes the US agents and Mexican drug lords do favors for each other. One day, agent Hank is kidnapped by Arnulfo, a young and naive cartel foot soldier who hopes to curry favor with his uncle Martín, a local cartel leader. Instead, his uncle is infuriated that his nephew has dragged a US agent into the heart of his operation.



Figure 6. *Sicario*: Law enforcement officers in Sonora assist cartels to deliver their product.

After breakfast, Martín orders his nephew to kill Hank. In the panic that ensues, Arnulfo instead kills his uncle. Hank escapes with Arnulfo and together they drive northward. Before they reach the US, Hank abandons him in the desert without food, water, or a weapon, effectively a death sentence. The full enormity of Hank's collusion, brutality, and betrayal is underscored in the film's preternaturally quiet finale. At the breakfast table in his home, Hank leisurely discusses the upcoming day with his wife. It is impossible to reconcile the banality of their chit chat with the horrific acts Hank committed a few hours earlier amidst Uncle Martín's breakfast kitchen.

Border Film Genre: *Narcolandia* (2021-)

Many of the best films of the on-going Golden Age in border filmmaking originate in Mexico (Iglesias-Prieto 2015). These dramas explore the diffusion of cartel power and consequent distortions in the social order, creating territories sometimes called *Narcolandia* (literally, drug-land). Especially noteworthy films in this category are *Transpecos* (2016), which is focused on effects in the US, and *Ya no estoy aquí (I'm No Longer Here, 2019)* on the Mexican side.

A key film in this trend is *Sin señas particulares (Identifying Features, 2021)*, and not only because it is directed, produced, and written by two women using an almost all-women crew and mostly non-professional actors. This is a striking drama depicting how migration to the US is connected to the rise of cartel-dominated hinterlands in small-town and rural Mexico. A young man named Jesús decides to leave his family home and cross over into the US. Time passes without word from him so his mother begins to investigate, determining that he had traveled on a bus that was attacked by *sicarios*. In an effort to find the truth, she travels through emptied landscapes now under cartel control. The former residents have fled, and those who remain inhabit isolated caves and holes dug into the ground. One night the mother is intercepted by cartel lookouts and is surprisingly confronted by her son, who was coerced after the bus attack into becoming a *sicario* himself. Jesús arranges his mother's escape

but thereafter she is little more than a devastated, silent ornament.

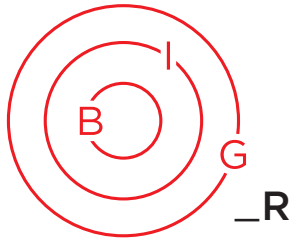
Already I have begun a deeper analysis of the rich and varied film catalogue of the new border film genre, the potential of which is detailed in *Border Witness: Reimagining the US-Mexico Borderlands through Film* (Dear 2023). I hope that the opportunity signaled here will encourage others to extend this field of inquiry, perhaps taking up the extensive catalogue of documentary filmmaking as well as border filmmakers in countries beyond Mexico and the US.

Acknowledgments

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Works Cited

- Clover, Carol J. 1992. *Men, Women and Chain Saws*. Princeton, NJ: Princeton University Press.
- Dear, Michael. 2023. *Border Witness: Reimagining the US-Mexico Borderlands through Film*. Oakland: University of California Press.
- Dear, Michael. 2015. *Why Walls Won't Work: Repairing the US-Mexico Divide*. New York: Oxford University Press.
- Grillo, Ioan. 2021. *Blood Gun Money: How America Arms Gangs and Cartels*. New York: Bloomsbury Press.
- Iglesias-Prieto, Norma. 2015. "Transcendiendo Límites: La Frontera México-Estados Unidos en el Cine" in Wilfried Raussert, Brian Rozema, Yolanda Campos and Marius Littschwager (eds.) *Key Tropes in Inter-American Studies*. Tempe, AZ: Bilingual Press/Editorial Bilingüe. 179-210.
- Payan, Tony. 2016. *The Three US-Mexico Border Wars: Drugs, Immigration, and Homeland Security*. 2nd ed. Santa Barbara, CA: Praeger.
- Wood, Jason. 2021. *The Faber Book of Mexican Cinema*. London: Faber and Faber.



SHORT STORY

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Home, by the River down that Valley, beyond that Fence

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This documentary fiction builds on lived experiences in the borderland district of Poonch, in the contested region of Jammu and Kashmir, administered by India along the contested border with Pakistan. The short story draws on fieldwork conducted between 2018 and 2020 as part of my PhD thesis and for an article published in this journal. The characters and events in the essay are fictional but inspired by real-life people and history, based on informal conversations, unused data collection, and other reflections from the field that did not make it into my academic work. An inspiration for this approach is the writing of Gloria Anzaldua on the US-Mexico border. Her reflections demonstrate that lived experiences need not always fit established academic and disciplinary boundaries. Subjective narratives around partition and separation cannot be contained by any one disciplinary framework. The trauma, yearning, and loss within these experiences are so multifaceted that they can be expressed through various writing styles. It is time, I believe, that borderland studies encourage interpersonal accounts in disciplinary inquiries, following some of the steps taken in sociology and social anthropology.



Photo credit: the author

'The sky seems to be closing in Papa, let's come back again another day,' said Janaki to Jagat.

'Hold on, it should clear up in a while. You see Janaki, from these heights up here we have a better chance of getting a great view today, the one that we have been waiting for,' replied Jagat.

Jagat-Ram or Jagat was Janaki's father. A fine educator, Jagat had served here in these mountainous terrains as a school teacher all his life. The lands they both were exploring that day in search of the promised view were the mighty Pir Panjal ranges of Poonch, a small borderland that today is situated along the line-of-control, the notorious boundary between two neighbours, India and Pakistan.

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Before 1947, the erstwhile fiefdom of Poonch was under the Dogra monarchy in the princely state of Jammu and Kashmir. Much like the acquired diversity that was consolidated into the state that the Dogras had built through brutal missions and campaigns, the diversity as it existed then in 1947 in the fief of Poonch was a valuable one.

Jagat would often narrate parables of his brave ancestors to Janaki. Gathered as folklore from his father and grandfathers, he would tell her tales of these magnificent lands. That day, while waiting for the sky to clear up, he narrated another one to her:

Long ago, a tribe that goes by the name *Sudans* descended upon the ranges of Hindukush and made the Pir Panjal Himalayan ranges in Poonch their new home. Some know them as Sudhans, others call them the Sudhozais. They were the hill-warriors, trained in battle-axes, archery, and swordsmanship. For long they lived as protectors of these lands and defended the many perilous Himalayan passages that led to the capital of the kingdom in Kashmir from adversaries. Poonch was thus a strong frontier that repulsed many invasions. *Sudans* defended these lands with their blood. Later, these passes were used by the great Mughals to enter Kashmir, where they both marvelled at and used her beauty as their own.

Once, a Mughal emperor appointed one of his knights serving in the Mughal cavalry as a *sardar* and asked him to look over the maintenance work in one such pass here that led to the valley enroute Mughal-road. The knight gradually fell in love with his surroundings, but he fell harder for a *Sudan* woman, who loved him as much as he loved her. However, the tribe would not agree to their union, so they eloped, with the knight galloping his horse, fully in control of its reigns, riding it to outrun the fierce riders from the tribe chasing them.

As fate would have it, they reached a blind end, an insurmountable cliff that tested their love for each other. In the moment, both of them surrendered to love and rode the horse off the edge, only to unite where no one could ever separate them again.

'You see those cliffs on the east, daughter. It is said that these are the cliffs their horse took off from,' remarked Jagat with Janaki looking eastwards with her bewildered eyes. She was not just seeing the cliff but trying to envisage the brave *Sudan* woman on that horse with that knight, baffled at the revelation of the power of loving another human. Janaki knew love, but there in that moment, she perhaps saw it naked, right in front of her eyes, riding off into the beauty of Pir Panjal and becoming one with it.

'Look! Look, there it is. Janaki, take a look at that range towards the northwest, down that hill by the edge of the river,' exclaimed Jagat joyously.

This shook Janaki from her reverie, and she realised that the sky had cleared up. All the ranges northwestwards

were then visible, fresh and clean, as if the weather closed in only to wash off the haze over these mountains.

'Walk me through it, Papa. Is that the hill below that tree line? I can see the river meandering towards the edge of the hill, almost touching it from the north. Is it that range?' asked Janaki.

'Yes, yes, exactly that one. I told you Janaki, the view from up here would be like nothing we have seen before. There, right there, by the river down that valley, beyond that fence, is our home. Have a good look, Janaki. That is where we belong.'

Jagat was referring to the other half of Poonch that lay beyond the fence into the territory of Pakistan. The line-of-control passing through these lands bisected the former fiefdom of Poonch into two parts during the tragic 1947 partition. Jagat's family was displaced a few miles on this side of the line into the part of Poonch that fell into India. The line did not only divide the territory in the erstwhile fiefdom, but the tribe as well. *Sudans* were a multi-religious vibrant tribe, but in that mayhem of partition, the bonds of harmony and love in such tribes were strangled by the knots of hatred and revenge. Among those were Hindus and Sikhs who had to leave their homes in Poonch on the Pakistani side for Poonch on the Indian side, and many were Muslims who were displaced inversely. At least they were satisfied to live amongst their other tribe members, well within the boundaries of their beloved fief, though now in groups with similar religiosity.

The line which divided land and religion could not divide hearts, though. Jagat often apprised Janaki about the values of plurality and fraternity that the descendants of the *Sudans* had upheld generation after generation. He told her about his life as a schoolmaster who had to teach students in schools that were situated there, in some of the most hostile zones in the world. And yet it was the love and brotherhood between a Hindu, a Muslim, and a Sikh *Sudan* that kept him sailing through the violence and the hatred that this unfortunate boundary spewed.

'But how would we identify our home? We need stronger binoculars, something that we may not find in the town market here,' said Janaki while pondering the purpose of climbing a new peak every other month when details in the settlement across the fence were hardly discernible.

Thinking about binoculars and their availability, Jagat hinted at taking leave of the place as it had already begun to drizzle. 'We should make a move,' he added. 'The ride downhill will be risky if it rains heavily.'

As they hiked down towards their car, a quick turn of events, more dangerous than rain and thunderstorm, took them by surprise. A large shell exploded in the hill nearby, spraying shrapnel all over. Besides breaking the serenity, it loudly marked the start of a rough drive downhill that both Janaki and Jagat had to then undertake. Another one exploded, this time upon a village settlement at a close distance to Jagat's and Janaki's position.

'Rush Janaki! We need to get into the car before this reaches us. Run towards the car, take shelter and lie low whenever I say so. Keep one eye on the car and the other at me. Do not look at the explosions, they will scare and distract you, there's nothing to be afraid of... keep running.' Jagat kept admonishing Janaki while leading her way, through the boulders and rough steep patches, to the car.

As they started riding downhill, the most important task of reaching lower heights where the cross-border shelling could not harm them was all that Jagat could think of. They rode in complete silence as, in order to make conversation, the words spoken inside the car needed to be louder than the exploding artillery outside.

Having crossed those risky curvilinear stretches, Jagat breathed a sigh of relief when he glimpsed the town nearby. Janaki kept looking back at those heights where the smoke and the bombardment were playing a strange dance of death.

'This has become an everyday routine,' remarked a disappointed Jagat. 'For seventy-five years I have been a witness to this cross-border violence. The world should ask us what normalcy feels like. I would say to them our abnormal is your normal. We shall ride in the morning next time, Janaki. The evenings here are getting darker and heavier day by day.'

'Papa, what about those villagers uphill?' asked a terrified Janaki.

Unable to answer, Jagat quietly signalled her to gather the essentials from the car and to go inside the house.

That evening, forces on both the sides heavily bombarded Poonch (as it existed on both sides of the boundary). The sounds, though distant, kept haunting Janaki, and she could not distance herself from the interactions she had with the villagers before the delusional calm was shaken by the dreaded violence across the line. Only a few hours ago, she waved at two ethnic Pahari women clad in traditional *salwar-kameez* with big bold bright patterns walking with earthen-water pots uphill. Only a few hours ago, Jagat stopped near a group of boys who were going back to their houses with heavy schoolbags on their shoulders. He distributed sweets to them and urged them to educate themselves all their lives while Janaki interacted with the lone little Bakerwal girl in that bunch of boys. Samira, the little one, told Janaki how she did not like these boys but had to walk with them because she needed someone to protect her in case bombs started dropping from across the fence. Janaki wanted to ask her, 'where are the other girls?' But she herself was familiar enough with the status of education in a zone of conflict.

Janaki gave a tight hug to Samira while leaving her in the company of the boys with a heartfelt 'Allah-Hafiz Samira, may God protect you!'

Jagat easily comprehended Janaki's perplexity and told her how life had always been layered with so many difficulties in these lands. To cheer her, he started describing the house beyond the fence as it existed in 1947 when Jagat's father last saw it. His father had told Jagat how beautiful it was, standing tall in the middle of terraced paddy-fields in the village Kalote in Hajira. He told Janaki how his father asked him to always imagine it as a house with a big walnut tree in its courtyard. Several villagers would assemble under its shade, both men and women in the same courtyard, discussing mundane details of everyday life in the village over a cup of *noon-chai* (salt-tea) with a pinch of added sugar. He added how next time they shall use powerful binoculars to locate any house with a big walnut tree by its side. This both excited Janaki and made her sad at the same time.

'But what about the tight surveillance near the fence? Would it be safe standing at those heights and looking over the fence with binoculars? What if 'they' are watching us back Papa?' asked Janaki, terrified of the potential consequences.

Once they were taking a similar trip uphill when several policemen detained Jagat for the word that he had inscribed on the back window of his car. It read حجیرہ, *Hajira* in Urdu, and this shocked the police as a car roaming around in Poonch on the Indian side had the name of a place that existed in Poonch on the other side, in 'enemy territory.' What excuse could Jagat have given about this mad love for his ancestral place, particularly across a boundary which had only framed people with suspicion and espionage? Only luck saved Jagat that day.

'We shall figure this out when we are there next time,' replied Jagat.

Janaki had gotten to the bottom of Jagat's love for the house across the fence. She had seen all her life how Jagat longed to see it even just once. She knew that the past seven decades since partition had changed so much, and that Jagat had no ownership of that house that existed now only in his imagination. All he wanted was to see it before he died. This strange sense of belonging perhaps had been a result of all those years of yearning and loss, common between Jagat, his father, his grandfather, and now Janaki.

* * *

Rivers connect what lands divide. The river, on the banks of which Poonch town was situated, flowed westwards directly into the Poonch on the other side. What regimes and boundaries cannot divide are the flowing waters of the brooks and the breeze across the mountains. They connect people in strange, mythical ways. The flowing waters of the river in Poonch were thus significant as Jagat and Janaki could send greetings across to their ancestral lands whenever they desired. These waters were also particularly important because Janaki's elder

brother, Jagat's only son, had accidentally drowned in them long ago when he was only a child. They searched the river day and night for two days only to find his body resting peacefully on a patch of land that belonged to Jagat's great grand-father. It was still a mystery for Jagat to see his son having chosen the land of his ancestors when he embraced death. 'Drowning was just an excuse. He had to be taken to where he actually belonged,' Jagat would often remark in grief. Militaries on both the sides got involved in rescuing the body and handing it over to the family, as the zone where he laid was a vigilant border with many dangers, such as embedded landmines and snipers watching for trespassers.

Janaki would often go near the stream and offer flowers in memory of her brother, knowing that the waters would listen to her and would take these petals to her ancestral field, chosen by her brother as his final resting place. She would dip her hands in it, and the waters would often deliver her brother's soaked yet warm body to her. It would come alive for a moment, talking to Janaki about all the things left unsaid.

Janaki never completely understood the conflict these lands and her community had been living with for decades. She sometimes went to her rooftop in the chill of a winter's night and gazed at the lights shining atop the hills beyond the fence, knowing well that one of these lights might be coming from her ancestral house. She would often be startled at the disruptive purpose that this line, the impregnable boundary, held for a community with deep kinship lineage and shared cultural ethos. It snowed on her house when it snowed on those across the boundary. Water-nuts blossomed here when they blossomed there. They relished seasonal fruits together, spoke in one dialect, wore similar traditional clothes, and were descendants of the same lineage. Then why were these two countries asking them to look at each other as enemies? Janaki could never look at those lights as belonging to her enemy, not even when houses around her would unfurl an Indian flag that symbolised hatred for the neighbour Pakistan, more than love for their own country.

One fine evening, Jagat was reading Janaki a short story by Krishan Chander, the famous Urdu *afsana-nigar* (storyteller). Krishan Chander spent his youth in Poonch. The story was a tragic tale of two lovers who married on a bridge that suddenly became a de facto border in 1947, when the trouble first hit these lands. The bride belonged to a hamlet on the side that remained with India, and the groom belonged to the one on the other that was by then taken over by Pakistan. India's and Pakistan's commandants guarding their respective posts on either side could not decide where to allow such a marriage to take place. They finally settled for the bridge that connected the two surveillance checkpoints.

Jagat often read to Janaki in Urdu. Urdu was his first language, and he taught in Urdu-medium. Each religion

chose its own language, but Jagat always taught Janaki the value of diversity. He had told Janaki how his first posting as a schoolmaster was in a school located in the middle of the cross-border firing zone. He was the only Hindu teacher posted in an all-Muslim village. But the plurality of the community was such that they took pride in their common lineage, language, and culture, and revered their multi-faith population as Pahari-ethnic heritage.

Jagat, in his reminiscing, often spoke of a little girl named Nusrat, who would pack a homemade *parantha* (bread) every day for Jagat, despite his repeated requests asking her not to do so. She would say, 'Abba sends this for you, teacher. He says give this to the noble teacher who has come all the way up here to teach kids in our village.'

Jagat remembers how once he had an injured ankle and could not walk to the school for many days. The local Sarpanch (elected village headman) Azam Khan opened his house up for him and asked him to stay there until his wound healed so that he was nearer the school.

Janaki thus had always looked at the boundary as a wall that had been forcefully keeping the community divided for the past many decades. Even though people on either side had lived as Indians and Pakistanis respectively for the past seventy years, Janaki knew that once this wall was broken, an outpouring of infinite love for each other across the border would erase the wounds that this wall had unleashed so far, wounds that sometimes came in the form of day-to-day violence, and other times as eternal separation and yearning.

Growing up, Janaki was always confused about the choice of her career. Her dream of taking Jagat across the fence to his ancestral house and village had always put her in dilemma vis à vis career choices that could actually give her an opportunity to do so. She would think maybe joining the United Nations could help her where she could be engaged in one of their volunteer programmes and visit Pakistan one day. Then, she would think about diplomacy and foreign affairs in her own country, with Pakistan as her regional focus. But, two things that would always discourage her were, first, her religion, and second, the regional location of Poonch that she belonged to. The hatred and animosity that these boundaries had generated on both sides disturbed her. She did not want to endanger her father's life, as visiting the other side of her beloved Poonch through any of these programs could raise suspicion. She had heard frightening tales about how suspicion could lead to accusations of spying, and there was no explanation she could then conjure for having come this close to the border through the other side in Pakistan when they lived so close to it from the other side in India.

In anticipation of a positive change, one day she drove along with Jagat to the last military post held by India on the Indian side of the frontier, where the Poonch-

Rawalakote bus service centre was located. She wanted to inquire about the number of non-Muslim *Poonchies* (people of Poonch) who had travelled across through a newly inaugurated bus route that operated weekly between two neighbourhoods. The talks of both the nation-states pushing for friendly ties through such cross-border exchanges had her fooled. She thought that the record of how people from all fronts and religions had visited the other side and had come back safely would support her cause of taking up such a venture across the line for Jagat and herself. Hers was not a voyage to metropolitan destinations like Karachi and Lahore, which many people on either side undertook. She wanted to visit Kalote, Hajira, in Poonch on the other side, only a few miles away from her present hostile geographical location.

As she approached the post, one soldier clad in military uniform stopped her. She respectfully presented her case which the soldier could not understand, as it seemed foolish to him for a woman to think of traveling to the other side just for the sake of having a look at an unknown village and an unseen house. A few minutes into the negotiations, a few more soldiers gathered. Some of them laughed at her, and some were confused as to what this young woman was imagining in her head.

Bombs started pouring in, and the soldiers immediately dispersed to their respective locations on the posts. The last soldier standing ordered her to move back or else he would have to call one of his seniors to come and intervene. Hearing the commotion, a junior officer came out of the bunker. Others in the group had already apprised him of this mad lady enquiring about strange things. He requested Jagat move back immediately, as

the cross-border fire could harm them at any moment, then he looked at Janaki and added, 'madam, you can cross from here to the other side when there is no war like this one right now. You can cross when there is peace and our bodies are not exposed to lethal threat as they are now. Any person trying to cross these dangerous fences otherwise shall be looked upon as a traitor and shall be terminated in all capacity without a delay in orders.'

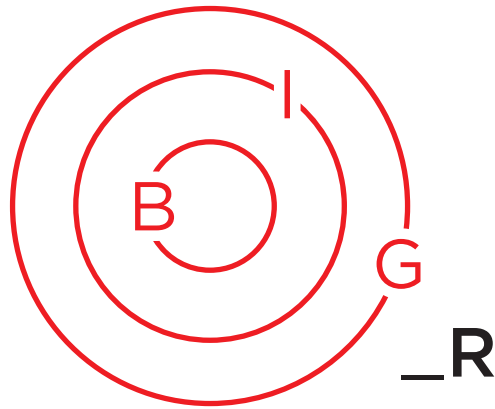
'Peace, you say sir, but when will that be? It has been over seventy years already. We just need to visit our village a few miles across. *Sudans*, our ancestors, had protected these lands with their blood. How are we, their descendants, a threat today?'

Jagat pulled her back as the sounds of fire and artillery grew louder and louder.

They once again drove back in silence amidst the horrifying sounds of bombardment. Near their house, Jagat broke his silence and said, 'Janaki, I am growing old. But you have a long beautiful life ahead. Promise me if I cannot visit the house with the walnut tree, you will, one day.'

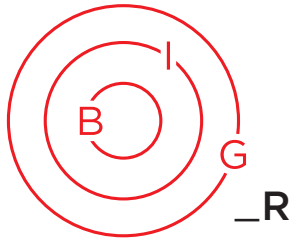
Janaki, while looking away from her father's eyes, said, 'I promise, I will visit it with you soon. We both shall visit it together. Our love for our fellow tribesmen and women across the line is stronger than the lines that they have divided us with. It will take us to where we belong, and we will see it with our own eyes, spread love to the people living there, and tell them that we are not enemies as they have made us to be.'

Jagat hopelessly saw hope in Janaki's words, again.



POLICY

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'Nudging' Voluntary Compliance in Border Customs

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Legal and regulatory compliance can be voluntarily motivated or enforced by authorities. The World Customs Organization Voluntary Compliance Frameworks (WCO VCF) is adopting a reward and punishment system, responsive to economic constraints of compliance. However, psychological elements do not appear to be incorporated. The WCO VCF could employ 'norm nudge' and 'deterrence nudge' as supplementary tools in responding to different client risk types, analogous to the effective application of nudge incentivization in taxation compliance. Similarly, it could help improve voluntary self-declaration of goods at the border crossing.

Executive Summary

In practice, compliance levels are usually assessed and placed on a compliance continuum, ranging from voluntary compliance to criminal behavior. In particular, the WCO VCF has categorized client compliance levels into four groups. Type 1 clients are highly and voluntarily compliant, and their compliance is often supported and rewarded with incentives. Type 2 are willing to comply but sometimes make unintentional mistakes, so their compliance is assisted through education or training. Type 3 clients avoid complying and require direction, for example, formal warnings. Type 4 clients' compliance must be enforced through administrative penalties or criminal prosecution in more serious cases. These responses embed a reward and punishment system, which is employed to promote voluntary compliance and prevent intentional non-compliance by providing more incentives for good compliance performance in addition to administrative penalty or criminal prosecution following the seriousness of

non-compliance acts. The approach is responsive to economic incentives, namely tariff and non-tariff barriers, by altering the cost-benefits of such a non-compliance act.

Meanwhile, there is a growing literature on behavioral economics, suggesting social and psychological elements are also key determinants of compliance behaviors. Compliance drivers are not only concerned with economic incentives, but also other non-economic factors including cognitive biases, intrinsic motivation, social norms, and so on. Consequently, 'nudge' is adopted as one of the behavioral interventions to promote compliance in taxation, energy saving, and many other sectors. 'Norm nudge' and 'deterrence nudge' can potentially improve voluntary and enforced compliance and should be integrated into the WCO VCF's current responses to various client risk types. It could especially assist WCO VCF's Type 2 (unintentional mistakes) and

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Type 3 (low-key intentional avoidance) clients as nudges help bring compliance norms and the consequences of non-compliance to their attention. Overall, the nudge approach has the potential to increase the incidence of self-declaration at the border crossing.

1. Introduction

Non-compliance behaviors most often take form as unintentional mistake-making or the intentional seeking of economic incentives. “Carrots and Sticks”, or ‘reward and punishment’ systems are consequently deployed as the central strategy of a contemporary compliance approach with the aim of encouraging voluntary compliance and hindering intentional violations. In the customs community, compliance levels are typically evaluated and assigned on a compliance continuum that ranges from voluntary compliance to criminal activity (Widdowson 2020, 66). The approach recognizes different compliance levels and provides a variety of treatments in response. The appropriate regulatory response is therefore to be applied based on a client’s compliance position. In other words, the more compliance demonstrated by traders, the less likely they are to be on the receiving end of punitive regulatory responses.

To examine a particular case, the WCO Risk Management Compendium, which is recommended in the WCO VCF, has divided client compliance levels into four categories including those who (1) are voluntarily compliant, (2) try to be compliant but do not always succeed, (3) avoid complying, and (4) deliberately do not comply (WCO 2014, 2). This model classifies clients along a sliding scale from lowest risk to highest risk—as linked with compliance—which in turn suggests different levels of responses. The WCO VCF has developed sufficient and varied responses to economic drivers of non-compliance behaviors, particularly targeting tariff and non-tariff barriers as constraints to compliance. To illustrate, the WCO VCF’s main strategies of acquiring voluntary compliance include reducing compliance costs, increasing compliance incentives, and increasing the likelihood of non-compliance exposure.

As compared to economic drivers, psychological elements appear to have been given little attention and seem to not be integrated into the WCO VCF. Aside from economic drivers, there is a growing acceptance that social and psychological factors—namely cognitive biases, social effects, tax morality, etc.—can come to affect individuals’ compliance decisions. Therefore, to work with these psychosocial aspects, compliance efforts should engage positive behavioral intervention to harness intrinsic motivations, encourage compliance as a social norm, and influence individuals’ perceived possibility of detection and sanction. Over the past several decades, nudge has been introduced in a wide range of sectors including taxation, environment, healthcare, education,

and pensions in order to encourage compliance and cooperative decision-making.

Most of the literature on the effectiveness of nudging tax compliance is based on direct taxes—such as personal or corporate income tax—rather than indirect taxes like customs and excise duties. Nonetheless, approaches to tax compliance are generally similar, regardless of whether the context is that of direct or indirect taxes (Mohamed 2006, 55–56). The common requirement for the taxpayers of both types of taxes is to comply with each respective regulation. For instance, the obligation of income-tax taxpayers is to report their income or pay their tax debt correctly, and taxpayers of customs duties are to lodge a customs declaration or pay a deferred payment appropriately. In this way, the lessons learned from nudge implications in tax administrations can also be useful when adapted to customs administration contexts.

2. Previous Implications of Nudge on Compliance

Nudge is defined as “any aspect of choice architecture that alters people’s behavior in a predictable way without forbidding any options or significantly changing their economic incentives” (Thaler & Sunstein 2008, 6). Choice architecture refers to the design of choices as presented to decision-makers, a presentation which may come to affect their verdict. Nudge instruments are fundamentally different from the carrots and sticks strategy, which opts to alter the costs or benefits of a person’s actions as a means of encouraging or discouraging a particular choice (Kantorowicz-Reznichenko & Wells 2021, 552). To clarify, a person must choose between the expected costs (punishment) of not complying and the expected benefits (reward) of complying. On the other hand, nudges utilize various psychological mechanisms to influence a person’s behavior—for example, using social norm statements to promote tax compliance or setting the default payment of a flight to offset carbon emissions.

2.1. Norm Nudge

To enhance tax compliance, some tax agencies have tried to alter taxpayer attitudes by using behavioral nudges to establish tax compliance as a social norm (Alm *et al.* 2019, 2). Adding moral suasion and descriptive norms in reminder messages has previously been found to encourage taxpayers’ acts of voluntary compliance in many experimental studies. For instance, a large field experiment was conducted on the effect of a moral persuasion letter that included the statement “your tax payment contributes to the funding of publicly financed services in education, health and other important sectors of society”, directed towards more than 15,000 Norwegian taxpayers who were deemed likely to underreport their foreign income (Bott

et al. 2019, 2801). The result was that in this instance, moral suasion and social norm construction were found to have a positive influence on compliance; it is to be noted, however, that the long-term effect is not proven.

Several experimental results also suggest that if one is aware of their peer’s action or the majority action, one’s behavior might be strongly influenced by that action (Alm et al. 2017, 588; Kettle et al. 2016, 27). Similarly, an experimental study examined effects of the social comparison by sending letters to taxpayers informing them about compliance rates, stating that “9 out of 10 people in Britain pay their tax on time”, with some groups’ letters containing extra data on compliance rates in the recipient’s neighborhood (Cabinet 2012, 22-23). The results of this study show that the compliance rate in contexts where participants had received information with a specific local area comparison had increased tax debt payment, more so than participants who received information about the national compliance rate.

2.2. Deterrence Nudge

Tax agencies also occasionally attempt to nudge compliance through communication about enforcement practices in order to alter taxpayers’ perceptions of the probability of detection and sanction. When taxpayers have limited attention, warnings that emphasize the probability of penalties and legal action can enhance compliance. Per the results of a controlled experiment on the effectiveness of an increased threat of examination—wherein letters were sent to 1,724 Minnesota taxpayers who were informed that their tax returns would be “closely examined”—this strategy was further found to significantly influence compliance choice (Slemrod et al. 2001, 455). Another field experiment that aimed to increase tax compliance among Argentine property tax taxpayers indicated that taxpayers who received the deterrence message were more likely to comply than taxpayers in the control group (no message), indicating a compliance rate of 10% higher if extended to the whole population (Castro & Scartascini 2015, 65). Similarly, evidence from a randomized field experiment in an Argentine municipality suggests that the threat message on the declaration that highlights fines and enforcement for the property tax has a spillover effect on the gross sales tax (Lopez-Luzuriaga & Scartascini 2019, 518). The deterrence letter effect on Norwegian taxpayers has been found to provide more certainty of a long-term effect on compliance than moral suasion (Bott et al. 2019, 2801).

3. Challenges and Applicability of Compliance Nudge

To what extent a nudge can be used to achieve compliance remains open to discussion. To summarize briefly, a compliance nudge targets behavioral factors

to encourage an individual’s motivation to comply, or, alternatively, triggers fears of being punished to stop or discourage their violation intention. Even if a nudge is proven to be successful in one context, its reliability over time and its ability to be applied across circumstances are uncertain. The findings of previous studies are mainly conducted in Western and developed countries, so the implications of the compliance nudge in developing countries and in cross-cultural contexts require further investigation. Notably, other elements deemed equally important and relevant to comprehending compliance decisions were previously expressed in the Forum on Tax Administration’s remark on the factors that influence Taxpayers’ Compliance Behavior, including deterrence, norms, opportunities, fairness and trust, economic reasons, and finally interactions between these factors (OECD 2010, 5-7). If one is to follow this guidance, enhancing voluntary compliance requires enhancing these above factors, hand in hand. In other words, norm and deterrence nudges may not be fully or even partially effective in a setting with a high opportunity to violate and a low level of perceived trust and fairness in the government system.

As an example, a study has examined the possible determinants of tariff evasion in Sub-Saharan Africa and has proposed that evasion happens when there involves incentive, opportunity, and intention of tariff evasion (Bezabih 2018, 8). The economic gain from shirking levied tariff rates is the incentive, but opportunity, intention, and the level of corruption within customs administrations and trading partners will only make evasion more possible. Corruption is contagious and reinforced: if bribery practice is made by a member of the business association or a trade partner, it is likely to influence other partners to behave similarly. In this way, tax evasion can be reduced in part through the mitigation of corrupt practices in both exporting and importing countries. Following this logic, a nudge has a better likelihood of working in a context which already demonstrates a high level of trust in government, or, similarly, a high level of governmental transparency. A jurisdiction with a weak—i.e., not in possession of the above characteristics—customs administration system will likely require (further) effort to reform many aspects, including mitigating corrupt practices, reducing tariff as well as non-tariff barriers, and achieving perceived trust in authority and fairness in the taxation system. Additionally, the need to maintain effective collaboration and cooperation between trade partners to work on these matters in a unified manner is crucial.

4. Conclusion

The contemporary compliance approach tends to deploy a reward and punishment system, which aims to alter the costs and benefits of compliance behaviors. The nudge implication, on the other hand, is a behavioral

intervention used to steer people’s behavior positively and does not attempt to alter client incentives. Instead, it positions compliance as a moral obligation or social norm and non-compliance as a subject to be detected and collectively discouraged, which overall makes compliance more salient to taxpayers. Nevertheless, the compliance nudge is still a relatively new concept and requires more exploration to ensure its efficiency and applicability in any respective social infrastructure. Though enhancing compliance through nudge does not guarantee it, the application is frequently an inexpensive intervention to direct people’s behavior in a positive manner rather than a punitive one, which can be used as a supplementary tool to the contemporary conventional reward and punishment approach. Further incorporating behavioral elements into compliance appears to be a promising avenue, as it helps to expand upon the understanding of peoples’ thoughts and judgments, which are necessary inputs for compliance policymaking.

5. Policy Recommendations

In reflecting upon the findings, nudge interventions could potentially help subconsciously encourage the willingness to comply by raising awareness of social norms, as well as remind taxpayers to be more conscious of compliance choices by increasing perceived penalties for not complying. Norm nudge could be utilized to foster compliance in the customs administration context through an emphasis on the sense of morality, situating compliance as a social norm by informing taxpayers of what should be done and what others are doing. Likewise, a deterrence nudge could raise concerns over detection and sanction by warning of non-compliance consequences, which can induce actors to revise their beliefs about the detection probability and pull back on their non-compliance intentions. Nudges could possibly be made through any means of communication, including customs-business dialogues, business communities, reminder messages, and so on.

5.1. As supplementary tools to WCO VCF

Nudge can be applied, albeit not uniformly, to all types of clients of WCO VCF to increase their compliance morality and reduce intended and unintended non-compliance behaviors, though it could be more feasible on Type 2 and Type 3. Nudge communications can assist and remind Type 2 clients in complying rightly, as they intend to comply but fail to do so due to complicated procedures or neglect. Similarly, a norm nudge could foster intrinsic motivation and the following of social norms in Type 3 clients, while the deterrence nudge could increase their fear of being detected and decrease their intention to avoid complying. On the other hand, Type 1 clients are already highly compliant, so a further compliance nudge is not

necessary for them. Meanwhile, detrimental, intentional non-compliance acts like goods smuggling or illicit trade (Type 4) are unlikely to be deterred by nudge interventions, as their violations in a certain situation are to pursue purely economic incentives without considering the consequences. This type of risk can be treated with legal enforcement, while behavioral intervention will need to be further explored.

5.2. Improving Self-declaration at the Border Crossing

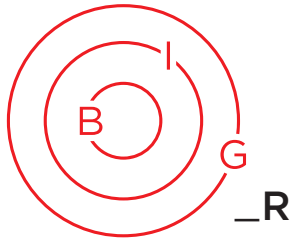
The above experimental evidence from a study of nudge messages that contains audits, penalties, or social norms highlights that a positive effect does indeed occur among self-declared taxpayers in the context of taxation administration; the same approach is likely to be beneficial in encouraging compliance among individuals declaring their goods at the border crossing, too. Then, in addition to the conventional declaration form on goods, highlighting nudge messages on the self-declaration form upon arrival/departure and putting signs at the borders or airport could potentially bring individuals to comply. The customs administration could possibly work with travel agencies to arrange so that declaration forms are sent along with the travel tickets.

The norm nudge could also include how clients can contribute to safe border security and national development in other sectors. However, the mixture of national and international travelers or tourists is a bit different in nature to the context of self-declared individuals in a customs administration, as the commonly deployed moral suasion of a national contribution is likely not to be practical in most cases. Thus, an additional incentive policy for being compliant travelers should be initiated to encourage voluntary compliance. Meanwhile, the deterrence nudge should include the possibility of being detected and punished as well as the difficulty that may be incurred during their anticipated border crossings in the future. This combination would plausibly make the individuals more careful of their declaration submission. Nevertheless, the effectiveness of the nudge initiative also depends upon the capability of customs enforcement between border crossings.

Works Cited:

- Alm, James, Kim M. Bloomquist, and Michael McKee. 2017. “When you know your neighbour pays taxes: Information, peer effects, and tax compliance” *Fiscal Studies* 38(4): 587–613. <https://doi.org/10.1111/1475-5890.12111>
- Alm, James, Laura Rosales Cifuentes, Carlos Mauricio Ortiz Niño, and Diana Rocha. 2019. “Can behavioral “nudges” improve compliance? the case of Colombia social protection contributions” *Games* 10(4): 43. <https://doi.org/10.3390/g10040043>

- Bezabih, Temesgen W. 2018. “Tariff Evasion in Sub-Saharan Africa and the Role of Aid for Trade Facilitation” PhD diss. Vrije Universiteit Amsterdam.
- Bott, Kristina M., Alexander W. Cappelen, Erik Ø. Sørensen, and Bertil Tungodden. 2020. “You’ve got mail: A randomized field experiment on tax evasion” *Management Science* 66(7): 2801–2819. <https://doi.org/10.1287/mnsc.2019.3390>
- Cabinet Office Behavioural Insights Team. 2012. *Applying Behavioural Insights to Reduce Fraud, Error, and Debt*. London: Cabinet Office. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/60539/BIT_FraudErrorDebt_accessible.pdf
- Castro, Lucio, and Carlos Scartascini. 2015. “Tax compliance and enforcement in the pampas evidence from a field experiment” *Journal of Economic Behavior & Organization* 116: 65–82. <https://doi.org/10.1016/j.jebo.2015.04.002>
- Kantorowicz-Reznichenko, Elena, and Liam Wells. 2021. “Nudging Compliance” in Benjamin van Rooij and D. Daniel Sokol (eds.) *The Cambridge Handbook of Compliance*. Cambridge University Press. 551–568 <https://doi.org/10.1017/9781108759458.038>
- Kettle, Stewart, Marco Hernandez, Simon Ruda, and Michael A. Sanderson. 2016. “Behavioral interventions in tax compliance: Evidence from Guatemala” World Bank Policy Research Working Paper 7690.
- López-Luzuriaga, Andrea, and Carlos Scartascini. 2019. “Compliance Spillovers across Taxes: The Role of Penalties and Detection” *Journal of Economic Behavior & Organization* 164: 518–534. <https://doi.org/10.1016/j.jebo.2019.06.015>
- Mohamed, Mirza Bin. 2016. “Import Tax Compliance: A Study of Customs Agents in Malaysia Utilising the Theory of Planned Behaviour” PhD diss. The University of Nottingham.
- OECD. 2010. “Forum on Tax Administration: SME Compliance Subgroup Information Note Understanding and Influencing Taxpayers’ Compliance Behaviour” OECD (November). <https://www.oecd.org/tax/forum-on-tax-administration/publications-and-products/46274793.pdf>
- Slemrod, Joel, Marsha Blumenthal, and Charles Christian. 2001. “Taxpayer Response to an Increased Probability of Audit: Evidence from a Controlled Experiment in Minnesota” *Journal of Public Economics* 79(3): 455–483. [https://doi.org/10.1016/S0047-2727\(99\)00107-3](https://doi.org/10.1016/S0047-2727(99)00107-3)
- Thaler, Richard H., and Cass R. Sunstein. 2008. *Nudge: Improving Decisions about Health, Wealth, and Happiness*. London: Penguin Books.
- Widdowson, David. 2020. “Managing Customs Risk and Compliance: An Integrated Approach” *World Customs Journal* 14(2): 63–79. [https://worldcustomsjournal.org/Archives/Volume%2014%2C%20Number%202%20\(Oct%202020\)/1902%2001%20WCJ%20v14n2%20Widdowson.pdf?t=1603239884](https://worldcustomsjournal.org/Archives/Volume%2014%2C%20Number%202%20(Oct%202020)/1902%2001%20WCJ%20v14n2%20Widdowson.pdf?t=1603239884)
- World Customs Organization (WCO). 2014. “Voluntary Compliance Framework” World Customs Organization. 1–25. <https://www.wcoomd.org/en/topics/facilitation/instrument-and-tools/tools/voluntary-compliance-framework.aspx>



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Trade Facilitation at the Peru–Chile Land Border: Policy Impact of Digital Importation and Prearrival Declarations

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This policy report examines the impact of the Peruvian Foreign Trade Public Policy implemented at the Santa Rosa Centre of Compliance (CAFSR) at the land border between Peru and Chile, presenting original research and quantitative analysis of statistics from the CAFSR at the Peruvian border collected by the National Superintendency of Customs and Tax Administration (SUNAT) from 2019 to 2022. The results show that customs compliance controls have been expedited, simplified, and modernised by both the digital importation process and mandatory prearrival customs declarations. However, the analysis calls for two further risk assessment strategies to be adopted by customs administrations in both countries. First, applying additional filters to identify fraud in prearrival customs declarations could expedite the release of low-risk consignments and help to ensure higher-risk consignments are subject to additional border restrictions. This paper suggests implementing an innovative blockchain technology that allows for the timely and accurate sharing of encrypted customs declarations to administrations in Peru and Chile. Second, upgrading infrastructure and logistics at the CAFSR could increase the capacity of the border post to facilitate increased binational trade.

Disclaimer

The views and contents of this document only reflect the author's opinion and do not represent the point of view of the National Superintendence of Customs and Tax Administration of Peru (SUNAT).

Executive Summary

The Peruvian government recognises the critical importance of foreign trade in promoting the state's competitiveness (Minister of International Trade and Tourism of Peru 2013). The Customs Administration

has implemented reforms since 2020, such as the mandatory advance declaration and the 100% digital importation declaration process, while also progressively implementing the Smart Borders Project. The Smart Borders Project aims to automatize customs controls through the extensive use of technology (with high-energy scanners, container tracking, electronic seals, high technology cameras, automated registration, and others) at the borders by 2023. This Project will also incorporate new artificial intelligence tools to predict fraud patterns (risk assessment and data mining) (Delgado 2020, 748).

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The case study of the CAFSR presented in this paper finds evidence of significant advances in trade facilitation from recent reforms due to expedited and simplified customs process. The CAFSR administers customs controls for the entrance of goods into Peru. The new digital platform accepts customs declarations before goods arrive, supports online payment that can be deferred, and allows online requests for physical inspection. This platform allows phones, tablets, laptops, and desktop computers to track and register customs control. The prearrival declaration, which can be made any time prior to the arrival of the goods, improves and expedites authorities' control. Linking the automatic transport and customs declaration simplifies the process, confirming declarations within 30 days of goods arrival without additional paperwork, and reducing the release time of goods from over 70 hours in 2019 to under 20 hours in 2022.

Quantitative analysis of customs data from the CAFSR shows that prearrival declarations increased from 18% in 2019 to 68% in 2022. Importers increasingly prefer the CAFSR process over in-country warehouses, where additional costs for storage are added to the importers. The analysis also found that the type of customs control did not change during the evaluated period, even as the flow of goods increased through the CAFSR. Control type is decided by a selectivity system that assesses risk: “Based upon Harmonized System code, nature and description of the goods, country of origin, country from which the goods were shipped, value of the goods, compliance record of traders, and type of means of transport” (WTO 2017). The system then assigns the control channel: physical and documentary (red channel), only documentary (orange channel), and free entrance with no further controls (green channel). Exceptionally, the customs officers can change the channel if more exhaustive control is needed.

This paper proposes a focussed innovation in the form of a binational blockchain system between Peru and Chile. This system could enhance interoperability, traceability, and risk assessment through the real-time sharing of customs declarations to assist with the early detection of fraud patterns and provide an accurate control channel that would facilitate more efficient flow of goods. A blockchain also has the potential to improve collaboration between customs and other stakeholders such as banks, enabling early detection of fraud in the declared price.

This report also recommends upgrading the infrastructure and logistics at the CAFSR, considering successful examples of differentiated control in the USA and Canada with the implementation of a fast-tracked customs process for low-risk cargo. Other lessons may be drawn from the experience of the ‘Los Andes’ customs post at the border of Chile and Argentina (Puerto Terrestre Los Andes 2022).

1. Introduction

In recent years, Peru has achieved sustainable economic growth, reduced poverty, and increased disposable income (WTO 2019). The WTO attributes these outcomes to the open market economy and low taxation rates, as well as the promotion of international trade through specific initiatives (WTO 2019). Notably, the World Bank Group (2020) recognised that Peru decreased import and export times by streamlining customs clearance (World Bank 2020). The customs administration executing the national trade policy regulated by the Strategic Export Plan 2025 (PENX) implemented effective measures such as the mandatory advance declaration for importation and the digital declaration process (Minister of International Trade and Tourism of Peru 2013). The case study undertaken at the CAFSR by the author and described in this paper examines the impact of recent changes to the customs process to facilitate international trade and identifies challenges and opportunities to enhance customs control. This research is presented in the following four sections: first, Section 2 provides context by outlining the public policies that regulate trade facilitation, focussing on recent changes implemented by the customs administration. Section 3 analyses the outcomes of recent reforms and the ongoing implementation of the Smart Border Project to identify challenges faced at the CAFSR. Section 4 offers a brief conclusion, and, finally, Section 5 explores policy options and recommendations, drawing on pertinent international experience.

2. Trade Facilitation Public Policy in Peru

The Ministry of Foreign Trade and Tourism in Peru established the National Strategic Plan for Exports (PENX) in order to promote the consolidation and internationalisation of Peruvian companies by 2025. Key strategic objectives of PENX are facilitating foreign trade and increasing the efficiency of the international logistics chain (Minister of International Trade and Tourism of Peru 2013). PENX is the latest policy to facilitate international trade, following the Trade Facilitation Law 2007 (Peruvian Congress 2007) that complied with international agreements and the Trade Facilitation Agreement (TFA) to enhance the fluidity and transit of goods across borders, reduce trade costs, and expedite the clearance of goods (Peruvian Congress 2016). PENX's focus on improving logistics and transport was supported by a series of changes to the General Customs Law, Legislative Decree N°1053 (Peruvian Congress 2008), and related regulations (Peruvian Congress 2017). The most important changes are the obligation of prearrival declarations on imports, the strengthening of controls at border posts instead of warehouses, clearance of goods in 48 hours, the establishment of online payment options—including

the option to defer payment—and automating digital customs and risk assessment for selectivity controls.

Of these changes mentioned above, two provide the regulatory context for the analysis of the case study of the CAFSR on the Peruvian–Chilean land border: first, prearrival or advance customs declaration (mandatory) and the use of Border Centres as an arrival point for customs control (Section 2.1), and, second, new import procedures that are 100% digital (Section 2.2).

2.1. Prearrival or advance customs declaration

Customs regulations have been modified over the years to expedite the clearance of goods. By 2008, Peruvian legislation (LGA) introduced the prearrival declaration, which could be completed no earlier than 15 days before shipment arrival in Peru. This deadline changed in 2015 to 30 days, and, finally, with Legislative Decree 1433 (Peruvian Congress 2018), users can declare goods any time prior to their arrival, whether by air, sea, or land. Prearrival declaration became mandatory for all import declarations in 2022.

The modification of the terms and the obligation of prearrival declaration allows importers to choose whether to transmit the anticipatory declaration for customs control either (a) at the border post, consigning the centre of compliance as the arrival point, or (b) in any warehouse, including the Free Trade Zone, within the country. In scenario (a), goods assessed as ‘green channel’ are given immediate entrance into the country without further control, whereas ‘orange’ (documentary) and ‘red’ (documentary and physical) channel controls may be executed immediately by the customs administration at the CAFSR, with the digitalized information attached to the declaration (SUNAT 2020[a]).

2.2. The 100% Digital Importation Procedure

The 100% Digital Importation Procedure has eliminated the use of paper records and incorporated digital technology when processing customs controls to facilitate trade. The digitalization of customs controls is part of the public policy that includes Modernization Law N° 27658 (Peruvian Congress n.d.), the development plan of the Information Society and the National Politic of Electronic Government 2013–2017. In response, the Customs Administration released the Digital Government Plan 2020–2022 (SUNAT 2020[b]), which contains short- and long-term strategies for transforming and modernising customs controls using Information and Communication Technologies (ICT).

This new customs process was implemented through the Customs Facilitation, Security, and Transparency (FAST) Program, which develops measures to “facilitate, speed up, automate, and [make] transparent the entry and exit processes of goods on the country’s customs, as well as in the complementary processes of operator

control. They all integrated into the transverse processes of risk management and logistics chain security” (SUNAT n.d.[a]).

The program established the 100% Digital Importation and Exportation processes. These processes were accelerated due to COVID-19 and were fully implemented by August 2020. The main characteristics of the Digital Importation Procedure are described in **Figure 1**: customs declaration, payment method, and type of customs control (channel).

CUSTOMS DECLARATIONS	PAYMENT	TYPE OF CONTROL (CHANNEL)
<ul style="list-style-type: none"> • 100% electronic submission (digitalized documents) • Declaration harmonized with WCO data model (XML) • Online submission any time before goods arrive • Electronic customs broker’s mandate • Online tracking (24/7/365) 	<ul style="list-style-type: none"> • 100% online • Deferred payment and enforceability for guaranteed cargo and Authorized Economic Operator 	<ul style="list-style-type: none"> • Automated linkage between the transport and customs declarations • Digital-based documents • Online requests and functionary assignation for physical inspection • Customs control can be registered by any device (mobile) • Remote customs control

Figure 1. Digital Importation Procedure Main Characteristics.
 Source: the author, based on data from Delgado (2020, 747).

The 100% Digital Importation Procedure has significantly advanced trade facilitation, particularly for maritime transportation characterised by cargo traceability, where all goods are tracked before arrival until they are released. The importers are contacted when the goods arrive. This is not the situation in land transportation, as demonstrated in the case study.

3. Case Study: Analysis of the Control at the Land Border between Peru and Chile.

The following case study, developed at the Peruvian Customs facility at the Peru–Chile border, analyses the extent to which trade facilitation has been impacted by the new digital importation procedures and advanced prearrival clearance processes, examining statistics provided by SUNAT at the CAFSR. This analysis informs discussions of remaining trade impediments and makes recommendations to mitigate them.

Chile is Peru’s sixth largest trading partner and fourth in Latin America. In 2021, Peru’s imported goods from Chile were valued at USD \$1,318,305.40, including cost, insurance, and freight (CIF), and, by June 2022, imported goods were USD \$761,139. Of these imported goods,

73% had passed through the CAFSR border post; this was a similar proportion of imports to the previous three years (SUNAT n.d.[b]).

Commercial activities at the CAFSR are characterised by cooperation between the customs administrations of Peru and Chile. The Bilateral Agreement of Cooperation and Mutual Assistance in Customs Matters (Chilean Customs 2005) and the Free Trade Agreement (Minister of International Trade and Tourism of Peru 2007) are among the most relevant international agreements. The latter ruled that by 2016, all taxes would be liberalised and customs cooperation and trade facilitation measures would be established.

Finally, the Framework Agreement for Implementing Integrated Control and Cooperation Systems for the Facilitation of Transit at the Centre of Compliance between Peru and Chile was implemented in 2017 (Peruvian Congress 2011). It aims to increase border integration, tourism, and trade between the parties in the border posts Chacalluta (Chile) and Santa Rosa (CAFSR). Currently, the integration of migration control and entrance/exit of vehicles with tourist purposes has only been achieved by juxtaposed control (control of the originating country first, then the entrance country). For example, a tourist travelling from Chile to Peru through the CAFSR only has to stop once, as the authorities for both countries are located in the same office.

3.1. Prearrival Declaration, arrival point, and its impact on trade facilitation

The CAFSR has mandated prearrival declarations for imports since January 2022 and has implemented the 100% Digital Importation Procedure to expedite the flow of goods. **Figure 2** shows a sustained increase in prearrival declarations at the CAFSR in recent years. While only 18% of imports had prearrival declarations in 2019, this rose to 68% in 2022. This coincided with a substantial decline in declarations after the arrival of imported goods, from 75% in 2019 to 25% in 2022 (SUNAT 2022[a]).

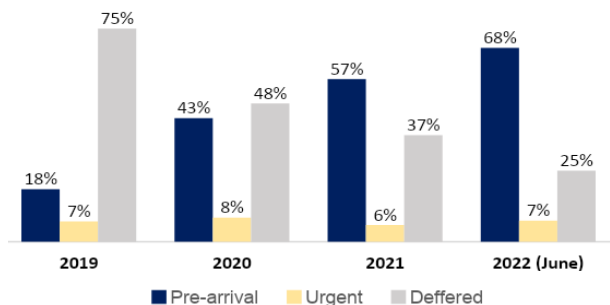


Figure 2. Customs Declarations in USD, including cost, insurance, and freight (CIF) by type of control in Tacna Customs Administration. Source: request for public data from SUNAT (Letter N.º 000030-2022-SUNAT/3G0000 received on 15/08/2022) (SUNAT 2022[a]).

To enhance trade facilitation, Peru is promoting the use of customs border control infrastructures (at the country’s entrance) to provide an efficient service and reduce the time and costs for users who can decide where the customs controls will occur (border post or in-country warehouse).

Consequently, the CAFSR underwent a transformation. While only 21% of import declarations designated it as an arrival point in 2019, that number increased considerably over the course of this study, reaching 54% in 2022 (SUNAT 2022[a]). Logically, this resulted in a gradual reduction in the use of warehouses in Peru, including in the Free Trade Zone (see **Figure 3**) for passing through the customs control in any regime (e.g., importation, exportation, temporal admissions, transit, etc.).

Another factor that can promote trade facilitation is the time taken to release imports from customs. **Figure 4** shows that the average number of hours for the clearance of goods in the Customs Administration has decreased consistently and gradually, going from 70 hours in 2019 to 22.9 hours in June 2022 (SUNAT 2022[a]).

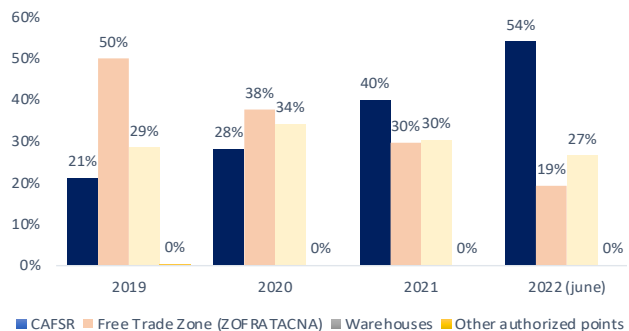


Figure 3. Percentages of Customs Declarations (value USD CIF) by type of control in Tacna Customs Administration. Source: request for public data from SUNAT (Letter N.º 000030-2022-SUNAT/3G0000 received on 15/08/2022) (SUNAT 2022[a]).

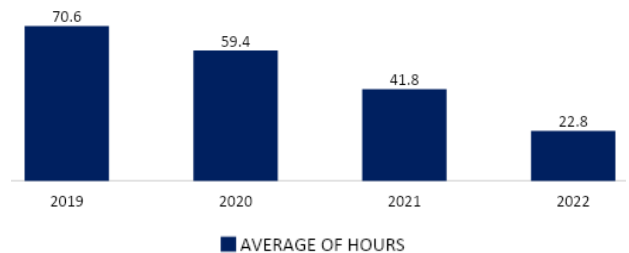


Figure 4. Average Hours for Goods Clearance from 2019 to 2022 in Tacna Customs Administration. Source: request to access public data provided by SUNAT (Letter N.º 000032-2022-SUNAT/3G0000 received on 26/08/2022) (SUNAT 2022[b]).



Table 1. Average Hours for Goods Clearance and Number of Declarations (DAM) from 2019 to 2022 by Type of Dispatch and Selectivity in Tacna Customs, CAFSR. Source: request to release public data from SUNAT (Letter N.º 000032-2022-SUNAT/3G0000 received on 26/08/2022) (SUNAT 2022[b]).

Type of control channel		2019		2020		2021		2022 (June)	
		Average hours	DAM	Average hours	DAM	Average hours	DAM	Average hours	DAM
Prearrival	Free (Green)	2	4,033	2.7	3,974	2.5	8,786	1.7	5,476.0
	Documentary (orange)	44.7	521	66.2	759	45.1	742	33.8	536.0
	Physical (Red)	61.3	483	108.7	2277	93.8	2405	95.2	1214
Deferred	Free (Green)	71.6	824	83.3	75	107.4	99	97.2	18
	Documentary (orange)	149	787	170	138	210.3	76	138.6	20.0
	Physical (Red)	161.7	4317	209.1	1259	255.6	703	31.8	191.0
Urgent	Free (Green)	0.4	1682	0.8	1426	0.8	1347	0.7	799
	Documentary (orange)	3.2	108	3.9	108	6.8	61	3.4	85.0
	Physical (Red)	17.4	16	8.1	12	5.2	12	12.7	2.0
Average	Total	56.8	12,771	72.5	10,028	80.8	14,231	46.1	8,341

Table 1 shows the average hours for customs clearances and the number of customs declarations of goods (DAM) from 2019 to 2021. The number of hours for customs control was mainly reduced, even as DAM increased. While in 2019, 4,033 green-channel prearrival DAM were controlled in approximately two hours, in 2022 (from January to June), 5,476 were processed in 1.7 hours. Despite the DAM increase by 2022, the time of release was reduced (SUNAT 2022[b]). Also, the difference in terms of hours for prearrival or deferred declarations (made before or after the goods arrived in the country, respectively) is evident. For example, in 2022, for green-channel prearrival declaration, the customs control took 1.7 hours, while the same channel control in deferred declaration reached 97.2 hours (SUNAT 2022[b]).

The CAFSR experienced increased flows of goods, evidenced by the number of controlled DAM and the increase in prearrival declarations managed at the centre. Also, the case study showed a sustained reduction in customs’ time from 2019 to 2022. To maintain the trade facilitation gains achieved at the CAFSR, a continuous evaluation process is necessary; to this end, this report assesses primary challenges and public policy proposals.

3.2. Improvement opportunities at the Peru–Chile border

3.2.1. Infrastructure and logistics at the CAFSR

The CAFSR was inaugurated in 2007 on 168,800 square meters and has a built-up area of 66,800 square meters, located about 250 meters from the Peru–Chile border (Complejo Fronterizo Santa Rosa n.d.). It has three

platforms for control: the bus platform, people control modules, and the cargo platform. The cargo platform is divided into two areas: one for entrance (imports) and the other for exit (exports), in the Centres of Compliance Chacalluta (Chile) and Santa Rosa (Peru) (CAFSR).

In terms of logistics and infrastructure, there are multiple improvement opportunities. First, because of the increase in prearrival declarations and the designation of the CAFSR as an arrival point, as the case study revealed, immediate action is required to reorganise and enhance infrastructure with consideration for the new technologies (with high-energy scanners, container tracking, electronic seals, high technology cameras, automated registration, etc.) aimed to be implemented

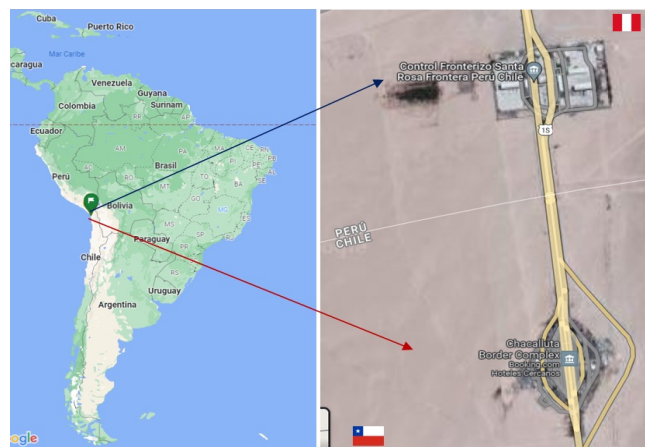


Figure 5. Map Showing Peru–Chile Land Border (Left) and Satellite View of Centres of Compliance Chacalluta (Chile) and Santa Rosa (Peru) (CAFSR) (Right). Source: Google Maps.

in the frame of the Smart Borders Project. Second, the customs controls carried out at the entrance area have separate customs administration processes for vehicles that a) are empty; b) have goods destined for Free Trade Zones or warehouses; c) are at the CAFSR arrival point; or d) are destined for international customs transit. They are currently controlled on a first-come, first-serve basis at the CAFSR, causing long waits. Third, multiple authorities control the entrance area at the CAFSR, processing the flows of people, vehicles, and goods. Customs administration, migration, and sanitary authorities are executing control according to their competencies (Peruvian Congress 2016). **Figure 6** demonstrates the sequential order that cargo vehicle importers need to follow at the CAFSR. First, the vehicle enters the CAFSR, is weighed and parked, then the driver passes through migration, sanitary control of the cargo is undertaken, and, finally, customs revision permits free entrance into Peru.

After the vehicles are parked at the CAFSR, they are subject to control by migration and sanitary authorities before customs control. This situation forces users to go

to different offices (as numbered in **Figure 7**), leaving their vehicles parked inside the entry area (import area). This situation causes some disorder and unnecessary delays in administration.

3.2.2. Release time of goods and control channel at the CAFSR

The second main challenge relates to a) the timeliness of the allocation and acknowledgement of the control channel, and b) the type of channel control assigned in the current conditions of the CAFSR.

In Peru, according to the Importation Procedure (SUNAT 2020[a]), the classifications that determine the type of customs control applied to imports are: a) green (free entrance), b) orange (documentary), and c) red (physical and documentary revision).

The Importation Procedure (Provision A2 1a) also regulates that channel control shall be assigned when the declaration is linked to the cargo manifest, except for land borders which require the transport to register at

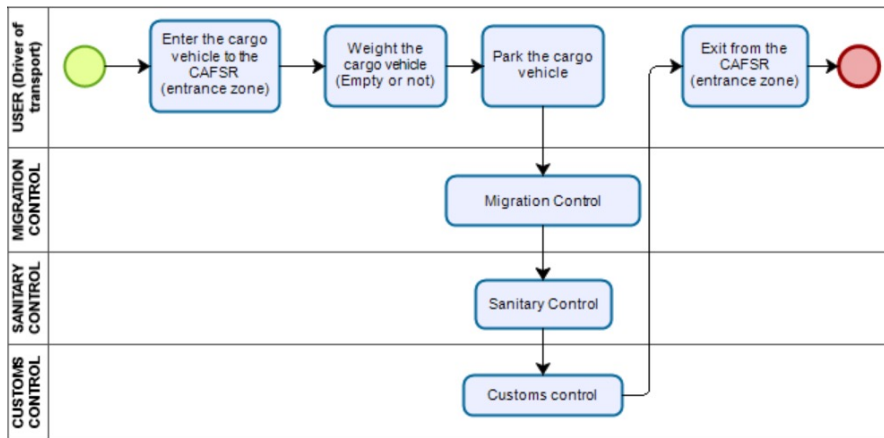


Figure 6. Flow Chart of Control Process of Cargo Vehicles in CAFSR. Source: the author.



Figure 7. Map Showing the Flow of Control Process Cargo Vehicles in CAFSR (Migrations, Sanitary, and Customs)

the border post (SUNAT 2020[a]). This is assigned when the customs specialist registers the imported goods arrival in the CAFSR's customs system.

As a result, importers and international traders become aware of the control channel in the CAFSR. Subsequently, the CAFSR contacts the owner and/or customs agent to request the digitised documents and initiate the corresponding control process without any logistics planned ahead of time (SUNAT 2020[a]).

In the case of document control in 2022 (up to June), the customs processing time was reduced to approximately 34 hours, which compared to 45 hours in 2021. This is an improvement, but there is still a long wait time at the border post and the warehouse for the review of documents (see Table 1) (SUNAT 2022[b]).

According to statistics provided by SUNAT, the percentage of imports at the CAFSR assigned to the green channel from 2019 to 2022 remained steady at around 60%, while around about 30% were assigned to the red channel and about 10% were assigned to the orange channel. This was despite modifications to the legal framework (see **Figure 8**).

The percentages of the channel of control (red, green, or orange) from 2019 to 2022, as determined by a selectivity system that identifies high- and low-risk goods, are likely to be motivated by several factors: type of traded goods, value (undervaluation), and proximity to the Free Trade Zone (Iquique, Chile), among others. The analysis done by the selectivity system at the CAFSR can be limited, as there is no mutual sharing of information between the customs of Peru and Chile that would permit early detection of fraud. In addition, by law, importers are allowed to send declarations upon arrival at the CAFSR, reducing the time of further evaluation by the selectivity system or by Tacna Customs' risk assessment division. This is a major problem meriting further research.

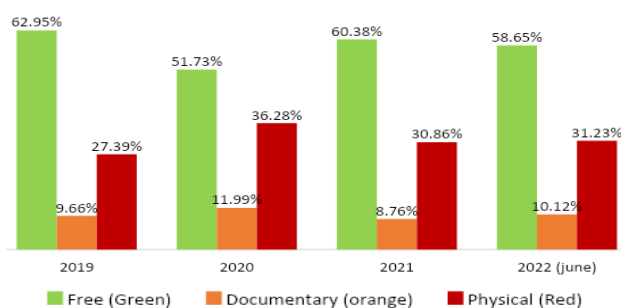


Figure 8. Percentage of Channel Control from 2019 to 2022 in Tacna Customs Administration. Source: Customs Administration of Tacna SUNAT report August 2022, via request for public data from SUNAT (Letter N.º 000030-2022-SUNAT/3G0000 received on 26/08/2022) (SUNAT 2022[b]).

Finally, documentary control occurs when a vehicle is parked at the CAFSR. This may lead to unnecessary delays, as the vehicle occupies a spot at the border post which obstructs the rapid flow of goods that require physical inspection or have been assigned a free entrance.

3.3. Novel solution to identified challenges

As a crosscutting public policy solution, digital blockchain technologies should be implemented for customs purposes. A blockchain, according to a report by the WCO and WTO (2022), is a source of crucial information and a foundation for policy decisions that can guarantee trade facilitation through digitalization.

WCO (Research Paper 45) defines blockchain as sophisticated cryptographic decentralized and distributed ledger architectures that can circulate information among participants in the 'network' (called nodes) on a peer-to-peer basis (Okazaki 2018). At the same time, this technology records changes, movement, and/or transactions almost instantly in a trusted and immutable manner. Another essential feature of blockchain technology is that transactions, or 'blocks', are time-stamped and are thus resistant to data modification. The records are linked, making a blockchain an efficient tool for recording events along the supply chain (Okazaki 2018).

The WCO and WTO Study Report on Disruptive Technologies (WCO & WTO 2022) recognizes several features of blockchain that make it a valuable technology for customs, including:

- **Increased Security:** Cryptographic techniques make blockchain unmodifiable and tamper-proof, and the decentralized and distributed architecture makes it highly secure.
- **Transparency:** The transactions can be traced by authorities using a chronological register to provide complete audits.
- **Efficiency:** Cryptographic techniques allow participants to interact on a peer-to-peer basis. This should increase trust between the participants, who can exchange information immediately.
- **Compliance:** Fraud is more difficult due to the verification of transactions and approval by consensus between the parties. This avoids the double-spending problem, making documentary fraud more difficult, monitoring more accessible, and a complete audit of transactions more straightforward.

3.3.1. Binational blockchain, a partnership between Peruvian and Chilean Customs

This paper proposes that Chilean and Peruvian Customs use binational blockchain technology to enhance

interoperability and traceability of the information between the customs administrations. This is expected to strengthen cooperation through the safe exchange of information, the offering of mutual administrative assistance, and the improvement of risk assessment to fight against illicit trade while facilitating the flow of goods (Yaren 2020). According to the WCO and WTO, the implementation of blockchain is in the experimental phase; of the customs administrations surveyed for 2021, 41% did not have a structured plan on the matter, 24% anticipated its implementation on the agenda over the next three years, 19% were working on proofs of concept, and 14% had pilot projects. (WCO & WTO 2022).

Peruvian and Chilean Customs administrations have already experienced the benefits of blockchain as part of the Cadena Project (Development International Bank 2021). This platform was developed by Microsoft with the sponsorship of the Inter-American Development Bank (WCO & WTO 2022). Its objective has been to enable blockchain users to share and access the Authorized Economic Operator (AEO) certificate status in real-time through its web platform. The country members affiliated with Costa Rica, Mexico, Chile, Colombia, Guatemala, Bolivia, Ecuador, and Peru currently have a Mutual Recognition Agreement that enables conformity evaluations (AEO credentials) conducted in one nation to be acknowledged in another (OECD 2022).

The blockchain technology applied to the customs administrations of Peru and Chile could provide a technological means of addressing the challenges highlighted by the CAFSR case study. This disruptive technology can share information on customs declarations (Yaren 2020), such as harmonized system codes, descriptions of goods, and values. Ideally, it would allow one border agency, whether in Peru or Chile, to receive secure and accurate data from the other, reducing and averting deliberate mistakes constituting fraud (undervaluation, overvaluation, or misdeclaration) (WCO & WTO 2022). It could also be used to track the origin of the data and enhance visibility in the supply chain. A practical example is "providing access to the commercial documents, starting with the initial purchase order between parties" (WCO & WTO 2022).

The blockchain technology used by customs administrations could improve the capacity of risk analysis and data mining. The users who export and/or import products must comply with the requirements and controls of both countries. Due to the lack of electronic, systematized tools operating in real-time, incongruencies are not immediately averted by the customs authorities present in the post or by any risk assessment tool. Consequently, illicit activities cannot be detected beforehand (as with data mining), and the selectivity channel is not sufficiently accurate.

Finally, it is important to note that blockchain can contribute to the accuracy of the selectivity system and the early detection of fraud patterns related to valuation, among others. As mentioned in the case study, approximately 30% of the declarations are red (physical and documentary) (SUNAT 2022[b]). Further investigation on the matter can include the influence of the channel of control, the type of goods traded, and the influence of Free Trade Zones (ZOFRATACNA-Peru and ZOFRI-Chile).

3.3.2. Blockchain partnership between Customs and other stakeholders

Blockchain permits information-sharing between stakeholders and customs administrations for the importation process at the CAFSR. In this way, they facilitate the automatic validation of customs assessments by comparing customs declarations (Format A and B) and money transfers accredited via bank transfer. SUNAT (Customs Administration) would administer tax on money transfers, and linking the information of the customs declaration with the transfers of money could help identify inaccuracies in declarations (Chura & Gomez 2020).

Among successful cases of the use of blockchain for customs purposes is B-Connect in MERCOSUR (the Common Southern Market, a large trading bloc in South America). It was developed by the Brazilian Customs Administration, integrating customs processes with Argentina, Paraguay, and Uruguay to share information on Authorized Economic Operators (AEOs) (ESCAP 2023). Another example emerged from Asia; in 2023, Thailand and Singapore reported their first paperless border transaction by ExxonMobil by the platform Trade Trust, which is based on blockchain technology (Galindo 2023). Taking B-Connect and ExxonMobil into consideration, as for Peru and Chile, the real-time sharing of information pertaining to importation and exportation declarations would be an asset.

The level of red declarations (30% as indicated in the case study) exceeds the recommendations of the WCO and WTO (2022) and constitutes a barrier to trade, especially considering that the flow of goods and prearrival declarations at the CAFSR has increased substantially. Blockchains for customs purposes could contribute to risk assessment and prompt detection of fraudulent activities by the customs administrations of Peru and Chile. Two leading public policy proposals were developed, sharing declarations between Peruvian and Chilean customs administrations and detecting possible value incongruencies. In addition to this, and complementing the developed proposal, additional aspects regarding infrastructure and logistics will be discussed in the section on further recommendations.

4. Conclusion

The Peruvian Customs Administration has recently implemented two measures that prioritise the facilitation of international trade: the 100% Digital Importation Procedure and prearrival declarations. Both measures have had a positive impact on trade facilitation, as the 2019-to-2022 CAFSR case study shows.

These recent modifications to the regulatory framework have coincided with a sustainable increase in importation prearrival declarations since 2020. While prearrival declarations were only made in 18% of cases in 2019, this number rose to 68% in 2022. Users have thus increasingly preferred customs control at the CAFSR over inland warehouses. The implementation of the 100% Digital Importation Procedure (since 2020) has simplified and digitalized the documentation, expediting the process with online tracking and customs notification. This impact on trade facilitation is evident through the reduction of the release time of imports from around 70 hours in 2019 to 20 in 2022.

In sum, most entrance declarations at the CAFSR are prearrival. This has enhanced trade facilitation by reducing the time required to clear imported goods through customs. Nevertheless, CAFSR infrastructure needs to be improved to address new challenges, consider a differentiated control process by type of regime, and reorganise the inter-institutional prerogatives to streamline and foster joint efforts.

In addition to these aspects, a suggested crosscutting innovation is the implementation of blockchain technology for customs purposes at the CAFSR, potentially a comprehensive solution aligned with public policy objectives, security enhancement, transparency, efficiency, and compliance. By establishing a binational blockchain system, information sharing, interoperability, and traceability could improve, in turn strengthening risk assessment and combating illicit trade. Collaboration with stakeholders such as banks enhances fraud detection.

Successful international experiences demonstrate blockchain’s potential for customs. Embracing this technology could foster greater cooperation, facilitate legitimate trade, and ensure effective border control. Overall, blockchain technology holds promise for transforming customs administration and advancing trade facilitation between Peru and Chile. The next section presents further recommendations relating to infrastructure, logistics and the release of goods, and the control channel allocation system.

5. Implications and Recommendations (Public Policy Options)

In this section, some public policy options that align with the framework of PENX (facilitating efficient trade and improving logistics and international transport) and the components of the Smart Borders Project will be discussed. The latter carries the objective of modernising the customs control systems to make them less intrusive and more intelligent, improving trade facilitation.

Smart Borders is based on the five pillars of the World Customs Organisation (WCO & WTO 2022) for a modern entity: to be secure, measurable, automated, with strategic risk management, and promoting the intensive use of technology. It has two components: a) smart maritime, air, and land borders, and b) risk assessment and intelligence in customs processes.

The first component (a) includes a new control model at ports, airports, and land borders, with high-energy scanners, real-time container tracking, electronic seals, advance declarations, facial recognition cameras, and automated registration, which will reduce costs and times for imports and exports.

The second component (b) proposes a new control and intelligence system that will allow for greater

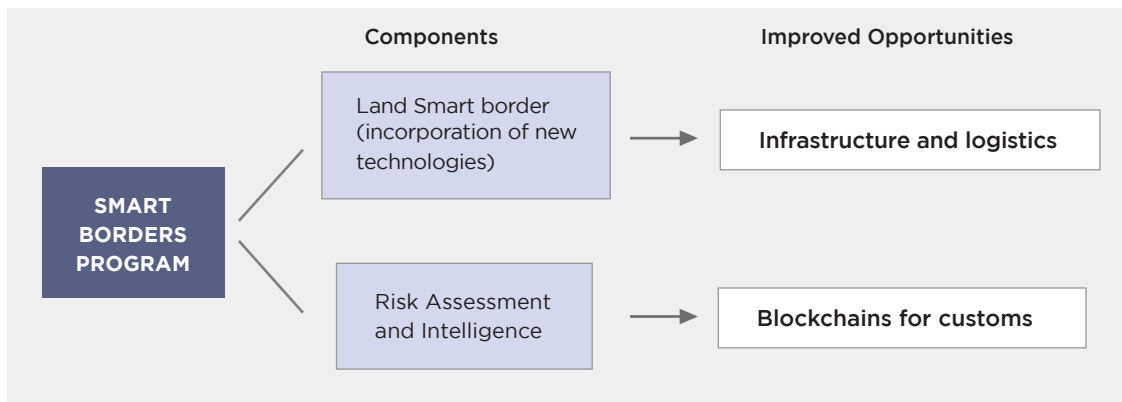


Figure 9. Smart Borders Components and Relationship with Improvement Opportunities. Source: the author.

transparency and for control actions to be traced online. To this end, SUNAT proposes the incorporation of artificial intelligence tools that make it possible to predict new fraud patterns, massively exploiting the information using a new Big Data platform (Delgado 2020, 748).

5.1. Infrastructure and logistics in the CAFSR

The CAFSR is part of the proposed smart land border. The infrastructure, connectivity, and security of the CAFSR will be enhanced as traceability standards in the logistics chain improve and the further development of risk management monitoring mechanisms occurs (among others). Considering the challenges identified, the following policy options should be pursued.

5.1.1. Infrastructure and rearranging authority control at the CAFSR

Improving CAFSR infrastructure is outside the scope of the Smart Borders Project. The Customs Administration announced that the expansion of the CAFSR will be evaluated in the medium term (SUNAT 2022). According to Legislative Decree No 1183, SUNAT is the entity responsible for developing and coordinating the public inversion project for the maintenance and operation of Centres of Compliance infrastructure, equipment, technology, and security (Peruvian Congress 2016). It acts as an articulator, and under its leadership, it is advised that the infrastructure of the Chile-Argentina border post “Los Andes” should be followed as an example when structuring these centres. Los Andes (Figure 10) is organised efficiently with different gates of attention. Vehicles do not park and limit the authorities’ control, and there is a private administration company in charge of the administration of the centre.



Figure 10. View of the Chile-Argentina border post “Los Andes”. Source: Puerto Terrestre Los Andes website (<https://www.ptla.cl/quienes-somos/>), public domain.

The suggested CAFSR improvements are motivated by the following aspects:

- Its infrastructure involves administrative functions from three different institutions: Customs, Migration, and Sanitary. At Los Andes, each authority is placed in the small building on the left (Figure 10). Vehicle parking is separated from the authorities and customs control, resulting in minimal bottlenecks or other obstructions to the flow of goods.
- The Los Andes model has different gates of attention for cargo control, allowing differentiated attention according to the process vehicles need to execute.

The border post is administrated by the private company Land Port Private Concession Los Andes S.A., which also provides warehouses and logistic services to the cargo, among other services. It allows users to hire additional services if necessary. This is an example of the private sector allying with public infrastructure, as, for example, multinational corporations DP World and APM Terminals operate in the Marine Port of Callao-Lima, Peru.

Finally, it is necessary to mention that a joint cargo control (juxtaposed model) is programmed in the second stage of Integrated Control by the governments of Peru and Chile (Peruvian Congress 2011). Currently, Integrated Control only operates for tourism-related vehicles, and both administrations have discussed their performance in bilateral reunions since 2018. Recently, in August 2022, it was reported in the Integration Subcommittee that the Chilean government approved the investment for the infrastructure modification in the Centre of Compliance Chacalluta (Chile) that was required to execute joint control by Peruvian and Chilean authorities, wherein both customs work jointly in both border posts (CAFSR or Chacalluta) (Chilean Customs 2015). An example of this joint control in practice is in the CAFSR, where Chilean authorities control the exportation, and Peruvian authorities conduct importation revision immediately afterwards (Chilean Customs 2015). This should be considered, as it would rearrange customs control so that authorities are pushed to execute border controls collaboratively.

In the short term, it is recommended that a commission be formed by current employees of SUNAT to extensively revise the current process of customs control and identify the best manner to install Smart Borders technological devices. Moreover, in the extended future, the planned expansion of the CAFSR should consider incorporating the main characteristics of the Los Andes border post. It has separated control between customs, migration, and sanitary in a concessioner infrastructure

where other primary logistics and services are provided. Additionally, regarding the rearrangement of control made by authorities, it should include the principles of interagency arrangement under the Coordinated Border Management (CBM) principles. There must be cooperation between border agencies on a voluntary basis to establish joint control, manage customs and sanitary, plan traffic, and reduce bottlenecks (Aniszewski 2009). CBM represents “an approach to manage borders involving public service agencies working across portfolio boundaries in a coordinated manner to achieve a shared goal thus providing a cohesive government response to the challenge of borders” (Aniszewski 2009).

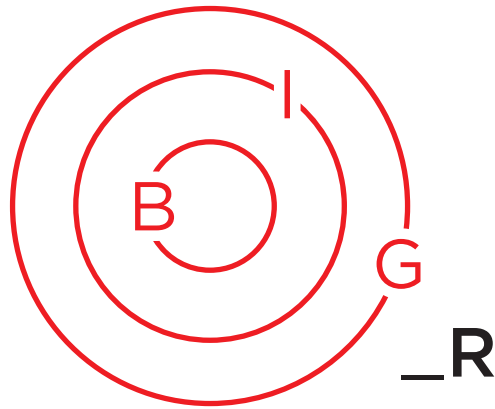
5.1.2. Sub Process customs—lack of differentiated control

PENX recognises the relevance of improving border management to optimise customs clearance and prioritise post-clearance controls (Minister of International Trade and Tourism of Peru 2013). In this regard, customs control should be differentiated based on the type of goods, regime, or destination in the customs process. It is recommended that a fast line be implemented to expedite cross-border traffic of low-risk pre-registered users. To this extent, low-risk cargo, vehicles, or drivers would be subject to a less extensive revision, leaving the high-risk cargo to be controlled by the new technologies that the Smart Borders Project will implement (e.g., non-intrusive scanners). As a reference, the Border Service Agency (CBSA-Canada) and Border Protection (CBP-US) host the programs Fast Line and Sentry, respectively. They enable the rapid flow of low-risk vehicles and pre-approved trusted traders to pass through special traffic light gates, prioritising the rest (Canada Border Services Agency 2022). In sum, the proposals regarding infrastructure modifications and differentiated control should be planned in medium- and short-term, considering the planned Smart Borders Project modifications at the CAFSR.

Works Cited

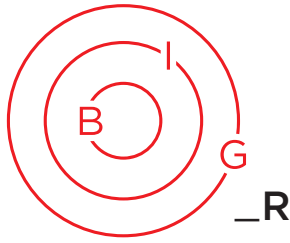
- Aniszewski, Stefan. 2009. “Coordinated Border Management—A Concept Paper” World Customs Organization (June). <https://www.wcoomd.org/-/media/wco/public/global/pdf/topics/research/research-paper-series/cbm.pdf?db=web>
- Canada Border Services Agency. 2022. “Free and Secure Trade—About the FAST Program” Canada Border Services Agency (June 6). <https://www.cbsa-asfc.gc.ca/prog/fast-expres/about-apropos-eng.html>
- Complejo Fronterizo Santa Rosa. n.d. “Quienes somos”. <https://complejosantarosa.sunat.gob.pe/quienes-somos>
- Chilean Customs. 2005. “Cooperation and Mutual Assistance in Customs Matters of the Governments of Peru and Chile” *Aduanas de Chile* (May 19). https://www.aduana.cl/aduana/site/docs/20080711/20080711171847/tratado_vally115.pdf
- Chilean Customs. 2015. “Aduanas de Chile Y Perú Trabajarán En Mejorar Trámites Fronterizos” *Aduanas de Chile* (September). <https://www.aduana.cl/aduanas-de-chile-y-peru-trabajarán-en-mejorar-tramites-fronterizos/aduana/2015-09-09/215409.html>
- Chilean Customs. 2021. “Integración Física Y Facilitación Fronteriza—DIFROL” Dirección Nacional de Fronteras y Límites del Estado. <https://difrol.gob.cl/integracion-fisica-y-facilitacion-fronteriza/#1660852184623-f689b95b-5e60>
- Chura, Yesika, and Mercedes Gomez. 2020. “Artículo ganador del primer puesto del Concurso de Artículos 2020” in SUNAT (ed.) Colección de Artículos de Investigación Tributarios y Aduaneros 2020. <https://iat.sunat.gob.pe/sites/default/files/documentos/2022/10/archivos/iat-coleccion-articulos-2020.pdf>
- Delgado, Mary. 2020. “Tax and Customs Law: Relevant aspects in the digital era” Perú Ministerio de Economía y Finanzas. <https://www.mef.gob.pe/contenidos/conv/registro/defcon/indice-2021.pdf>
- Development International Bank. 2021. “Cadena Lackchain” LACChain. Accessed April 21, 2023. <https://www.lacchain.net>
- ESCAP (Economic and Social Commission for Asia and the Pacific). 2023. “Mercosur Blockchain for AEO Data Exchange” Cross-Border Paperless Trade Database. <https://www.digitalizetrade.org/projects/mercotur-blockchain-aeo-data-exchange>
- Galindo Cantor, Sebastián. 2023. “Blockchain, una herramienta para el comercio exterior” Asociación Nacional de Comercio Exterior—Analdex (*Issuu*). https://issuu.com/analdex/docs/exponotas_72_ultima_versi_n/s/27326273
- Minister of International Trade and Tourism of Peru. 2007. “Tratado de Libe comercio Peru Chile” Acuerdos Comerciales del Perú. http://www.acuerdoscomerciales.gob.pe/En_Vigencia/Chile/inicio.html
- Minister of International Trade and Tourism of Peru. 2013. “PENX Plan Estratégico Nacional Exportador 2025” *Estado Peruano*. https://cdn.www.gob.pe/uploads/document/file/300353/d31291_opt.pdf?v=1581634885
- Okazaki, Yotaro. 2018. “Unveiling the Potential of Blockchain for Customs” World Customs Organization (June). https://www.wcoomd.org/-/media/wco/public/global/pdf/topics/research/research-paper-series/45_yotaro_okazaki_unveiling_the_potential_of_blockchain_for_customs.pdf
- OECD (Organisation for Economic Co-operation and Development). 2022. “Mutual recognition agreements (MRAs)”. <https://www.oecd.org/gov/regulatory-policy/irc-mras.htm>
- Peruvian Congress. 2007. “Ley N° 28977: Ley de Facilitación del comercio exterior” Ventanilla Única de Comercio Exterior. https://www.vuce.gob.pe/marco_normativo/03%20-%20Ley%2028977%20_LeyFacilitacionComercioExterior.pdf
- Peruvian Congress. 2008. “Decreto Legislativo N° 1053” SUNAT. <https://www.sunat.gob.pe/legislacion/procedim/normasdua/gja-03normasoc.htm#:~:text=%2D%20Conjunto%20de%20medidas%20adoptadas%20por>

- Peruvian Congress. 2011. “Acuerdo Marco para la Implementacion de Sistemas de Control Integrado y de Cooperacion para la Facilitacion del Transito en los Pasos de frontera habilitados entre Peru y Chile—Norma Legal Diario Oficial El Peruano” *Diario El Peruano*. <https://busquedas.elperuano.pe/normaslegales/acuerdo-marco-para-la-implementacion-de-sistemas-de-control-convenio-acuerdo-marco-para-la-implementacion-de-sistemas-de-control-1040406-1-1/>
- Peruvian Congress. 2016. “Aprueban Reglamento del Decreto Legislativo N° 1183, Decreto Legislativo que Aprueba La Ley que Establece Las Competencias para La Implementación y Gestion de Los Centros de Atención En Frontera” *Diario El Peruano*. <https://busquedas.elperuano.pe/normaslegales/aprueban-reglamento-del-decreto-legislativo-n-1183-decreto-decreto-supremo-n-050-2016-ef-1358684-4/#:~:text=El%20presente%20reglamento%20tiene%20por>
- Peruvian Congress. 2017. “Modifican El Reglamento de La Ley General de Aduanas, Aprobado Por Decreto Supremo” *Diario El Peruano*. <https://busquedas.elperuano.pe/normaslegales/modifican-el-reglamento-de-la-ley-general-de-aduanas-aproba-decreto-supremo-n-270-2017-ef-1564369-2/>
- Peruvian Congress. 2018. “Decreto Legislativo N° 1433” *Estado Peruano*. <https://www.gob.pe/institucion/mef/normas-legales/201353-1433>
- Peruvian Congress. n.d. “Decreto Legislativo Que Modifica La Ley N° 27658, Ley Marco de Modernizacion de La Gestion Del Estado” *Diario El Peruano*. <https://busquedas.elperuano.pe/normaslegales/decreto-legislativo-que-modifica-la-ley-n-27658-ley-marco-decreto-legislativo-n-1446-1692078-21/>
- Puerto Terrestre Los Andes. 2022. “Quienes Somos” Puerto Terrestre Los Andes. <https://www.ptla.cl/quienes-somos/>
- SUNAT. 2020(a). “Procedimientos—Importacion Definitiva”. <https://www.sunat.gob.pe/legislacion/procedim/despacho/importacion/importac/procGeneral/despa-pg.01.htm>
- SUNAT. 2020(b). “Plan de Gobierno Digital SUNAT 2020-2022”. <https://www.sunat.gob.pe/legislacion/superin/2020/anexo-236-2020.pdf>
- SUNAT. n.d.(a) “Trade Facilitation Security and Transparency”. <https://www.sunat.gob.pe/operatividadaduanera/fast/index.html>
- SUNAT. n.d.(b) “Nota Tributaria: Importation Statistics”. https://www.sunat.gob.pe/estad-comExt/modelo_web/boletines.html
- SUNAT. 2022(a). “Letter N° 000030-2022-SUNAT/3G0000: Public Access to information” received on August 15, 2022.
- SUNAT. 2022(b). “Letter N° 000032-2022-SUNAT/3G0000: Public Access to information” received on August 26, 2022.
- WCO & WTO. 2022. “WCO/WTO Study Report on Disruptive Technologies” World Trade Organization (June). https://www.wto.org/english/res_e/booksp_e/wco-wto_e.pdf
- WTO (World Trade Organization). 2017. “Agreement on Trade Facilitation” https://www.wto.org/english/docs_e/legal_e/tfa-nov14_e.htm
- WTO (World Trade Organization). 2019. “Trade Policy Review WT/TPR/G/393”. https://www.wto.org/english/tratop_e/tpr_e/g393_e.pdf
- Yaren, Huseyin. 2020. “Implementing Blockchain Technology in the Customs Environment to Support the SAFE Framework of Standards” *World Customs Journal* 14(1): 127-138. <https://worldcustomsjournal.org/Archives/Volume%2014%2C%20Number%201%20%28Apr%202020%29/1897%2000%20WCJ%20v14n1%20COMPLETE.pdf#page=134>



RESEARCH NOTES

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RESEARCH
NOTE

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Erasing the Line: Mapping Indigenous Community across the US–Canada Border

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Vincent Falardeau
Kathryn Talano

North American settler colonialism is not a historical event, but an ongoing process that strives to silence the continued presence of the original Indigenous inhabitants in the United States and Canada. The map, Erasing the Line, attempts to challenge the primacy of existing sovereign states by showing contiguous Indigenous community across the US–Canada border. This subversive visualization is inspired by nationalist maps and uses official census data to challenge the settler state narrative from within.

The aim of this map (**Figure 1**) is to challenge the primacy of sovereign state boundaries and to disrupt the settler colonial logic in the depiction of Indigenous peoples in the United States and Canada borderlands. It is a subversive visualization that is meant to complement work on Indigenous borderlands along the US–Canada divide (www.border-rights.org). The US and Canadian settler states strive to overwrite the landscape of the original inhabitants and to sever contacts between and within Indigenous nations and communities. The segregation extends to separate nomenclatures: First Nations and American Indians, reserves and reservations, Ojibwe and Chippewa, Blackfoot and Blackfeet, and so on. These distinctions translate into different rights and

rites for crossings. *Erasing the Line* is a cartographic exploration from within the settler episteme that seeks to counter the almost universal silencing of a contiguous Indigenous presence and exchange across the border in official maps as well as in popular scientific publications, such as National Geographic’s map of “Indian Country” (<https://www.natgeomaps.com/re-indian-country>).

The map’s aim is to destabilize the settler view of the borderlands, rather than to represent official or authentic Native community interests. Just as Henri Magritte said of his painting of a pipe, we say of the map *Erasing the Line*: “this image is not Indigenous land”. Indigenous cartographic critique explains that Western maps are not

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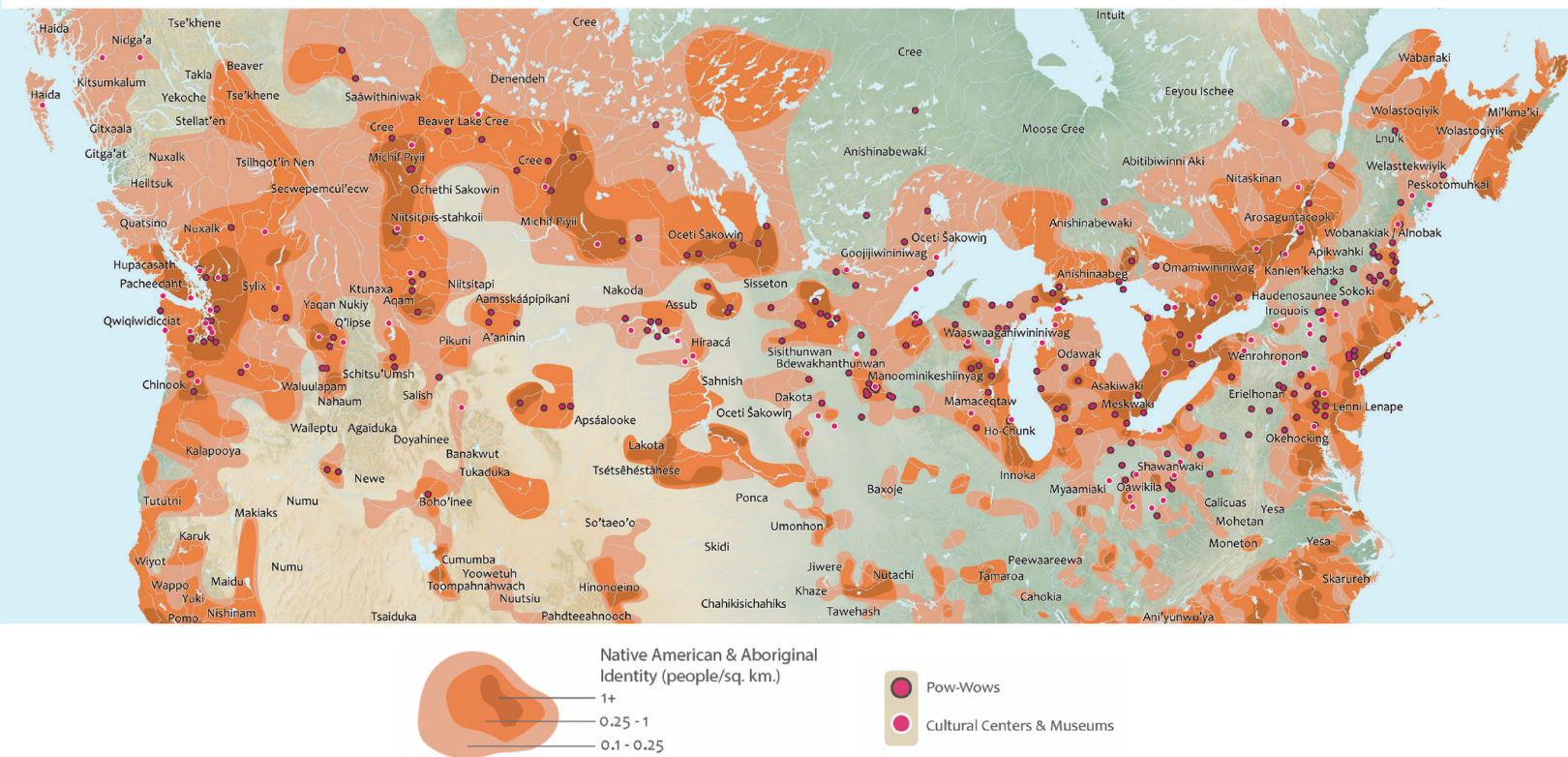


Figure 1. Erasing the Line: Mapping Indigenous Community across the US-Canada Border, by Vincent Falardeau, Guntram Herb, Kate Talano. Disclaimer: Indigenous peoples' names labelled without intimate knowledge of their history. Spellings may reflect varied sources. Isolines of population have been drawn freely from county choropleth maps. Data on Pow Wows and cultural centers collected from online sources for all states and provinces that touch the US-Canada border pre-COVID-19. This map does not intend to represent official or authentic native community interests. Sources: native-land.ca, powwows.com, SRTM Elevation Data, Natural Earth, US ACS 2019, Canada Census 2016. A higher-resolution TIF (90 mb) is available here: <https://tinyurl.com/5y3kcnpj>

able to capture the holistic nature of Native conceptions of land, such as spiritual dimensions or changing seasonal importance, though there are Indigenous mapping projects that use cartography and GIS as tools to empower communities, such as the Indigenous Mapping Collective (<https://www.indigenousmaps.com/>) (see also Louis et al. 2015; Pearce & Louis 2008; Rose-Redwood et al. 2020). We want to stress that as non-Indigenous authors, we do not speak for the multitude of Indigenous nations and communities included on this map. We have consulted diverse sources to label nations and communities with their original names, but ensuring that all are correct or that the list is fully inclusive was not feasible for this project (such a task would require contacting all known communities across the borderlands and widely publicizing announcements to offer all communities a chance to be heard). The lead author did travel with a Sault Ste Marie Chippewa tribal member along the entire US-Canada border and met with about 30 Indigenous communities between 2016 and 2017 (see "Fieldwork" at <https://sites.middlebury.edu/borderrites/about/fieldwork/>). This map is not to be understood as a documentation of all Indigenous

borderland communities, but as an argument that there are close and multifarious Indigenous links across the US-Canada border that render the line highly problematic.

Many Indigenous counter-maps break the settler colonial logic by reinscribing the names and places of the original inhabitants. For example, Aaron Carapella raises awareness of Native peoples in North America by mapping their preferred original names with his well-designed, captivating maps (<https://www.tribalnationsmaps.com/>). Margaret Pearce's cartography has no equal. Her stunningly beautiful maps are based on meticulous, respectful research, feature truly astonishing numbers of Indigenous place names, and include disclaimers about the ownership of these names (<https://www.studio1to1.net/work>). Yet, even these counter-maps often end at the official US-Canada border, which reinforces the sovereignty of those settler states, though that is quite obviously not the intent.

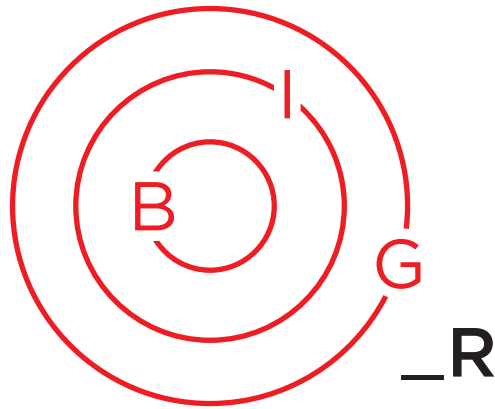
Our map is thus not an *Indigenous* counter-mapping effort per se, but an attempt to draw attention to the need to destabilize existing sovereign borders because

they divide Indigenous peoples. We offer a subversive cartography from within the settler episteme of Western cartography. The population data in our map derives from settler state agencies—US Census ACS survey 2019 and the Canadian Census 2016—but is visually re-organized. The shades of red depict numbers of census respondents per square kilometer who indicated that they have “Native American” (US) or “Aboriginal” (Canada) identities. Rather than adopting the irregular and arbitrary boundaries of political units to represent these different concentrations of Native peoples, we created isolines free-hand from administrative district choropleth to show smooth gradations of concentrations across the borderlands. The design is inspired by Eugeniusz Romer’s innovative use of isolines for the depiction of national groups (Romer 1916). These surfaces of contiguous transborder Indigenous presence are augmented by cultural centers, Pow Wows, and community names that are based on publicly available online sources: Pow Wows listed on PowWows.com (2017–2018) and select community names from www.native-land.ca and atlases, such as Anton Treuer’s *Atlas of Indian Nations* (2013). The map not only shows Indigenous community across the border, but also reveals historical colonization strategies, which resulted in dispersed settlements in Canada and more concentrated settlements through confinement on reservations in the

US. *Erasing the Line* attempts to show an alternate view of borderlands and hopefully prods us to question why state borders are generally taken for granted and reified in maps.

Works Cited

- Louis, Renee Pualani, Jay T. Johnson, and Albertus Hadi Pramono. 2015. “Facing the Future: Encouraging Critical Cartographic Literacies In Indigenous Communities” *ACME: An International E-Journal for Critical Geographies* 4(1): 80–98. <https://acme-journal.org/index.php/acme/article/view/729>
- Pearce, Margaret Wickens, and Renee Pualani Louis. 2008. “Mapping Indigenous Depth of Place” *American Indian Culture and Research Journal* 32(3): 107–26. <https://doi.org/10.17953/aicr.32.3.n7g22w816486567j>
- Romer, Eugeniusz. 1916. *Atlas Polski*. Plate IX. Warsaw, Cracow: Freytag & Berndt.
- Rose-Redwood, Reuben, Natchee Blu Barnd, Annita Hetoevehotohke’e Lucchesi, Sharon Dias, and Wil Patrick. 2020. “Decolonizing the Map: Recentring Indigenous Mappings” *Cartographica: The International Journal for Geographic Information and Geovisualization* 55(3): 151–62. <https://doi.org/10.3138/cart.53.3.intro>
- Treuer, Anton. 2013. *Atlas of Indian Nations*. National Geographic Books.



BOOK & FILM REVIEWS

In addition to book reviews of scholarly works in border studies, *BIG_Review* also publishes fiction reviews of both novels and films related to the world of borders—whether political, material, cultural, or conceptual borders. The Book & Film Reviews Section is edited by the Chief Editor Emmanuel Brunet-Jailly (book reviews) and Hakan Ünay (film reviews). Like all content we publish, the reviews are available for free in open-access Creative Commons licensing.



FILM REVIEW

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<https://doi.org/10.18357/bigr42202321385>

A 'Shadow Game' is Haunting Europe

Şeyma Saylak *

Shadow Game

Film (documentary), 2021

Directed by Eefje Blankevoort, Els van Driel

Run Time: 1 hour, 30 minutes

Original Language: Arabic, Pashtun, English

More Information at:

<https://shadowgame.eu/en/homepage/>

At night, the shadow of Mo, a 17-year-old boy from Iran, hovers over the cobblestones of a Greek town while he is saying: *Playing the game is playing life and death* and shows his tattoo: *Life is war*. This is the story of a world where war is no longer an exception; it is the story of the children of war.

As one of the main pillars of a long-term media project led by Eefje Blankevoort and Els Van Driel, *Shadow Game* is the voice of young people on the move on their perilous journey in search of a humane life in Europe, while exposing the systematized violence of the European asylum system. It accompanies the journeys of the boys on the move whose beards have started to grow on the road—on the Balkan Route, from homelands



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rendered unlivable, passing through Turkey and Greece, and hopefully reaching the EU border with Bosnia and Herzegovina and Serbia.

In this documentary, we watch the struggle of four protagonists on the peripheries of Europe, carried by solidarity, friendship, endurance, and networks of knowledge. Durrab, Faiz, Yaseen, Mohammed, Fouad, and many more are the subjects and actors of another life within this life—of *borderlife*. Borderlife has its own rhythm, a routine of emergency, an emergency of being stuck in the present. If you enter this borderlife, you routinely hear the words floating in the air: *jungle, police, problem, inshallah, Europe, and the game*.

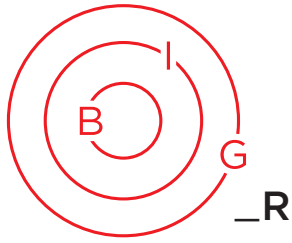
This term, *the game*, uttered for the first time by who knows who, refers simply to the attempt of crossing the border. Yet moreover, it turns into a ritual of its own; some pre-game preparations according to which game is played—*jungle game, taxi game, train/ticket game, truck game, walking game (pediri game in Pashto)*, etc. It symbolizes escape routes planned according to which border to cross, which country you are from, the color of your skin, and your gender. It is a metaphor that does many things at once. On the one hand, it functions as a safety word. On the other hand, it serves to normalize the unfathomable danger, realizing that even if it inherently involves the possibility of loss, it can be tried over and over again. Moreover, they laugh and joke about their game stories, or even write a song about the game called *Khalaf*, meaning *everything illegal*.

However, sometimes 'game over' means death in a river or the cold. *It's a mission. If you complete it, you win the game. Let's see who wins, the police or us. We will make you crazy. We're children of war.* And yes. They are children. Children who shouldn't be playing this game. *I haven't felt like a child since I came here*, Durrab says to the camera. Moustafa explains how his arm was broken by Croatian police officers, infamous for their brutality. Jano describes the horror of nearly drowning in a river. And we see the worry in the eyes of Shiro, who has no news of the brother he lost while fleeing from the police.

In these stories, the border appears as an impenetrable structure, an irresistible force. On the contrary, however, we must remember that just as the border is not static, despite attempts to standardize and systematize its operation, the experience of *refugeeness* is not the same, fixed and predestined by the border regime. We see how two brothers traveling together have different experiences of being refugees, how a black person has to take different routes, or how this ableist border regime forces women and the elderly to stay behind. Therefore, beyond a geographical demarcation line, the border in our world is alive. It's a land expanding spatially and temporally so much so that borderlife has its own measure of time and space, just as we see in the documentary: *It took five games to get Serbia, there are two-to-three borders left to Belgium, and we'll be there after four rivers*. It's an impact zone that reshapes the things that touch it and is also reshaped by them in a reciprocal process. As Faiz and his friends, who reached France after months of struggle, wrote on the wall as they walked under the bridge at midnight: *Macron here we come*. They are there. They exist. And they have been changing the world.

At first glance, we are watching stories of children turning into shadows at the borders of the EUrope. This movie wants us to see that these shadows have names, faces, voices, and stories as the camera makes us look right into their eyes with close-up shots. If we look closer, we realize that we are also watching those who use being imperceptible and clandestine, being a shadow, as a tactic of escape and resistance against the sovereign, the sovereign who claims to be visible, omnipresent, omniscient.

You can continue to follow the ongoing stories of our protagonists on the website of the project that created the documentary. To see how borderlife expands beyond geographical borders, but also to see that these boys' stories do not freeze at the border, nor on the screen, but continue. And the last word is a plot spoiler: borders are crossed.



FILM REVIEW

The Swimmers: Reflecting on Displacement, Migration, and the Politics of Exclusion

Natasha Sofia Martinez *

The Swimmers

Film (drama), 2022

Directed by Sally El Hosaini

Written by Sally El Hosaini and Jack Thorne

Runtime: 2 hours and 14 minutes

Original Languages: English, Arabic

More information at:

<https://www.imdb.com/title/tt8745676/>

“They have no idea [that] people are dying in that sea”
— *The Swimmers*

The Swimmers, directed by Sally El Hosaini, is a biographical film premised on the real-life forced migration of two Syrian sisters, Yusra and Sara Mardini, who decided to leave Syria in 2015, following the outbreak of the civil war in 2011.

The film spans various temporalities, depicting the transition of the Mardini sisters living a somewhat normal life during the Syrian war, to navigating precarious crossings from Syria to Turkey, Turkey to Greece, Greece to Germany, culminating with their transition from “asylum seekers” to “refugees”.

The film bears witness to the physical and emotional toll of forced migration, the fatigue and exhaustion, family separation, abuse and trauma, and the constant feeling of uncertainty. The Mardini sisters’ experience of



displacement and forced migration is not unique. In fact, their story transcends borders. From South America to North America, from Africa to Europe, from Asia to Oceania, “irregular migrants” of various ages transit through countries and across hostile terrains to reach

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safety. But survival comes at a cost. Having to rely on smugglers, irregular migrants like Yusra and Sara will spend hundreds to thousands of dollars to transit borders, while simultaneously being exploited and exposed to near-death experiences.

The Mardini sisters' journey across the Aegean Sea in an overcrowded, patched-up inflatable boat also reveals the disastrous consequences associated with migration management policies like Prevention through Deterrence (PTD). Anthropology Professor Jason De Leon has written (2015) that PTD strategies are used by the State to force irregular migrants to journey through remote regions that have less security, but more hostile terrain. The Sea, in this context, is an area of hostile terrain that is not as heavily monitored as land borders in the region; thus asylum seekers make the active decision to embark on a risky journey in makeshift boats, often overpacked, and, as the film reveals, many cannot swim.

Despite De Leon writing about PTD in the context of the US–Mexico border, the experiences of Yusra and Sara, and the hundreds of others that cross the Aegean Sea, reveal the transnational application of PTD strategies and their consequences. For instance, in the film there is a scene where a distress call is made to the coastguard. Despite being in “Greek Waters”, the coastguard informs them that it is not their policy to intervene. To save the lives of everyone on board, the Mardini sisters jump into the sea and swim alongside the boat until they reach the Greek Island of Lesbos. While they survived, this is not the reality for many as there have also been about “25,000 deaths since 2014” (Sunderland 2022). The issue here is not that asylum seekers are using their agency to migrate, but rather, the politics of exclusion the state is relying on to deter asylum seekers, pushing them towards peripheral spaces.

The UNHCR determines that “more than a million refugees and migrants [have] crossed the Mediterranean to Europe” (UNHCR 2022). The film evokes these numbers when panning over the layers of lifejackets in Lesbos, representative of the thousands of bodies that have made this trek over the last decade. This scene speaks volumes, and the film does an excellent job of implicitly allowing viewers to draw parallels to similar scenes located in areas thousands of miles away like the Mexico–US border or the Darien Gap, where shoes, backpacks, water bottles, and other objects cover the ground, left behind by irregular migrants.

Upon arriving to Lesbos, their precarious journey does not end. The sisters experience xenophobia, smuggler scams, and are almost detained by police when marching from Greece to Germany. The film effectively reveals the anti-immigrant sentiments that asylum seekers face when transiting through Europe. Despite their harrowing

journey across borders, Yusra and Sara reach Berlin and formally claim asylum, starting the process of their transition from asylum seeker to refugee.

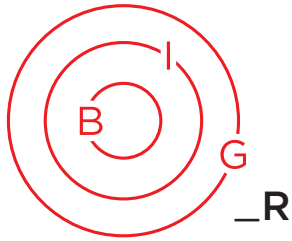
However, the film also reveals that becoming a refugee is not always a smooth process, nor is it greener on the other side. Since arriving in Greece, the Mardini sisters and their group instinctively avoid registering with any “camp”, as they know they would become stuck there. While this was not the case in Berlin, as they readily registered to try to obtain family reunification, the film’s portrayal of the camp as a liminal stage and space is nevertheless evident. For instance, the film reveals how asylum claimants are housed—in cramped spaces with administrative oversight and limited privacy. The “camp” experience is not unique. In fact, it is one that many asylum seekers can relate to. Whether in Kenya or in Jordan, the camp is another space where refugees experience uncertainty and precariousness.

The Swimmers amplifies the call for the safe passage of asylum seekers by exposing viewers to the harsh realities associated with the politics of exclusion of certain bodies. By showcasing Yusra’s and Sara’s journey, El Hosaini effectively brings attention to the structural obstacles that asylum seekers face around the globe, while still providing space for agency, solidarity, and collectiveness to shine through, whether this is through Yusra’s decision to migrate, the sisterly bond throughout, or the transnational collective mobility practices the Mardini sister’s participate in, migrating as a group from Turkey to Greece and from Greece to Germany.

Still, what makes Yusra’s and Sara’s experience so captivating is how they consistently disrupt the concept of refugeeness in the film. Whether it is Yusra’s ambition to train as an Olympian, despite the cards she has been dealt, or Sara’s desire to work as a humanitarian in Lesbos, the sisters highlight how refugees are not just refugees. They have a past, a present, and a future.

Works Cited

- De Leon, Jason. 2015. *The Land of Open Graves: Living and Dying on the Migrant Trail*. Oakland, California: University of California Press.
- Sunderland, Judith. 2022. “Endless Tragedies in the Mediterranean Sea: Europe’s Commitment to Rescue Would Save Lives”. Human Rights Watch. Available: <https://www.hrw.org/news/2022/09/13/endless-tragedies-mediterranean-sea>
- UN High Commissioner for Refugees (UNHCR). 2022. UNHCR Data Visualization on Mediterranean Crossings Charts Rising Death Toll and Tragedy at Sea. Available: <https://www.unhcr.org/news/briefing/2022/6/62a2f90a1a/unhcr-data-visualization-mediterranean-crossings-charts-rising-death-toll.html>



BOOK REVIEW

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Movements of Freedom in Stierl's *Migrant Resistance*

Michael J. Carpenter *

Migrant Resistance in Contemporary Europe

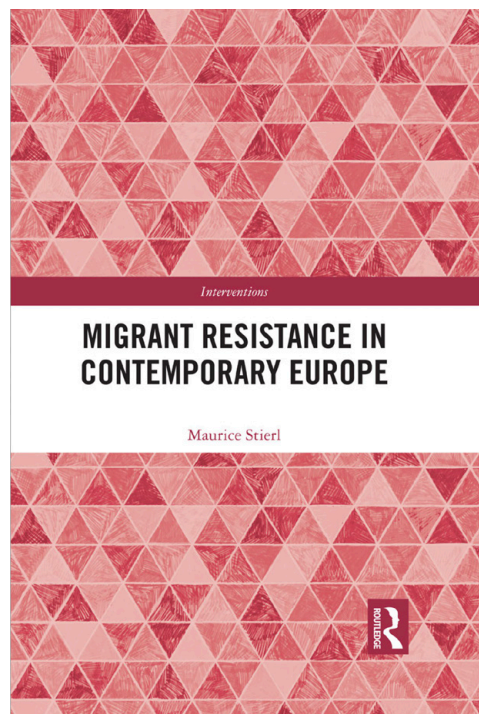
By Maurice Stierl

Abingdon UK and New York: Routledge, 2019
252 pages
ISBN 9781138576230

<https://www.routledge.com/Migrant-Resistance-in-Contemporary-Europe/Stierl/p/book/9780367524562>

Migrant Resistance in Contemporary Europe, by Maurice Stierl, is an outstanding achievement in the social sciences. The book establishes aspects of migration as “resistance” and “movements of freedom” through original ethnographies in the European borderlands circa mid-2010s. The author demonstrates that unauthorized migration *per se* constitutes “migrant resistance”. In Stierl’s persuasive conceptualization, the politics of unauthorized migration—whether by sea, land, or overstayed visa—is inextricably bound up with the more overtly political acts of public protest and social solidarity that are often undertaken in support of and by migrants, and often in Europe’s metropolises as well as outlying border regions.

The book’s major contribution is three ethnographic case studies in three chapters, structured around the author’s tripartite analytical framework of “migrant resistance”. The three cases are (i) a series of unprecedented direct action campaigns in Berlin; (ii) the human experiences of irregular migrants transiting the busy Aegean route into Europe; and (iii), European civil-society coalitions trying to save lives in the Mediterranean Sea. These cases are conceptualized, respectively, through the ideas of “*migratory dissent*” (public protest for migrant rights), “*migratory excess*” (irregular migration), and “*migratory*



solidarity” (social support). Stierl’s approach can therefore be summarized with the following equation: migrant resistance = public protest, or *dissent* + irregular migration, or *excess* + social support, or *solidarity*. Apart from exercising this conceptual schema, the case studies are valuable for their detailed and sensitive accounts of migrant resistance during one of Europe’s most contentious periods of migration.

The **Introduction** and **Chapter 1** set out the book’s theory and methodology, which Stierl maintains cannot

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be separated. Theory and methodology are instead entangled in the notion of *doing theory*, or *theory as method*, blurring the lines between research and activism. Drawing especially on Michel Foucault's work on power and on Jacques Rancière's notion of politics, Stierl shows that migration, even and especially when it seems to operate outside of conventional political registers, constitutes a power struggle for *and of* freedom.

While strong on theory and methodology, the book's core contribution is empirical: three ethnographies of migrant resistance, aligned to his conceptual framework. Taking up the first case, **Chapter 2** reviews unprecedented campaigns of "*migratory dissent*" in Germany between 2012 and 2016, focusing on the Non-Citizens protest movement. With on-the-ground experience, fieldnotes, and interviews, Stierl documents direct action for migrant rights in the form of demonstrations, marches, occupations, hunger-strikes, and more. The chapter also highlights new and old fault lines that were drawn *within* the migrant activist community, sometimes reproducing the very divisions they sought to transgress in their border defiance (37, 41–43, 45). Tied to direct action and movement organization, "*migratory dissent*" is more evidently political than the second aspect of Stierl's migrant resistance, to which he turns next.

Chapter 3 is the centerpiece. Again through ethnography, Stierl discloses the plight of migrants caught up in securitized and exclusionary "borderscapes" of Greece as an illicit human-transit zone. Here, the book's most distinctive concept, "*migratory excess*", draws attention to that aspect of migrant resistance in which people on the move defy border regimes, pushing systems to limits. In this sense, "*excess*" (which Stierl notes has been used by critical thinkers in contexts other than migration) is not just about quantity. It is "*excess*" as *superfluous*, as *overflow*, *beyond the pale*. But it is also inherently dynamic, open to meaning, uncontrolled, and, for this reason, Stierl argues, subversive and a kind of resistance, especially when taken in tandem with migratory dissent and solidarity.

Chapter 4 covers the third aspect of migrant resistance: "*migratory solidarity*". Here Stierl recounts the complicated roles of allies in supporting migratory movements with detailed and at times harrowing accounts of the civil society campaigns Boats4People and Alarm Phone, which operated in and around the Mediterranean during this period and with which Stierl became personally involved. The chapter acknowledges that solidarity has always been fraught with social, political, and cultural divisions, becoming even more challenging and inherently divisive in the context of illegal migration. Yet solidarity is more urgent than ever, Stierl resolves.

Following the ethnographies of migratory dissent, excess, and solidarity, the next two chapters take a thematic view. **Chapter 5** shows how the stories of the book repudiate Europe's self-aggrandizing identity of itself as borderless, humanitarian, and post-racial or postcolonial. The chapter

spells out how migrant resistance belies each of these claims. **Chapter 6** goes deeper into critical analysis of power and resistance, returning especially to Foucault's work on sovereign, disciplinary, and biopolitical power. From these analytical perspectives, the nuanced conduct and significance of migrant resistance, often obscured under hegemonic registers of politics, become clearer.

Finally, **Chapter 7** reflects on the book and looks soberly forward. Stierl reminds that the actions and motives of migrants cannot be generalized or romanticized; they are often mundane, parochially individualistic, and more private than public. Yet they can and should be understood as a kind of resistance, at once reacting to and reconstituting the political structures that first impelled then persecuted such movements. The concluding chapter also assesses the debate between the more reformist "open borders" and the more radical "no borders" approaches to migrant rights (196–198), recognizing the former as more practical yet sympathetic to the ideals of the latter (201–202). He points to Balibar's open-borders argument by democratic principle (199); to democratize borders would be to subject them to the governance of all people impacted, not restricted by nationalist or other exclusionary criteria. The chapter and book end by invoking Foucault's call for "hyper and pessimistic activism" (199).

The book's weaknesses are few. Theoretically, from this reviewer's perspective, alternative analytical lenses are conspicuously absent. In particular, the idea of civil disobedience has much to offer this topic (Celikates 2019; Cabrera 2021) yet does not appear in the book. Relatedly, the study of *civil resistance* or *strategic nonviolent conflict* (Chenoweth 2021) may be useful here, with its compelling analytics of action, power, and change. And Stierl's account of "movements of freedom" could have been deepened by engaging with James Tully's work on "practices of civic freedom and global citizenship" (2014), which conceptualizes radical democracy irrespective of borders. Overall, for its rigorous combination of ethnography and critical analysis, Stierl's *Migrant Resistance* is vital reading for anyone interested in grasping or pushing back against hardening border regimes around the world.

Works Cited

- Cabrera, L. 2021. "Global Citizenship, Global Civil Disobedience, and Political Vices" in William Scheuerman (ed.) *Cambridge Companion to Civil Disobedience*. Cambridge University Press.
- Celikates, R. 2019. "Constituent Power beyond Exceptionalism: Irregular Migration, Disobedience, and (Re)Constitution" *Journal of International Political Theory* 15(1): 67–81. <https://doi.org/10.1177/1755088218808311>
- Chenoweth, E. 2021. *Civil Resistance: What Everyone Needs to Know*. Oxford University Press.
- Tully, J. 2014. *On Global Citizenship*. London: Bloomsbury.



BOOK REVIEW

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Navigating the *Medicine Line*: A Review of Hogue's Métis Borderlanders

Molly-Ann P. Taylor *

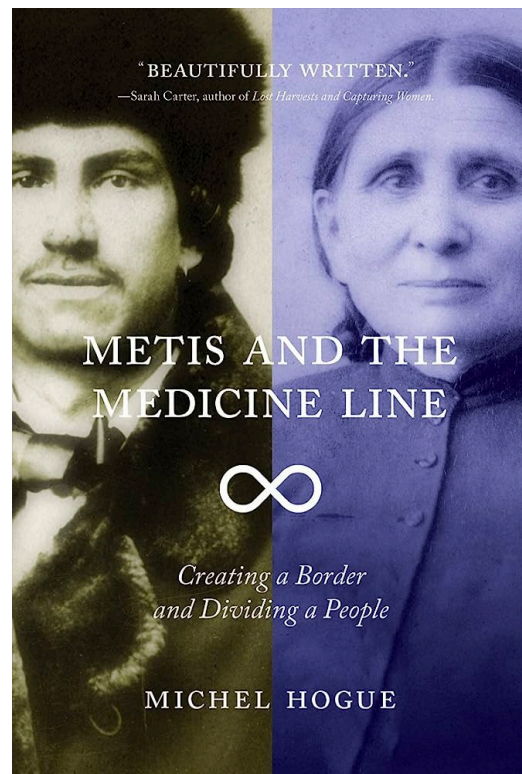
***Métis and the Medicine Line:
Creating a Border and Dividing a People***

By Michel Hogue

Regina, Canada: University of Regina Press, 2015
384 pages
Paperback ISBN 9780889773806

<https://uofrpress.ca/Books/M/Metis-and-the-Medicine-Line>

The two-time award-winning book *Métis and the Medicine Line: Creating a Border and Dividing a People* (2015) by Michel Hogue details the role of the Plains Métis in the creation of the Canada–United States border and the consequences that state lines brought to their communities. The Métis are descendants of 17th-century social, economic, and political kinships between transboundary North American Indigenous peoples and Europeans that united as a distinct nation in the late 18th century (Martens et al. 2011). Through 19th-century archival research, Hogue examines how the fur trade societies and notions of sovereignty and race motivated state officials in Canada and the U.S. to divide and manipulate nation-state borders in order to claim the North American West. The book challenges the traditional peaceful settlement tale of the Prairie West by accounting for decades of violent resistance



efforts against colonial state forces by the Plains Métis and other borderland Indigenous communities such as the Blackfoot, Cree, Gros Ventre, Lakota, Dakota, Nez Perce, Assiniboine, and Anishinaabe.

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Before Canada restricted border crossing mobility, the Métis would cross the 49th parallel in times of contest to find sanctuary on the other side. Métis refer to the border as the Medicine Line, the importance of the term evident throughout each of the five substantive chapters and the book's title. Chapter One describes the organisation of Métis societal, political, and economic affairs on both sides of the border by considering the environmental and economic exigencies of the year-round buffalo fur and provisions trade. The buffalo hunt was central to Métis life in the early 19th century and established political and economic networks across commercial, imperial, and national jurisdictions. Chapter Two explores the conflict between Métis and U.S. federal officials, as officials believed that Métis traders instigated Lakota resistance against U.S. expansion and compromised the governing of Indian Affairs along the 49th parallel. Also alluded to is the role of Métis in creating the border. Hogue details how political actors in Canada and the U.S. relied upon Métis intermediaries to conduct border surveys and diplomatic dealings with First Nations borderlanders.

Chapter Three concerns negotiations between the Métis, First Nations, and Canadian and U.S. officials in the 1870s through two case studies stemming from social patterns, economic rationale, fur trade economies, and ecological sustainability. The first case considers the attempt by Métis peoples to continue living in north-central Montana on the Fort Belknap Indian reservation; the second case regards the role Métis kin played in treaty negotiations between Prairie First Nations and the Canadian state. Chapter Four puts forth endeavours taken by Canada and the U.S. to displace Métis borderland settlements and the efforts Métis took in opposition. In Canada, Hogue examines the 1885 North-West Resistance, and for the U.S., he studies dualistic concepts of race, its failure to recognize Métis rights, and notions of Métis foreignness. Finally, Chapter Five recounts the North-West Half-Breed Scrip Commission in Canada and the Tribal Enrollment Commission at Fort Belknap to better understand what consequences confronted Métis families after the dissolution of their communities.

Hogue's research is thorough and compelling. However, a limitation of this book is that it overly generalises Métis. The author focuses on contentions between Métis and nation-states or First Nations communities but rarely considers political, social, and economic ideological strains within the Métis nation itself. When he reflects on Canada, only a fraction of his research is Métis-specific. Given that Métis representation in pan-Indigenous studies is disproportionately low, the book would have benefited from a more in-depth analysis of the Métis nation (Métis Centre @NAHO n.d.).

Hogue's exploration of Métis federal recognition and Métis border-crossing rights contributes greatly to border and migration studies. Whereas Canada

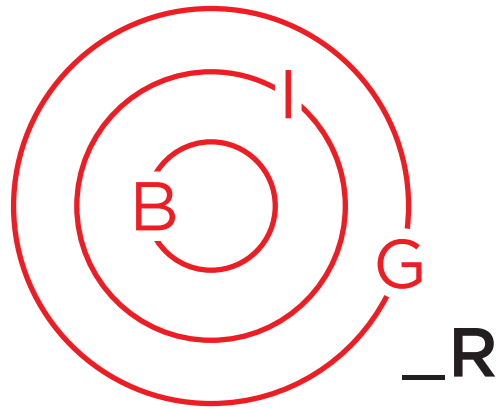
constitutionally recognizes Métis as an Indigenous group under Section 35 of the 1872 Constitution Act, they are not similarly recognized in the U.S. where they only receive federally recognized status if enrolled as a tribal member. In a 2018 news article, Kade Ferris, Métis descendent and member of the Turtle Mountain Band of Chippewa in Belcourt, North Dakota, states: "they said to us, 'you up in Canada, you are Métis. You Métis in America? We do not know what to do with you so we are going to call some of you Ojibwe, some of you Cree'" (Hilleary 2018). *Métis and the Medicine Line* provides valuable historical context useful in unpacking and making sense of contemporary Métis recognition and identity politics.

Before the colonization of North America, Indigenous peoples did not face mobility restrictions, underlining the significance of the 1794 Jay Treaty. Great Britain and the U.S. signed this Treaty to allow Indigenous peoples to travel freely across the international boundary. It is still in effect today, permitting Indigenous peoples born in Canada—including First Nations, Inuit, and Métis peoples—to freely enter U.S. ports of entry upon provision of documentation stating a quantum of 50 percent Indigenous blood at minimum. This book showcases how the Métis occupied and traversed both sides of the 49th parallel, underscoring the importance of the Jay Treaty within the scope of border and migration studies.

In summary, Michel Hogue weaves Métis history throughout *Métis and the Medicine Line*, creating a reflective, insightful contribution to academia. I recommend this unique read to those interested in bringing an interdisciplinary approach to critical border and migration studies in the Canadian and American context.

Works Cited

- Martens, Patricia J., Judith G. Bartlett, Heather J. Prior, Julianne Sanguins, Charles A. Burchill, Elaine M. J. Burland, and Sheila Carter. 2011. "What Is the Comparative Health Status and Associated Risk Factors for the Métis? A Population-Based Study in Manitoba, Canada" *BMC Public Health* 11(1): 814-814. <https://doi.org/10.1186/1471-2458-11-814>
- Hilleary, Cecily. 2018. "'We Know Who We Are'—The Complex Issue of Métis Identity" *Voice of America* (July 11). Available: <https://www.voanews.com/a/we-know-who-we-are-the-complex-issue-of-metis-identity/4478421.html>
- Métis Centre @NAHO. n.d. "What Researchers Need from Métis Communities: Increasing Métis Research" *First Nations, Inuit & Métis Program*. <https://fnim.sehc.com/getmedia/ebbbb9b6-35bf-451e-9c48-48e7e62e454f/Metis-Research-Fact-Sheet.pdf.aspx?ext=.pdf>



EDITORIAL MATTER

About the Journal and For Contributors

About the Journal

Focus and Scope

Borders in Globalization Review (*BIG_Review*) provides a forum for academic and creative explorations of borders in the 21st century. Our interest is advancing high-quality and original works in policy, social sciences, the humanities, and fine arts that explore various aspects of borders in an increasingly globalized world. *BIG_Review* publishes scholarship (academic articles, essays, research notes, book reviews, and film reviews) as well as artwork (photography, painting, poetry, short stories, and more). The journal is committed to peer review, public access, policy relevance, and cultural significance.

Our starting point is that borders offer metaphoric-conceptual tools for the study of differentiation and integration. This perspective mandates a wide range of artistic, theoretical, and empirical explorations of borders. The journal is especially interested in advancing the study of the borders of globalization. New research is documenting a shift in the logic of borders from spatial and territorial to functional and aterritorial. This means that borders are increasingly detached from territory, operating as mobile and relational nodes in increasingly complex regulatory frameworks. For example, border screening often happens far from the border, and goods and people are increasingly bordered ‘on the go’ with microtechnology and biometrics. Simultaneously, global processes challenge the territorial foundations of borders, including subnational and transnational pressures, the virtual flows of global finance and big data, the spread of infectious disease, and the effects of climate change.

The borders of globalization are being established in a variety of spaces—not just in borderlands. Like a shifting puzzle, their infrastructures and institutions interlock in kaleidoscopic geographies and modalities across world, though not always visibly. *BIG_Review* offers a platform to visibilize, problematize, and discuss how these borders are changing and how they affect all

other borders, physically, of the mind, of social groups, and across cyberspace.

The journal also advances original artwork related to borders. Borders capture the popular imagination and inspire creative works. Artwork reflects and influences the cultures that shape borders and can be subversive. *BIG_Review* connects artists to audiences around the world through wide distribution networks and open-access electronic editions. Our art pages showcase individual works as well as portfolios, including photos, paintings, poems, short stories, fiction reviews, and more. All art is published at no cost to the artists.

Peer Review

Each academic article and essay considered for publication in *BIG_Review* undergoes at least two double-blind peer reviews from our international Editorial Board (board members are listed at the front of this issue and on our journal home page). In the event of a split recommendation, a third (and sometimes a fourth) review may be obtained. Publication decisions are based on these reviews.

Open Access and Distribution

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Fee for Publishing Academic Work

We are able to share peer-reviewed academic work around the world for free (open access) in part because we charge a \$250 (Cdn) article processing charge (publication fee) to the author(s) of approved and published submissions, and we charge \$2,500 (Cdn) to guest editor(s) for special sections or special issues (thematic collections up to ten articles) that are approved and published. We encourage authors and guest editors to seek support from research funds, grants, and supporting institutions. The fee allows author(s) to publish work that is both refereed (with at least two double-blind peer reviews) and shareable with friends, family, and social media (Creative Commons BY-NC 4.0). The fee only applies once to academic submissions that have been approved and prepared for publication. There are no fees for submissions that are not published, and there are no fees for book or film reviews or for any artistic submissions (paint, poetry, story, etc.).

Print Copies Available

Bound and printed editions (full colour, 8.5"x11", soft cover) are available from University of Victoria Printing Services for 35 Canadian dollars each (or \$60 Cdn for two) plus shipping, while supplies last (pricing subject to change).

Privacy Statement

The names and email addresses shared with this journal will be used exclusively for the stated purposes of this journal and will not be made available for any other purpose or to any other party.

Partnership with BIG_Books

Borders in Globalization Books (BIG_Books) shares an editorial board with *BIG_Review*. The focus and scope of the books are the same as the journal, except the books publish only academic content, not artistic or fictional. Learn more at [BIG_Books](#).

History

In 2018, [Borders in Globalization](#), a Research Lab of the University of Victoria, British Columbia, Canada, established *Borders in Globalization Review* (*BIGR/BIG_Review*) and the Borders in Globalization Book Series (*BIGB/BIG_Books*). Both publish online, open access, double-blind peer-reviewed manuscripts about the borders of globalization.

Funding and Support

BIG_Review is funded and supported by the [Borders in Globalization](#) research program (BIG). BIG received funding from the [Social Sciences and Humanities Research Council of Canada \(SSHRC\)](#) Partnership Grant (Grant no: 895-2012-1022), and from the [Erasmus+](#) programme of the European Union (the European Commission's support for the production of this publication does not constitute an endorsement of the contents, which reflect the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein).

In order to continue publishing high-quality and open-access work in the absence of secure, long-term funding, *BIG_Review* aims to become self-sustainable through publication fees for academic submissions and advertising revenue.

The [Centre for Global Studies](#) at the University of Victoria provides office space and support. The journal is hosted online by [University of Victoria Libraries](#).

Publicity and Advertising

BIG_Review reserves space for paid promotional content in the social sciences, humanities, and fine arts, including advertisements for new books and other publications, special events, calls for papers, courses and programs, and more. Full and partial page insets will be made available on the inside of the front and back covers, as well as the first and last pages of the journal.

Inside front cover: full page = \$1,000 (Cdn);
half page = \$500; quarter page = \$250

Front pages: full page = \$500 (Cdn);
half page = \$250; quarter page = \$125

End pages: full page = \$100 (Cdn); half page = \$50;
quarter page = \$25

Inside back cover: full page = \$500 (Cdn);
half page = \$250; quarter page = \$125

Ad proposals should be submitted as PDFs directly to our Chief Editor. All inquiries welcome. *BIG_Review* reserves the right to reject ad proposals on any grounds.

Publication Frequency

BIG_Review publishes twice annually: spring/summer and fall/winter.



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It is the responsibility of the authors, not the journal, to determine whether disclosure of their material requires the prior consent of other parties and, if so, to obtain it.

Editorial Notes

BIG_Review is produced on Adobe InDesign. All content templates and design by Michael J. Carpenter (except front cover template, by Karen Yen).

For Contributors

Submission Guidelines

BIG_Review publishes **scholarship** (academic articles, essays, research notes, book reviews, and film reviews), **policy work** (briefs and reports), and **artwork** (photography, painting, poetry, short stories, and more).

Scholarly submissions should present original research relevant to borders in the 21st century. Submissions should engage with the interdisciplinary research literature on borders, including, for example, borderlands, borderscapes, and bordering processes. We are especially interested in studies that go beyond the 'land image' by exploring borders as non-contiguous, aterritorial, globalized, mobile, electronic, biometric, functional, etc. We are equally interested in border studies from Indigenous perspectives, along with questions of sustainability, climate change, global health, colonialism, and subnational and transnational identities. Research questions might include: What are contemporary challenges to borders, internally and externally? How are borders adapting? What challenges do borders pose for communities and for people in transit or seeking asylum? How are cultures shaped by borders, and vice-versa? How are technologies shaping borders? We encourage innovative theoretical work and explorations of borders widely construed, as well as empirical and quantitative research. We welcome scholarly submissions from all disciplines and backgrounds.

BIG_Review also promotes **artistic submissions** pertaining to borders (borders understood broadly: political, social, cultural, metaphoric, personal). Borders capture the popular imagination and inspire creative works. Artwork can reflect and influence the cultures that shape borders. We promote small portfolios and individual works, including original poems, photos, paintings, short stories, creative essays, film and literature reviews, artistic commentaries, and other forms of art. Artists retain copyright of their work and benefit from increased exposure at no cost to them.

BIG_Review's **policy section** dedicates space to the translation of academic research and scholarship into focused, plain-language reports available to everyone. Writing policy briefings and essays is a special skillset that requires researchers to step outside of their academic training and to imagine what their work might look like to someone without their background. Researchers need to present their work in ways that inspire and enable non-experts to incorporate the findings into their policy frameworks. This means submissions should use clear and relatable language, catchy titles and headings, appeal to current events and issues, avoid jargon and theory, cite relatively few sources, and avoid footnotes. Policy suggestions should flow naturally from the research's key findings.

For technical submission requirements, see below.

Peer Review Process

Each academic manuscript considered for publication in *BIG_Review* is submitted to at least two members of the Editorial Board (or other qualified scholars) for double-blind review. In the event of a "split" recommendation, a third (and sometimes a fourth) review may be obtained. Publication decisions are based on these reviews.

The editors notify authors as early as possible as to whether their paper has been accepted for publication. Selected manuscripts are assigned a member of the editorial team, who will work with the author to address any outstanding issues concerning style or substantive content prior to publication. Papers that do not abide by the publication's style guide may not be accepted. Once revisions have been completed, copyediting and production are provided by *BIG_Review*.

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Each new publication is widely distributed to a recipient list of some 1,000 scholars and policy makers located in Canada, the United States, Mexico, and in over 60 other country around the world.

Fee for Publishing Academic Work

We are able to share peer-reviewed academic work around the world for free (open access) in part because we charge a \$250 (Cdn) article processing charge (publication fee) to the author(s) of approved and published submissions, and we charge \$2,500 (Cdn) to guest editor(s) for special sections or special issues (thematic collections up to ten articles) that are approved and published. We encourage authors and guest editors to seek support from research funds, grants, and supporting institutions. The fee allows author(s) to publish work that is both refereed (with at least two double-blind peer reviews) and shareable with friends, family, and social media (Creative Commons BY-NC 4.0). The fee only applies once to academic submissions that have been approved and prepared for publication. There are no fees for submissions that are not published, and there are no fees for book or film reviews or for any artistic submissions (paint, poetry, story, etc.).

Academic Submission Requirements

Articles are long-form papers (7,000 to 11,000 words) that advance public knowledge about borders in the 21st century, presenting original research, data, analysis, or theory, and engaging with contemporary scholarly literature on borders. Authors should have a background in social sciences, humanities, law, or policy.

Essays are shorter-form papers (1,000 to 4,000 words) that advance public knowledge about borders in the 21st century, including literature reviews, persuasive writing, and opinion pieces, as well as short research papers.

Research notes engage concisely (750 to 1,200 words) with single concepts, terms, or debates pertaining to border studies.

Book reviews (between 800 and 1,100 words) summarize and analyse books (academic and fiction) relevant to contemporary border studies.

Film reviews (between 800 and 1,100 words) summarize and analyse film and television relevant to contemporary border studies.

Submissions must be written in English, though we also consider French and Spanish submissions.

All academic articles and essays must include an **abstract** (75 to 200 words) that summarizes the paper, including the main argument or findings, the disciplinary background or approach, and research literatures or theories relied upon.

BIG_Review **citation style** is very similar to [Chicago "author-date" manual of style](#). This means all citations are contained inside parentheses within the text, listing author(s) last name, and the year of publication (and pagination when appropriate, especially following quotations). Complete bibliographic details of all references are contained in Works Cited at the end of the manuscript, listed alphabetically by author last name, with year of publication preceding work title. All references to academic journal articles must include [DOI weblinks](#) or other [stable URLs](#) at the end of the entry. This increases the exposure of your work.

Quotations should not end with a period or a comma inside the quotation marks, unless the punctuation is original to source; otherwise, periods and commas come after and outside the quotation marks. In the case of article titles in the Works Cited, these should be in quotation marks and followed by no punctuation marks, neither commas nor periods, as in the following examples.

Examples of *BIG_Review* citation and reference style (*notice the placement of all punctuation*):

According to some scholars, borders raise normative imperatives as well as territorial considerations: "what borders do", for example, "should always be related to the overriding ethical concern that they serve and not undermine human dignity" (Agnew 2008, 176).

Works Cited

Agnew, John. 2008. "Borders on the Mind: Re-framing Border Thinking" *Ethics & Global Politics* 1(4): 175-191. <https://doi.org/10.3402/egp.v1i4.1892>

Andreas, Peter, and Thomas J. Biersteker (eds.). 2003. *The Rebordering of North America: Integration and Exclusion in a New Security Context*. London and New York: Routledge.

Jones, Reece. 2012. *Border Walls: Security and the War on Terror in the United States, India, and Israel*. New York and London: Zed Books.

O'Lear, Shannon. 2016. "Geopolitics and Climate Change: The Case of the Missing Embodied Carbon" in Shannon O'Lear and Simon Dalby (eds.) *Reframing Climate Change: Constructing Ecological Geopolitics*. London: Routledge. 100-115.

Shear, Michael, and Maggie Haberman. 2019. "Mexico Agreed to Take Border Actions Months Before Trump Announced Tariff Deal" *New York Times* (June 8). <https://www.nytimes.com/2019/06/08/us/politics/trump-mexico-deal-tariffs.html>

Endnotes are not used for citations and should be used sparingly. Endnotes may be used for substantive observations or supplementary material, but not for citing (though endnote content may include in-text citations). Endnotes should appear together at the end of the manuscript. We use endnotes, **not footnotes**.

For **numerals**, single-digit numbers are spelled out ("zero" through "nine") but higher-digit numerals (starting with "10") are written with numbers. For example, "the total membership rose from just seven to a staggering 6,500". Note that a comma is inserted in four-digit numbers and higher (not for years). Large numbers in units of hundred, thousand, million, etc., may combine numerals with spelling, for example: "There were 18 million applications and just six hundred awards."

Units and **percentages** are spelled out, as in "kilometer" (not "km") and "percent" (not "%"), unless the text is particularly heavy on units and percentages, in which case these should be abbreviated.

All **figures** and **tables** are placed within the text at the appropriate points, rather than at the end (or markers are used within the text to indicate placement).

Sentences are separated by one space, not two. Paragraphs are separated by an additional line.

Academic submission files must be **Microsoft Word** (.doc or .docx), and include two documents: a) an anonymized version (for prospective reviewers); and b) a separate copy of the title page along with the submission title and author information, including highest degree obtained, job title, department, institution, and contact options (i.e., email and social media).

The submission has not been previously published, nor is it under consideration by another publisher (or an explanation has been provided to the editor). Submissions are not guaranteed approval. *BIG_Review* reserves the right to reject submissions on any ground. Make a submission: [submit page](#).

Artistic Submission Requirements

Our electronic platform permits a wide range of media, from print to visual, video, animation, and interactive.

Prose (short stories, creative essays, film and literature reviews, artistic/critical commentaries) should be

double-spaced and use a 12-point font. Length may vary. Accompanying photos and artwork are welcome.

Visual art (photography, painting, sculpture, etc.) must be high-resolution, BMP, JPEG, or PNG, including separate captions.

Poetry formats may vary (length, layout, font, font size, etc.). Accompanying photos and artwork are welcome.

All submissions must be previously unpublished and not simultaneously before other publishers for consideration, unless other arrangements are made with our editors. Submissions are not guaranteed approval. *BIG_Review* reserves the right to reject submissions on any ground. To make a submission, follow the steps at [Submit page](#).

Policy Submission Requirements

Policy submissions may take two forms: policy reports or policy briefs. **Policy reports** should be 4,000 words in length, include a short summary (three bullet points), executive summary, findings, and conclusion with implications and recommendations. **Policy briefs** should be 2,000 words, include a short summary (three bullet points), and must conform to the following template (reports may adopt this format as well):

Title [A policy briefing title should capture the reader's attention and clearly state the brief's purpose]

Author [full name, highest degree, position, institution, city, country, and contact info (email and/or website and/or social media account if applicable)]

Executive Summary [An executive summary details the central themes and purpose of the report and will also contain one or two explicitly stated policy suggestions in the conclusion. An executive summary fills a similar role as a research paper abstract, though it is longer, less technical, and written in plain language that is accessible to non-experts. Whenever possible, avoid the use to jargon or theory. Your sentences and overall approach should strive for brevity and clarity. You should write the executive summary last.]

Introduction [A good introduction will provide the reader with an outline of the problem or question being tackled by the research and will justify why the research is of interest/importance to the audience you are trying to reach. It will also provide a brief overview of the research and its findings and will encourage the reader to continue reading.]

Approach and Results [Here, you will lay out a summary of the research's findings, and a short description of the project's methods and analysis (who conducted it, how was it conducted, what research methods were employed). The findings should start by painting a general picture, before providing specific detail. This section should not be too technical, as it will be read by a non-specialized audience. If applicable, this section should also highlight potential opportunities that emerge from the research.]



Conclusion [Interpret your findings for your audience. Make sure your conclusions flow from your findings and are supported by them. Be as definite as you can be. Aim for clear assertions rather than equivocations.]

Implications and recommendations [Implications are what could happen, based on the research; recommendations are what should happen. Both need to flow from the conclusions and be supported by the evidence. Implications tell the reader “If ‘X’, then...” Even if specific advice hasn’t been requested, implications—when phrased correctly—can imply a course of action regardless. Recommendations ought to state clearly what should happen next. They should be related in a step-by-step fashion, and they must be relevant, credible, and feasible.]

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BORDERS IN GLOBALIZATION REVIEW

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