

CROSS-BORDER COOPERATION - A SOLUTION FOR OVERCOMING THE EFFECTS OF TERRITORIAL FRAGMENTATION IN THE REPUBLIC OF MOLDOVA

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Abstract

The essential point of the article is that cross-border cooperation of local collectivities could be a solution to overcome the effects of territorial fragmentation in the Republic of Moldova. Were analysed the problems related to the normative framework of the cross-border cooperation, the problems faced by the local collectivities in the Republic of Moldova as part of the Euroregions. It has been noticed that local communities in the Republic of Moldova do not fully exploit the opportunities offered by cross-border cooperation within Euroregions and was convinced that the consolidation of local collectivities would be a prerequisite for enhancing their potential and would facilitate their involvement in cross-border projects with similar local collectivities in Romania and Ukraine. Collaboration of local collectivities in the Republic of Moldova within Euroregions would facilitate access to external sources of funding and, thus, contribute to local development and improvement of the living conditions of the population.

Keywords: *fragmentation; cross-border cooperation; local collectivities; local development*

1. The Territorial Organization Dilemma of Public Power: Consolidation vs. Fragmentation

The territorial organization of public power is one of the problems that is constantly on the agenda of both politicians and researchers. Examples are the administrative and constitutional reforms carried out at the end of the 20th century and at the beginning of the 21st century in a number of states, both unitary and federative (Argentina - 1994, Great Britain - 1998, Switzerland - 1999, Italy - 2001, France - 2003, Germany - 2006) and the impressive number of papers that address the issue of territorial organization of public power.

Regardless of the ideologies that were marked, the reforms regarding the territorial organization of the public power concerned two essential aspects: the levels of the territorial organization of the public power and the

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size of the local territorial communities. The debates about establishing the territorial dimension of the communities have outlined two trends: "The reform theory", which supports territorial consolidation, firstly emphasizes the role of the scale economy and the ability to deliver a wider spectrum of local public functions. On the other hand - "The theory of public choice", which accepts small territorial dimensions, refers to the competition between local authorities ("voting with feet") and arguments that support promoting local democracy.¹ Thus, some countries have resorted to consolidation reforms (Denmark, Greece) others to fragmentation reforms (Croatia, Moldova in 2003).² For each of the reform options, more or less convincing arguments were identified. Some researchers and politicians have seen considerable democratic virtues in small communities. They support that small numbers facilitate the participation of citizens in political life, increases confidence in their own competence and produces civic consensus. This makes politics less abstract and makes politicians more receptive to the citizens' opinions. It extends control over the authorities, it is promoted and it increases political responsibility. The average size of local entities in certain countries is small if we take as a reference the recommendation that 4-5 thousand inhabitants would be the optimal figure for ensuring economic efficiency at local level.³ For example, in France the average size of the French local authorities is 1.720 inhabitants and of the Czech Republic is 1.640 inhabitants.⁴

Those who oppose small dimensions argue that in large territorial communities there is greater diversity in beliefs, values and politics becomes more competitive and professionalized. Large entities have greater system capacity and can provide a wider range of public services. They are less vulnerable to the influence of the local business environment and the media and have a more serious coverage of local policies. They also

¹ Swianiewicz, P., Lukomska, J. *Does size matter? The impact of territorial fragmentation/consolidation on performance of local governments*. In: 2nd International Scientific Conference GEOBALCANICA 2016. Proceedings. Skopje, 2016, p.357; Swianiewicz, P. *Territorial Consolidation Reforms-European Experiences of 21st Century*. In: International Scientific Conference GEOBALCANICA 2015. Proceedings. Skopje, 2015, p. 379.

² Koprivic, I. *Consolidation, Fragmentation, and Special Statuses of Local Authorities in Europe*. In: *Croatian and Comparative Public Administration*, no. 12(4), 2012, p. 1176-1178; pentru detalii referitor la Republica Moldova a se vedea și: Cornea, S. *Antireforma teritorial-administrativă din anul 2003: cauze și consecințe*. În: „Modernizarea administrației publice în contextul democratizării sistemului politic și proceselor integrațion-iste”, Chișinău: CEP USM, 2010, pp. 59-72.

³ Preda, M. *Criteriile ce trebuie avute în vedere pentru îmbunătățirea organizării administrative a teritoriului României*. În: *Dreptul*, nr. 8, 1995, p. 44.

⁴ Allers, M., Geertsema, B. *The effects of local government amalgamation on public spending and service levels: Evidence from 15 years of municipal boundary reform*. SOM Research Reports; Vol. 14019-EEF, Groningen: University of Groningen, 2014, p. 2.

have a higher level of organizational activity and thus more community groups, interest organizations and local political party organizations.

As a general rule, the search for solutions to strengthen administrative capacity and increase the efficiency of public services has led to mergers of local authorities, while promoting local democracy, legitimacy and reactivity of public authorities has generated smaller entities and fragmented local administrative systems.

The analysis of the territorial reforms from the second half of the 20th century and from the first decade of the 21st century reveals a noticeable tendency towards gradual or intermittent consolidation of territorial structures. The reasons are found in the low potential of using the available financial resources, the lack of capacities and knowledge, the inability to manage local public affairs, the lack of financing, as well as the opportunities for employment of the inhabitants, the lack of technical infrastructure, etc.¹ In other words, the negative effects of fragmentation have become increasingly felt and have determined the rethinking of the territorial organization of the states, either through reforms or by identifying and implementing alternative solutions to consolidation.

The Republic of Moldova, a post-Soviet state, that had inherited a fragmented and highly centralized system, has taken several actions regarding the territorial reorganization of public power during the three decades of independence. However, these proved to be insufficient and in some cases defective, being blatantly rejected by political actors and officials from state and local public authorities, who did not have enough dexterity to realize the necessity and opportunity for changes in the administrative system. In the first stage, following the general trend in the Member States of the European Union, it reduced the number of intermediate territorial authorities, replacing the 32 regions with 10 counties. It is a very short period, which lasted from the date of entry into force of Law no. 191-XIV from 12.11.1998 until 2003, when Law no. 764-XV of 27.12.2001.² After 2003, the region system of organizing the local public power returned, the number of local authorities of the first level being increased by 30% compared to the previous period.³ The negative effects, as a result of the excessive fragmentation, are increasingly felt, the need for reform or alternative solutions being obvious. One of the ways of

¹ Kopriv, I., *op.cit.*, p. 1180.

² Legea privind organizarea administrativ-teritorială a Republicii Moldova nr. 764-XV din 27.12.2001. Publicată în: Monitorul Oficial, nr. 16/53 din 29.01.2002.

³ Cornea, S., *Evoluția delimitării teritorial-administrative a Republicii Moldova: de la centralizare la recentralizare*. În: Administrația statului Republica Moldova la 20 de ani de independență: Materiale ale sesiunii de com. șt., 29-30 oct., 2011. Chișinău: S. n., 2012, p. 71-78.

diminishing the territorial fragmentation of the Republic of Moldova could be to amplify cross-border cooperation.

2. Territorial Fragmentation and its Effects in the Republic of Moldova

From the territorial organization of the public power point of view, the Republic of Moldova is a fragmented state, with a high degree of centralization.¹ According to P. Swianiewicz "fragmented" systems are those systems in which a considerable proportion (over 25%) of local authorities is less than 1.000 inhabitants, while a vast majority (over 66%) is less than 5.000.² And according to I. Koprlic's opinion, the following fragmentation algorithm can be made: very small communities are those with less than 1.000 inhabitants; small communities are those with less than 5.000 inhabitants; medium-sized communities have between 5.000 and 15.000 inhabitants; large communities have between 15.000 and 40.000 people, while extremely large local communities have over 40.000 inhabitants.³

Although the legislation of the Republic of Moldova establishes that "the administrative-territorial unit on its own is formed if it has a population of at least 1.500 inhabitants and has sufficient financial means to maintain the mayor's office and the social sphere's institutions", 27% of "administrative-territorial units" do not comply with the legal norm, having a smaller population.⁴ The territorial fragmentation persists even at the intermediate level: Basarabeasca region with 28.847 inhabitants is 4.35 times smaller than the Orhei region, the largest in terms of population (125.557 inhabitants). According to the number of local authorities, which reaches 6 in number, Basarabeasca region is 6.2 times smaller than the Floresti region with 37 local authorities, and after the surface (290 km²) it is less than 5.2 times than the Cahul region (1,545 km²).⁵

¹ Propunerile Academiei de Științe a Moldovei pentru Guvern la cele mai relevante provocări pentru Republica Moldova în 2015. <http://iiesp.asm.md/?p=3384> (accesat la 17.08.2017).

² Swianiewicz, P., *Is There a Third Way Between Small yet Ineffective and Big yet Less Democratic? Comparative Conclusions and Lessons Learned*. In: Consolidation or fragmentation. Budapest: OSI/LGI, 2002, p. 300.

³ Koprlic, I., *op.cit.*, p. 1176-1178.

⁴ Prohntchi, V., *Reorganizarea administrativ-teritorială: o componentă esențială a unei descentralizări de succes în Republica Moldova*. În: Guvernare și democrație, nr. 1, 2011, p. 44.

⁵ Anuarul statistic al R. Moldova. 2013. Chișinău: BNS, 2013, p. 13, 33; Osoianu I. et al. *Studiu analitic privind structura administrativ-teritorială optimală pentru Republica Moldova*. Chișinău: Expert Grup, 2010, p. 64.

If we pull out from the equation the municipalities of Chişinău, Bălţi and the Territorial and Administrative Division of Găgăuzia, due to their specificity and we consider only the 32 regions, we have the following picture: the average of local authorities in a region is 26.7, the average population of a region according to the Census data as of 2014 is 65.575 inhabitants. The average number of inhabitants in a local community is 2.476. The disproportion between the region with the highest average of inhabitants returning to a local community - the Ialoveni region with 3.726 and the region with the lowest average - Şoldăneşti with 1.597 inhabitants is 2.3 times. If we calculate the population of the region residences, the average population of the local authorities of level I is diminished. For example, for Cahul region if we eliminate from the total population of 105.324 the population of Cahul - 28.763, we will have an average of 2.069 for a local community.¹ The quantitative data (Table 1) show that one third of the local authorities do not meet the legal minimum required of the population to establish a local community ("administrative-territorial units", according to the law) and 90% have a population of less than 5.000 inhabitants.

Tabel 1. Local authorities in the Republic of Moldova by number of inhabitants

Number of inhabitants	Number of local authorities	Number of inhabitants	Number of local authorities
> 500	10	5501 - 6000	11
501 - 1000	133	6001 - 6500	6
1001 - 1500	175	6501 - 7000	4
1501 - 2000	169	7001 - 7500	10
2001 - 2500	107	7501 - 8000	1
2500 - 3000	86	8001 - 8500	3
3001 - 3500	62	8501 - 9000	2
3501 - 4000	27	9001 - 9500	2
4001 - 4500	28	9501 - 10000	1
4501 - 5000	13	10001 - 20000	24
5001 - 5500	16	20000 >	7
Total > 5500	826	Total 5501 >	71

Source: Developed by authors based on the Results of Population and Housing Census 2014. <http://www.statistica.md/pageview.php?l=ro&idc=479> (accessed on 07.05.17). The towns of Chiţcani, Cremenciug and Gâsca from Căuşeni region, the town of Corjova from the Dubăsari region where the census was not carried out, were not included. And the town

¹ Potrivit datelor Recensământului din 2014.

of Molovata Nouă in Dubăsari region does not include data on the number of inhabitants of Roghi village where the census was also not carried out.

Most of the small territorial local authorities are unable to sustain themselves financially through the local taxes. Consequently, the local power cannot ensure the provision of the necessary public services and the population is obviously deprived of these services. The formal equality of the local authorities is in contradiction with the major quantitative and qualitative differences between them. The asymmetry of the territorial organization of the public power is manifested in the following aspects: a) by the surface, b) by the number of the population, c) by the degree of urbanization, d) by the level of the per capita incomes, e) by the level of the per capita expenses.¹

In our opinion, considering the particularities and realities existing in the Republic of Moldova, the following solutions can be proposed to solve the problem of territorial fragmentation of local public power: strengthening local territorial communities on both levels, deepening inter-communal cooperation, intensifying cross-border cooperation. Cumulative implementation of these solutions requires the political elite of the Republic of Moldova to be aware, assume and carry out the reform of the territorial organization of the local power.

3. The Essence and Ways of Achieving Cross-border Cooperation

At European level, the normative frame of reference for cross-border cooperation of local authorities is expressly determined by the *European Charter of Local Self-Government*, *European framework convention on cross-border cooperation between local authorities* signed in Madrid on May 21st, 1980 and the *Additional Protocol of the European Framework Convention on Cross-border Cooperation of Local or Territorial Authorities* from November 9th, 1995 in Strasbourg.

The European framework convention on cross-border cooperation between local authorities from May 21st, 1980 ratified by the Republic of Moldova on September 24th, 1999 defines cross-border cooperation as “any concentration of actions aimed at strengthening and developing neighborhood relations between local authorities that depend on two or more Contracting Parties, as well as the conclusion of useful agreements and arrangements for this purpose” (art. 2).² Cross-border cooperation

¹ Mihalache, F., Croitoru, A., *Organizarea teritorială a spațiului rural în contextul reformei administrative*. În: *Revista Transilvană de Științe Administrative*, 2014, nr. 2 (35), p. 54.

² Hotărîrea Parlamentului Republicii Moldova privind ratificarea Convenției-Cadru Europene asupra cooperării transfrontaliere a colectivităților sau autorităților teritoriale din

involves bilateral, trilateral or multilateral cooperation between local and regional authorities (semi-public and private subjects may also be involved in this context) operating in neighboring geographical areas.¹

In the Committee of Regions Letter of Advice of October 6th, 2000, about Republic of Moldova it was mentioned that the local and regional authorities of the Republic of Moldova have competitive advantages in relation to the European Union, compared to other member countries of the Eastern Partnership, by virtue of the proximity with the European Union² and the national territory dimensions, making all local and regional authorities eligible for the implementation of projects supported by cross-border partnerships.³

A substantial role in defining the strategic principles and objectives of cross-border cooperation had the *Concept of cross-border cooperation of the Republic of Moldova for 2004-2006*, adopted on 29.09.2004⁴, which recommended the adherence to the basic principles of cross-border cooperation of border communities developed by the Association of European Border Regions and promoted by the European Commission. There were also established the basic priorities in the implementation of cross-border cooperation and the criteria to be respected in achieving these priorities and objectives. But subsequent governments have not continued to set short-term priorities for cross-border cooperation.

Law no. 436-XVI of 28.12.2006 grants the local councils the right to decide, under the conditions of the law: a) association with other authorities of the local public administration, including abroad, for carrying out works and services of public interest, for promoting and protecting the interests of the authorities local public administration, collaboration with economic agents and public associations in the country and abroad in order to carry out actions or works of common interest and b) establishing cooperation, including cross-border and twinning relationships with communities from

21.05.1980 nr. 596-XIV din 24.09.99. Publicată în: *Tratate internaționale*, Vol. 28, 2001, art. nr. 83.

¹ Saca, V., Dandiș, N., *Corelația cooperării transfrontaliere cu procesul de integrare europeană: abordări conceptuale*. În: *Revista de Filozofie, Sociologie și Științe Politice*, nr. 2(153), 2010, p. 168-169.

² Republica Moldova se învecinează cu România și Ucraina cu care are frontieră de cca 684 de km și respectiv 1222 de km.

³ Avizul Comitetului Regiunilor „*Punerea în aplicare a Politicii Europene de Vecinătate și, în special, a Inițiativei privind Parteneriatul Estic: modernizarea, reformele și capacitatea administrativă a autorităților locale și regionale din Republica Moldova*” din 06.10.2010. www.toad.cor.europa.eu/ (accesat la 28.03.2015).

⁴ Hotărârea Guvernului cu privire la aprobarea Concepției cooperării transfrontaliere a Republicii Moldova pentru anii 2004-2006 nr. 1069 din 29.09.2004. Publicată în: *Monitorul Oficial*, nr. 182-185/1266 din 08.10.2004.

abroad (art. 14, point 2, letter j, k). According to the provisions of art. 19, point 4, the association with other councils, public institutions in the country or abroad are adopted with the vote of the majority of elected councilors.

The regions councils, according to art. 43, pt. 1, lit. t, of the cited law, may decide, under the conditions of the law, the association with other authorities of the local public administration, including cross-border cooperation, for carrying out works and services of public interest, promoting and protecting the interests of the authorities of the local public administration, as well as collaboration with agents economic and public associations in the country and abroad, in order to carry out actions or works of common interest. Collaborative relations between the border regions of the Republic of Moldova, Romania and Ukraine were established in the mid-1980s, but these are more formal in nature. After 1989 these intensified, but were stopped by the lack of clarity in the interstate relations between the parties. By the Romanian-Ukrainian Treaty on June 2nd, 1997, the foundations of a close cooperation in different fields, including cross-border cooperation, were laid. According to art. 8 of the Treaty, the parties committed to support the cooperation between the administrative-territorial units in the border regions and to create the "Prutul de Sus" and "Dunărea de Jos" Euroregions in which local territorial authorities from the Republic of Moldova could participate.¹ The initiative regarding the institutionalization of cross-border cooperation between the Republic of Moldova, Romania and Ukraine was launched by the President of Romania at the beginning of 1997, which was materialized a little later, at the summit in Ismail from July 3rd to July 4th, 1997, where the Presidents of the Republic of Moldova, Romania and Ukraine signed the "Declaration on cross-border cooperation" and, at the governmental level, the trilateral cooperation protocol.

4. Limits and Challenges of Cross-border Cooperation

The activities of cross-border cooperation are supported by a series of trilateral and bilateral agreements and protocols concluded between the Republic of Moldova, Romania and Ukraine, as well as bilateral agreements concluded between the local authorities of the Republic of Moldova, Ukraine and Romania.² But to this date, there is no national

¹ Roșcovan, M., *Cooperarea transfrontalieră a Republicii Moldova cu România și Ucraina*. www.ipp.md/public/files/Publicatii/2003/iulie/Pr~Roscovan.doc (accesat la 20.03.2017).

² Cornea S., Cornea V., *Cooperarea transfrontalieră a colectivităților locale*. În: Conferința științifică de totalizare a activității de cercetare a cadrelor didactice, 12-13 mai 2011, Vol I. Cahul: USC, 2011, p. 238.

normative act that would expressly regulate the cross-border relations of public authorities. The passivity of the Republic of Moldova in launching and carrying out cooperative activities is caused by several factors. In the Republic of Moldova there is not a governmental structure that promotes the policy of cross-border cooperation and supports the interests of the Euroregions in the central state structures. The system of local public authorities, established after the 2003 reform, further reduced the capacity to promote self-employment cooperation policies. The return to the regions has severely endangered cross-border cooperation within the Euroregions. Projects within the Euroregions are planned and implemented at the level of public authorities, while non-governmental organizations and business representatives are not involved in the activities of cross-border cooperation entities.¹ After the implementation of the 2003 counter-reform, the agreements concluded by the county authorities with cross-border partners became meaningless, each county was divided into 2-5 regions and due to the heterogeneity and plurality of the topics cross-border cooperation in the "Dunărea de Jos", "Siret-Prut-Nistru" and „Prutul Superior” Euroregions became difficult. If by May 2003 the "Siret-Prut-Nistru" Euroregion comprised 5 member counties (Chişinău, Lăpuşna, Orhei, Soroca and Ungheni), after 2003 they became 18 regions, that is 18 cross-border partners with different views on options and modalities of cooperation. The territory of Romania, part of the same euroregion, is comparable to that of the Republic of Moldova, but includes only three counties (Iaşi, Neamţ and Vaslui).

The participation of Republic of Moldova in the Euroregions is more of an inertial character, being mainly driven by the Romanian-Ukrainian relations. Both at central level and at local level there are no regional integration strategies or concrete action plans to capitalize on the benefits of cross-border cooperation for the Republic of Moldova local authorities at the border. Another cause is due to the insufficient financial resources from the local budgets to finance the cooperative activities, the access and the reduced possibilities to the external financial sources.²

Local administrations with a small budget, in comparison with the number of inhabitants, do not have the full range of tools required to develop applications for projects funded by the European Union. An eloquent example was the implementation of the Joint Operational Program

¹ Блажко, В., *Трансграничное сотрудничество как механизм евроинтеграции стран (на примере еврорегионов „Верхний Прут” и „Нижний Дунай” Республики Молдова)*. În: *Revista de Filosofie, Sociologie și Științe Politice*, nr. 2 (173), 2017, p. 46-56.

² Roșca, P., Galben, I., Costache, L., *Euroregiunile și cooperarea transfrontalieră în țările Uniunii Europene*. În: *Studii economice*, nr. 3-4, 2008, p. 14.

Romania - Ukraine - Republic of Moldova 2007-2013, funded by the European Union. To be eligible for the program, local authorities had to develop projects with a budget of 100,000 - 3,000,000 euros. Due to the 10% co-financing requirement, many local authorities were unable to submit projects with larger budgets.

An important issue that needs more attention lies in the elaboration of a common set of rules aimed at managing, financing and monitoring the implementation of cross-border cooperation projects. Romania, being the main partner of the Republic of Moldova in the field of cross-border cooperation, offers examples of good practices, as well as lessons to be learned so, it is important that they be learned. In Romania, the mission to support the initiatives and actions of the local authorities in the border areas, to manage efficiently the programs and projects of cross-border cooperation belongs to the Birourilor Regionale de Cooperare Transfrontalieră - BRCT (Regional Offices of Cross-Border Cooperation - ROCBC): the offices are structures formed by the association of the Agențiilor pentru Dezvoltare Regională (Regional Development Agencies) located nearby border areas. Unlike many other associations, in order to create a non-governmental structure the association of the Regional Development Agencies is somewhat induced or even imposed, and the justifying argument invoked for the creation of the regional offices is the transformations registered at the level of the European Union, which required the reconsideration of the importance of cross-border cooperation and defining a new concept to support the development of border areas. Being at the intersection between the associative world and the government bureaucracy the regional offices have been affected by the phenomenon of institutional isomorphism: the current practices of activity are strictly limited to delegated tasks, without supplementing the government offer with quality services or other types of services. The capacity of these structures to fulfill their fundamental mission through soft transfer mechanisms (styles, modes of action, values) is relatively low. Financial dependence on technical assistance budgets, employment, strictly procedural activities, limits the capacity of offices to engage in efficient and timely changes. To overcome this situation it was necessary to differentiate the management activity from the activity of promoting the cross-border cooperation programs.¹

¹ Cornea, S., Cornea V., *The institutional isomorphism of the Regional Bureaus for Cross-border Cooperation in Romania*. In: *Cross-Border Journal of International Studies*, nr. 1 (2), 2017, pp. 21-34.

5. Conclusions

The study of contemporary administrative practices shows that it may have a general tendency to be of a larger size of the third party and of the local authorities, assuring them or greater force in the effective realization of the local autonomous principles. Cross-border cooperation is a mechanism that allows overcoming the negative effects of territorial fragmentation, without changing the size of the local or regional authority. Such specific solutions are a favorable response to the needs of strengthening the administrative capacity, avoiding the complexity of a more general change. The opportunities for cross-border cooperation vary and can materialize through:

- creating a common information space on the economic potential and business opportunities within the Euroregions;
- establishing common structures to facilitate economic cooperation, coordinate the certification of goods, develop product markets, capitalize and develop the existing economic potential;
- developing the infrastructure that efficiently ensures the facilitation of the border crossing and the access to the international auto, rail and maritime transport;
- developing a common strategy for tourism development, using the tourism potential of the Euroregions;
- developing cooperation in the field of research - development, of the collaboration relations between the educational institutions, intensifying the exchange of students and teachers from the Euroregions;
- creating joint training, retraining and employment centers and organize information exchange within the Euroregions;
- organizing festivals, exhibitions, cultural fairs, regional sports competitions;
- coordinating environmental protection programs, joint implementation of projects and joint monitoring of pollution factors in the regions.

The negative effects of fragmentation can be overcome by other political concepts and projects. The vigor of the Republic of Moldova, as a state, is largely determined by the solutions that will be identified for overcoming the effects of territorial fragmentation and the efficient territorial organization of public power. Only in this way can the Republic of Moldova be assured to step out of the vicious circle of the Soviet past and join the family of European states. It is important that these solutions respond appropriately to the principles of development and produce added value.

6. References

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